

Keeping Up with New Legal Titles*

Compiled by Catherine F. Halvorsen** and Diana C. Jaque***

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Brashier, Ralph C. *Inheritance Law and the Evolving Family*. Philadelphia: Temple University Press, 2004. 264p. Cloth, \$69.50. Paper, \$24.50.

Reviewed by Susan Herrick

¶1 The current controversy over same-sex marriage represents merely the tip of the iceberg in the evolution of the American family. In recent decades, unmarried partner and single-parent households, blended and adoptive families, and children conceived through assisted reproduction have become commonplace. In *Inheritance Law and the Evolving Family*, Ralph Brashier, Cecil B. Humphreys Professor at the University of Memphis School of Law, theorizes that changes in family structure have rendered traditional state inheritance laws increasingly out of synch with the financial and emotional realities of the lives of many Americans. As a result, current state inheritance laws do not adequately fulfill societal goals of predictability of inheritance rights, stability of family life, and economic protection of the vulnerable. This informative and provocative book provides both a comprehensive overview of this complex subject and an excellent starting point for further research.

¶2 *Inheritance Law and the Evolving Family* addresses various states' systems of intestate succession and elective share laws—those that apply when a decedent has not executed a will; when the will is invalidated by a challenge based on alleged incapacity, undue influence, or other reason; or when a surviving spouse disinherited by will can elect to receive a forced portion of the deceased spouse's estate. Brashier points out that these rules are of crucial importance because of the large number of Americans who fail to execute a will and the increased possibility that will contests may arise in the context of nontraditional family relationships. Traditional default inheritance rules in nearly every state guarantee a decedent's surviving spouse, but not the decedent's children, a specified and generally relatively small portion of the decedent's estate.

¶3 Clear and accessible in style, this book is a meticulously footnoted study of American inheritance laws. Brashier makes engaging use of humor, noting that "both Cinderella and the Brady Bunch boys had stepmoms" (p.7), and of examples of disputes over palimony and spousal or parental disinheritance involving public figures such as Conway Twitty and Joan Crawford. Adoptive families and same-sex partners will find a lucid and detailed explanation of the inheritance laws as applied to them; however, the book is by no means a self-help guide. Brashier's pervasive use of hypotheticals, which evokes an echo of the law school classroom, serves to personalize and vividly illustrate dilemmas that arise from traditional

inheritance rules when they collide with modern family realities. However, he does not shrink from exploring intricate legal issues, and even delves into the rule against perpetuities.

¶4 The first two chapters discuss the application of inheritance laws to spouses and unmarried partners. Chapter 1 examines the roots of spousal inheritance rules in the old English law of dower and curtesy, and demonstrates how current rules sometimes surprisingly fail to protect even members of traditional families. In chapter 2, Brashier points out that unmarried heterosexual or homosexual partners generally cannot currently inherit from one another and also lack standing to contest a partner's will; but he predicts that states will instead gradually extend spousal inheritance laws to protect unmarried couples, particularly gay and lesbian couples who are legally unable to wed (p.201).

¶5 In the remaining chapters, Brashier's most eloquent plea for reform is for the benefit of children who are excluded by inheritance laws in nearly all states. He emphasizes the injustice of a system under which a parent who would be legally obligated to support a child during life, despite unmarried status or subsequent divorce, is free in most states to entirely disinherit his or her minor children, noting that the United States departs from world inheritance law norms in this respect. Chapters 3 and 4, titled respectively "Children" and "Paternity," describe how the intestacy and forced share laws of many states fail to guarantee to minor children posthumous support from a deceased parent. The fifth chapter, "Adoption," addresses probate dilemmas involving parent-child adoptions by married and unmarried persons, as well as issues raised by nontraditional adoptive families including those in which adult adoptions are undertaken to manipulate inheritance rights.

¶6 In the final chapter, Brashier introduces a number of the thorny issues related to the inheritance rights of children conceived by assisted reproductive technology or through surrogacy, including the possibility that such children would be entitled to inherit from the parental lines of both their genetic and custodial parents. Among the topics he addresses are the concept of genetic material as an asset of an individual's estate, the potential legal rights of children conceived posthumously, and the implications of cloning.

¶7 Brashier also discusses initiatives such as the Uniform Probate Code¹ and the Uniform Parentage Act,² once again theorizing that states can develop default inheritance laws that reflect the realities of the modern American family without compromising the necessary objectivity and efficiency of probate systems. He notes that although most state legislatures have extended inheritance rights to adopted and nonmarital children, they are remiss in recognizing members of non-traditional families, and must continue to liberalize their inheritance rules to "further the intent of today's decedent, and to protect the family he creates" (p.5).

1. UNIF. PROBATE CODE, 8 pt. 1 & 2 U.L.A. (1998 & Supp. 2004).

2. UNIF. PARENTAGE ACT, 9B U.L.A. 295 (2001 & Supp. 2004).

¶8 *Inheritance Law and the Evolving Family* is thoroughly indexed and well organized. It confronts many provocative inheritance issues and is an extremely valuable contribution to the field. The work is suitable for lawyers, academics, and interested laypersons; it is suggested for purchase by law, academic, and public libraries.

Costanzo, Mark. *Psychology Applied to Law*. Belmont, Calif.: Wadsworth/Thomson Learning, 2004. 376p. Paper, \$43.95.

Reviewed by Victoria M. Williamson

¶9 A professor of psychology and law for twelve years and co-director of the Center for Applied Psychological Research at Claremont McKenna College, Mark Costanzo has authored and co-edited books on a variety of law-related subjects such as sexual harassment, alternative dispute resolution, and the death penalty.³ In *Psychology Applied to Law*, Costanzo has successfully designed a textbook that university students will find fascinating and insightful as it exposes them to original research in the disciplines of psychology and law.

¶10 Written in a clear and readable style, *Psychology Applied to Law* is divided into nine chapters dealing with various aspects of the legal system that have been the subject of research studies in psychology. The book has a well-organized and descriptive table of contents allowing readers a cursory review of its subject coverage. The topics covered include profiles and syndromes, competence and insanity, eyewitness testimony and child sexual abuse, and the death penalty. Each chapter begins with a factual narrative of an actual or hypothetical case to provoke the interest of the reader, and then proceeds to a discussion of the applications of psychology to specific aspects of the law. A supplemental reading list is found at the end of each chapter, providing both students and instructors quick access to more in-depth and scholarly materials on applied social psychology.

¶11 The first chapter provides an overview of the field of psychology and law. After providing a brief history, Costanzo discusses the interactions between the two disciplines, the roles played by psychologists interested in law, and the various routes of influence that research studies generated by social scientists have on the legal system. He states that the field of psychology and law can best be defined as “the use of psychological knowledge or research methods to advise, evaluate, or reform the legal system” (p.18). The following eight chapters provide discussions about specific aspects of the legal system where scientists have applied their knowledge and research in developmental, social, clinical, and cognitive psychology.

¶12 While the book focuses mainly on psychological research studies and methods, the author attempts to “show how psychological science can be used to

3. *E.g.*, MARK COSTANZO, JUST REVENGE: COSTS AND CONSEQUENCES OF THE DEATH PENALTY (1997); MARK COSTANZO, VIOLENCE AND THE LAW (1994); MARK COSTANZO, GENDER ISSUES IN CONTEMPORARY SOCIETY (1993).

enhance the gathering of evidence, improve legal decision making, reduce crime, and promote justice” (p.vi), enlivening the theoretical discussions and analyses of the subject with the use of actual legal cases, court trials, and criminal investigations. For example, chapter 3 discusses how scientific concepts such as battered-woman syndrome and rape trauma syndrome are used by a psychology expert in a courtroom testimony to help jurors gain a better understanding of a rape victim’s reactions and to dispel the common misconceptions about rape that jurors have. Costanzo cites *People v. Taylor*⁴ to illustrate prosecutorial use of expert testimony admitted in court as evidence to help explain two puzzling aspects of the alleged victim’s behaviors. In the case of *State v. Helterbridle*, the court held that scientific evidence, or the use of a psychologist’s expert testimony, is admissible if it adds “precision or depth to the jury’s ability to reach conclusions about that subject.”⁵

¶13 The author’s extensive use of actual cases to illustrate the relevance of research findings in psychology to various aspects of the legal system is a clever way of introducing legal concepts and principles to psychology students interested in law. In addition, the book contains a glossary of key legal terms that students will find helpful and easy to use. *Psychology Applied to Law* also contains an extensive list of references and a brief list of useful Web sites providing readers with a wealth of information for further exploration in the field of psychology and law. Unlike most standard legal texts, *Psychology Applied to Law* fails to provide complete citations to the cases mentioned throughout the book. For this reason, students may have difficulty retrieving the cases cited in the book for supplementary research.

¶14 *Psychology Applied to Law* is an excellent textbook for undergraduate students of applied psychology also interested in law. It is a concise introduction to the field of psychology and law, as well as a cost-effective alternative to traditional social science textbooks that tend to be dense, dry, and too scholarly. Costanzo’s perspective on the law is broad, and he emphasizes not only the relationship between the two fields but also the positive correlation between the use of relevant psychology research findings in the courtroom and increased effectiveness of the legal system. While it is appropriate for use as an assigned text in an applied psychology course, law students will find it to be an interesting, readable, and thorough introduction to the topic. For this reason, it is recommended for academic law libraries, particularly those that support a law school curriculum that includes the subject of psychology and law.

Cournoyer, Norman G., Anthony G. Marshall, and Karen Morris. *Hotel, Restaurant, and Travel Law: A Preventive Approach*. 6th ed. Clifton Park, N.Y.: Delmar Learning, 2004. 652p. \$101.95.

4. 552 N.E.2d 131 (N.Y. 1990).

5. 301 N.W.2d 545, 547 (Minn. 1980).

Reviewed by Amy Atchison

¶15 *Hotel, Restaurant, and Travel Law* is a well-written, comprehensive textbook intended for students and practicing professionals involved in hospitality, tourism, or travel. It follows a case method approach, providing discussions of various aspects of hospitality law while including excerpts from cases involving the hospitality establishment. Each chapter ends with a list of questions for students to consider regarding the issues raised in the chapter.

¶16 The authors have legal backgrounds and have taught courses in hospitality law and management. Their intent is to prepare readers for the variety of legal issues that confront professionals in this industry, with the hope of helping them avoid or minimize lawsuits. They assume readers have limited familiarity with the legal system; thus discussions of legal issues are basic and easy to understand.

¶17 The textbook is organized into broad units with several chapters included in each unit. The first unit covers legal fundamentals for the hospitality industry and includes an introduction to hospitality law. This introduction begins with a basic discussion titled “What is law?” that describes the differences between constitutional, statutory, and common law. Another chapter follows the journey of a case through the courts, while others discuss civil rights and the hospitality business and contract law. The second unit covers negligence, its general principles, and its application to hospitality practices (e.g., duties owed to guests in public areas, hotel rooms, and swimming pools). The third unit covers the relationships with guests and other patrons, such as distinguishing a guest from other patrons, protection of guests’ property, the rights of innkeepers, and guests’ rights. The fourth and final unit covers special topics, including the rights and liabilities of travel agents and airlines and the developing law of casinos, including interesting discussions on card counters and compulsive gamblers.

¶18 The book is also well indexed. Two topics I selected off the top of my head—liability for assisting a choking guest and dealing with noisy guests—were easy to locate. The former was listed under “choking” and the latter under “disturbing the peace.” A glossary of common legal and hospitality terms is included together with several appendixes, covering minimum wage laws, the Americans with Disabilities Act,⁶ and other topics.

¶19 When first perusing this book, I thought “uh-oh” when I saw, emblazoned across the header for the entirety of chapter 1, “Legal Fundamentals [sic] for the Hospitality Industry.” However, that ended up being the only typographical error I noticed. Otherwise, the book is presentable and well organized.

¶20 *Hotel, Restaurant, and Travel Law* is appropriate for libraries serving undergraduate students. Firm and county law libraries will most likely not include it in their collection. Larger academic law libraries may wish to add it as a companion to the 1993 treatise by Sherry and Sherry⁷ on the same subject.

6. 42 U.S.C. §§ 12101–12213 (2000).

7. JOHN E.H. SHERRY & JOHN HAROLD SHERRY, *THE LAWS OF INNKEEPERS: FOR HOTELS, MOTELS, RESTAURANTS, AND CLUBS* (3d ed. 1993).

Garner, Bryan A., ed. *Black's Law Dictionary*. 8th ed. St. Paul, Minn.: West, 2004. 1810p. \$62.

Reviewed by Paul Hellyer

¶21 *Black's Law Dictionary* has been described as the standard American law dictionary.⁸ In fact, *Black's* has no real competition, given that no other major American law dictionary is being kept up-to-date.⁹ When law professors, attorneys, and law students think of a legal dictionary, *Black's* is probably the first to come to mind. In recent decades, *Black's* has been the most cited law dictionary in United States Supreme Court opinions.¹⁰

¶22 West published the first edition of *Black's* in 1891, under the editorship of Henry Campbell Black. Many definitions remained static over the years, but *Black's* took a new direction with the seventh edition in 1999,¹¹ when current editor-in-chief Bryan A. Garner took the helm. Garner claimed that his seventh edition was the most thorough revision of *Black's* ever, with each entry being reworked.¹²

¶23 Garner, a proponent of the plain language movement, is attempting to simplify *Black's* definitions.¹³ He uses the most succinct language possible and favors plain English over legalese. For example, the definition of fraud has changed from the sixth edition's verbose entry to the eighth edition's leaner version. In the former, fraud is defined as "an intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right,"¹⁴ while the latter defines fraud as "a knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her detriment" (p.685). Garner has also removed arcane Latin legal maxims from the main section of the dictionary and relegated them instead to an appendix.

¶24 Whereas most editions of *Black's* have been published at intervals of ten years or more, this eighth edition of *Black's* comes just five years after the seventh edition was published in 1999. It also comes with a startling price tag. Owners of a prior edition may question the \$62 expenditure for the most up-to-date version.

¶25 The eighth edition does offer some substantial improvements over its predecessors. Whereas the seventh edition was noted for its redefinition of terms, the eighth edition's most noticeable advancement is the addition of 17,000 new

8. Mary Whisner, *Bouvier's, Black's, and Tinkerbell*, 92 LAW LIBR. J. 99, 102, 2000 LAW LIBR. J. 8, ¶ 9.

9. The last complete editions of *Bouvier's Law Dictionary* and *Ballentine's Law Dictionary* were published in 1914 and 1969, respectively. There are other, more recent alternatives, but they do not approach the size of *Black's*.

10. Whisner, *supra* note 8, at 100, ¶ 6.

11. BLACK'S LAW DICTIONARY (Bryan A. Garner & Henry Campbell Black eds., 7th ed. 1999).

12. John Roemer, *Building the New Blacklist: The Editor of Black's Dictionary Is Leading a Writing Revolution*, L.A. DAILY J., Sept. 23, 1999, at 1.

13. *Id.* at 9.

14. BLACK'S LAW DICTIONARY 660 (Henry Campbell Black & Joseph R. Nolan eds., 6th ed. 1990).

terms—a very large increase considering that the seventh edition totaled fewer than 25,000 entries. Some of the additional terms or phrases, such as “chad” and “cyberstalking” have entered our language in the past five years, but the majority are established legal terms that were overlooked in earlier editions.

¶26 The eighth edition also offers, for the first time, citations to the West Key Number System and *Corpus Juris Secundum*. The table of legal abbreviations that last appeared in the sixth edition has returned in the eighth edition and now features 4000 entries. But despite its new, much wider scope, the eighth edition presents only a modest increase in pages. West accomplished this feat by significantly reducing the font size. This means that the eighth edition is harder on the eyes, but still fairly easy to carry.

Helewitz, Jeffrey, and Leah Edwards. *Entertainment Law*. Clifton Park, N.Y.: Thomson/Delmar Learning, 2004. 398p. Paper, \$57.95.

Reviewed by Michael B. Reddy

¶27 The lead author of *Entertainment Law*, Jeffrey Helewitz, has an international business, finance, and taxation background,¹⁵ and is the author of numerous texts designed for paralegals and lawyers.¹⁶ In the preface, the authors state that “*Entertainment Law* is designed to combine the best of textbooks, reviews, and practical material in one comprehensive and straightforward text” (p.xi). The goal of the book is to “highlight the general law and the most important exceptions in all major areas of the entertainment business” (p.xii). The audience for the book is described as primarily law, paralegal, and undergraduate students, but the authors also note the need for a basic entertainment law text for “the legal practitioner” (p.xi).

¶28 The field of entertainment law has traditionally focused on both the legal and business aspects of the six major forms of entertainment: movies, television, theatre, music, sports, and publishing. *Entertainment Law* contains ten chapters that provide concise discussions of the general legal concepts in all of these areas. The first three chapters highlight general legal issues including rights of privacy, obscenity, publicity, and defamation; copyrights, trademarks, and antitrust; and business structures, contracts, taxation, and insurance. Subsequent chapters cover specific legal concerns such as television distribution regulations, actors equity contracts, recording contracts, royalties, and electronic publishing. Professional and amateur sports matters are addressed in chapter 9, “Sports Law.” The last chapter, “Entertainment Law and Cyberspace,” considers issues such as encryption, intellectual property, and international protections.

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15. Thomson Delmar Learning, *Entertainment Law*, http://www.delmarlearning.com/Browse_Catalog_Detail.asp?XXID=12360&ISBN=0766835847 (last visited Oct. 7, 2004).
 16. *E.g.*, JEFFREY A. HELEWITZ, *ELDER LAW* (2001); JEFFREY A. HELEWITZ, *BASIC LAW OFFICE MANAGEMENT FOR PARALEGALS* (1997); JEFFREY A. HELEWITZ, *BASIC WILLS, TRUSTS, AND ESTATES FOR PARALEGALS* (1995).

¶29 Each chapter is structured similarly and begins with an overview followed by a more detailed examination of the typical issues involved in the specific sectors of the entertainment industry. After a chapter review, the authors include the full text of one key judicial decision that illustrates one or more relevant issues. Key terms are explained in the margins of the text as well as listed at the end of each chapter. Throughout the book, the substantive text is complemented with many concrete examples of entertainment law problems and possible solutions. Helewitz and Edwards also provide questions designed to test the readers' knowledge of the concepts discussed. Most chapters end with one or more exhibits that include copies of various entertainment law-related statutes, forms, and agreements. The book also has a fairly extensive glossary and an index.

¶30 *Entertainment Law* succeeds as a course book for undergraduates and paralegals, and conceivably as a supplementary text for law students. Its scope is broad and its emphasis on concise, plain English discussions of the many facets of the entertainment business make it a particularly attractive resource for the target audience. While *Entertainment Law* provides value for practicing lawyers as well, it would primarily appeal to those new to the field. Experienced entertainment lawyers would find this title most useful as a summary or outline of known entertainment law issues and principles, and occasionally as an introduction to less familiar areas of the law. *Entertainment Law* is recommended for public law libraries and for law schools that offer a course on entertainment law.

Katrak, H., and Roger Strange, eds. *The WTO and Developing Countries*. Houndmills, Basingstoke, England; New York: Palgrave Macmillan, 2004. 384p. Cloth, \$75.

Reviewed by James Allan

¶31 This work lies at the crossroads of trade law and public policy. Through a series of specialized essays, the authors walk readers through some of the complex issues that underlie efforts to remove trade barriers. The topics considered are as diverse as trademarks in China, the Indian pharmaceutical industry, the competitive environment for clothing and textile production, intellectual property protection for plants, and the European Union's subsidization of sugar production. The principal academic discipline on which the authors draw is economics, but the work enriches our understanding of how economies and legal rules interact within the international trading system.

¶32 *The WTO and Developing Countries* was originally the title of a conference held at King's College London in 2002. Most of the materials included in this collection are revisions of papers presented there. The editors have divided the book into four parts, consisting of thirteen chapters. The work begins with a consideration of the impact of trade liberalization on developing countries. The next part focuses on intellectual property rights and trade under the Agreement on Trade-Related

Aspects of Intellectual Property Rights (TRIPs).¹⁷ *The WTO and Developing Countries* then focuses on the world trading system and the trade of developing countries, concluding with two substantive articles. The first is a consideration of competition policy and the second is an essay on sustainability impact assessments.

¶33 Conference proceedings present an acquisitions dilemma, and *The WTO and Developing Countries* is no exception. Individual papers address a limited audience and are so esoteric as to typically be of interest only to specialists. The indexes that law library users commonly consult are unlikely to cover this conference proceeding. The issue then becomes whether the work, taken as a whole, enriches the readers' understanding of the economic consequences of international trade law. My conclusion is that it does achieve this end through a number of devices.

¶34 First, this volume brings together a group of diverse and discordant voices. Some of the writers are hostile to the current international trading system and its impact on developing countries. Others are concerned about erosion of national sovereignty. A few of the writers are sympathetic to business interests. The diversity of opinions underscores how difficult it is to reach agreement on international trade rules. Second, the authors employ a number of different research methodologies. A few of the papers rely on statistical methods, while others are descriptive. Some of the writers provide us with a cold, factual narrative while others offer ideology and value-laden arguments. Third, all of the authors are based in England and provide fresh perspectives for an American audience. Finally, the book addresses difficult issues in international trade: agricultural subsidies, availability of medicines, protection for new plant varieties, and poverty.

¶35 *The WTO and Developing Countries* includes a list of figures, a list of tables, an index, and a list of abbreviations—a windfall in a field where acronyms proliferate. The editors also provide brief biographies of the contributors. The narrow focus of the papers collected in *The WTO and Developing Countries* and the decision not to concentrate on a single theme, such as TRIPs, limits its value to practicing attorneys and academics interested in the impact of trade rules on specific legal specialties. The critical perspective that this collection provides will be of greatest interest to users of research libraries, law libraries supporting programs in international trade or development, and large public libraries.

Landsberg, Brian K., ed. *Major Acts of Congress*. New York: Macmillan Reference USA, 2004. 3v. 1178p. \$290.

Reviewed by Jill Duffy

¶36 *Major Acts of Congress* enters uncharted territory in the legal encyclopedia field. Although works such as *The Oxford Companion to American Law*¹⁸ and

17. Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, Legal Instruments—Results of the Uruguay Round vol. 31, 33 I.L.M. 81 (1994).

18. KERMIT L. HALL ET AL., *THE OXFORD COMPANION TO AMERICAN LAW* (2002).

*West's Encyclopedia of American Law*¹⁹ may include a smattering of well-known laws, *Major Acts of Congress* is entirely devoted to examining 262 historically significant acts in detail. Its contents include laws enacted within a 215-year time span, between 1787 and 2002, from the Northwest Ordinance²⁰ to the Homeland Security Act.²¹

¶37 Individual authors review each act in about three to six pages. Although excerpts of the acts are included, the focus is on summarizing the acts and their histories rather than on reproducing the text of the acts in their entirety. In succinct synopses, the entries offer a sense of how each act has developed over time. After the narrative, a short bibliography section contains a handful of references to books and law reviews. Internet resource sections, citing to relevant Web sites, accompany some of the acts. The Internet resources mostly include legitimate government resources, such as the U.S. Office of Special Counsel's guidelines for federal employee participation in political activity.²² For those unfamiliar with legal texts, the encyclopedia-like format should prove user-friendly. The layout is attractively designed with an adequate selection of illustrations and photos. Boldfaced text is used to delineate terms that are further defined in a glossary. The index is thorough and offers cross-references to additional acts.

¶38 *Major Acts of Congress* is definitely geared more toward introductory research rather than comprehensive legislative history. Advanced legal researchers may use this set as a quick starting point, but will turn to other resources for more in-depth investigation of particular acts. Nevertheless, this resource could give the researcher a more complete picture of the act at hand and offer keywords to use in additional searching. A possible extension of this set would be to include citations to legislative history documents.

¶39 It does not appear that individual authors were required to adhere to a uniform citation standard. Citation format is not consistent throughout the text—one act might be identified by its *Statutes at Large* citation, another by its public law number, and others by both, while still other acts have no citation referenced in the entry at all. This lack of standardization is distracting and confusing for the novice researcher. Use of consistent citation format throughout the text might provide more experienced researchers with an alternative to a popular names table. A brief introduction to legal texts like *Statutes at Large* and citation examples included at the front of the volume would also be helpful to the reader unfamiliar with legal research.

¶40 Although *Major Acts of Congress* is laid out alphabetically by title of the act, the set contains two good cross-reference tables. The "Timeline" at the back

19. WEST'S ENCYCLOPEDIA OF AMERICAN LAW (1998).

20. An Ordinance for the Government of the Territory of the United States northwest of the river Ohio, July 13, 1787, art. 6, 1 Stat. 51n.a, reenacted as Act of Aug. 7, 1789, ch. 8, 1 Stat. 50.

21. Pub. L. No. 107-296, 116 Stat. 2135 (2002).

22. U.S. OFFICE OF SPECIAL COUNSEL, POLITICAL ACTIVITY AND THE FEDERAL EMPLOYEE (2000), available at http://www.osc.gov/documents/hatchact/ha_fed.pdf.

of each volume allows the researcher to put the acts in their historical context, including the party composition of the Congress at the time. Snippets of American history are also included to provide further context for the time period covered by the volume. The “Topic Outline” at the front of each volume groups the acts by subject category. A table of repealed acts and those that are still in force would also have been useful.

¶41 A Court Case Index cites to major cases that have involved the acts, but provides no citations to these judicial opinions. The narrative text similarly cites party names and dates of opinions, but not the reports. An odd notation claims that the case name and the year the act became law comprise the index, but it really is the case name and the date that the court examined the act. Although it is handy that the tables are reproduced in each volume of the set, thereby reducing the need to consult multiple volumes at once, it does add to the total size of the set. Similarly, a reprint of the Constitution in each volume seems redundant.

¶42 It is difficult to determine the value of the set without carefully considering the audience. Law firm librarians with scant shelf space may not find it particularly necessary. On the other hand, this set seems ideally suited to those undergraduate research projects requiring students to find basic information about the Americans with Disabilities Act²³ or other laws without any training in legal research. Thus, *Major Acts of Congress* is recommended for public libraries, undergraduate libraries, and academic law libraries that serve such students. Law firm and government libraries with strong collections in federal legislative resources may also see this as a good complement to their existing materials.

Ogletree, Charles J. *All Deliberate Speed: Reflections on the First Half Century of Brown v. Board of Education*. New York: W.W. Norton, 2004. 356p. \$25.95.

Reviewed by Christine Hepler

¶43 *All Deliberate Speed: Reflections on the First Half Century of Brown v. Board of Education* was written by Charles Ogletree to commemorate the fiftieth anniversary of the United States Supreme Court’s landmark decision in *Brown v. Board of Education*,²⁴ but in the end he concludes that fifty years later there is little to celebrate. Ogletree asserts that the important goal of full equality in education was compromised from the beginning with the Court’s “all deliberate speed” approach to ending racial inequality rather than an unequivocal commitment to full racial equality (p.xv).

¶44 The book goes far beyond discussing the *Brown* decision itself. Ogletree also describes the important work of the lawyers who started the legal fight for racial integration years before and the many developments since *Brown*. In the first part, Ogletree focuses on the *Brown* decision from both societal and personal perspectives.

23. 42 U.S.C. §§ 12101–12213 (2000).

24. 347 U.S. 483 (1954).

He describes the effects the decision had on his own life and education—from his high school experience in Merced, California, to his undergraduate career at Stanford University, to his legal training at Harvard Law School, and ultimately to his employment in the Public Defenders Office in Washington, D.C. Ogletree provides a compelling walk through the history of the busing movement used to implement the *Brown* decision, black activism in the early 1970s, Boston's racial turmoil in the late seventies, and the genesis of affirmative action.

¶45 Part 2 provides a succinct history of racial inequality in America, including a discussion of the Jim Crow laws of the South and the strategies developed by prominent black attorneys working for desegregation. Ogletree discusses the resistance to *Brown*, the Court's cautious approach to desegregation, the lack of direction provided to the federal district judges, and the strategies implemented by local and state governments to prevent integration of the local schools. In this section, Ogletree compares the civil rights strategies of Thurgood Marshall, who promoted the use of the courts to litigate cases such as *Brown*, and Martin Luther King, Jr., who actively engaged in civil disobedience to end racial inequality. Both strategies worked in concert to benefit the civil rights movement.

¶46 In part 3, Ogletree discusses the decision of the Supreme Court in *Regents of the University of California v. Bakke*,²⁵ which he characterizes as a major challenge to the underlying principles of *Brown*. The review of *Bakke* is used as a prelude to a detailed discussion of Thurgood Marshall's twenty-four-year career on the Supreme Court, emphasizing that as the character of the Court became more conservative, each decision it rendered pulverized the promises of *Brown*. Part 4 is dedicated to the meteoric career path of Clarence Thomas and his conservative judicial philosophy of originalism, which differs from Justice Marshall's belief that the Constitution is a living document that can be changed and expanded if necessary. Ogletree contributes a significantly unique perspective relative to Thomas's career, as he was the attorney for Anita Hill during Thomas's confirmation hearing. In this section, Ogletree examines several opinions, particularly those attributed to Thomas, which have eroded the holding in *Brown* and the progress made for racial equality in America.

¶47 Finally, in parts 5 and 6 Ogletree addresses the propriety of university affirmative action programs and anticipates a variety of twenty-first-century educational challenges. When discussing the affirmative action decisions in *Gratz v. Bollinger*²⁶ and *Grutter v. Bollinger*,²⁷ Ogletree argues that although the Court upheld the admission program used by the University of Michigan Law School, this was only a moderate success for affirmative action. With respect to racial progress in education, Ogletree suggests that the second *Brown*²⁸ decision “actu-

25. 438 U.S. 265 (1978).

26. 539 U.S. 244 (2003).

27. 539 U.S. 306 (2003).

28. *Brown v. Board of Education*, 349 U.S. 294 (1955).

ally defined the reality of grudging educational reform, and the power of racism as a barrier to true racial progress in the twentieth century and, for that matter, twenty-first century America” (p.306).

¶48 Ogletree had three goals when writing *All Deliberate Speed: Reflections on the First Half Century of Brown v. Board of Education*. First, he wanted to demonstrate that with *Brown*, the Supreme Court wanted to send the message that legalized racial inequality was not acceptable. Second, Ogletree wished to spotlight the important works of lawyers involved in the legal fight for racial integration. Finally, he wanted to provide the reader with a panoply of personal reflections on *Brown*, spanning the past fifty years. He satisfies all three goals, and in so doing delivers a compelling story about the fight for racial integration in America. Ogletree is an excellent writer who approaches the subject with valuable insight and considerable passion. *All Deliberate Speed: Reflections on the First Half Century of Brown v. Board of Education* is a book that would fit in any library collection, as it is a thought-provoking book on a very sensitive and important issue.

Pelikan, Jaroslav Jan. *Interpreting the Bible & the Constitution*. New Haven, Conn.: Yale University Press, 2004. 216p. \$30.

Reviewed by Brendan Durrett

¶49 Books about religion and politics are in vogue these days. Each day events in the news challenge the Judeo-Christian faiths and traditions that America’s founding fathers looked to when forming the United States. Matters of faith, ranging from issues of separation of church and state to same-sex unions, have been catapulted into public dialogue. The cultural relevancy of these issues has been further expanded by the growing and dramatic polarization in our national government.

¶50 The author, Jaroslav Pelikan, has been translating, editing, and studying the Christian creeds and confessions of faith for sixty years. He is one of the world’s leading scholars in the history of Christianity and has authored more than thirty books on a variety of topics.²⁹ Pelikan is a Library of Congress John W. Kluge Center scholar and also served as president of the American Academy of Arts and Sciences from 1994 to 1997.

¶51 Pelikan has jumped into the fray with *Interpreting the Bible & the Constitution*. Had I not been previously acquainted with Pelikan’s work as an eminent historical theologian, I would have been skeptical of his recent work, fearing it might be an attempt to either create or deny connections between American politics and the author’s Christian beliefs. Instead, the book is a very serious investigation of the similar challenges faced when applying sacred religious and political

29. E.g., JAROSLAV JAN PELIKAN & VALERIE R. HOTCHKISS, *CREEDS & CONFESSIONS OF FAITH IN THE CHRISTIAN TRADITION* (2003); JAROSLAV JAN PELIKAN, *CHRISTIANITY AND CLASSICAL CULTURE: THE METAMORPHOSIS OF NATURAL THEOLOGY IN THE CHRISTIAN ENCOUNTER WITH HELLENISM* (1993); JAROSLAV JAN PELIKAN, *JESUS THROUGH THE CENTURIES: HIS PLACE IN THE HISTORY OF CULTURE* (1985).

texts to situations that could not have been anticipated by their authors. This fits with the center's goal of linking the works of those engaged in the world of ideas with the work of those involved in the world of affairs.

¶52 In the process of reviewing the relevant body of literature, I found more examples of members of the legal profession applying their legal scholarship to religious issues than works of theologians turning their attention to legal issues. When I began reading *Interpreting the Bible & the Constitution*, I looked forward to seeing what light a scholar steeped in religious history might shed on interpreting the Constitution. I was not disappointed.

¶53 In probing the question of constitutional interpretation, Pelikan compares the methods interpreters of the Bible and the Constitution have used to evaluate whether particular applications of these texts are constitutional or biblical. As Pelikan details these methods, he shows the similar challenges faced by those applying either text to situations the authors could not have anticipated. Interpreters of both the Constitution and the Bible need to perform word-by-word analyses of their texts. They both need to cite earlier interpretations to support their current interpretations. Further, they both need to have a willingness to ask new questions about these old documents. In explaining these similarities in constitutional and biblical interpretation, Pelikan argues that an understanding of either biblical or constitutional interpretation can illuminate the other in important ways.

¶54 *Interpreting the Bible & the Constitution* would be a particularly useful title for academic law libraries. The sources cited by Pelikan range all the way from ancient Christian and Judaic texts to writings of America's founding fathers to Supreme Court cases to numerous scholarly books and articles. The book includes very complete notes, a thorough bibliography, and multiple indexes. Academic law libraries generally hold many titles about the Constitution and its interpretation. Adding yet another to this body of work might seem unnecessary, but Pelikan's work is a serious, unique, and timely contribution. Other books on the authority of the Constitution and the Bible have been written, but no previous work has focused so heavily upon the analogies between interpreting them and the lessons that can be learned by interpreters of the Constitution from interpreters of the Bible, and vice versa.

Rosenne, Shabtai. *The Perplexities of Modern International Law*. Leiden, The Netherlands; Boston: Martinus Nijhoff, 2004. 471p. \$135.

Reviewed by Vincent Moyer

¶55 *The Perplexities of Modern International Law* is an excellent overview, analysis, and critique of international law at the beginning of the twenty-first century. It is a revised and updated version of the General Course in Public International Law delivered at the Hague Academy of International Law by Shabtai Rosenne in 2001, and originally published in volume 291 of the *Recueil des Cours/Collected Courses* of that academy. This new edition includes several new sections and updated information about newly published primary sources.

¶56 Shabtai Rosenne is a well-respected scholar, diplomat, educator, and author. He has written numerous important works in various areas of international law, including *The World Court: What It Is and How It Works*.³⁰ In May 2004, Rosenne was awarded the first Hague Prize for his special contribution to the development of international law and the advancement of the rule of law in the world.

¶57 *The Perplexities of Modern International Law* is unique in that it is not exactly an introduction to international law such as *Akehurst's Modern Introduction to International Law*³¹ or *An Introduction to International Law*.³² While it will likely share a place on the shelf with such titles, it is both a survey and a critique of international law. Rosenne writes in chapter 1 that he has “no particular theory to propound” (p.3), but rather seeks to re-examine the “close linkage between law and history” (p.4). It is in this vein that Rosenne proceeds to provide us with a whirlwind tour of international law.

¶58 This book is clearly organized into chapters covering distinct international legal concepts, organizations, or issues. The overriding theme is one of presenting international law within its historical framework. Rosenne provides an overview of international humanitarian law, human rights law, the law of the sea and space, international treaties, and the United Nations system. He answers questions such as: What is international law today? Where does one find international law? What does international law say about the use of force? and what is the role of international courts and tribunals? Rosenne concludes by emphasizing the “golden rule of international law and diplomacy, the principle of good faith” (p.451) and discussing the close connection between international law and politics. All in all, I found the book to be both an impressive accomplishment and enjoyable to read.

¶59 *The Perplexities of Modern International Law* seems a perfect fit for an academic law library collection. At the same time, because it includes discussions of the September 11, 2001, terrorist attacks, anticipatory self-defense, the role of the United Nations in maintaining international peace, and the law applicable during warfare and armed conflict, this book is also relevant for more than just academic law libraries.

Torrans, Lee Ann. *Law and Libraries: The Public Library*. Westport, Conn.: Libraries Unlimited, 2004. 261p. Cloth, \$40.

Reviewed by Marlene Bubrick

¶60 Never have the legal issues facing public libraries been more challenging. This excellent book by Lee Ann Torrns, *Law and Libraries: The Public Library*, provides a timely and comprehensive look at several of these issues. Besides coverage of familiar topics such as copyright, contracts, licensing, filtering, and the Uniform Computer Information Transaction Act,³³ less familiar but still crucial

30. SHABTAI ROSENNE, *THE WORLD COURT: WHAT IT IS AND HOW IT WORKS* (1962).

31. PETER MALANCZUK & MICHAEL B. AKEHURST, *AKEHURST'S MODERN INTRODUCTION TO INTERNATIONAL LAW* (7th ed. 1997).

32. MARK W. JANIS, *AN INTRODUCTION TO INTERNATIONAL LAW* (4th ed. 2003).

33. UNIF. COMPUTER INFO. TRANSACTIONS ACT, 7 pt. 2 U.L.A. 195 (2002 & Supp. 2004).

issues in contemporary society are also addressed, including linking and the Internet, Web sites and library liabilities, and privacy laws. The chapter on patron privacy is particularly relevant after September 11, 2001, and the passage of the USA PATRIOT Act.³⁴ The book explains liabilities facing unprepared librarians, and offers examples, relevant case law, and suggestions on creating policies that support the library's mission and intent when faced with a challenge.

¶61 Torrans is a Texas-based attorney with a masters degree in library science. She has written several articles on copyright for other library environments³⁵ and frequently lectures on that topic. *Law and Libraries: The Public Library* is expertly arranged—a librarian's dream. The introduction is thorough and informative. A guide for the use of the book explains that while its scope is broad, each chapter goes into detail about a single topic to facilitate understanding and policy implementation. The importance of a strong mission statement and supporting library policy is stressed throughout and, in fact, is the basis for the book. What better test of the library's policies and guidelines is there than having a patron complain about the inclusion of a certain title in the collection? Torrans suggests that the librarian must be fully aware of the collection development policy supporting the original purchase of the material in order to satisfactorily defend the library's position. Relative to the library's position regarding patron privacy—under what circumstances are patron records disclosed? A library's policy must take into account any federal or state laws that address this issue. More often than not, the legal guidelines are not so clear, and the library's policy must be explicit enough to support the library administrator's actions.

¶62 Other chapters cover sexual harassment, employment law, copyright and electronic access, fair use, unpublished materials, Internet service provider status, regulation of access, license agreements, Web site linking, trademarks, and disabilities. The chapter on licensing agreements contains a long list of major licensing organizations, such as the Broadcast Music Industry and the National Writers' Union. The final chapter on policies and procedures underscores the author's main point: policies must be drafted to comply with laws, while the procedures or guidelines represent the methods by which the library will implement the policies. The fourteen-page combined subject, name, and case citation index provides detailed access to topics discussed within the book.

¶63 Many other books and articles dealing with similar issues have recently been published,³⁶ but none of the authors address the multiple facets of law as related to public libraries as well as Torrans does. *Law and Libraries: The Public Library* is a how-to guide for public library administrators, and as such is essential for all types of public libraries and as a teaching tool for library school students. Any library administrator who has to answer to a governing body can benefit from the sound advice provided here.

34. Pub. L. No. 107-56, 115 Stat. 272 (2001).

35. E.g., LEE ANN TORRANS, *LAW FOR K-12 LIBRARIES AND LIBRARIANS* (2003).

36. E.g., JAMES S. HELLER, *THE LIBRARIAN'S COPYRIGHT COMPANION* (2004); MARY MINOW & TOMAS A. LIPINSKI, *THE LIBRARY'S LEGAL ANSWER BOOK* (2003).