

1-2004

## Museletter: January 2004

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### Recommended Citation

Osborne, Caroline L., "Museletter: January 2004" (2004). *Museletter*. Book 81.  
<http://scholarship.richmond.edu/museletter/81>

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# Museletter

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## Spring 2004 Regular Library Hours

Sunday  
10:00 a.m. - Midnight

Mon.-Thurs.  
7:30 a.m. - Midnight

Friday  
7:30 a.m.- 9:00 p.m.

Saturday  
9:00 a.m. - 9:00 p.m.

## Spring Break

(Fri—Sat. March 5 –13)

Friday, March 5  
7:30 a.m.—6:00 p.m.

Saturday, March 6 &  
Sunday, March 7—Closed

Monday, March 8—  
Friday, March 12  
7:30 a.m.—6:00 p.m.

Sat., March 13  
1:00 p.m.—5:00 p.m.

## BROWN PLUS FIFTY: AN ANNOTATED INTRODUCTION TO THE SCHOOL DESEGREGATION BATTLES

by John R. Barden,  
Head, Reference & Research Services

This year marks the fiftieth anniversary of the United States Supreme Court's first decision in Brown v. Board of Education of Topeka, Kansas, 347 U.S. 483 (1954). Although Brown was neither the beginning nor the end of the legal struggle for school desegregation, it became the bedrock for many of the court decisions that followed.

During this semester, the Law School and the Law Library will note the anniversary of Brown in numerous ways, including exhibits, articles, and the Human Rights Conference scheduled for March 29-30. The Museletter will feature articles on civil and human rights research in each issue through April. Although Brown and its progeny are familiar to nearly all of us in the Law School community, I thought it might be helpful to begin the series with a brief historical overview with citations to some of the key documents, in case you want to examine them more closely.

The Brown case was actually a consolidation of four similar cases from Kansas, Delaware, South Carolina, and Virginia, plus a case from the District of Columbia, Bolling v. Sharpe, 347 U.S. 497 (1954), which was decided separately out of Federal law considerations. Each of the cases arose from the contention that "separate but equal" public schools, segregated by race, were a violation of the equal protection clause of the U.S. Constitution, amend. XIV. The "separate but equal" doctrine, which stemmed from the Supreme Court's decision in Plessy v. Ferguson, 163 U.S. 537 (1896), was originally decided to cover separate carriages on passenger trains but had been stretched to legitimize segregation in many areas of American life, especially in the South.

In the years following Plessy the Supreme Court refused to involve itself in the question of equal education. When a Georgia school board closed African-American public schools for lack of funds while maintaining schools for whites, the Supreme Court declined to intervene on the grounds that the failure to provide separate but equal schools had not been raised in the courts below. Cumming v. Richmond County Board of Education, 175 U.S. 528 (1899). As late as

(Continued from page 1)

As late as 1927 the Court acquiesced when Mississippi school officials barred an Asian-American girl from attending schools reserved for the "pure white or Caucasian" race. Gong Lum v. Rice, 275 U.S. 78 (1927).

Slowly, however, the tide of judicial opinion began to turn. In the years leading up to the middle of the twentieth century, the Supreme Court struck down racial segregation or discrimination in voting rights (Smith v. Allwright, 321 U.S. 649 (1944)), housing (Shelley v. Kraemer, 334 U.S. 1 (1948)), and transportation (Morgan v. Virginia, 328 U.S. 373 (1946), and Henderson v. United States, 339 U.S. 816 (1950), both of which cases were determined on interstate commerce, not constitutional, grounds).

The reexamination of separate but equal educational facilities began at the graduate school level with Missouri ex rel. Gaines v. Canada, 305 U.S. 337 (1938), in which the Supreme Court, while not ordering an integration of the University of Missouri's law school, said that it was not sufficiently equal for Missouri merely to provide grants to African-Americans to attend law school out of state. In a case from Texas, Sweatt v. Painter, 339 U.S. 629 (1950), the Court anticipated the premises of the Brown decision, ruling that separate law schools could not provide the equality of education that could be afforded by the state's flagship law school, reserved for whites. In a contemporary case, McLaurin v. Oklahoma State Regents for Higher Education, 339 U.S. 637 (1950), the Court went even farther, finding that separate treatment (e.g., separate classes, dining facilities, and study areas), even at the same institution, could not constitute an equal educational experience.

The stage was now set for an examination of "separate but equal" in state-funded primary and secondary schools.

Next: The Prince Edward County Schools

## RECENT TREND REDUCES NEED FOR MULTIPLE COPIERS

Increased use of computers, online databases, and network printers at the University subsequently created a dramatic decline in the use of photocopiers. Over the last seven years, the Law Library's copier use dropped from 471,955 copies to 138,722 copies, or an average of nearly 48,000 copies per year. (Boatwright's statistics show an 86,000 copy decline per year.)

Based on that reduced usage, the contract the University has with the OCE copier supplier requires us to eliminate one library copier. We chose to remove the second floor copier because of the number of service calls that copier required. We will continue to service two copiers on the first floor and one in the basement.

If you experience any problems with the copiers, please report the problem with a sample of any printing error if possible, to the Circulation Desk staff. -G.F.Z.

## DATA SOURCES

### AMAZON.COM'S NEW SEARCH OPTION

So you've heard everyone talking about a new book, but you are unsure if its one you want to read or purchase? Check out the "Search Inside" feature associated with a portion of the books located at Amazon.com. The "Search Inside" feature that some are now calling the "google of books" permits the potential reader to search the full text of a book for specific words and phrases and then read in context up to three pages of the text surrounding the search word or phrase. In part Amazon's new search function may be described as replicating the once common practice of browsing books in a library or bookstore where one could thumb through and read a portion of the book itself prior to making the decision to purchase or borrow.

Innovative, new and desirable as the Search Inside function might appear. There are downsides to this feature. First, the feature is limited to selected books in Amazon's inventory for copyright reasons. Only those books for which the publisher has given permission are available to this search function. Some authors have objected to having their works available to this function and have specifically requested that their materials be removed from the function. Amazon policy is to honor such requests. Also in response to authors' specific concerns, the print function has been disabled and potential purchasers are restricted to viewing no more than 20% of any one item. Writers and publishers of cookbooks, reference books and other materials which lend themselves to succinct entries on a single page are particularly concerned with the ability to access a recipe or other entry in its entirety without purchasing the book and are among the largest number requesting that their work be removed from this function.

On a practical level, the requirement that one be logged in via their personal Amazon account to access the feature is somewhat irritating. The nearby location of Amazon's traditional summary and review is helpful in determining an appropriate search term. Despite the kinks that need to be worked out and the limited availability of the feature, it is an exciting and useful search concept that allows the user to replicate the old habit of thumbing through a book before purchase. —C.L.O.

*Muse*

*Library*

*Facts*

*In the month of  
December 487  
volumes were  
added to the  
collection.*

## ADDITIONS TO SPECIAL COLLECTIONS

Two rare Virginia law volumes were recently added to the Muse Law Library's Special Collections:

The Acts of Assembly, Now in Force, in the Colony of Virginia, dating from 1769, reprinted all the laws then in effect in Virginia, some dating back to the mid-seventeenth century. Laws that had expired or were local or private in nature were omitted. In the days before a formal code of laws existed in the colony, this collection enabled attorneys, planters, and merchants to readily determine the current law on a given topic. The handsomely-printed folio volume was produced in Williamsburg by the proprietors of two of the newspapers there. The Law Library's copy retains its original suede calf binding (repaired) with the initials "W.P." inked on the front cover for an early owner, who also signed his name on the first page of text: "William Prentis-- 1785."

By 1785, a new compilation of Virginia laws was necessary. The General Assembly requested the judges of the High Court of Chancery to supervise the preparation of a supplement that would pick up where the 1769 Acts of Assembly left off. The result was A Collection of All Such Public Acts of the General Assembly, and Ordinances of the Conventions of Virginia, Passed since the year 1768, as are now in force. This new compilation was printed in Richmond in 1785 by Thomas Nicolson and William Prentis, very likely the same Prentis who once owned the Library's copy of the 1769 Acts of Assembly.

These two volumes are significant additions to the Law Library's already impressive collection of early Virginia case and statutory law. With only a few exceptions, all Virginia law materials printed before 1866 are housed in Special Collections, along with archive sets of Virginia Supreme Court reports, acts of assembly, and early codes. If you need to consult these or other Special Collections materials in the course of your research, just ask a reference librarian, who will bring these materials to you in the Merhige Special Collections and Rare Books Room. (And you were wondering how you could get in there!) — J.R.B.

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The Museletter is the official newsletter of the  
William Taylor Muse Law Library at the School of  
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