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Southeastern Law Librarian

OFFICIAL NEWSLETTER OF THE SOUTHEASTERN CHAPTER, AALL.
Volume 3, number 3, n.s. March, 1978.

EDITORIAL

I have a few more thoughts on LEXIS. However, as I am printing Mead Data Central's response in this issue to my first comments (3 SELL 1, 1977) I will continue the dialogue in the Spring issue of SELL.

To paraphrase W.C. Fields, "Try, try and try again, but if you dont succeed, send a copy of your complaint with a publisher to Marian Gallagher of the University of Washington Law Library, Seattle. Let her AALL Committee on Relations with Publishers and Dealers take up the battle."

For example, Mr. Heilesen's letter was in response to Marian sending him a copy of the SELL editorial. I have been pleasantly surprised to discover that the publishers and dealers will answer your letters. They may not respond promptly. But if the time lag is large, then send a xerox copy of your original letter to the Committee. Or, if you dont get the satisfaction you want, try the Committee.

While Marian's Committee has received publicity in several other AALL publications, I am boosting it here because we, law librarians, should do more "self help" work for the profession. This active AALL Committee is a giant step towards making the publishers and dealers responsive to our needs and gripes.

If you are not the Don Quixote type, send your complaint, even without a letter to the publisher, directly to the Committee. They will tilt against the Windmills of apathy and red tape for you.

While the response to my personal requests for stories for SELL has been excellent, unfortunately, almost no one voluntarily sends columns for publication to me. It takes a gigantic amount of material to produce these issues. HELP. Send in your columns, suggestions, ideas, complaints, etc. For example, if your state has not been done in our "State legislative Information" series, write it up. Follow the pattern of the previous articles. So far, we have published articles on Kentucky (2/2), Federal (2/3), Virginia (2/4), Florida (3/1) and Alabama (3/3). Write it up and see your proses in print.

Thanks.



THE PRESIDENT'S PAGE

Probably the item of most interest to South Eastern Chapter members concerns the invitation to hold the national AALL convention in Atlanta in 1981, which the Chapter extended to AALL. I have had no official response; however, via that unimpeachable source, the grapevine I understand that the Executive Board, at its December meeting in Atlanta, voted to decline our invitation.

I would like to welcome to the South Eastern Chapter Leigh Morris and her staff of the Law Library of the National Center for State Courts. The National Center, which has been located in Denver, has recently moved its headquarters to Williamsburg. It was at a meeting in Williamsburg in 1971 that the idea for a National Center originated, so it seems natural that Williamsburg was chosen for its permanent home. Their new building is next door to the site where construction of the new William and Mary Law School is scheduled to begin on March 1st.

Thanks to Gene Teitelbaum for the special issue of the SOUTHEASTERN LAW LIBRARIAN on copyright law. This new law promises to be a continuing problem for most of us. If any of you come up with solutions or better ideas, please share them with the Chapter members through this newsletter.

Caroline C. Heriot
President, SE/AALL.



WANTED : Sou 2d ; SE 2d

The University of Louisville Law Library wants to purchase one set of the SOUTHERN REPORTER, 2nd series volume 1 to date (or as close to it as possible) and one set of the SOUTH EASTERN REPORTER, 2nd series, volume 1 to date (or as close to it as possible.) The sets should be in excellent condition.

If you have a set for sale, please contact me by letter or telephone (502-588-6392.)

Gene Teitelbaum



ALABAMA LEG. INFO

This article written by Marguerite B. Coe, Librarian of BRADLEY, ARANT, ROSE & WHITE, Esqs of Birmingham Alabama is the fourth in the SOUTH EASTERN LAW LIBRARIAN's continuing series on state legislative information sources.

* * * * *

ALABAMA LEGISLATIVE INFORMATION

by

Marguerite B. Coe

In 1976, the Alabama Legislature began meeting annually commencing on the first Tuesday in February for the first three years of the term of office of the legislators, and on the second Tuesday in January of the fourth year of such term. Special sessions may be called by the governor.

Acts, as they are passed are available on a subscription basis from Skinner Printing Company of Montgomery for \$40.00 a year. These acts are printed in pamphlet form, are issued in order according to act number, and are mailed to subscribers in the order of their passage. Unfortunately, no alphabetical index is furnished for these slip acts. Bound volumes of acts are not shipped until six to eight months after the close of the session(s).

The index to the acts is usually located in the last volume of the bound set. In 1975, the index was compiled by the Alabama Legislative Reference Service. This index was prepared with the assistance of electronic data processing and is slightly different from past indexes, in that a short descriptive summary of each act is filed under various key words. Generally acts of local application are indexed under the names of the counties or municipalities to which they apply according to the 1970 census, as well as under the population classification itself. However, population classifications do not appear in numerical order.

In addition to acts in numerical order, the set contains a roster of the officers of the state, state schools, colleges and universities, presiding judges of the state courts, a roster of members the Alabama Senate and House, a table showing legal contract interest by states, annuity and mortality tables, and county and city population tables.

The Legislative Reference Service furnishes a toll free number for information over the phone regarding the status of bills before the Legislature, and within two months after the close of each session publishes a resume containing index digests of all Legislation passed. The clerks of the House and Senate will also furnish bill status information upon request. Copies of acts are sold by the Secretary of State's office for a nominal fee - usually the cost of photocopying if extra copies of the act requested are not available. In addition, The Quarterly Report of the Attorney General of Alabama is available From Skinner Printing Company.

The Alabama House and Senate Journals, which are published by the State of Alabama at the end of each legislative session, trace each bill as it is introduced, as it is read three times and sent from the House to the Senate, or vice versa and passed or rejected. The Senate Journal index is prepared by the Secretary of the Senate and contains the following information.

1. List of registered lobbyists, with group affiliation.
2. Legislative roster, listing names and addresses of all current members of the legislative by district.
3. A list of legislative days, with calendar dates and pages on which each day begins.
4. A topic index listing all bills and resolutions alphabetically by subject matter.
5. A miscellaneous index including all items not categorized as bills or resolutions.
6. A sponsor index, listing all senate bills and resolutions alphabetically by author.
7. Senate bill numerical index, with short titles.
8. A house bill numerical index.

The Journals are set up in the daily order of each session.

The House Journal index is prepared by Clerk of the House and is arranged basically the same as the Senate Journal. These journals do not contain any committee reports or hearings, and copies of committee reports and hearings are not available from the State because they are not retained by the office of the House or Senate. On occasion, they may be obtained from the sponsor of the act in question (if he or she has kept them). The indexes in the journals are printed on blue paper and are found in the last volume of the set. The index for the House Journal was published as a separate volume in 1971. The House and Senate Journals are usually available from the Secretary of State's office a few months after adjournment.

Sources:

Office of the
Secretary of State
State of Alabama
Montgomery, AL 36130

Legislative Reference Service
State Capitol
Montgomery, AL 36130
1-800-392-8024

Skinner Printing &
Office Supply Co.
P. O. Box 1787
Montgomery, AL 36103



US SUPREME CT PROJECT

Patricia Evans who is the Research Librarian at the U.S. Supreme Court Law Library and is directing this project, informs us of the project's process.

* * * * *

The Calendar of Opinions of Supreme Court Justices project is alive and underway thanks in large part to the efforts of several members of the Southeastern Chapter of A.A.L.L. Twelve volunteers answered the call of President Caroline Heriot and are in the process of completing their work at this time.

The final published product will be a list arranged by Justice of all of the opinions of the Court, dissents and concurrences written by each Supreme Court Justice while serving on the Court. It will cover the entire history of the Court and will be updated annually.

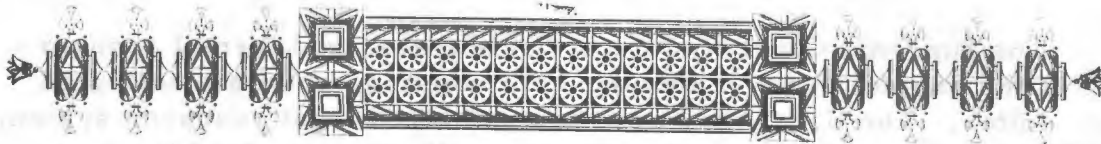
The librarians working on this project are each assigned several volumes of U.S. Reports and they are examining each opinion and order for its authorship, citation and subject. Some are using a worksheet format listing the citation and subject and then checking off which Justice wrote the opinion, dissent, etc., and noting the page at which these begin under their names. Others are using a card file system making a separate card for each opinion and then filing these under the authoring Justice. Final lists or the set of cards are then turned over to the editor of the project.

The Supreme Court Historical Society assumed formal sponsorship of the project at its September 1977 meeting, and I am acting as their editor. The U.S. Air Force computerized legal research system, FLITE, is also assisting in the effort by collecting much of the same information as the volunteers are compiling. FLITE will search the 20th century opinions and some of the 19th century volumes already being covered manually. After we had already assigned the 19th century volumes to the librarians, the FLITE system enlarged its data base to include U.S. Reports back to 1846. I am working with the Air Force in cooperation with the Supreme Court in trying to find the best search logic for the needs of this project and we hope that many of the innovations experimented with in this project will be useful to all legal researchers using the FLITE system. The print-outs from FLITE are beautiful pieces of work in that they provide KWIC 3, an expanded Key Word in Context format, highlighting (under-scoring) of the type of opinion and the Justice's name, headnotes, and even the page number on which the dissent or concurrence begins. Useful as these printouts are, the editing time for the volumes covered by the computer search will be three times as long as that required for the volumes done manually.

With the sponsorship of the Supreme Court Historical Society, I have applied for grants from the National Endowment for the Humanities (Research Tools Division) and the Council on Library Resources. We will hear the results by Summer, 1978, and funding would start in October, 1978. If we are unsuccessful with these two institutions, the Supreme Court Historical Society has committed itself to finding funding for the project from other sources. The Calendar will be published.

Special mention must be made of the twelve volunteers and President Caroline Heriot for their generosity, commitment to making an intellectual contribution to our profession, and just plain hard work on a very tedious and time-consuming project. My sincere thanks to Robert Wallace, Dade County Law Library; Gene Teitelbaum, University of Louisville School of Law; Kay Todd, Kilpatrick, Cody Rogers, McClatchey and Regenstein (Atlanta); Judith Najolia, Gulf South Research Center (New Orleans); Robin Mills, and Steve Huang, U.S.C. Law Center; Danny Freehling, University of Maryland Law School Library; Martha Birchfield and Wallis Hoffsis, Florida State University Law Library; Betty Taylor and Jane Braun, University of Florida Law Center; and Marquerite Coe, Bradley, Arant, Rose and White, (Birmingham).

Patricia Evans,
Research Librarian,
U.S. Supreme Court.



jobs, jobs

In addition to the jobs listed in the March 1978 issue of AALL Newsletter (volume 9, number 3), we list two other ones here.

1. ALABAMA. Legal Services Corporation of Alabama. Law Librarian. Requirements: experience, certified Law Librarian. Duties: State wide responsibility, In charge of regional libraries and other libraries around the state. Main office is in Montgomery. Will serve 74 attorneys. Salary: Approximately \$ 15,000. Contact: Marvin Campbell, Executive Director, Legal Services Corporation of Alabama. 804 South Perry Street, Montgomery, Alabama 36104.
2. FLORIDA. Florida State University. Assistant law librarian. Requirements: M.L.S. and J.D. degrees. 3 years of experience in law libraries required. SALARY: Between \$15,000 - 24,500. Median salary \$19,750. Dependent upon qualifications and experience. Responsible to the Law Librarian for the day-to-day operation of the Law Library. Participate in budget and policy decisions. Available July 1, 1978. Contact: Prof. Edwin M. Schroeder, Law Librarian, Florida State University, Tallahassee, Florida, 32306.

LEXIS REPLIES

MEAD DATA CENTRAL RESPONSE
TO
SOUTHEASTERN LAW LIBRARIAN NEWSLETTER EDITORIAL

An editorial in the September 1977 edition of the Newsletter, written by Mr. G. Teitelbaum, contained some misinformation about Mead Data Central, Inc. I would like to address four topics raised in the editorial in order to provide more complete information to the readers of the Newsletter.

First, Mr. Teitelbaum implied that Mead Data Central (MDC) is not interested in suggestions from users about improvements in the LEXIS service. On the contrary, such suggestions are welcomed. In fact, MDC is sponsored by the state bar associations, or affiliates of the state bar associations, of New York, Ohio, Missouri, Texas and Illinois, and by the National Center for Automated Information Retrieval (NCAIR); these organizations assist MDC in many ways, including introducing LEXIS to users and guiding MDC in the creation of the LEXIS libraries. From the time of the initial sponsorship agreement with the Ohio State Bar Association, officers of the company have met frequently with groups of users for the sole purpose of eliciting their ideas about changes and enhancements to the LEXIS service. As a result of recent requests from LEXIS users, MDC will be adding several new state law libraries, including those of Arizona, Georgia, Michigan, New Jersey and Virginia. This kind of dialogue is an illustration of the relationship that MDC has established with the legal community, especially the organized bar.

Second, Mr. Teitelbaum criticized MDC for inappropriately adding lower federal court decisions to the LEXIS data base before it adds decisions of the U.S. Supreme Court. ("For example, LEXIS takes at least three weeks to put the latest U.S. Supreme Court decision into its memory. They 'do' lower federal court decisions ahead of highest court [sic] in the land's [sic] .") The fact is, all federal court decisions -- whether those of the Supreme Court or of a lower court -- are sent out to be converted to machine-readable form on the Friday of the week they are received from the various courts. Some courts send their decisions to MDC as soon as they are handed down; other courts (e.g., the Courts of Appeals) send decisions out on a weekly basis. This discrepancy, as well as delays produced by the mail, may account for some variations in how soon a court's decisions appear in LEXIS.

Third, Mr. Teitelbaum wrote that, "Despite everything they tell you before you sign the contract, LEXIS is not the 'one-stop, end-all' legal research tool." It has never been MDC's contention that LEXIS replaces traditional research methods; LEXIS is an additional (and very powerful) tool for legal research. LEXIS marketing and instructional materials emphasize this perspective. The LEXIS Primer, which is to be read by lawyers before they attend LEXIS instruction, states that

LEXIS performs only the mechanical functions of legal research, like finding cases, statutes, regulations, etc.--but with superhuman speed

and thoroughness. LEXIS cannot evaluate what it retrieves; LEXIS can neither analogize nor exercise judgment. Those and other intellectual functions of legal research are reserved to the human researcher.

Over 35,000 lawyers, judges, law librarians, and accountants have learned to use LEXIS. None of them have complained, upon learning how LEXIS works, that LEXIS is not the "one-stop, end-all" research tool -- or that MDC had represented it to be so. Few lawyers or law librarians would believe that such a tool exists.

Finally, Mr. Teitelbaum stated that "only" twelve years of Kentucky decisions are available in LEXIS and that the Kentucky Code is not available. MDC made Kentucky law available because of the interest in a Kentucky data base expressed by a group of lawyers in Kentucky. We expect to add another ten years of Kentucky to the data base in 1978, as a result of the continued interest and use of LEXIS by Kentucky lawyers. Of course, MDC would like to have all Kentucky case and statutory law available in LEXIS, just as it would like to have all federal law and all the law of the remaining 49 states. Eventually, MDC plans to have libraries of all 50 states. Until then, additions to the LEXIS libraries are governed by economic considerations and by the priorities MDC and its sponsoring organizations must establish.

In conclusion, I would welcome any suggestions which readers of this Newsletter may have about the contents of the LEXIS libraries.

-- Henry E. Heilesen
Vice President

12/16/77



This Interlibrary loan request form, revised to reflect the new Copyright Law was furnished us by Martha W. Rush, Associate Law Librarian, University of Louisville.

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Loan (we sent out)
Specify _____

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Date requested _____

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Charge

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This institution reserves the right to refuse to accept a copying order if, in its judgement, fulfillment of the order would involve violation of copyright law.

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Pages (if xeroxed) _____

Periodical

Title of Periodical _____

Author of Article _____

Title of Article _____

Vol. # _____ Issue # _____

Month/Year _____ Pages _____

THE ABOVE INFORMATION
WAS FOUND IN: _____

FURTHER INFORMATION _____

ARAB BOYCOTT OF ISRAEL

RESEARCH METHODOLOGY IN DEALING WITH THE ARAB STATES'
ECONOMIC BOYCOTT OF THE STATE OF ISRAEL.

by
Michael L. Richmond
Assistant Librarian - Reference
Tarlton Law Library,
University of Texas.

This address was delivered at the joint meeting of the South Eastern Chapters of the AALL and AALS, Thursday, August 18, 1977 at Asheville, N.C. It is based upon an article written by Mr. Richmond and Roy Mersky, which will appear shortly in the Law Library Journal.

* * * * *

The rise to prominence in our literature of the Arab economic boycott of the State of Israel in the last few years can be explained by a combination of three factors. First, only recently has the world seen and recognized the greatly increased economic power of the Arab states -- an increase due directly to the critical condition of the global supply of oil. Second, the Arab states, willing to capitalize on their new wealth, have placed severe restrictions on the export of oil from their lands. Finally, the pressures which have been the direct result of the tightening of the oil supply, when combined with the increased expenditures of petrodollars worldwide, have thrust into prominence all of the dealings of the Arab states, including the decades-old boycott of Israel.

This boycott is not merely a primary boycott. Although the Arab states refuse to have dealings with the state of Israel, their boycott efforts go far beyond this, and therein lie the great number of legal problems which face us today. The Arab states refuse to deal with any entity which has dealings with Israel. Plus, the Arab states are attempting to refuse to deal with companies which trade with other companies which in turn deal with Israel. At all times, in their boycott, the Arab states treat all Jews regardless of nationality as being synonymous with "Israel" or "Israeli citizen." This far reaching effects are those which have drawn the greatest comment.

Research into the Arab boycott must take a five-pronged approach. First, although the implications of Federal anti-trust law are yet unclear in this area. Only one case has been brought under this theory (United States v Bechtel Corp. Civil No. C 76-99 (U.S.D.C.N.D. Cal. 1/16/76.) Second, state legislation has been pre-empted by the Federal Export Administration Act and its recent amendments. Any boycott problem must take into account the older state efforts to control its reach. If for no other reason, these acts (Citations to several of them are set out in the bibliography) may have still been valid when a boycott problem arose and hence will still have direct bearing on a given case. Additionally, despite the pre-emption inherent in

the Federal Act, states continue to pass legislation in this area. Recent reports indicate that California, Florida, Illinois, Maryland, Massachusetts, Minnesota, New Jersey, New York, North Carolina, Ohio, Oregon and Washington have passed anti-boycott statutes. As the pre-emptive effect of the Federal Law did not take effect until January 18, 1978, these statutes would have been in full force and effect until that date.

Thirdly, Foreign legislation must not be overlooked. France, Switzerland and West Germany have all taken official or quasi-official action against the boycott. England and Canada are each considering some form of legislation which would affect the Arab states' boycott.

The fourth area of research is the Federal Internal Revenue Code, particularly sections 908 and 999. Foreign tax credits and DISC privileges can be totally prohibited under the new Code. Penalties may be levied as well. Also, the Code provides for rigorous reporting procedures for companies or individuals having business dealings with the Arab states, who enforce the boycott.

The final area of research is, of course, the Export Administration Amendments of 1977 (PL 95-52). The existing Act may be found at 50 U.S.C. Appendix, ss2401 et seq. Our concern rests primarily on Title II of the Act. Title I is designed to extend the Export Administration Act and to add certain controls to the existing portions thereof. There are no final regulations or cases to aid one in his or her interpretation of the Act. Since August 1977, Provisional regulations have been promulgated. They may be found at 42 Federal Register 48,556 (Sept. 20, 1977.) Pending finalization of these regulations, research might seem to be somewhat futile in this area. However, this is not the case, for there exists a wealth of material in the form of Congressional hearings and reports upon which we may inspect.

The most useful of the hearings are those held in 1977 on S. 69 and S. 92, entitled simply, "Arab Boycott." I would strongly urge any library or individual researching this area to obtain this document. Included in the hearings volumes are the full text of six of the state statutes, the most current compilation available of statistics and other information on the impact of the Act (and, incidentally, of the boycott itself.) on business concerns in the United States, and invaluable leads to other sources. It also provides, in microcosm, the sense of the congressional deliberations, with a surprisingly united Congress seeking meaningful legislation to counter-act the Arab boycott, which, although acquiesced in by business and labor, has met with almost unanimous disapproval in other quarters. While differences do emerge, the Senators seem to be arguing over methodology rather than ideology.

As these are the hearings most directly related to the bill in its final form, we may expect the courts to look at them, before any others. As the Conference report reveals, the Senate version of the bill was accepted over the House one in every instance but one.

Regarding the other hearings, I found the set entitled, "Discriminatory Arab Pressure on United States Business" (1975) the most useful and illuminating. They were the earliest to appear on the topic. What is perhaps more significant is the supplementary information included, such as the Blacklist as it then appeared, specimen boycott compliance certificates and reviews of other transnational boycott activities.

The reports of greatest value are the three dealing with the Export Administration Amendments -- the Conference Report (H.R. Report No. 95-354), the House Report (H.R. Report No. 95-190), and the Senate Report (S. Report No. 95-104). In addition, Senate Report No. 94-632 should be consulted as it contains the earlier version of the two bills considered in the current legislature. All four reports should be added to any reference collection or legislative history dealing with the boycott.

Of the articles listed in the following bibliography, I bring to your particular attention the law review article by Kestenbaum. It provides a wealth of bibliographic data for further research. I would recommend searching the many data banks now available to us. A limited search that I performed in the Social Science Search Bank (A Multi-disciplinary index covering the most significant social science journals.) proved most worth while. I would expect similar results from at least three other banks -- NTIS (Reports from over 240 governmental agencies), The New York Times Information Bank (Material from over sixty news publications), and C-Record (Computerized indexing to the Congressional Record). Finally, you should consult the expanded version of this article. It will contain a complete bibliography. In researching secondary sources on the Arab boycott, I caution you not to be surprised when you discover that the materials issued prior to 1975 are limited in number and in scope.

To summarize, for retrospective and interpretive material, the Congressional hearings provide assistance both as to primary sources and for leads to further avenues of research. For current materials, the "Boycott Report" published by the American Jewish Congress, 15 East 84th Street, New York City, NY, will keep you as up-to-date as possible. Use also the U.S. Department of Commerce regulations and bulletins.

You must attempt to keep as current as possible through media sources, as well. There is not as yet a loose leaf service which provides the research back-up. For foreign developments, the only way to keep current is to scan the newspapers on a regular basis. In addition to standard methods for secondary material retrieval, computerized research should prove a boon. Not merely will it provide articles which can not be obtained elsewhere, but it will give you access to sources not normally encountered in traditional legal research.

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Book-binder.



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Wisdom from the pen of John Marshall, Chief Justice, U.S. Supreme Court:

"The Court concurs in this opinion. The first fork of the first fork can not be the first fork itself."

Meredith v Picket 22 U.S. 573 at 574 (1824)
