

## *Practicing Reference . . .*

### **Story Time in the Law Library\***

Mary Whisner\*\*

*Ms. Whisner explores the stories to be found in cases and statutes. She emphasizes their intrinsic interest as well as the help they can offer researchers seeking a richer understanding of the law.*

¶1 School and children’s librarians get to share with children wonderful stories and picture books. Some adult services librarians get to host authors’ readings or slide shows by travel writers. What do we law librarians have? Cases and statutes. Where’s the excitement there?

¶2 Actually, legal authorities have plenty of drama (although I do not propose reading them aloud while acting out the stories with finger puppets). After all, law addresses the great issues of society. Crime, politics, wealth, family, education, commerce, even time<sup>1</sup>—they’re all touched by law.

¶3 Talking to a class recently, I tossed off a comment that cases tell stories—what happened in the parties’ dispute. When I showed the class a statute, I pointed out that there was no obvious story. At the time, I used the contrast just as a way of highlighting that cases and statutes, while both sources of law, are written in very different ways to accomplish different ends (resolving one dispute versus legislating prospectively). The idea of stories stayed with me. I mused about how appellate opinions often tell only a small part of the story we would like to know. Statutes, too, have stories, even though they are seldom as obvious as cases. How can researchers learn more?

#### **Stories in Cases**

¶4 Law’s drama is most apparent in cases, for the very nature of the adversarial system entails conflict: each case must involve two (or more) parties whose interests are in opposition. Constitutionally, federal courts may only hear and resolve controversies that are “definite and concrete, touching the legal relations of parties

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1. Yes, even time. *See, e.g.,* TODD D. RAKOFF, *A TIME FOR EVERY PURPOSE: LAW AND THE BALANCE OF LIFE* (2002) (discussing how law structures time).

having adverse legal interests,” and not disputes that are merely hypothetical.<sup>2</sup> Of course, if one were *only* looking for drama, one would not at all mind disputes that are made up. From our first picture books to the most sophisticated plays and novels, made-up stories are often the ones that move us the most. Still, the adversarial nature of cases does create drama, especially if the reader *remembers* that there are real people involved. One case is about whether *this particular person* goes to prison, another case is about whether *this particular person* is allowed to maintain contact with her children, a third is about whether the business of *this particular person* is preserved.

¶5 I recently gave a talk on legal research to a class of graduate students from several health sciences fields, including public health, nursing, and epidemiology. The class was “Legal, Ethical, and Social Issues in Public Health Genetics,” and I chose my examples accordingly as I demonstrated LexisNexis Academic (the online service available to these students). First, I wanted to show them what a case looked like (online, in our example), so I retrieved *Meracle v. Children’s Service Society*.<sup>3</sup> With the text displayed on the screen at the front of the class, I pointed out the statement of facts. In 1979, a couple met with a social worker at an adoption agency to discuss adopting a toddler named Erin. According to the couple’s deposition, the social worker said that Erin’s paternal grandmother had Huntington’s disease, that the disease is inherited, and that each child of a parent with Huntington’s has a fifty percent chance of developing the disease. The social worker also told them that the child’s father had tested negative, so the child was in the clear. At this point, the class already saw the developing drama—they were in a graduate-level class on genetics and public policy, so they knew that there was no genetic test for Huntington’s in 1979.<sup>4</sup> The couple, however, did not know that and only learned that there was no test by watching a *60 Minutes* segment in 1981, long after they had adopted Erin. She was diagnosed with the disease in 1984, when she was about seven years old.<sup>5</sup> From these facts, the students could see why

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2. *Aetna Life Ins. Co. v. Haworth*, 300 U.S. 229, 240–41 (1937). For more on the Constitution’s “case or controversy” requirement, U.S. CONST. art. III, § 2, which is a rich and complex area of jurisprudence, see THE CONSTITUTION OF THE UNITED STATES OF AMERICA: ANALYSIS AND INTERPRETATION 647–98 (Johnny H. Killian & George A. Costello eds., 1992). States are not bound by this constitutional limitation on federal courts; however, advisory opinions are permitted in only a minority of states, they may only be given under limited circumstances, and their use is rare. 16 AM. JUR. 2D *Constitutional Law* § 133 (1998).

3. 437 N.W.2d 532 (Wis. 1989).

4. The genetic defect associated with the disease was discovered in 1993. A test was developed in 1994. *Gene Code Repetition Predicts Disease*, N.Y. TIMES, May 24, 1994, at C6. For more on this genetic research (as well as a memoir), see ALICE WEXLER, MAPPING FATE: A MEMOIR OF FAMILY, RISK, AND GENETIC RESEARCH (1995).

5. The graduate students probably knew that Huntington’s “typically begins in mid-life, between the ages of 30 and 45, though onset may occur as early as the age of 2. Children who develop the juvenile form of the disease rarely live to adulthood.” HUNTINGTON’S DISEASE SOC’Y OF AM., ASK THE DOCTOR, at [www.hdsa.org/edu/AskADoctor.pl?show=10](http://www.hdsa.org/edu/AskADoctor.pl?show=10) (last modified Aug. 7, 2002).

there was a dispute and understand the basic question: could the couple get the adoption agency to pay for the medical expenses?

¶6 So we have a conflict (a “controversy”) and an interesting cast of characters. We can understand the adoptive parents’ concern for their daughter and worry about the expense of her treatment, but we also are aware that people who become parents biologically always run the risk that their children will develop disabling conditions, so we wonder why adoptive parents should escape that risk. We can sympathize with the children who need good homes and with the agencies who want to place them. We even can sympathize with the social worker, who was just trying to find the child a good home, who perhaps did not even know that the father could be carrying the gene, and might not even have said what the couple said she did. And yet, somehow, the story is not developed as much as a skilled author with a sense of pacing and emotional nuance would do it. In fact, it turns rather technical. After the outline of the facts, there is talk of two claims of relief—for negligent placement of the girl and for negligent misrepresentation—but these get blurred. Then there is talk of two types of damages—for emotional distress and for medical expenses. Then there is a lot of talk about when the cause of action accrues and whether it is barred by the statute of limitations. In the class, I might not have emphasized sufficiently just how much was dry and complicated—in the short time I had, I just pointed out the facts and that there was a section with legal analysis.<sup>6</sup>

¶7 There are reasons for the dry part to predominate, although the reasons themselves are rather dry. If you are thinking only about the family scraping by to pay for a sick child’s medical expenses, it might be hard to think about the role of the judiciary, the nature of a legal system, the sound policy reasons for statutes of limitation, and so on. And yet those abstractions are important. The system is premised on cases being decided according to the rules, and so the opinions discuss the rules much more than they discuss the underlying facts. (I suppose the

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6. Are you curious about how the *Meracle* case came out? Procedurally, it was an appeal from a summary judgment in favor of the adoption agency. The court of appeals had affirmed the trial court. The state supreme court reversed, deciding that the allegations in the complaint and the supporting affidavits were sufficient to allow the case to go to trial—at least on the medical expenses claim. The court held that the Meracles had no claim for emotional distress, since they did not allege any physical injury relating to their distress.

The adoption agency argued that the whole case should be barred by the statute of limitations, counting either from when Erin was adopted or from when the Meracles first were aware of the social worker’s misrepresentation (i.e., when they saw the *60 Minutes* episode). But the court said the limitations clock started when Erin was diagnosed, and so the case was timely. The statute of limitations could not have started to run before then, because the injury was speculative: she might never have developed the disease, or might have developed it when she was in her forties or fifties, long after her parents would be responsible for her medical bills.

After the case was remanded, and just days before it was scheduled for trial, the Meracles settled with the adoption agency. Patrick Jasperse, *False-Information Suit from Adoption Settled; Couple Had Been Told that Girl Was Not Likely to Get Inherited Disease*, MILWAUKEE J. & SENTINEL, July 10, 1990, at B1.

intellectual leap from dramatic, personal facts to abstract legal principles is not unlike the leaps that the health sciences students make—for example, from thinking about a sick child to thinking about a repeated sequence of molecules on a gene.) The dry part—the discussion of what legal rules apply and the judges’ rationales for reaching the results they do—is what makes a judicial opinion what it is and not just a story about some people who had a dispute. (Imagine how different case law would be if judges simply summarized the facts and then stated a result: “Appellant wins.”) If researchers are to figure out what the law is and to be able to construct arguments from the principles developed in cases, then they must understand the dry part.

¶8 But it can also be worthwhile for researchers and students of the law to look beyond that. We will often understand more about a case if we know more about the parties, their situations, and the historical context of their litigation. We sometimes will want to learn a fuller version of the story—or even a different story—not just the one the appellate court included in the statement of the facts. The understanding we gain might or might not help us with our legal analysis. However, legal analysis is not the only goal of legal research—we might want to learn the other stories for their own sake, or for a larger project in history or policy studies.

¶9 There are some ways to find out more of a case’s story even within the court record. If we start with an appellate opinion, we can consider other stages in the same litigation. Did the case work its way up and down the appellate ladder? If so, did the judges at the different levels emphasize different facts?<sup>7</sup> We can look at documents related to the litigation. Briefs may be available in libraries or online.<sup>8</sup>

7. I have heard two professors at the University of Washington School of Law—Kate O’Neill and Kathy McGinnis—lead students during first-year orientation in a discussion of a Cardozo opinion. They ask the students, among other things, whether it makes a difference that Judge Putnam, who wrote for the intermediate appellate court, referred to the plaintiff’s son as “the deceased” and “the decedent,” *Hynes v. N.Y. Cent. R.R. Co.*, 176 N.Y.S. 795, 796 (N.Y. App. Div. 1919), while Justice Cardozo, writing for the Court of Appeals, referred to him as “Harvey Hynes, a lad of 16,” “Hynes,” “the diver,” and “the boy,” *Hynes v. N.Y. Cent. R.R. Co.*, 131 N.E. 898, 898–99 (N.Y. 1921).

Before putting their names in print, I checked with the professors to see if my memory of their lesson was correct. It was, but they said that the observations about Hynes were not original with them and referred me to RICHARD WEISBERG, *POETHICS, AND OTHER STRATEGIES OF LAW AND LITERATURE* 18 (1992) (“With these words, Cardozo consciously enters the realm of creative narration. Harvey Hynes is personalized. . . .”), *quoted in* EVA H. HANKS ET AL., *ELEMENTS OF LAW* 69 (1994). A good observation bears repeating—and now you can repeat what I heard from the professors, which they had read in a textbook that quoted the monograph from which it originally came.

8. United States Supreme Court briefs have been widely available for some time—in paper (in a dozen depositories), on microfiche, and in a published set that continues to be updated (*LANDMARK BRIEFS AND ARGUMENTS OF THE SUPREME COURT OF THE UNITED STATES* (P.B. Kurland & G. Casper eds., 1975)).

During my professional life, Supreme Court briefs have become even more accessible through their addition to both LexisNexis and Westlaw. More recently, Supreme Court briefs have been digitized and loaded onto free Web sites. *E.g.*, LILLIAN GOLDMAN LAW LIBRARY, YALE LAW SCH., CURIAE PROJECT, at <http://curiae.law.yale.edu> (visited Jan. 22, 2004) (providing briefs from several dozen prominent cases from the entire history of the Court); FINDLAW, *SUPREME COURT BRIEFS*, at

(The briefs almost always will be available in some court archive, but examining them might require travel or hefty copying charges.) The briefs will not only contain the arguments the attorney made, but they might also reveal more of the factual context than the judges chose to include in their published opinion. With the advent of electronic docketing services, researchers now may also use pleadings and other court papers from the trial level. (Again, one could always have gone to a court archive, but only with a considerable investment in time, money, or both.)

¶10 To understand a case's story—or perhaps stories—we can also look beyond court documents. Does history tell us anything about the context of the dispute? Here is one example. When my civil procedure class read *Walker v. City of Birmingham*,<sup>9</sup> I had only a sketchy sense of the civil rights movement and its struggles.<sup>10</sup> Reading the Court's statement of facts (as excerpted in the casebook), I understood that a group of people held two parades, in defiance of an Alabama state court temporary injunction not to do so and without obtaining a parade permit. The leaders were convicted of criminal contempt for violating the injunction, and the legal issue was whether their convictions could be upheld despite their assertions that the injunction and the parade permit ordinance were unconstitutional. Justice Stewart, writing for the majority, upheld the convictions, essentially for the procedural reason that the protestors had not challenged the preliminary injunction in the state courts before disobeying it. Those are the outlines of the case and the legal principle. What part of the story was I missing?

¶11 I had never heard of Dr. Wyatt Tee Walker, the named petitioner, but the casebook's introduction to the case said that the parades were organized by Rev. Martin Luther King, Jr., and other ministers to protest racial segregation,<sup>11</sup> so I had more context than I would have otherwise. Nonetheless, from the casebook alone I had a poor understanding of the case's backdrop. I did not know that the public safety commissioner who “rudely rebuffed”<sup>12</sup> a request for a parade permit was “a self-proclaimed white supremacist” who had “vowed that racial integration would

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[http://supreme.lp.findlaw.com/supreme\\_court/briefs/index.html](http://supreme.lp.findlaw.com/supreme_court/briefs/index.html) (visited Jan. 22, 2003) (providing briefs from argued cases beginning with 1999 Term).

Federal circuit court and state appellate court briefs have been less widely available, often only being kept (in print or microfiche) at a very few libraries in the jurisdiction. See MICHAEL WHITEMAN & PETER SCOTT CAMPBELL, A UNION LIST OF APPELLATE COURT RECORDS AND BRIEFS: FEDERAL AND STATE (1999). That, too, is changing, as briefs from some jurisdictions are being loaded on Westlaw (on Jan. 22, 2004, I counted eight states and nine federal circuits in the list on the Directory screen) and the Internet, e.g., STATE LAW LIBRARY OF MONT., RECENTLY FILED BRIEFS, at [www.lawlibrary.state.mt.us/dscgi/ds.py/View/Collection-1981](http://www.lawlibrary.state.mt.us/dscgi/ds.py/View/Collection-1981) (last visited Jan. 22, 2004) (providing selected briefs submitted to the Montana Supreme Court).

9. 388 U.S. 307 (1967).

10. I was too young to have been aware of the events as they unfolded in the national news and too old for them to have been covered as “history” in school. (I think my high school U.S. History class stopped just after World War II.) Nor had I read or studied the civil rights movement on my own.

11. RICHARD H. FIELD, BENJAMIN KAPLAN & KEVIN M. CLERMONT, MATERIALS FOR A BASIC COURSE IN CIVIL PROCEDURE 700 (4th ed. 1978).

12. *Walker*, 388 U.S. at 317, quoted in FIELD, KAPLAN & CLERMONT, *supra* note 11, at 702.

never come to Birmingham.”<sup>13</sup> I lacked the image of Birmingham’s police—under the leadership of that same commissioner—using “dogs, clubs, and firehoses”<sup>14</sup> on peaceful marchers.<sup>15</sup> “These were the days when Birmingham was a world symbol of implacable official hostility to Negro efforts to gain civil rights, however peacefully sought.”<sup>16</sup> Knowing all that does not change the black-letter rule articulated in the case, but it does show how strong the rule is. That is, the Court is not just applying the rule that an injunction must be enforced in an ordinary, humdrum time: it is applying that rule in those particular, extraordinary circumstances. If one were representing protestors who wanted to defy an injunction they thought was unconstitutional, one would be hard-pressed to find a way to distinguish *Walker*, understanding just how strong its facts were. Knowing the background does make a difference in my understanding of the case, of the tension between the majority and the dissents, and of history. For many students, who do not naturally see the excitement in procedural disputes (or perhaps in many appellate opinions), understanding the background of a case can also be a strong motivator, making the work of understanding doctrine worthwhile.

### Stories in Statutes

¶12 Cases have stories built in: there is almost always some statement of the facts (even if, as in the *Walker* majority opinion, it leaves out many significant historical facts that one might want to know). Statutes do not. Returning to that class in genetics and public policy, consider the contrast between the case with the dramatic facts and this California statute:

A person or entity that underwrites or sells annuity contracts or contracts insuring, guaranteeing, or indemnifying against loss, harm, damage, illness, disability, or death, and any

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13. *Walker*, 388 U.S. at 325 n.1 (Warren, C.J., dissenting). This was not quoted in the casebook.

14. *Id.*

15. For emotionally gripping photographs of the Birmingham protests, see JOHN KAPLAN, POWERFUL DAYS: THE CIVIL RIGHTS PHOTOGRAPHY OF CHARLES MOORE, at [www.viscom.ohiou.edu/moore/site/Pages/index2.html](http://www.viscom.ohiou.edu/moore/site/Pages/index2.html) (1998).

16. *Walker*, 388 U.S. at 338–39 (Brennan, J., dissenting). This also was not quoted in the casebook. I am not criticizing the casebook for not reproducing everything. Goodness, the casebook was hefty enough as it was! To their credit and the aid of the students, the editors gave key information about the case in their introduction—more than many other casebook editors have. See David Benjamin Oppenheimer, *Martin Luther King, Walker v. City of Birmingham, and the Letter from Birmingham Jail*, 26 U.C. DAVIS. L. REV. 791, 826–29 (1993) (analyzing treatment accorded *Walker* by law school casebooks that provide coverage of the decision).

The introduction in the casebook provided more facts than the full majority opinion does. It is not until Chief Justice Warren’s dissent that a reader (starting at the beginning) sees that “Negro ministers . . . sought to express their concern about racial discrimination . . . by holding peaceful protest demonstrations . . . on Good Friday and Easter Sunday.” *Walker*, 388 U.S. at 324–25 (Warren, C.J., dissenting). The majority’s statement of the facts had left out race and the organizers’ status as ministers. *Id.* at 308–11. It is only in Justice Brennan’s dissent that one sees that one of the leaders was Martin Luther King, Jr. *Id.* at 341 (Brennan, J., dissenting).

affiliate of that person or entity, shall not disclose individually identifiable information concerning the health of, or the medical or genetic history of, a customer, to any affiliated or nonaffiliated depository institution, or to any other affiliated or nonaffiliated third party for use with regard to the granting of credit.<sup>17</sup>

Or this statute from Missouri:

Every infant who is born in this state shall be tested for phenylketonuria and such other metabolic or genetic diseases as are prescribed by the department. The test used by the department shall be dictated by accepted medical practice and such tests shall be of the types approved by the department. All newborn screening tests required by the department shall be performed by the department of health and senior services laboratories. The attending physician, certified nurse midwife, public health facility, ambulatory surgical center or hospital shall assure that appropriate specimens are collected and submitted to the department of health and senior services laboratories.

All physicians, certified nurse midwives, public health nurses and administrators of ambulatory surgical centers or hospitals shall report to the department all diagnosed cases of phenylketonuria and other metabolic or genetic diseases as designated by the department. The department shall prescribe and furnish all necessary reporting forms.

The department shall develop and institute educational programs concerning phenylketonuria and other metabolic and genetic diseases and assist parents, physicians, hospitals and public health nurses in the management and basic treatment of these diseases.

The provisions of this section shall not apply if the parents of such child object to the tests or examinations provided in this section on the grounds that such tests or examinations conflict with their religious tenets and practices.<sup>18</sup>

These statutes lack the hook of a story at the beginning, instead offering generalities (“A person or entity that underwrites or sells,” “Every infant born in this state”) and an array of cross-references, exceptions, provisos, and qualifiers. If newcomers to law are struck by how dry *cases* are, then *statutes* can be overwhelming.

¶13 But even though the human stories are less obvious in statutes than in cases, there must be some. What would have possessed the legislators to bother drafting and enacting such a law? There must have been some situation or problem or challenge that they sought to address with this law. Sometimes the stimulus for a law is something quite dramatic—for instance, the rape and murder of seven-year-old Megan Kanka, which led to New Jersey’s Megan’s Law,<sup>19</sup> requiring registration of sex offenders, or the graphic depiction of the meat-packing industry in Upton Sinclair’s *The Jungle*, which inspired Congress to enact food

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17. CAL. CIV. CODE ANN. § 56.265 (West Supp. 2004).

18. MO. REV. STAT. § 191.331 (West Supp. 2004).

19. N.J. STAT. ANN. §§ 2C: 7-1 to -19 (West 1995 & Supp. 2003). See Robert J. Martin, *Pursuing Public Protection Through Mandatory Community Notification of Convicted Sex Offenders: The Trials and Tribulations of Megan’s Law*, 6 B.U. PUB. INT. L.J. 29, 30–35 (1996). The New Jersey statute was a model for similar statutes in other states. *Id.* at 30.

safety legislation.<sup>20</sup> Knowing the problem that a statute addressed could help a researcher to see how it will be applied—and to argue to courts for interpretations that further the statute’s goals.

¶14 To find the stories behind a statute, we can look at legislative history—the hearings, reports, and debates leading to its passage. These are strong evidence of what the legislators were trying to accomplish—that is, legislative intent—and will inform how the statute is interpreted, particularly if there are ambiguities. Researchers could also be interested in the stories that develop after a law’s enactment. How has it been applied? How has it affected people in the community? Important clues here, of course, are the cases interpreting the statute—and we already know that *they* offer stories.

### Other Sources for Finding Legal Stories

¶15 Some of the techniques for learning more of the stories behind either cases or statutes require a good bit of work. Digging through court records can be a major undertaking. Performing a thorough legislative history also is likely to be time-consuming. Happily, many readily available sources offer researchers historical and human context for significant cases and statutes.

¶16 First, there are our old friends, law review articles. Many articles about cases and statutes focus on doctrinal analysis, but some go beyond that. For instance, there are at least three excellent law review articles discussing the historical context of *Walker v. City of Birmingham*.<sup>21</sup> As it happens, these articles also tell us about a statute—the Civil Rights Act of 1964—for the events in Birmingham dramatically increased support within the Kennedy administration and across the nation for a civil rights bill.<sup>22</sup> Some of the articles about Megan’s

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20. See LAWRENCE M. FRIEDMAN, *AMERICAN LAW IN THE 20TH CENTURY* 60–61 (2002). Sinclair was disappointed in the reaction to the book, because he had intended it as a critique of capitalism, not just the food industry. Friedman observes:

The history of the Food and Drug Act also illustrates some of the limits of scandal and incident. . . . [The book] had an impact, to be sure, but it did nothing much for the socialist cause. As Sinclair said, “I aimed at the public’s heart and by accident I hit it in the stomach.” But it was not an accident. Middle-class people learned from the scandal what they wanted to learn; they took what had meaning for *their* lives. And that meaning was in the food they ate, not in the miserable lives of the workmen whose body and blood had contaminated their middle-class food.

*Id.* at 61 (endnote omitted).

21. David Benjamin Oppenheimer, *Kennedy, King, Shuttlesworth and Walker: The Events Leading to the Introduction of the Civil Rights Act of 1964*, 29 U.S.F. L. REV. 645 (1995); Oppenheimer, *supra* note 16; David Luban, *Difference Made Legal: The Court and Dr. King*, 87 MICH. L. REV. 2152 (1989).

22. Oppenheimer, *supra* note 16, at 824–26. Norbert Schlei, the assistant attorney general for the Office of Legal Counsel, later wrote: “The people of the United States went through a sea-change as a result of the events in Birmingham. . . . Suddenly, literally overnight, the time had come for consideration by the country and by Congress of major civil-rights legislation.” *Id.* at 825 (quoting Norbert A. Schlei, *Foreword* to BARBARA LINDEMANN SCHLEI & PAUL GROSSMAN, *EMPLOYMENT DISCRIMINATION LAW*, at viii (1976)).

Laws discuss the crime, the publicity, and the popular outcry that led to their passage.<sup>23</sup>

¶17 How can you spot those articles that will give context—that is, tell the stories? Try using terms like “origin,” “history,” “story,” or “background” in your search. (“History” tends to be the most effective, but the others can help.) For example, a January 2004 search in LegalTrac for “national labor relations act” yielded 1119 articles about that statute (also known as the Wagner Act). Adding in the keywords “origin or history or story or background” reduced the number to something much more manageable—twenty-seven articles. Among those were the following, which, at least by their titles,<sup>24</sup> appear to present some interesting history: “How the Wagner Act Came to Be: A Prospectus”;<sup>25</sup> “The Political Economy of the Wagner Act: Power, Symbol, and Workplace Cooperation”;<sup>26</sup> “Fifty Years of the NLRA: An Overview”;<sup>27</sup> “Why No Shop Committees in America: A Narrative History”;<sup>28</sup> and “The Sit-Down Strikes and the Switch in Time.”<sup>29</sup>

¶18 Second, there are many wonderful books that look at the history and context of the cases and statutes that are commonly studied. These can be found, of course, using library catalogs. I recommend keyword searching to pick up relevant chapters in books (when we are fortunate enough to have contents notes) as well as books themselves. For instance, searching our catalog for “tinker and des” (to find something about *Tinker v. Des Moines Independent Community School District*<sup>30</sup>), I found that a book called *Constitutionalism and American Culture: Writing the New Constitutional History* has a promising chapter.<sup>31</sup> There is also a whole book about the case (by the same author, in fact): *The Struggle for Student Rights: Tinker v. Des Moines and the 1960s*.<sup>32</sup> And the case is included in three of the sets of oral arguments edited by Peter Irons.<sup>33</sup>

¶19 Foundation Press has recently begun publishing a new series of books that include essays by scholars which examine the context and the impact of leading

23. *E.g.*, Martin, *supra* note 19.

24. I have not read them, but what I am offering here is a research tip, not comprehensive scholarship.

25. Theodore J. St. Antoine, *How the Wagner Act Came to Be: A Prospectus*, 96 MICH. L. REV. 2201 (1998).

26. Mark Barenberg, *The Political Economy of the Wagner Act: Power, Symbol, and Workplace Cooperation*, 106 HARV. L. REV. 1379 (1993).

27. Arnold Ordman, *Fifty Years of the NLRA: An Overview*, 88 W.VA. L. REV. 15 (1985).

28. David Brody, *Why No Shop Committees in America: A Narrative History*, 40 INDUS. REL. 356 (2001).

29. Drew D. Hansen, *The Sit-Down Strikes and the Switch in Time*, 46 WAYNE L. REV. 49 (2000).

30. 393 U.S. 503 (1969).

31. John W. Johnson, *The Overlooked Litigant in Tinker v. Des Moines Independent Community School District (1969)*, in CONSTITUTIONALISM AND AMERICAN CULTURE: WRITING THE NEW CONSTITUTIONAL HISTORY 240 (Sandra F. VanBurkleo et al. eds., 2002).

32. JOHN W. JOHNSON, *THE STRUGGLE FOR STUDENT RIGHTS: TINKER V. DES MOINES AND THE 1960S* (1997).

33. MAY IT PLEASE THE COURT: COURTS, KIDS, AND THE CONSTITUTION (Peter Irons ed., 2000); MAY IT PLEASE THE COURT: THE FIRST AMENDMENT (Peter Irons ed., 1997); MAY IT PLEASE THE COURT: THE MOST SIGNIFICANT ORAL ARGUMENTS MADE BEFORE THE SUPREME COURT SINCE 1955 (Peter Irons & Stephanie Guitton eds., 1993). Tricia Hart, head of our cataloging department, added contents notes to these sets so that researchers could find the cases by keyword searching—and it works!

cases (generally those included in standard casebooks) in a specific area of the law. The first two, *Tax Stories*<sup>34</sup> and *Torts Stories*,<sup>35</sup> each offer a wealth of interesting information about the cases it examines. There will eventually be volumes featuring stories from constitutional law,<sup>36</sup> property, civil procedure, contracts, and intellectual property.

¶20 We law librarians do not have the same stories to offer our patrons that the children's librarians or public librarians do. But we do have stories. The stories behind, around, and about cases and statutes are interesting in themselves, and they also give researchers a richer understanding of the law. We should know how to help our patrons find these fascinating stories.

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34. *TAX STORIES: AN IN-DEPTH LOOK AT TEN LEADING FEDERAL INCOME TAX CASES* (Paul L. Caron ed., 2003).

35. *TORTS STORIES* (Robert L. Rabin & Stephen D. Sugarman eds., 2003).

36. *CONSTITUTIONAL LAW STORIES* (Michael C. Dorf ed., forthcoming 2004).