

THE COLOPHON

Newsletter of the Riesenfeld Rare Books Research Center University of Minnesota Law Library Spring 2011

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Thanks to the generosity of the University of Minnesota Law School Class of 2010, as well as Dean David Wippman, the Law Library now has an attractive casual seating area where students can comfortably study, quietly chat, and, on occasion, take a surreptitious catnap. Under the leadership of Brianna Mooty ('10) and Eugene Kim ('10 and 2009-10 Law Council President), last spring's graduating students raised funds to create a "cozy and tranquil" seating area on the Library's second floor as the Class of 2010 gift. The Law Council generously contributed to this fundraising effort to ensure that new seating, lamps, and tables could be purchased. Dean David Wippman authorized additional funding for a total refurbishment of the area including new electrical wiring and painting. What had been a functional but somewhat drab study alcove has now been transformed into a welcoming and airy seating space.

Piper Walters, Law Library Document Delivery Assistant, who holds an A.A.S. Degree in Interior Design and a B.A. in Art Studio, designed the space with an eye toward the way in which law students of the 21st century study and work collaboratively. Rather than being confined to an enclosed carrel, many students prefer to sink into the cushions of a large, comfy chair with their laptops resting on their knees, a book on a chair arm, an iPod blaring in their ears, and a map of the world spread at their feet. The students seem to particularly like the new study area with its combination of comfortable individual chairs, a couch, and bistro tables with stools. A study table (circa 1910) from the Fraser Hall reading room was incorporated into the area's design as a connection to the Law Library's rich and deep history.

Although with the advent of the wireless network students could theoretically study anywhere in the building, students are drawn to the Law Library as a welcoming place where they can focus, converse, and develop a sense of community with their classmates. The Library is as busy as ever with first year and upper division students, law journal editors, moot court directors, and the proverbial "library moles" good naturedly staking out their individual favorite spots. The Library's group study rooms are all booked long in advance as students work on joint classroom projects and clinic assignments.

Since the Law School's first dean, William S. Pattee, donated his personal collection of legal materials to the University in 1888, the Law Library has been a special place designed to support students as members of an intellectual and social community. As the needs and preferences of students have evolved over the past 123 years, the Library has responded by transforming its services and facility. The Library sincerely appreciates the support of the Class of 2010, the Law Council, and Dean Wippman for helping to ensure that the changing needs of our students are met.

Joan S. Howland

*Roger F. Noreen Professor of Law and
Associate Dean for Information and Technology*



Brianna Mooty, Class of 2010





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The University of Minnesota Law Library Named Recipient of the Papers of Judge James M. Rosenbaum

The Honorable Judge James M. Rosenbaum (Ret.) has designated the University of Minnesota Law Library as the recipient of his papers. Judge Rosenbaum served for twenty-five years as a United States District Judge for the District of Minnesota. The papers document the career of one of Minnesota's most distinguished jurists and are a significant acquisition for the Law Library.

The papers span the years 1985 through 2010, beginning with Judge Rosenbaum's nomination to the United States District Court for the District of Minnesota by President Ronald Reagan in 1985 and closing with his retirement from the bench in 2010. Judge Rosenbaum's leadership as Chief Judge of the District of Minnesota is particularly well-documented. Of special interest are the files covering his work representing the

Eighth Circuit at the Judicial Conference of the United States and his work on its Executive Committee. The Conference is the principal policy-making body with regard to the administration of the U.S. courts; members of the Executive Committee are appointed by the Chief Justice of the United States. Judge Rosenbaum's key role in the Conference is documented in extensive correspondence and in major reports.

The papers illuminate Judge Rosenbaum's vision and leadership in designing the United States Courthouse in Minneapolis. The Courthouse, which opened in 1997, set the national standard for technologically sophisticated courtrooms. Numerous files include information on Judge Rosenbaum's oversight of case management, finances, security, personnel, and research and information systems. Additional files relate to Judge Rosenbaum's support of changes to federal sentencing policies giving judges more discretion in sentencing decisions—a view supported by the U.S. Supreme Court in its 2005 ruling that

the U.S. Sentencing Guidelines were no longer mandatory but merely advisory.¹

Judge Rosenbaum's professional activities are documented in speeches, lectures, and articles covering a wide range of topics, including comparative law, constitutional law, judicial independence, intellectual property, patent litigation and enforcement, securities, electronic discovery, and professional ethics. The papers cover Judge Rosenbaum's service as a member of the Judicial Board of Advisors for the Sedona Conference, a legal community think tank focusing on antitrust law, complex litigation, and intellectual property rights. Judge Rosenbaum has served as President of the Federal Bar Association, Minnesota chapter, and is a member of the Board of Advisors of *The Green Bag* and one of its regular contributors. He has taught seminars for judges and lawyers in twenty countries worldwide and has written extensively on the intersection of law, privacy, and technology. In addition to documenting these and other professional activities, the papers include correspondence, photographs, and media reports. The papers do not include the official records of the court.

The papers reflect Judge Rosenbaum's legendary wit, humor, and eloquence. His knowledge of politics, history, literature, and popular culture is evident throughout his correspondence and writing. Each of Judge Rosenbaum's memoranda recording the decisions and discussions of the Judicial Conference includes language that is in turn "commanding, demanding, withering and self-effacing"—language used by David Phelps of the *Star Tribune* in describing the Judge's courtroom exchanges.² While the "short version" of each memorandum is strictly factual, the "long version" allows Judge Rosenbaum room to give rein to his quick wit. The "long version" of the Conference meeting of September 24, 2002, opens thus:

The District Judges began with breakfast at the Supreme Court. The Chief Justice's summer break obviously refreshed him. He was happy, chipper, and rather funny. He asked several judges about local political races (while seeming to have an excellent knowledge of each race). One judge asked me why Governor Ventura forswore another race. I, of course, being entirely uninterested in politics, had no opinion.

The memo continues for several pages, detailing for the reader the work of the Conference, "if," as Judge Rosenbaum notes at one point, "any readers can still breathe and take nourishment as this too-long epistle trudges its weary way forward."

Judge Rosenbaum received his B.A. from the University of Minnesota in 1966 and his J.D. from the University of Minnesota Law School in 1969. He began his career in Chicago as a staff attorney for VISTA and for the Leadership Council for Metropolitan Communities. On his return to Minnesota in 1972, he entered private practice, primarily as a trial lawyer. Judge Rosenbaum was appointed United States Attorney, District of Minnesota, in 1981. Four years later he was appointed to the United States District Court. In 2001, Judge Rosenbaum was elevated to Chief Judge of the United States District Court for the District of Minnesota, a position he held until 2008. He assumed senior status in 2009 and stepped down from the bench in August 2010. He is now associated with JAMS, a professional organization specializing in complex alternative dispute resolution.

The Judge James M. Rosenbaum Papers document Judge Rosenbaum's record of service on the federal bench and his contributions to the broader legal community. As with the papers of all eminent jurists, Judge Rosenbaum's papers shed light on the internal work of the court and the process of judicial deliberation. They are an invaluable source for biographical studies, and they enrich and inform the narrative history of the District Court. In addition, they contribute to the broader study of legal history, particularly the intersection of law and legal culture with American government and public life. The Rosenbaum Papers will be housed in the Riesenfeld Rare Books Research Center where they will be preserved for future generations of scholars. Portions of the papers will be open to researchers at a future date after they have been inventoried and cataloged.

Katherine Hedin
Curator of Rare Books and Special Collections

Notes

- 1 United States v. Booker, 543 U.S. 220 (2005).
- 2 David Phelps, "Judicial Opinions With Weight, Wit," *Star Tribune*, June 22, 2008.

Memorandum
Judicial Conference of the United States
September 11, 2001, Meeting

Judge Rosenbaum's memorandum describing the meeting of the Judicial Conference at the U.S. Supreme Court on September 11, 2001, captures in a unique way a defining event in history. (In this particular memorandum, the Judge frequently refers to his notes of the proceedings.)

The Conference meeting began, as always, at 8:30 a.m. with the District Judges' breakfast with the Chief Justice at the Supreme Court. ...When breakfast was over, at about 9:10 a.m., we adjourned to the Conference session. Everything seemed normal. At that time, it still probably was.

We convened in the Supreme Court's conference room. The Court's building, as you know, is beautiful. The conference room is huge, easily accommodating the rectangular table at which all 27 members of the Conference sit. The Conference members are surrounded by Conference Committee chairs and senior Administrative Office staff. This means the handsome 35-foot-ceilinged room contains approximately 75 people. No U.S. Marshals are present.

The Chief Justice has a personal executive assistant who is present at most of his official functions. She spoke with him briefly before we convened at 9:30 a.m. sharp.

The Chief Justice called the meeting to order and told us there were reports of an aircraft striking New York's World Trade Center. It seemed to be news of a horrible accident, but the Conference immediately proceeded to our regular visits by government officials.

[The memo then summarizes the remarks of Congressman F. James Sensenbrenner. Judge Rosenbaum ends this section with these words:] *My notes here reflect: "VERY SHORT"—the Congressman's comments felt somehow abbreviated and hurried. I had no idea why. The Chief Justice's aide then came in to speak to him for a moment.*

*Our next guest was Senator Patrick Leahy, Chair of the Senate Judiciary Committee. This was Leahy's first visit since the Democrats have assumed the Senate leadership. My notes here reflect "WORLD TRADE CENTER." The Chief Justice told us that a **second** aircraft had apparently struck the other World Trade Center tower. He said the report was the aircraft had hit one side of the building, and a ball of fire had emerged from the other.*

[The memo goes on to outline Senator Leahy's remarks on confirmation hearings, the public's perception of the Judiciary, and other subjects. The memo continues:] *We next heard from Representative [Howard] Coble. At this point, my notes read "PENTAGON EXPLOSION." Coble's comments were very brief, but we still didn't understand why.*

[The memo then covers the remarks of Senator Orrin Hatch, Senator Jeff Sessions, and Ralph Mechem. The memo continues:] *At this point, at approximately 10:10 a.m., the Chief Justice interrupted Mr. Mechem's presentation. The Chief suggested, in light of the ongoing events, that perhaps we should consider recessing the Conference until 10:00 a.m. the next day. It was then that we walked out of the Supreme Court's majestic conference room into a world forever changed.*

It seems strange as I write this, that we sat as we did, working, deliberating, and hearing our presentations, when the world was exploding outside our doors. We knew of the events, as I have related, and at the times I have mentioned. But we didn't have any television or commentary. The enormity of what was going on was outside the room. It's amazing to think of the difference between the world inside that room, as opposed to the world beyond its walls.

Selected Gifts from Friends of the Riesenfeld Rare Books Research Center

***The Institutes of Justinian*, by Thomas Cooper, 3rd ed., New York, 1852.**

Gift of Justice John E. Simonett (Class of 1951)

Thomas Cooper's edition of *The Institutes of Justinian* shaped the manner in which Roman law was understood by American lawyers. Thomas Jefferson's library, recreated at the Library of Congress, includes a first edition of this work (1812). Jefferson's copy was a gift from the author, a good friend with whom he carried on a correspondence.

Cooper was a radical politician, a free thinker, and, at various times, a Pennsylvania judge, a natural philosophy and chemistry professor at Dickinson College, and president of South Carolina College. Soon after emigrating from England, he criticized the Sedition Act, passed under John Adams' administration, in the *Northumberland Gazette*. His criticism of Adams led to his being tried under the very act he had criticized. During his trial he stated that he knew the king of England could do no wrong, "but I did not know till now that the President of the United States had the same attribute." (*An Account of the Trial of Thomas Cooper*. Philadelphia, 1800, p. 20.)

Justice Simonett's gift becomes part of a strong collection of Roman law in the Arthur C. Pulling Rare Books Collection, beginning with an impressive copy of *Corpus Juris Civilis* printed in Venice in 1498.



Honoré Daumier. *Lib Women (Bluestockings and Socialist Women)*. Paris: Leon Amiel, 1974.

Gift of Arvonne Fraser

Daumier, a nineteenth century French caricaturist and painter, is best known for his biting pictorial satires on the corruption of the government and the law, and the foibles of the upper classes. He was liberal, forward thinking, and openly critical of the king. Yet, he was deaf to the demands of women for equal rights. In this collection of caricatures, he ruthlessly ridiculed "bluestockings"—women with an interest in literature—and women involved in politics or socialism.

In addition to enhancing our collection of women's rights materials, this book adds to our excellent collection of 20th century limited press books.



Justice John Simonett and Doris Simonett, 1994. Justice Simonett received the Outstanding Achievement Award from the University of Minnesota Board of Regents at the Law School Commencement ceremony, May 1994.



Arvonne Fraser
Credit: Dan Marshall, 1998



William Pearce, Spring Alumni Weekend, 2010

University of Minnesota Law School Notebooks

The Law Library was pleased to receive several Law School student notebooks from William R. Pearce, Class of 1952. The notebooks, dating from 1948 to 1952, cover several subjects, including Antitrust, Conflict of Laws, Constitutional Law, Criminal Law, and Labor Law. One is from Modern Social Legislation, taught by Professor Stefan Riesenfeld, after whom the Rare Books Research Center is named.

The Riesenfeld Center holds a small but growing collection of Law School notebooks. These are a valuable resource for researchers interested in the history of the Law School and the development of legal education.



The Robert E. Hudec Papers

Marianne M. Hudec recently donated to the University of Minnesota Law Library the papers and letters of Robert E. Hudec, one of the most esteemed members of the Law School faculty and an internationally renowned scholar. The collection includes letters from Justice Potter Stewart, Dwight D. Eisenhower, Robert F. Kennedy, Edmund S. Muskie, Adlai E. Stevenson, and other key figures in politics and academia. The collection's letters are informative and substantive, revealing significant detail about Professor Hudec's role as an architect of international trade law and as one of the world's leading authorities on the World Trade Organization and its predecessor, the General Agreement on Tariffs and Trade.

Professor Hudec was a *summa cum laude* graduate of Kenyon College. He received an M.A. degree from Jesus College, Cambridge University and an LL.B., *magna cum laude*, from Yale University, where he was Editor-in-Chief of the *Yale Law Journal*. After graduating from law school, Professor Hudec served as a law clerk to Justice Potter Stewart of the United States Supreme Court. During the Kennedy Round of multilateral trade negotiations, he was Assistant General

Counsel to the Special Representative for Trade Negotiations in the Executive Office of the President of the United States. He served on the faculty of the Yale Law School before joining the University of Minnesota Law School faculty in 1972. Professor Hudec was the first professor to be appointed to an endowed chair, the Melvin C. Steen Professorship in Law.

Professor Hudec stood at the pinnacle of world trade law, international economic law, and dispute settlement in international trade. His books on international trade include *The GATT Legal System and World Trade Diplomacy*, *Developing Countries in the GATT Legal System*, and *Enforcing International Trade Law: The Evolution of the Modern GATT Legal System*. In 2002, Cambridge University Press published *The Political Economy of International Trade Law: Essays in Honor of Robert E. Hudec*, consisting of original essays by other leading trade experts. This kind of collection, called a "festschrift," represents a rare scholarly honor.

Professor Hudec retired from the Law School in 2000 and joined the faculty of the Fletcher School of Law and Diplomacy at Tufts University. He passed away on March 12, 2003.



Professor Robert Hudec and Marianne Hudec at "The Political Economy of International Trade Law," a conference at the Law School honoring Professor Hudec, September 15-16, 2000.



Credit: Hulton Archives/Getty Images

To Kill a Mockingbird: An American Classic Sings On

Fifty-one years ago—July 1960—Harper Lee published her American classic *To Kill a Mockingbird*. The success of the book was instant and enduring. It spent eighty-eight weeks on bestsellers lists, eventually selling some thirty million copies. Lee was awarded the Pulitzer Prize for Fiction in 1961. The book has been a staple in English classrooms for generations and has been called “our national novel” by Oprah Winfrey.¹ The movie version starring Gregory Peck as Atticus Finch is as much a masterpiece as the novel and was listed first in the *ABA Journal’s* list of twenty-five greatest legal movies.²

A story of racial injustice in the Deep South in the 1930s, *To Kill a Mockingbird* is in many ways a dark and disturbing book: it includes a house burned to the ground in the middle of the night; school children with no shoes, no lunch, and no hope; an old woman who is a drug addict; a false accusation of rape; a lynch mob; an innocent black man sent to the state penitentiary and shot seventeen times while trying to escape; and the attempted murder of two children and the stabbing to death of the assailant. Yet, it is a book that includes great

warmth, charm, and humor, a book which brings to life two of the most memorable characters in fiction: Atticus Finch and his daughter Scout.

The story is told through the eyes of Scout, who is eight when the novel ends, by which time she thinks there isn’t much left for her to learn “except possibly algebra.” (294) Naive, feisty, and outspoken, Scout’s descriptions of people range from amusing to downright hilarious. Calpurnia, the cook, with whom Scout fights battles “epic and one-sided,”

“. . . but in the secret courts of men’s hearts Atticus had no case.”

is “all angles and bones; she was nearsighted; she squinted; her hand was wide as a bed slat and twice as hard.” (12) Miss Caroline, on her first day of teaching first grade, has “pink cheeks, and wore crimson fingernail polish . . . high-heeled pumps and a red-and-white striped dress. She looked and smelled like a peppermint drop.” (22)

Dill, a neighborhood boy who spends summers in Maycomb, asks Scout to marry him, “then he promptly forgot about it. He staked me out, marked as his property, said I was the only girl he would ever love, then he neglected me. I beat him up twice but it did no good.” (42, 48) Aunt Alexandra is “analogous to Mount Everest: . . . she was cold and there.” (85) She had, nonetheless, “long ago, in a burst of friendliness [with] Uncle Jimmy produced a son named Henry.” (85) Scout reports that talking to her boring cousin Francis “gave me the sensation of settling slowly to the bottom of the ocean.” (89)

Scout and her brother, Jem, love Atticus and find him “satisfactory: he played with us, read to us, and treated us with courteous detachment.” (12) He is, however, “feeble: he was nearly fifty. When Jem and I asked him why he was so old, he said he got started late, which we felt reflected on his abilities and manliness.” Worse yet, “our father didn’t do anything. He worked in an office, not in a drugstore. Atticus did not drive a dump-truck for the county, he was not the sheriff, he did not farm, work in a garage, or do anything that could possibly arouse the admiration of anyone.” (97-98)

Scout loves a good fight, she hates dresses, and, as she explains when forced to help with Aunt Alexandra’s missionary circle, “Ladies in bunches always filled me with vague apprehension, and a firm desire to be elsewhere.” (242) Scout reacts with her fists when classmates accuse Atticus of being a “nigger-lover,” “the beginning of a rather thin time for Jem and me.” (82) Atticus asks her to hold her head high and keep her fists down. When a classmate calls her a coward, she walks away: “Atticus so rarely asked Jem and me to do something for him, I could take being called a coward for him. I felt extremely noble for having remembered, and remained noble for three weeks.” (84-85)

It is through Scout’s eyes that we are introduced to Maycomb,

Alabama, “a tired old town” where “a day was twenty-four hours long but seemed longer.” (11) It is a town where “ladies bathed before noon, after their three o’clock naps, and by nightfall were like soft teacakes with frostings of sweat and sweet talcum.” (11) But, it is also a dangerous world, a place where people belong to a certain class and are expected to play by certain rules. Jem tells Scout that there are four kinds of folks in the world: “There’s the ordinary kind like us and the neighbors, there’s the kind like the Cunninghams out in the woods, the kind like the Ewells down at the dump, and the Negroes.” (239)

Compassion and the coming of age are interwoven throughout the novel. The fascination of Scout, Jem, and Dill with their neighbor Boo Radley leads to rather mean childish pranks. Boo shows his heartbreaking need for friendship in the mysterious gifts he leaves for Jem and Scout in a knot-hole in the oak tree at the edge of the Radley lot. At the end of the book, Scout is able to see Boo not as a freak but as a “mockingbird”—innocent and harmless. In the last scene of the book, Scout listens to a story Atticus is reading to her and, alluding to both Boo and Tom Robinson, says about a character who is misunderstood, “when they finally saw him, why he hadn’t done any of those things . . . Atticus, he was real nice.” Her father responds, “Most people are, Scout, when you finally see them.” (295-296)

For the last fifty years, readers have been captivated by Scout’s voice and inspired by Atticus’s integrity. Indeed, Atticus has become a hero, especially among lawyers. “The name of Atticus Finch,” writes legal scholar Steven Lubet, “has been invoked to defend and inspire lawyers, to rebut lawyer jokes, and to justify (and fine-tune) the adversary system. Lawyers are greedy. What about Atticus Finch? Lawyers only serve the rich. Not Atticus Finch. Professionalism is a lost ideal. Remember Atticus Finch.”³ Morris Dees, founder of the Southern Poverty Law Center, claims that he decided to become a civil rights attorney after seeing the movie of *Mockingbird* at a drive-in theater in 1966.⁴ The *ABA Journal*’s recent article “The 25 Greatest Fictional Lawyers (Who are Not Atticus Finch)” acknowledges that Atticus is a “demigod:” “To lawyers, he was the lawyer they wanted to be. To non-lawyers, he fostered the desire to become one.”⁵

Literary scholar Alice Hall Petry compiled a sampling of the “glorification” of Atticus:

Atticus is “an upright lawyer in the Clarence Darrow tradition.”⁶

“The novel is, in part [Scout’s] convincing brief for her father’s sainthood” and a tribute to his “simple Christ-like goodness.”⁷

“Lawyer Atticus Finch, who defends [Tom Robinson], acts upon his conviction with Olympian wisdom and calm.”⁸

Comparisons of Atticus with the likes of Clarence Darrow, saints, and Olympians does not sit well with some scholars, who have put Atticus himself on trial. The first to question Atticus’s stature was Monroe Freedman, a professor of legal ethics at Hofstra University. In his essay “Atticus Finch, Esq., R.I.P.,” published in *Legal Times* in 1992, Monroe charges that Atticus never “attempts to change the racism and sexism that permeate the life of Macomb [sic], Ala. On the contrary, he lives his own life as the passive participant in that pervasive injustice. And that is not my idea of a role model for young lawyers.”⁹

A veritable firestorm resulted from Freedman’s accusations. *The New York Times* covered the story. Even Talbot D’Alemberte, President of the American Bar Association, came to Atticus’s defense: “[Sixty] years after Judge Taylor appointed Atticus Finch to defend a poor black man in *To Kill a Mockingbird*,

these two fictional heroes still inspire us. Contrary to what Professor Freedman asserts, Finch rose above racism and injustice to defend the principle that all men and women deserve their day in court represented by competent counsel, regardless of their ability to pay.”¹⁰

Freedman finally acknowledges in *Legal Times* that “the report in this column of the death of Atticus Finch was premature.” He writes: “During the past two years, this column has dealt with ‘Cases and Controversies’ involving unethical lawyers, dishonest judges, criminal conflicts of interest in the White House, and widespread maladministration of justice in our criminal courts. But never has there been such a fulsome response as to the column making the rather modest suggestion that a particular fictional character is not an appropriate role model for lawyers.”¹¹

For some, however, Atticus has remained a flawed figure. Professor Teresa Godwin Phelps of Notre Dame Law School recounts that for years she taught the book in her Law and Literature class. Atticus was admired as an exemplary lawyer. “Then one day in class a student raised her hand and told me that she was deeply troubled by such unflinching admiration of both Atticus and *To Kill a Mockingbird*. ‘Wait a minute,’ she said, ‘Tom Robinson is *dead!* Why am I supposed to feel good about this book?’”¹²



Credit: Library of Congress, NYWT&S Collection

Although Atticus vigorously defends Tom Robinson, he never believes Tom can win. Scout asks the question, “Atticus are we going to win it?” His answer is simply “No, honey.” (84) If that is true, argues Phelps, is the point of Atticus’s defense merely to help educate Maycomb, to begin to make them aware of their bigotry? Do we really see the humanity of Tom, or is he buried beneath the real story—the story of Atticus’s nobility?

After Tom is shot to death escaping prison, Scout realizes that “Atticus had used every tool available to free men to save Tom Robinson, but in the secret courts of men’s hearts

“Miss Jean Louise, stand up. Your father’s passin’.”

Atticus had no case.” (254) Yet, asks Phelps, does he indeed use all the tools at his disposal? Atticus is a state legislator—but he accepts the status quo. When Jem is upset that a racist jury could send a man to his death and challenges Atticus to “go up to Montgomery and change the law,” Atticus replies, “You’d be surprised how hard that’d be. I won’t live to see the law changed, and if you live to see it you’ll be an old man.” (233) Phelps argues that there is a disease in Maycomb that Atticus fails to see: “the disease of marginalization, of class distinctions that leads us to bifurcate our world into ‘us’ and ‘them.’”¹³

Although all is perhaps not as well in Maycomb as we may have thought, *To Kill a Mockingbird* remains a book to be cherished. It certainly includes some of the most memorable scenes in fiction. In one, Scout stands in the upper balcony of the courthouse after the guilty verdict is read:

[Atticus] walked quickly down the middle aisle toward the south exit. I followed the top of his head as he made his way to the door. He did not look up.

Someone was punching me, but I was reluctant to take my eyes from the people below us, and from the image of Atticus’s lonely walk down the aisle.

“Miss Jean Louise?” I looked around. They were standing. All around us and in the balcony on the opposite wall, the Negroes were getting to their feet. Reverend Sykes’s voice was as distant as Judge Taylor’s: “Miss Jean Louise, stand up. Your father’s passin’.” (224)

Another unforgettable scene is one of the last in the book, after Jem and Scout have been rescued from their attacker and are home on their porch. Scout, reflects writer Anna Quindlen, “has the best two words in the book and two of the best words that have ever been put into any book by any writer: ‘Hey, Boo.’ There are moments in books that make the hair stand up on the back of your neck, and ‘Hey, Boo’ is one of those moments.”¹⁴

Katherine Hedin

Curator of Rare Books and Special Collections

Notes

Citations of *To Kill a Mockingbird* refer to page numbers in the first edition, published by Lippincott (1960).

- ¹ Mary McDonagh Murphy, *Scout, Atticus, and Boo* (New York: Harper, 2010), 269.
- ² Richard Brust, “The 25 Greatest Legal Movies,” *ABA Journal* 94:8 (2008): 38.
- ³ Steven Lubet, “Reconstructing Atticus Finch,” *Michigan Law Review* 97 (1999): 1339.
- ⁴ Morris Dees, “Foreword,” *In Search of Atticus Finch: A Motivational Book for Lawyers*, Mike Papantonio. (Pensacola, Fla.: Seville, 1995), 7.
- ⁵ *ABA Journal* 96:8 (2010): 26.
- ⁶ “Sheer Purgatory,” *Times Literary Supplement* (Oct. 28, 1960): 697, quoted in Alice Hall Petry, *On Harper Lee* (Knoxville: Univ. of Tennessee Press, 2007), xxv.
- ⁷ Claudia Durst Johnson, “The Secret Courts of Men’s Hearts,” *Studies in American Fiction* 19 (1991):131-132, quoted in Petry.
- ⁸ Elizabeth Haselden, “We Aren’t in It,” *Christian Century* (May 24, 1961): 655, quoted in Petry.
- ⁹ Monroe Freedman, “Atticus Finch, Esq. R.I.P.,” *Legal Times* (Feb. 24, 1992): 21.
- ¹⁰ Talbot D’Alemberte, “Remembering Atticus Finch’s Pro Bono Legacy,” *Legal Times* (Apr. 6, 1992): 26.
- ¹¹ Freedman, “Finch, the Lawyer Mythologized,” *Legal Times* (May 18, 1992): 25.
- ¹² Teresa Godwin Phelps, “Atticus, Thomas, and the Meaning of Justice,” *Notre Dame Law Review* 77 (2001-02): 929.
- ¹³ Phelps, “The Margins of Maycomb: A Rereading of *To Kill a Mockingbird*,” *Alabama Law Review* 45 (1993-94): 514.
- ¹⁴ Murphy, 213.

LAW, LITERATURE, AND THE ARTS

***To Kill a Mockingbird* is but one title in the Law Library’s very popular Law, Literature, and the Arts Collection. The Collection includes authors ranging from Bernard Malamud to P.D. James to Scott Turow. The Collection also includes DVDs with a legal twist—favorites of students seeking respite from the rigors of Law School.**

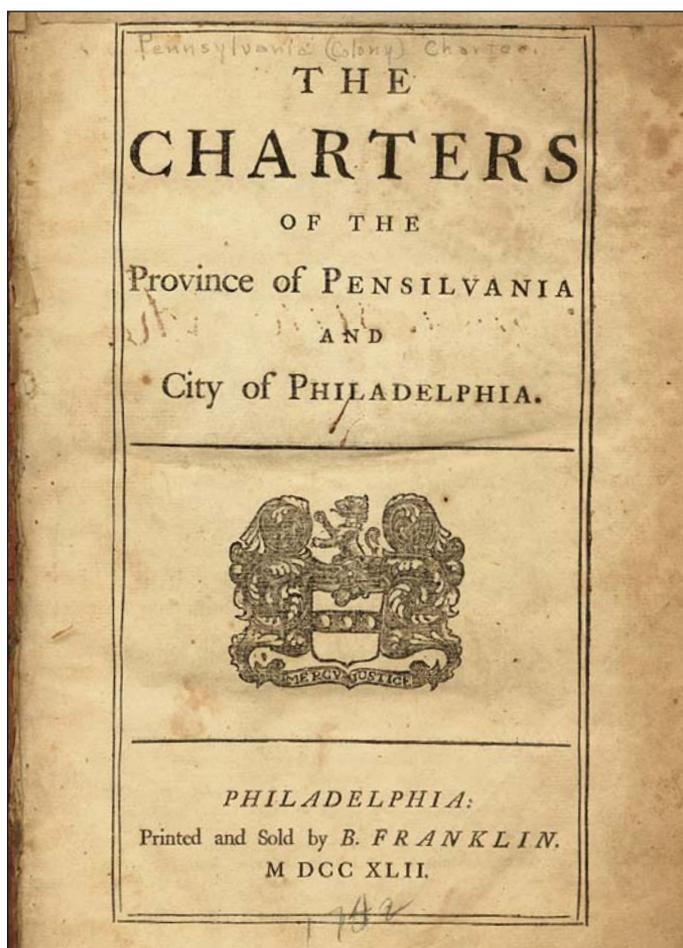
The Collection is housed in the Barbara Steffens Hedin Alcove on Law, Literature, and the Arts, made possible by a generous donation to the Law Library by Barbara S. and Douglas A. Hedin.

In 2006, the Hedins funded renovation of the space and donated their extensive collection of classic and popular legal fiction. The Hedins are voracious readers, especially of legal fiction, and have continued to support the development of the Law, Literature, and the Arts Collection.

The Early American Collection Riesenfeld Rare Books Research Center

No collection in the Riesenfeld Center illustrates more powerfully the potency of the written word than our collection of materials surrounding the Revolutionary War period and the founding of this country. These books did not simply record unfolding events—they inspired revolution. Thomas Paine’s stirring words in *Common Sense* caused a firestorm up and down the Atlantic. The publication of this little pamphlet was one of the defining events that led to the Declaration of Independence. So moved was George Washington by its message that he ordered copies distributed among all ranks of the army. The Townsend Acts, which imposed taxes on the colonies, passed quietly in the English Parliament—but interpreted by John Dickinson in *Letters to a Farmer* became a spark that helped set off a revolution. The essays by Alexander Hamilton, James Madison, and John Jay printed in *The Federalist* molded and defined a young nation and remain today an important source for the interpretation of the U.S. Constitution.

We have highlighted here a few of the treasures from the Early American Collection.



A rare printing by Benjamin Franklin

The Charters of the Province of Pensilvania and the City of Philadelphia. Bound with: *A Collection of All the Laws of the Province of Pennsylvania.* Bound with: *An Appendix.* Philadelphia, 1742. [i.e. 1743]

An exceptionally rare and important compilation of the laws of Pennsylvania, one of only 120 copies issued. The Charter grants the colonists “all Liberties, Franchises and Privileges” of those living in England—a firm foundation of liberties which eventually gave rise to revolution.

The Stamp Act

(Stamp Act). London, 1765.

A rare first printing of the Stamp Act, one of about 1,100 printed. John Adams wrote in his diary that “the enormous engine fabricated by the British Parliament for battering down all the rights and liberties of America, I mean the Stamp Act, has raised and spread through the continent a spirit that will be recorded to our honor, with all future generations.”¹

The Stamp Act was passed by Parliament in 1765 and required that most printed materials—legal papers, newspapers, pamphlets—carry a revenue stamp, some costing as much as ten pounds. While previous taxes had been “external” import duties and could be viewed as regulating trade, this tax was the first “internal” tax levied on the colonists. The Stamp Act inflamed the colonists: stamps were burned; riots broke out; colonial stamp distributors were hanged in effigy; and groups of protesters formed, calling themselves the Sons of Liberty.

In October 1765 the Stamp Act Congress was convened in New York to petition the King and Parliament for repeal of the measure. In March 1766 the Stamp Act was repealed, but the Act and the resulting protests had set in motion a revolutionary spirit throughout the colonies that could not be stopped.

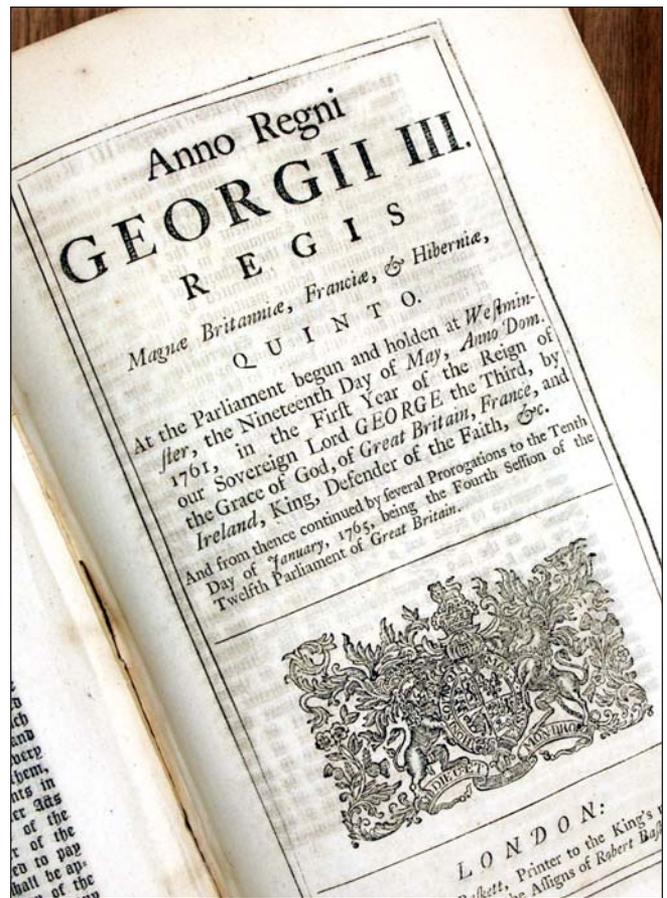
First complete account of the first American Continental Congress

Journal of the Proceedings of the Congress, Held at Philadelphia, Sept. 5, 1774. London, 1775.

With this is bound:

Extracts from the Votes and Proceedings of the American Continental Congress, Held at Philadelphia, on the Fifth of September, 1774. London, 1774.

An extremely rare first complete account of the first American Continental Congress.



(Stamp Act). London, 1765, pp 279-310.

First publication of the secret proceedings of the Constitutional Convention

Secret Journals of the Acts and Proceedings of Congress, From the First Meeting Thereof to the Dissolution of the Confederation by the Adoption of the Constitution. Boston, 1821.

The Constitutional Convention met in Philadelphia in 1787, ostensibly to amend the Articles of Confederation. Instead, the delegates wrote a constitution, adopted and signed on September 17, 1787. They worked in secrecy behind closed doors guarded by sentries; windows were nailed shut; no official records were kept. Before adjournment, the secretary, William Jackson, delivered “the Journals and other papers of the Convention” to George Washington, after destroying “all the loose scraps of paper,” which he deemed unimportant.² President Washington deposited these papers with the Department of State in 1796.

The debates, controversy, and compromises that gave birth to the United States were made public in 1819 when the *Secret Journals* were first printed. Edited by John Quincy Adams, the journals are based on the State Department documents, the journal of James Madison, and other material kept by the delegates.

Common Sense

Thomas Paine. *Common Sense*. Philadelphia: W. and T. Bradford, 1776.

The Law Library purchased *Common Sense* as its 999,999th volume. The pamphlet is one of the first editions of the “enlarged version,” published by William and Thomas Bradford on February 14, 1776. This edition was authorized by Paine due to a dispute over royalties between the author and Robert Bell, the original publisher. It had been Paine’s intention to devote his share of the profits from the sale of *Common Sense* to buy winter clothing for the Continental army, but Bell insisted that no profit had been realized from the first printing. Paine then authorized the Bradfords to publish this enhanced edition.

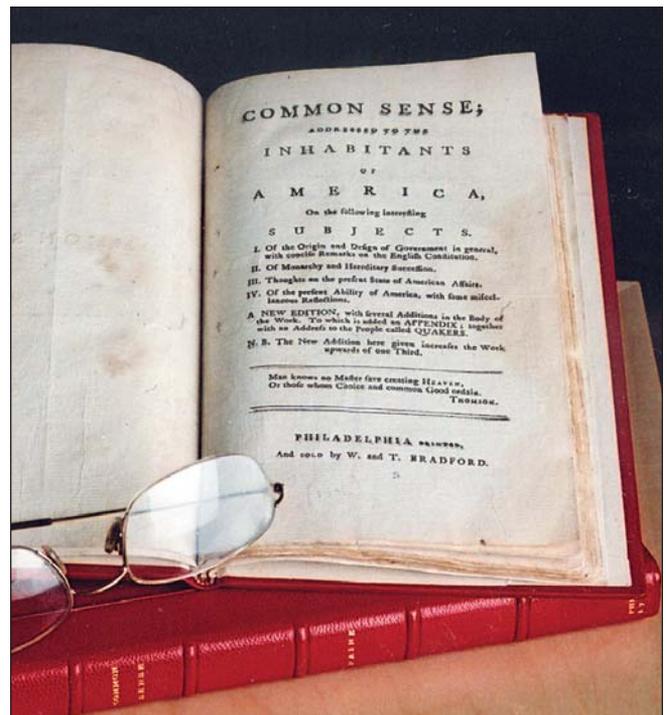
Common Sense has been called the “single most influential political work in American history” and is credited with “turning the American mind toward the thought of independence.”³ The first edition appeared in book stalls on January 10, 1776, and was an immediate publishing success. More than 120,000 copies of the forty-six page pamphlet were sold in just three months. Given a colonial population of around three million, that would be equivalent to selling over eleven million copies today.

Treaty of Paris

Authentic Copies of the Preliminary Articles of Peace..., Signed at Versailles, the 20th of January, 1783. London, 1783.

Great Britain formally acknowledged the independence of the United States in the Treaty of Paris. The preliminary agreements printed in this volume were signed as a definitive treaty on September 3, 1783. Article I of the treaty boldly acknowledged to the world the birth of a new nation: “His Britannic Majesty acknowledges the said United States . . . to be free, sovereign and independent states.”

The treaty was signed for the United States by Benjamin Franklin, John Adams, and John Jay. It was signed nine years after the First Continental Congress, eight years after Lexington and Concord, and seven years after the Declaration of Independence. John Adams would one day write to Thomas Jefferson, “My friend, you and I have lived in serious times.”⁴



“The most significant public-relations campaign in history”

The Federalist. New York, 1788.

A first and extremely rare edition of one of the most important documents of the United States. *The Federalist* includes eighty-five essays written by Alexander Hamilton, James Madison, and John Jay. The essays are, in the words of historian Richard Morris, an “incomparable exposition of the Constitution, a classic in political science unsurpassed in both breadth and depth by the product of any later American writer.”⁵ The essays were written to gain popular support for the proposed Constitution. “Some would call it the most significant public-relations campaign in history,” says the introduction to the Federalist Papers website at the University of Oklahoma College of Law.

Notes

- ¹ David McCullough, *John Adams* (New York: Simon & Schuster, 2001): 62.
- ² *Records of the Federal Convention*, ed. Max Farrand (New Haven: Yale, 1911): 1:XI.
- ³ Scott Liell, *46 Pages: Thomas Paine, Common Sense, and the Turning Point to American Independence* (Philadelphia: Running Press, 2003): 16.
- ⁴ McCullough, 285.
- ⁵ Richard Morris, *The Forging of the Union 1781-1789* (New York: Harper, & Row, 1987): 309.

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without Difficulty and without requiring
any Compensation.

Article 10.th

The solemn Ratifications of the
present Treaty expedited in good & due
Form shall be exchanged between the
contracting Parties in the Space of
Six Months or sooner if possible to be
computed from the Day of the Signature
of the present Treaty. In Witness
whereof we the undersigned their Ministers
Plenipotentiary have in their Name
and in Virtue of our Full Powers signed
with our Hands the present Definitive
Treaty, and caused the Seals of our Arms
to be affix'd thereto.

DONE at Paris, this third Day of September, in
the Year of our Lord one thousand seven hundred & Eighty three. —
D. Hartley John Adams.

B. Franklin

John Jay



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