

The LLMC-Digital Newsletter

Issue No. 8: June 2004

The *LLMC-Digital* Charter Members annual meeting will be held in Boston during the AALL convention on Monday, July 12, at 5:30–6:30 PM. The meeting room will be listed in the final version of the AALL delegates' program book. This 28th annual meeting held by LLMC will be the First Annual Meeting held by the *LLMC-Digital* Charter Membership Community. All Charter Member libraries are invited to have a representative in attendance.

As always, the main official business of our annual meeting will be to elect Directors and Councilors to fill open slots on our governing Board of Directors and Advisory Council. The list of current incumbents in both bodies appears below.

[\(endnote #1\)](#)

In Boston we will be electing two colleagues to serve open four-year terms on LLMC's corporate Board of Directors. Following traditional practice, the current Board members have recruited and will nominate candidates for these positions who are able and willing to serve. The Board nominees for the two four year slots being vacated by long term directors Carol Billings and Blair Kauffman are: Judith Gaskell, Librarian to the Supreme Court of the U.S., and Carol Roehrenbeck, Director of the Rutgers-Newark University Law Library.

In addition, due to the early resignation of Board member Dan Lavering for professional reasons, the Board has recruited and will nominate Richard Amelung, Head of Technical Services at St. Louis University Law Library to fill out the two years remaining in Mr. Lavering's term. Nominations from the floor for these three positions are also in order.

In addition to the election of new directors, we also will be electing six colleagues to fill the slots of individuals whose three-year terms as LLMC-Digital councilors are expiring: John Christensen, James Fox, Judith Gaskell, Kent McKeever, John Pedini, and Ed Schroeder. [\(See footnote one for the institutional affiliations\)](#) Nominations for these Advisory Council positions will take place from the floor at the July 12 meeting.

Voting entitlements at this year's meeting will be governed by the revised rules adopted by the delegates attending the 2003 LLMC Participating Libraries Meeting. At that meeting the delegates voted, both to transfer all of the assets of LLMC-Fiche to *LLMC-Digital*, and also to transfer their accumulated voting rights to the Charter Members of *LLMC-Digital*. LLMC voting rights had always been tied to the cumulative level at which a given library had supported LLMC over the years by purchasing its fiche product. Under the new system voting rights derive from the category level at which a Charter Member library sub-scribes to *LLMC-Digital*.

[\(endnote # 2\)](#)

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Ballot packets for representatives of Charter Member libraries will be available for pickup at the meeting. When you arrive, please come to the front of the room where our Business Manager, Debbie Bagwell, will be handing out the ballots.

Regrettably, an IRS rider on our non-profit 501(c)(3) award prohibits voting by non-institutional libraries. Despite that ungracious ruling, our non-institutional members can rest assured that we welcome and appreciate their attendance at the meeting and value their programmatic input. ([endnote # 3](#))

Our remaining regular business at the July meeting will be a report from the executive Director on progress in the past fiscal year and upcoming LLMC projects. Given the fact that most current developments for LLMC-Digital have been covered in these newsletters, his report will be quite short. The floor will then be opened for new business and members questions and comments.

These annual meetings provide one of the few opportunities for the LLMC Directors, the Advisory Council members, and LLMC staff, to directly interact with the membership as a group. So we look forward to your participation. In addition, please feel invited to buttonhole LLMC staff at the LLMC booth, or those of your colleagues serving as Directors or Councilors elsewhere during the convention. Whatever the venue, do make us aware of your ideas on how we can serve you better — *On Film & On-Line* — in the next quarter century. Thanks for your continued interest in and support for the work of the Consortium. It was the steady support over the years of you and your colleagues which put LLMC into the position to be able to start its new digital venture.

Understanding Iraq

With a leader like that, ya gotta wonder where this is heading. But not to worry! There is an LLMC connection here. Moreover, our goals are modest enough to be attainable in the fairly near future.

Each day's headlines remind us that the United States, its allies, and the whole world have festering problems demanding solutions all over the Middle East, particularly in Iraq. Solving those problems will take time, dedication, sacrifice and treasure. But it will also take understanding of the history of how those problems have developed and what has gone before. This is where LLMC can make a small contribution.

The U.S. involvement with Iraq is relatively recent, going back to the mid-1980s and the Reagan administration. But the principal U.S. ally of today, Great Britain, had a

serious stake in Iraq long before the U.S. became involved. Great Britain's Iraqi adventure began during the First World War as part of the campaign to topple the Ottoman Empire, an ally of Germany.

In the last century of their empire, the Ottomans were weak, and their control over the separate parts of their ramshackle empire was often nominal. Their Middle Eastern provinces in the area called Mesopotamia, one of which was named Iraq, slumbered along in a backward lethargy. Life under the Sublime Porte, while hardly progressive, was relatively peaceful. The Ottomans had something of a genius for disdainful tolerance, particularly in matters of religion. Despite their differing persuasions, large numbers of Shias, Sunnis, and Kurds, and even some Christians and Jews, were able to abide in the same regions in tolerable harmony. The British invasion removed that safety net of benign neglect and re-

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quired the creation and imposition of a wholly new method of military and civil administration.

This the British were happy, and felt themselves supremely qualified, to provide. They already had over three hundred years of experience in administering conquered territories. So there were many tried and true models of administration to pick from. For somewhat accidental reasons the model chosen matched quite closely that employed in British India. ([endnote # 4](#))

It is our great good fortune that much of the documentation, legal and administrative, for the British period in Iraq was collected and preserved by the same twelve great law libraries whose British Empire and Commonwealth holdings are described in the bibliography, *The Common Law Abroad*, which serves as the template for LLMC's ongoing Common Law Abroad project. ([endnote # 5](#))

As mentioned in an earlier *Newsletter*, given the obvious contemporary interest in Iraq and the former British Middle East, the LLMC Directors felt that it would behoove us to "jump the queue" with the filming and/or scanning of these materials so that they can be made available for scholarly use as quickly as possible.

We are happy to report that this project has now begun. The first large batch of Middle Eastern materials has now been shipped out from the Law Library of the Association of the Bar of the City of New York. We are beginning with the ABCNY holdings because that library happens to have one of the richest lodes of such material covering the era in question. All of the British Middle East titles will be scanned, using our newly installed digital-scanning equipment, and then mounted on *LLMC-Digital*. The images subsequently will be written to film for preservation reasons and to serve those who desire copies in fiche.

A preliminary aid has been assembled for those wishing to survey the intended scope of the project. By courtesy of the copyright holder for the *Common Law Abroad* bibliography, the Wm. S. Hein Company, all of the bibliographic data for LLMC's Middle East collection has been mounted on LLMC regular web site: www.llmc.com. Just go to our home page and click on the *Common Law Abroad Project* section.

We expect that the bulk of the Middle East titles listed on the web site will be digitized and mounted on LLMC-Digital before the end of this year. (endnote # 6) It is our fond hope that the availability of these materials will serve scholars well during this period when the United States, in cooperation with its allies and the U.N. is striving to provide the longsuffering peoples of Iraq with something approaching self-government and, perhaps, even independence. ([endnote # 7](#))

Page 4 begins in the middle of endnote # 7

Endnotes:

1.) LLMC-Digital 2003/ 2004 governing structure:
The final year of each person's term is listed behind their name.

Board of Directors:

Carol Billings Dir., L.L. of Louisiana (04)
Georgia Clark L.L. Dir. (Rep. Wayne St.U.)
Jerry Dupont (LLMC Executive Dir. ex officio)
Stuart Ho (Rep. U.Hawaii)
Roger Jacobs Dir., Notre Dame U.L.L. (05)
Blair Kauffman Dir., Yale U.L.L. (04)
Dan Lavering Dir., Judge Adv. Gen. Sch.L.L. (06)
Margaret Leary Dir., U.Mich. L.L. (07)
Ann Rae Dir. U.Toronto L.L. (07)
Maryruth Storer Dir., Orange County L.L. (05)
Jules Winterton Dir., In.Advan.LegalSt.L.L. (06)

Advisory Council:

Bob Buckwalter *Asso. Dir. Harvard U.L.L.* (05)
John Christensen *Dir. Washburn U.L.L.* (04)
John Davis *Dir. York U.L.L.* (06)
Joel Fishman *Libn. Allegheny Cnty.L.L.*(06)
James Fox *Dir. Dickinson S.L.L.* (04)
Judith Gaskell *Dir. U.S.Sup.Ct.L.* (04)
Bruce Johnson *Dir. Ohio St.U.L.L.* (06)
Kent McKeever *Dir. Columbia U .L.L.* (04)
James Mumm *Libn. Marquette U.L.L.* (06)
Rita Parham *Libn. La.St. U.L.L.* (06)
John Pardini *Libn., Social L.L.* (04)
Mary Persyn *Dir. Valparaiso U.L.L.* (06)
Kathy Price *Dir. N.Y.U.L.L.* (05)
Tom Reynolds *Asso. Dir. Ret. UC,Berk. L.L.* (05)
Carol Roehrenbeck *Rutgers-Newark U.L.L.* (05)
Ed Schroeder *Dir.Ret. Fl.St. U.L.L..* (04)
Chris Simoni *Dir. Northwestern U.L.L.* (06)

- 2.) See the insert to this newsletter for a list of Charter Members and their voting entitlements.
- 3.) Non-institutional Charter Members may also take comfort in the fact that the LLMC Board of Directors has voted finally to appeal this IRS ruling. The Board feels that the ruling does not reflect current IRS practice. In addition, there was some talk at the time when the IRS issued its ruling over twenty years ago that the Service feared that for-profit law firms might end up dominating LLMC and thus imperiling its not-for-profit character. Given LLMC's current makeup, such dominance would never be possible. Since law firm and corporate Charter Members account for only about 5% of the voting entitlements, they are permanently precluded from such dominance. Because they wanted that fact to be established before beginning an appeal, the Board has been waiting for the Charter Membership period to end before taking action. Now that that milestone has passed, the Executive Director has been instructed to begin the appeal.
- 4.) At the end of WW I, Lloyd George's victorious government in England was filled with men (and a few women) who assumed that they enjoyed the right to mould the destinies of the inhabitants of the world, to say nothing of the Middle East. Whether that right came from divine mandate, or whether it flowed from the practical fact that the British had managed not to lose the Great War, New Imperialists were firmly in the saddle. A cabal of self-styled Middle East experts and old British India hands, surrounded Lord Curzon, the British Foreign Secretary. Curzon, as it happened, was a former Viceroy of India. Curzon and his New Imperialist allies seem to have to have been endowed with what Lord Ripon once described as "that genius for sowing the seeds of future trouble which British politicians so often display when dealing with the affairs of remote communities." They believed that Mesopotamia, as the area was styled during the war, should be annexed for administrative purposes to the Government of India, to serve as yet another buffer state securing the Lifeline-to-India and fending off possible future trouble from Russia. Because of their own background, they fashioned an administration set up along Indian lines. They also proposed that Mesopotamia would be governed, not directly by the British Government, but as appendage of the Government of India.
- 5.) For an overall description of this project, see the main LLMC web site: www.llmc.com
- 6.) There will, of course, be stragglers; especially for items published after the 1920s, where copyright releases may have to be negotiated.
- 7.) While one must hope, the auguries derived from the British experience are not propitious. In the British era, true independence for the country, or autonomy for differing ethnic groups, was not in the cards. While Britain and France had pledged during the Great War to adhere to the Fourteen Points promulgated by President Wilson, they had

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little intention of doing so. The initially secret Sykes-Picot agreement of 1916 partitioned the Middle East into future British and French spheres of interest. This flatly contradicted the Wilson doctrine, but, at least with regard to the Middle East, Wilson himself appears to have lost interest. He abandoned the region to Great Britain and France, who were given the fig leaf of League of Nations Mandates to disguise their colonial interests. France took Syria and Lebanon and Great Britain got Palestine and Mesopotamia, the latter now dubbed Iraq. It was the first of at least three historically-documented American betrayals of the Iraqi Kurds. When Sheik Mahmud al-Barzani attempted to use the Wilsonian Fourteen Points as justification for establishing a separate Kurdish state in early 1919, British and Indian troops were dispatched to rein him in. His appeal to President Wilson for diplomatic assistance was ignored. It was a bloody affair, with some of the means used by the Empire not bearing close scrutiny. The British Civil Administrator in Baghdad, Colonel Sir Arnold Wilson even requested permission from Winston Churchill, then Secretary for War, to use poison gas on the Kurds; which he approved, although in that campaign it

appears the option was not exercised. Things got even more desperate in 1920, when agitation for ethnic independence spread to the Sunni and Shia portions in the middle and south of Iraq. The British general in that region, although he had roughly 5,000 British and 25,000 Indian troops at his disposal, could not put down the insurrections and began to clamor for large supplies of poison gas, some of which reportedly was used. The latter fact is disputed, although it hardly matters, since the real source of British might was that they held total control of the skies. Using the full force of their newly-invented air squadrons, they bombed the villages of the insurgents into submission.

By the end of 1920 the rebellion had been temporarily beaten back, but the Government-of-India style administration set up by Sir Arnold was in shambles. Great Britain had “won” the war, but the British—public, press and Commons—had had enough of the waste of treasure and lives. It was mostly the money. Iraq was costing too much. Winston Churchill was moved over to the Colonial Office by the government of the day with instructions to devise ways to stay in Iraq as cheaply as possible. His solution was executed at the Cairo Conference of March 1921. Iraq, which had never been governed as a unit, would be made an independent kingdom, with an hereditary monarchy. Conveniently, the British had a spare monarch on hand. They had always been friendly with the Hashemite family of the Arabian peninsula, and earlier had tried to install Prince Faisal of that family as King of Syria. But when the French secured the Syrian mandate, Faisal became unemployed. Churchill’s solution was to move him one country over as the “hereditary” King of Iraq. For good measure his brother, Abdullah, was made the “hereditary” King of Tran Jordan, another artificial British invention comprising the British-mandate lands on the eastern bank of

the Jordan River. By treaty both new kings were surrounded with British advisors, while Great Britain retained the right to maintain military bases on Iraqi soil indefinitely. British officials held responsible positions in all of the important ministries, but their influence was expected to be “indirect, rather than direct.” A letter sent by the British High Commissioner to all British officials in 1930 instructed that “during the next few years, British officials should, as much as possible, leave the real as well as the ostensible control of administration in the hands of their Iraqi colleagues.” The British India princely-state model was adapted to local needs. The natives remaining restless, they were kept under control by a novel, and blessedly inexpensive, system called “air control.” This involved relatively indiscriminate bombing of any villages harboring dissidents. Both kings, Jordan and Iraq, were provided with RAF bombers, supported by armored car squadrons and detachments of locally-recruited soldiers serving under British officers. There were occasional protests. One British pilot, Colonel Francis Humphreys, wrote: “Much needless cruelty is necessarily inflicted, which in many cases will not cower the tribesmen, but implant in them an undying hatred and desire for revenge. The policy weakens the tribesman’s faith in British fair play.” Whatever the odd reservation, the beauty of the policy was that Great Britain was able to retain effective control of Iraq and its oil from 1930, when Britain relinquished its mandate and Iraq became nominally independent, until the mid-1950s. During that period Britain occupied bases, trained and equipped the Iraqi army, and held the right to the use of additional bases in the event of war. These rights were claimed during WW II and had a measurable effect on Great Britain’s ability to keep Germany out of the Middle East. A succession of weak kings followed Faisal until after World War II, when the last king was deposed and various strongmen emerged in succession. In 1979 the Baath party leader Saddam Hussein, with help from the Reagan Administration, which appreciated his anti-communist and anti-Iran credentials, emerged as the unquestioned dictator. By that time the British and their bases were long gone, and it was the Americans who were auditioning for a role in Iraq.

Insert to Newsletter # 8 (2 pages in the original)

The *LLMC-Digital* Community

LLMC-Digital is an on-line utility providing access to the law and law-related collections developed by the Law Library Microform Consortium (LLMC), a non-profit library cooperative, founded in 1976. LLMC is dedicated to the fulfillment of its member libraries' needs for *Preservation, Collection Development and Space Recovery on Film and On-Line*. It is owned by the Charter Members of the *LLMC-Digital* on-line service, and is managed by a Board of Directors and Advisory Council elected directly by those Members.

Charter Members by Membership Category

Category A (178 libraries, 69.5% of population, 6 votes each, 77.3% of vote)

U.Akron LSL, U.Alabama LSL, Albany LSL, American U.-Washington CLL (D.C.), Appalachian LSL, U.Arizona LSL, Arizona State ULSL, U.Arkansas-Fayet. LSL, U.Arkansas-Little Rock-Pulaski Cnty. LL, Ave Maria LSL, U.Baltimore LSL, Barry ULSL, Baylor ULSL, Boston Col.LSL, Boston ULSL, Brigham Young ULSL, Brooklyn LSL, California Western LSL, U.California-Berkeley LSL, U.California-Los Angeles LSL, Capital ULSL, Case Western ULSL, Catholic ULSL, Charleston LSL, U.Chicago LSL, Chicago-Kent LSL, Cleveland State ULL, U.Colorado LSL, Columbia ULSL, U.Connecticut LSL, Thomas Cooley SLL, Cornell ULSL, Creighton ULSL, U.Denver LSL, DePaul ULSL, U.Detroit - Mercy LSL, U.District of Columbia LSL, Drake ULSL, Duke ULSL, Duquesne ULSL, Emory ULSL, U.Florida LSL, Florida A&M ULSL, Florida Coastal LSL, Florida International LSL, Florida State LSL, Fordham ULSL, Franklin Pierce LSL, George Mason ULSL, Georgetown ULSL, George Washington ULSL, U.Georgia LSL, Georgia State ULSL, Golden Gate ULSL, Gonzaga ULSL, Harvard ULSL, Hamline ULSL, U.Hawaii LSL, Hofstra ULSL, Hogan & Hartson (DC), U.Houston LSL, U.Idaho LSL, U.Illinois LSL, Southern Illinois ULSL, Indiana ULSL (Bloomington), . Indiana ULSL (Indianapolis), U.Iowa LSL, Jenkins MLL, (Phil.), John Marshall LSL (Atlanta), John Marshall LSL (Chicago), Jones, Day, Reavis & Pogue (DC), U.Kansas LSL, U.Kentucky LSL, U.LaVerne LSL, Liberty LSL, Los Angeles County LL (CA), Louisiana State ULSL, U.Louisville LSL, Loyola-Chicago LSL, Loyola-Los Angeles LSL, Mc George SLL, Marquette ULSL, U.Maryland LSL, Mercer ULSL, U.Miami LSL, U.Michigan LSL, MichiganState-Detroit Col.L.LL, U.Minnesota LSL, Mississippi Col.LSL, U.Missouri-Columbia, U.Missouri-Kansas City LSL, U.Montana LSL, U.Nebraska LSL, U.Nevada-Las Vegas LSL, New England SLL, U. New Mexico LSL, New York App. Div. LL (Rochester), New York Law Sch. LL, New York Univ. LSL, City Univ. of New York LSL, State Univ. of New York-Buffalo LSL, U.North Carolina LSL, U.North Dakota LSL, Northern Kentucky, Chase Col. LSL, Northeastern ULSL, Northwestern LSL (OR), Northwestern ULSL (Chi.), Notre Dame ULSL, Nova Southeastern ULSL, Ohio Northern CLL, Ohio State ULSL, U.Oklahoma LSL, Oklahoma City ULSL, Orange County LL (CA), U.Oregon LSL, Pace ULSL, U.Pennsylvania LSL, PennsylvaniaState- Dickinson LSL, Pepperdine ULSL, U.Pittsburgh LSL, Quinnipiac ULSL, Regent ULSL, U.Richmond LSL, Rutgers-Camden ULSL, Rutgers-Newark ULSL, U.San Diego LSL, U. San Francisco LSL, U.Santa Clara LSL, St. Mary's ULSL, St. John's ULSL, St. Louis ULSL, St. Thomas ULSL (FL), St. Thomas ULSL (MN), Seattle ULSL, Seton Hall ULSL, Sidley, Austin, Brown & Wood (Chi.), U.South Carolina LSL, South Texas Col.LL, U.Southern California LSL, Southern Methodis ULSL, Southern New England SLL, Southwestern ULSL, Stanford ULSL, Stetson ULSL, Suffolk ULSL, Syracuse ULSL, U.Tennessee LSL, U.Texas LSL (Austin), Texas Southern SLL, Texas Tech ULSL, Texas

Wesleyan LSL, Thomas Jefferson LSL, Touro LSL, Tulane ULSL, U.Tulsa LSL, US Army JAG Sch. LL, Cat. A Cont. US Library of Congress, U.Utah LSL, Valparaiso ULSL, Vanderbilt ULSL, Villanova ULSL, U.Virginia LSL, Wake Forest ULSL, Washburn ULSL, Washington ULSL (St. Louis), U.Washington LSL (Seattle), Washington & Lee ULSL, Wayne State ULSL, Western New England SLL, Whittier Col.LSL, Widener ULSL, Willamette ULSL, Col.-William & Mary LSL, William Mitchell Col.LSL, U.Wisconsin LSL, U.Wyoming LSL, Yale ULSL, YeshivaU.-Cardozo SLL

Category B (42 libraries, 16.4% of population, 5 votes each, 15.2% of vote)

U.Alberta LSL (Can.), Arnold & Porter (DC), U.British Columbia LSL(Can.), U.Calgary LSL (Can.), California Appellate Court Libraries, Covington & Burling (DC), Dalhousie ULSL, Faegre & Benson (MN), Gibson, Dunn & Crutcher (L.A.), Institute of Advanced Legal Studies, LL (U-London-UK), U.Laval LL (Can.), McGill ULSL (Can.), McGuireWoods (Richmond), U.Manitoba LL (Can.), Michigan StLL, Montana StLL, U.Montréal LSL, U.New Brunswick LSL (Can.), U.Ottawa LL (Can.), Queen's ULSL (Can.), San Bernadino CntyLL (CA), San Diego CntyLL (CA), San Francisco LL (SF C&C), U.Toronto LSL (Can.), US Supreme Court LL, US 1st Circuit Ct. Apps. LL & affiliated District Ct. libs., US 2nd Circuit Ct. Apps. LL & affiliated District Ct. libs., US 3rd Circuit Ct. Apps. LL & affiliated District Ct. libs., US 4th Circuit Ct. Apps. LL & affiliated District Ct. libs., US 5th Circuit Ct. Apps. LL & affiliated District Ct. libs., US 6th Circuit Ct. Apps. LL & affiliated District Ct. libs., US 7th Circuit Ct. Apps. LL & affiliated District Ct. libs., US 8th Circuit Ct. Apps. LL & affiliated District Ct. libs., US 9th Circuit Ct. Apps. LL & affiliated District Ct. libs., US 10th Circuit Ct. Apps. LL & affiliated District Ct. libs., US 11th Circuit Ct. Apps. LL & affiliated District Ct. libs., US DC Circuit Ct. Apps. LL, U.Victoria LSL (Can.), Willkie, Farr & Gallagher (NY), U.Windsor LSL (Can.), Wisconsin StLL, York ULSL (Can.)

Category C (15 libraries, 5.8% of population, 4 votes each, 4.3% of vote)

Alameda County LL(CA), Allegheny CntyLL(PA), Supreme Court of Canada, Cincinnati LL Assn. (OH), Connecticut StLL (Hartford), Holme, Roberts & Owen (Denver), Kramer, Levin, Naftalis & Franklin (NYC), Law Society of Upper Canada LL, Ohio Supreme Court LL, Oregon StLL, Louisiana StLL, Phoenix Superior Ct.Lib., Princeton UL, Riverside CntyLL (CA), Law Society of Saskatchewan LL, (Can.)

Category D (9 libraries, 3.5% of population, 3 votes each, 1.9% of vote)

Broome County LL (NY), National Library of Canada (Ottawa), Jackson County LL (MO), Rhode Island StLL, Santa Clara County LL (CA), Schwab, Williamson & Wyatt (Port.OR), Trinity College (Hartford, CT), US Ct. Apps. Fed. Cir. LL, Wiggin & Dana (New Haven, CT)

Category E (7 libraries, .027% of population, 2 votes each, 1% of vote)

Caplin & Drysdale (DC), Contra Costa County LL (CA), Wm. S. Hein Co. (Buffalo), Ramsey County LL (MN), St. Louis County LL (MO), US Ct. Apps. Armed Forces LL, US Courts Admin.Office LL

Category F (2 libraries, .07% of population, 1 vote each, .014% of vote)

Meyer-Boswell Bks.Inc. (San Francisco), Charles Shields III, Esq. (Mechanicsburg-PA)

Summary data:

Charter Members = 256

Voting entitlements = 1,380

Subscription base = \$1,244,050