December 2000

Papa Lyman Remembers- (Part of) The XX Century

Lyman Newlin

Book Trade Counsellor, broadwater@wnyip.net

Follow this and additional works at: <https://docs.lib.purdue.edu/atg>

Part of the [Library and Information Science Commons](#)

Recommended Citation

Newlin, Lyman (2000) "Papa Lyman Remembers- (Part of) The XX Century," *Against the Grain*: Vol. 12: Iss. 6, Article 29.
DOI: <https://doi.org/10.7771/2380-176X.3115>

This document has been made available through Purdue e-Pubs, a service of the Purdue University Libraries. Please contact epubs@purdue.edu for additional information.

graphs would be numbered. Although the U.S. courts did not adopt this proposal, the fact that it was seriously considered points out the enormous change that occurred in just a few short years.²⁹

As the importance of Internet research continued to grow, many courts posted opinions which had previously been unpublished. Unpublished cases had been accessible for a number of years through microfiche, newsletters, and looseleaf services. However, these cases were not very useful to attorneys because of court rules forbidding the use of unpublished cases.³⁰

In August of 2000, the 8th Circuit Court of Appeals declared that the rule forbidding the citation of unpublished cases was unconstitutional. The reasoning of the court was that "Inherent in every judicial decision is a declaration and interpretation of a general principle or rule of law. This declaration of law is authoritative to the extent necessary for the decision, and must be applied in subsequent cases to similarly situated parties. These principles, which form the doctrine of precedent, were well established and well regarded at the time this nation was founded."³¹ The 8th Circuit concluded that the Constitution did not allow courts to ignore previous decisions; to do so was an abuse of judicial power.

The ideas of vendor-neutral citation and use of unpublished cases are in many ways the last frontiers in legal research. Both of these concepts rely on access that has only been possible since the development of the Internet. The vendor-neutral citation format has been discussed or adopted in several states,³² and the use of unpublished opinions is on the rise. It remains to be seen what will happen with these two concepts.

Throughout the centuries, written law has give society rules to live by, and ideals to strive for. The printing press made reproduction of books feasible, and the Internet made publication easy. With the heritage of the printed law book keeping our liberty intact, we can start the new Millennium knowing that legal publishers and law libraries will play an important part in the world of tomorrow. As the future becomes the present, the written law ensures that we also look at our past. After all, those who cannot remember the past are condemned to repeat it.³³

duced at will in slide form for the library or by faculty on their Webpages? What about copying from more recently published books and periodicals or does the publisher or photographer now own the copyright?

ANSWER: Photographs of either two or three-dimensional works of art are also copyrighted. This is the case even though the underlying work is now in the public domain. The photograph of that work still may be protected since photographs are copyrightable regardless of subject. Many art history teachers, etc., have asked to have so-called "copy photography" exempted, but so far the Act has not been so amended.

Reproducing the photos is no different than copying any other copyrighted work for the library. For faculty Webpages, if access to the images are limited to one class, password protected, and available only one term without permission of the copyright holder, it may fall under the multiple copying guidelines since putting something on a restricted Website is the equivalent of multiple copying. However, teachers should closely follow those guidelines which includes restricting access to the class and removing access at the end of the term. Otherwise, it is infringement.

QUESTION: *An instructor wants to reproduce for her class reader a portion of an out-*

of-print book, published in 1970 by a small, independent publisher. The instructor has been unable to locate the publisher in order to seek permission, nor could she locate the printer. It appears that both are no longer in business. Further, the author cannot be found in the local phonebooks. Does the instructor have any other recourse for seeking permission to reproduce a portion of the book for the course reader? If a permission-granting source cannot be located, is it appropriate to apply the four factors delineated under the fair use section of the Copyright Act to evaluate whether or not to reproduce a portion of the work?

ANSWER: Not only is it appropriate to apply the four fair use factors, it is all that one can do. Then conduct a risk assessment. What is the chance someone will complain, and if they do so, what is the likely worst case scenario?

Since the publisher and printer appear no longer to be in business and the author is not in the phonebook, there are a couple of other things you might do. (1) Look for the author via the Internet and other phonebooks from surrounding towns. (2) Contact the U.S. Copyright Office to see if they can give you any clue from their records about the location of the copyright holder, since the defunct publisher may have transferred the copyright. Then, do the risk assessment. It may be that there is so little risk that the faculty member should just go ahead and reproduce the material for the course reader.

Papa Lyman Remembers (part of) The XX Century

by Lyman Newlin (Book Trade Counsellor, Broadwater Books) <broadwater@wnyip.net>

As usual, my story is being written just as the deadline approaches. But there's a coincidence with two notable dates. The first lines are being written on November 11, 2000. The November eleventh which stands out in my memory is that of nineteen hundred eighteen — the day ending World War I — Armistice Day as it was called until 1954 when its name was changed to Veterans Day and it became a national holiday commemorating the veterans of both world wars. On that day 82 years ago the town of Garrett, Indiana was wildly celebrating as were thousands of other municipalities large and small. But the Garrett celebration was atypical in that a large percentage of citizens were of German lineage. To have a German surname or accent or to be a pupil or in any way associated with a parochial school of Lutheran affiliation which used the German language (or had used it prior to America's entry in the War) was sure to be suspicious of being friendly to the "Enemy." Between our home and our school I had to pass a small Lutheran elemen-

tary school. If there were two or more fellow pupils going past that school and we could catch "one of them" we would chase him back into his school house. If we caught him he was due for a good pummeling. Kids were not alone in this physical display of "patriotism." During the first Armistice Day (11/11/18) celebration some "patriots" forced the Lutheran pastor to crawl on his hands and knees behind an American flag during a parade. I don't recall similar public behavior during or after WW II, although there was much "to do" about citizenry of Japanese lineage. Incidentally, just to show you how things come full-circle, I have been a Lutheran myself for more than three decades now, and both of my sons went to Lutheran catechism school.

The other recent and much more generally and cordially celebrated holiday was All Saints Day — Halloween. In fact this day is rapidly affronting Christmas as being generally more popular with kids. "Tricks or Treats" was not the way they did this holiday in my day—I can't

continued on page 79

Casalini Libri takes great pleasure in presenting **Reference Reviews Europe Annual**. With its abstracted reviews and bibliographical citations in English, **RREA** is a unique source for identifying and assessing the value of European reference works for academic libraries.

The abstracts in **Reference Reviews Europe Annual** represent a cumulative selection of the abstracted reviews available on the World Wide Web at <http://www.rre.casalini.it>, under the title *Reference Reviews Europe Online*. They derive from the reviews that appear quarterly in *Informations-mittel für Bibliotheken*, edited by Dr. Klaus Schreiber, Württembergische Landesbibliothek and published by the Deutsches Bibliotheksinstitut, Berlin.

On-line edition:
www.rre.casalini.it

Via Benedetto da Maiano, 3
50014 Fiesole - FI
Italy

Tel. +39/055.5018.1
Fax +39/055.5018.201

<http://www.casalini.it>
gen@casalini.it

Reference Reviews Europe Online (RREO)

is available for print subscribers at no additional cost:
<http://www.rre.casalini.it>

Vol.5 (1999), 224 pages, ISBN 88-85297-60-9

Vol.4 (1998), 181 pages, ISBN 88-85297-47-1

Vol.3 (1997), 200 pages, ISBN 88-85297-41-2

Vol.2 (1996), 199 pages, ISBN 88-85297-28-5

Vol.1 (1995), 205 pages, ISBN 88-85297-16-1

Annual subscription and single issue:

ITL 54,000/US\$ 30.00

Additional desk copies for subscribers:

ITL 18,000/US\$ 10.00

Papa Lyman Remembers from page 78

speak much for what kids in big cities did - I spent my sixth grade in Chicago and I recall soaping store windows on Madison Street west of Central and being chased by one of the proprietors. But oh, those outdoor privies in small towns and rural areas! To go down an alley and push over outhouses was great sport, especially if you could find one occupied. It was worth the risk of falling into an odoriferous pit. My father used to tell us about the supreme prank of his youth — the hoisting of a horse-drawn hearse on to the roof of their school house on the north edge of Decatur, Illinois, by a bunch of scholars some of whom became lawyers, bankers, and clergymen (Dad turned out to be a Presbyterian minister for sixty or so years thereafter).

Since our nation is currently in an election uproar I can recall a couple of interesting but innocuous predecessors. In 1924 our family occupied the Presbyterian manse in Shelby, Iowa. During the summer my dad acquired one of the very first radios with a loudspeaker and thus we replaced our earlier "tube" set headphones — During the August National Democratic Party Convention an Alabama Senator by the name of Underwood was a candidate for nomination as candidate for president. This must have been one of the most drawn out of all nominating conventions. I can still hear the clerk calling out "Alabama casts sixteen votes for Underwood"

time after time. Forgive me if I can't remember the correct number of Alabama votes nor the number of ballots cast before John William Davies was nominated to run (unsuccessfully) against Calvin Coolidge — Dad would take our telephone off the hook so that friends who had no radios could ring up and hear the goings on — This radio came only three or four years after our first which was one I made as a sixth grader by winding copper wire around an oatmeal box, with the wire attached to a "whisker" which was stroked across a piece of galena crystal. Don't ask me about why this could pull radio waves into your home. And TV was still 15 or more years in the future. I don't know about you but look at what evoked my memory by just these events of the past ten days!

Going back to Indiana for a minute — Garrett was about four miles from Auburn which was famous for the manufacture of high profile automobiles — The Cord, the Diana, the Moon, and the Auburn, and of course, the Dusenbergs. Did you know that in the 1920s over 200 different brands of automobiles were manufactured in Indiana? Michigan was still making lots of buggies. Auburn's auto museum is worth going out of your way to see some great cars. I learned to drive a model T Ford at age 9. I still have a scar on my right thumb from a Model T "Kick" (back-fire from having your spark lever too far down). No automatic transmission - in fact no shift lever on a model T. Three floor pedals: the left one was the clutch

— to the floor for start in low gear - halfway was neutral which you had to hold in that position to get into reverse by pressing middle pedal to the floor. Right pedal was brake which you applied with right foot while left foot pushed clutch pedal held way down — for neutral — No floor throttle; it was a lever on the right side of steering post (just below wheel) — a similar lever on left side increased the "spark" ignition — and too much of that in the cranking operation resulted in a backfire kick which often ended up in a broken wrist or arm or cut from the license plate.

The fuel tank was under the driver's seat. No fuel pump was needed: gravity took its place. If your fuel supply was low and you were on a steep hill, you turned around and "backed" up the hill. The reverse pedal also came in handy when your low gear was worn thin — again you merely turned around and pushed the middle (reverse) pedal because that gear was not used as much as low gear and up the hill you went backwards.

Going back to the telephone situation in the 1920s and 1930s. Although dial phones were not as yet in common use and patrons had to rely on the operator (often called "Central") and "party" lines with six or eight homes on the same line, there was one great advantage: One of the main social activities was visiting and playing cards with your neighbors. If the Joneses were at the Smiths for an evening of whist or pinochle and another neighbor wanted to advise of cattle in

continued on page 80

Publisher Profile — John Benjamins Publishing Co.

Edited by **Allison P. Mays** (Acquisitions Librarian, Millsaps College, 1701 N. State Street, Jackson, MS 39210; phone: 601-974-1083) <maysap@millsaps.edu>

North America:

John Benjamins Publishing Company
PO Box 27519, Philadelphia PA 19118, USA
Phone: 215-836-1200, 800-562-5666
Fax: 215-836-1204
Email: service@benjamins.com
www.benjamins.com www.benjamins.com

Europe and elsewhere:

John Benjamins Publishing Company
Amsteldijk 44, 1070 AN Amsterdam
The Netherlands
Phone: +31 20 6738156 Fax: +31 20 6739773
Email: customer.services@benjamins.nl
www.benjamins.nl www.benjamins.nl

ISBN prefixes:

0-915027 1-55619 1-58811 90-272

Officers: Seline Benjamins, Director
Paul Peranteau, General Manager (NA)

Vital Statistics: Number of Employees: 30
Estimated Number of New Titles in 2000: 90
In-print titles: 1500+

John Benjamins has two faces. One face is the antiquarian business in which the company buys and sells (usually) complete runs of journals of historical interest, usually in the arts and the humanities. Here a particular specialty is rare French art periodicals from the late 19th and early 20th centuries. The other face is that of an independent academic publisher. The company was founded by John and Claire Benjamins, who remain active in the management of the company, though the Chief Executive Officer of the company is now their daughter, Seline Benjamins.

With offices in Amsterdam, The Netherlands and Philadelphia, USA, the company is surprisingly young — the antiquarian interest dates back to the late sixties, while the company only began new book publication in 1976.

Highlighted by a strong traditional presence in the field of Linguistics, the John Benjamins new title list also contains important work in such other fields as Psychology, Literary Stud-

ies, Philosophy, Translation Studies, Interpreting, Terminology, Lexicography, Organizational Studies and Art History. The focus of the company is toward anything involving language and/or communication, publishing higher-level course books, as well as reference works, monographs, proceedings, and collective themed volumes. As with most publishers, John Benjamins has moved into Web ordering, CD-ROM publishing, on-demand publishing and so forth, taking advantage of various new technologies.

Many of the books are presented in such well-established book series as Current Issues in Linguistic Theory, Pragmatics and Beyond, Typological Studies in Language, and the Benjamins Translation Library - to mention just a few. More recently Advances in Consciousness Research has provided a forum for the groundbreaking research into consciousness, and Studies in Corpus Linguistics for books in corpus and computational linguistics. Information on the latest new book series can be found

on their Web site under NEW PROJECTS AND BOOK SERIES.

Among the journals published by John Benjamins can be found perennial names such as Studies in Language, Diachronica, English World-Wide, and Target. For the latest information on new journals, there is the section NEW JOURNALS on the Web site.

John Benjamins North America (JBNA)

Since 1981 JBNA has handled all book distribution and liaison tasks for John Benjamins in the US, Canada and Mexico. In addition JBNA distributes titles in Classics, Archaeology, and Philology from J.C. Gieben (Amsterdam) (90-6032).

B.R. Grüner Publishing Company (90-5063)

Since the acquisition in 1992 of the B.R. Grüner Publishing Company, a publisher of titles mainly in Philosophy, books under the B.R. Grüner imprint can be ordered directly from the appropriate John Benjamins office.

Papa Lyman Remembers

from page 79

the road rather than in their proper pasture, all patrons of the same party line had the news. If the Joneses were visiting at a home on a different line — it was only necessary to tell “Central” where to ring. Which brings up the “ring.” Each patron had a separate “ring.” Two longs and one short could be the Jones’ ring and one long and two shorts would be Smiths. Of course this system put “Central” in the position of news monger if not outrageous gossip. Naturally there would be a tendency to distort, exaggerate or even falsify. But on the whole the system worked and helping hands were much more evident than hindering hands.

In looking over a reprint of the May 1953 issue of “Consumer Reports” chiefly concerned with 1953 automobiles, I observe that several popular makes are no more — these include Hudson, Nash, Studebaker, Packard — If in 1953 a reader would have researched auto brand names of the mid twenties over two hundred makes would have been missing — This issue of Consumers also evaluates record changers and cartridges — no CD players —. Movies which scored highest in May 1953 were Walt

Disney’s BEAR COUNTRY; COME BACK LITTLE SHEBA, with Shirley Booth and Burt Lancaster; HIGH NOON, Gary Cooper and Gene Kelley; MOULIN ROUGE, José Ferrer and ZaZa Gabor. They don’t make ‘em like those any more!

Several legacies of the thirties and forties are still with us; included are End of Prohibition; The Work Progress Administration (WPA). In spite of shovel leaning workers as they labored on building bridges and public buildings, many of which are still in use, the Writers Project created State histories most of which are still in print and all are in demand by state history scholars. The Civilian Conservation Corps put thousands of unemployed, hapless young Americans to work in forestry, conservation, state and federal park improvement; many of which projects are flourishing today.

Some country boy memories — A wood burning cookstove with a hot water reservoir. Saturday night bath in a galvanized wash tub. Facts of life learned from older boys. When my brother and I were advised by these teen age know-it-alls of the human method of procreation, we vehemently disavowed such procedure on the part of “our” parents: after all our father was a preacher. Having used that word, I have cho-

sen not to bother my readers with the PK (preacher’s kid) litany — I have always pitied kids who lived in large cities without having gone through some country or small town living. I never learned to ride a bicycle — ponies and horses were plenty for me. Before the day of consolidated schools and their buses country kids walked or rode ponies to school. By high school time they had access to an automobile to “get in to town” — and that meant more opportunities to have a car for an important date. Drivers’ licenses were non existent — speeding tickets were unheard of — even if your car were capable of 60 mph, where could you find a road that wouldn’t shake you and your car to pieces after 45mph? Although booze was not unknown to autodrivers during Prohibition, DWI was an unhead of occurrence. For a teenage fellow to get the family auto and tool around the “Square” at 3 mph meant that other guys would envy him and girls would pay attention to him.

As I wind up these memories, the TV and radio “business” reporters are blabbering about on-line retailers and mouthing the promises of rectifying delinquent 1999 blunders. My question is how long can these vendors continue hoodwinking investors as well as customers? HAPPY NEW YEAR!