



# PER CURIAM

A LEGAL RESEARCH NEWSLETTER FOR  
THE FEDERAL COURTS FROM WEST

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## Organs of Justice

*"Litigant, n. A person about to give up his  
skin for the hope of retaining his bones."*

— Ambrose Bierce

## TABLE OF CONTENTS SERVICE: CONTEXT PLUS EFFICIENCY

**The Table of Contents service can give you the big picture  
in seconds.**

When online research arrived on the scene, new users worried how they would survive without a table of contents. How would they quickly see how a publication was laid out or whether nearby sections were better than the section they were viewing?

In came the Table of Contents service (TOC)—and out went the worries. The TOC offers every benefit of a printed table of contents, and then some.

Whenever you use Westlaw to consult the *United States Code Annotated*® (USCA®), the *Code of Federal Regulations*, the *RIA*® *Internal Revenue Manual*, or any of hundreds of treatises, you can use the TOC to:

- view the headings and section names from the publication
- see the section you are viewing in context (where does it appear in the publication?)
- run a search restricted to a specific chapter or subchapter
- print or e-mail a specific chapter or subchapter

To access the TOC for a database on Westlaw, first access the database (e.g., USCA). If the TOC is available for the database, a *Table of Contents* link is displayed at the top of the Search page. Click this link to display the table of contents. (If you are viewing the text of a section, click **Table of Contents** on the Links tab.)

To browse the table of contents, click the plus (+) and minus (-) symbols. To retrieve a specific section, click the section name.

To use the TOC to retrieve more than one section of a publication or entire titles, chapters, or subchapters, select the check boxes next to the sections, titles, chapters, or subchapters, and click **Search**. The Table of Contents search page is displayed. Click **Search** again. If you want to retrieve only those sections that contain specific terms, type a terms and connectors query in the *Add search terms and connectors* text box before you click **Search**.



## PRESIDENTIAL DOCUMENTS: "KIND OF COOL."

### Executive orders and other presidential documents can be helpful legislative history research tools and, in some cases, the governing law.

Clinton adviser Paul Begala once described the executive order as follows: "Stroke of the pen.

Law of the land. Kind of cool."<sup>\*</sup>

Cool or not, executive orders and other presidential documents (e.g., signing statements) are essential resources in legal research. These documents are the governing law in various corners of environmental law, imported property, foreign relations, Native American rights, national security, and other areas. In addition, researchers and courts can practically and productively use presidential messages as an aid in statutory interpretation.<sup>†</sup>

If you have access to Westlaw, you can retrieve a wide range of presidential documents in seconds.

### What's on Westlaw?

Databases on Westlaw that contain documents from or about the president include the following:

- Federal Register 1981–Current (FR) (All executive orders, proclamations, trade agreement letters, reorganization plans, and other presidential documents are published in the *Federal Register*.)
- Daily Compilation of Presidential Documents (WCPD)
- Daily Presidential Documents (PRES-DAILY)
- Obama Presidential Documents (PRES-OBAMA)
- Presidential Documents (PRES)
- U.S. Code Congressional and Administrative News–Executive Orders (USCCAN-EO)
- U.S. Code Congressional and Administrative News–Presidential Messages and Signing Statements (USCCAN-MSG)
- U.S. Code Congressional and Administrative News–Presidential Proclamations (USCCAN-PROC)
- White House Press Releases and Documents (WHPRESSREL)

### How Do I Retrieve a Specific Executive Order?

If you know the citation of an executive order, you can quickly retrieve the order using the Find service. For example, to retrieve Exec. Order No. 13,505 (Mar. 9, 2009), type the citation (e.g., **eo 13505**) in the *Find this document by citation* text box and click **Go**.

### How Do I Search for Presidential Documents by Topic?

To search for presidential documents on a particular topic, run a search in one of the databases listed above. To focus your search, consider using a field restriction. For example, when searching the PRES database, you could use a caption field (ca) restriction, e.g., **ca("stem cell")**.

To retrieve presidential documents that pertain to a public law or a USCA section you are viewing, click **Presidential Messages** (for a public law) or **Reports and Related Materials** (for a USCA section) on the Links tab. Links to executive orders and presidential messages may also be displayed in law review articles and treatise sections that discuss your issue.

**Exec. Order No. 13505**  
Executive Order 13505  
Removing Barriers to Responsible Scientific Research Involving Human Stem Cells  
March 9, 2009 (Approx. 1 page)

Exec. Order No. 13,505, 2009 WL 604340 (Pres.Exec.Order), 74 FR 10667  
Executive Order 13505

Removing Barriers to Responsible Scientific Research Involving Human Stem Cells

March 9, 2009

**\*10667** By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. Research involving human embryonic stem cells and human non-embryonic stem cells has the potential to lead to better understanding and treatment of many disabling diseases and conditions. Advances over the past decade in this promising scientific field have been encouraging, leading to broad agreement in the scientific community that the research should be supported by Federal funds.

For the past 8 years, the authority of the Department of Health and Human Services, including the National Institutes of Health (NIH), to fund and conduct human embryonic stem cell research has been limited by Presidential actions. The purpose of this order is to remove these limitations on scientific inquiry, to expand NIH support for the exploration of human stem cell research, and in so doing to enhance the contribution of America's scientists to important new discoveries and new therapies for the benefit of humankind.

Sec. 2. Research. The Secretary of Health and Human Services (Secretary), through the Director of NIH, may support and conduct responsible, scientifically worthy human stem cell research, including human embryonic stem cell research, to the extent permitted by law.

Sec. 3. Guidance. Within 120 days from the date of this order, the Secretary, through the Director of

Executive order

<sup>\*</sup> James Bennet, *True to Form, Clinton Shifts Energies Back To U.S. Focus*, N.Y. TIMES, July 5, 1998.

<sup>†</sup> Kathryn Marie Dessayer, Note, *The First Word: The President's Place in "Legislative History,"* 89 Mich. L. Rev. 399 (1990).



The screenshot shows the Westlaw interface for a federal government search. The top navigation bar includes 'FIND & PRINT', 'KEYCITE', 'DIRECTORY', 'KEY NUMBERS', 'COURT DOCS', 'FORMFINDER', 'SITE MAP', 'HELP', and 'SIGN OFF'. The main content area displays the text of 'UNITED STATES PUBLIC LAWS 111th Congress - First Session Convening January 04, 2009'. The law is titled 'CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009'. A sidebar on the left contains various navigation options, with 'Presidential Messages' highlighted in an orange box.

Link to presidential messages

### How Do I Know Whether an Executive Order Has Been Revoked or Superseded?

KeyCite® history is available for the *Federal Register*, where executive orders are published. To view the KeyCite history result for the executive order you are viewing, click **History** on the Links tab or click the KeyCite status flag at the top of the document.

An executive order that revokes or supersedes a previous order may contain a link to the full text of the previous order. Click the link to view the previous order in the Link Viewer.

If you have questions or need search assistance, call the West Reference Attorneys at 1-800-REF-ATTY (1-800-733-2889).

The screenshot shows the KeyCite history result for Executive Order 13435. The title is 'Expanding Approved Stem Cell Lines in Ethically Responsible Ways', dated June 20, 2007. Under the 'Direct History' section, there is a list of related executive orders. The first entry is 'Expanding Approved Stem Cell Lines in Ethically Responsible Ways, Exec. Order No. 13,435, 2007 WL 1788973 (Pres.Exec.Order Jun 20, 2007)'. The second entry is 'Removing Barriers to Responsible Scientific Research Involving Human Stem Cells, Exec. Order No. 13,505, 2009 WL 604340 (Pres.Exec.Order Mar 09, 2009)', which is marked as 'Revoked by' the first order.

KeyCite history result



## Classic CASE

### Combatting the Clack Epidemic

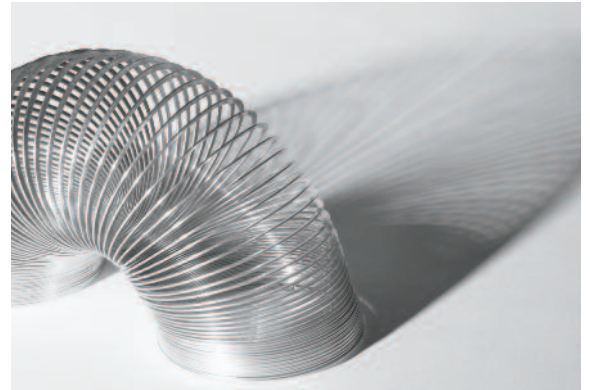
The Federal Hazardous Substances Act authorizes the U.S. government to sue banned hazardous substances directly. As a result, you get cases with great names such as *United States v. An Article of Hazardous Substance Consisting of 50,000 Cardboard Boxes More or Less, Each Containing One Pair of Clacker Balls*, 413 F. Supp. 1281 (E.D. Wis. 1976).

Clacker balls, of course, are those dangling plastic balls “intended to be operated in a rhythmic manner by an upward and downward motion of the hand so that the two balls will meet forcefully at the top and bottom of two semicircles thus causing a ‘clacking’ sound.” 16 C.F.R. § 1500.18(a)(7). They are also considered hazardous substances due to an “unreasonable risk of personal injury from fracture, fragmentations, or disassembly of the toy and from propulsion of the toy or its part(s).” *Id.* (Translation: It’s fun until someone loses an eye.)

In the above case, the government sought the seizure, condemnation, and destruction of thousands of clacker balls in the possession of a Mequon, Wis., company. The government moved for summary judgment; the claimant company denied that the toys were hazardous under the Act.

Is your Slinky next? Retrieve this case by using the Find service or by accessing the U.S. District Court Cases for Wisconsin database (DCTWI) and using the following sample query:

ti(clacker)



## Per CURIOS

### Silly String: The Keating Fave

Whatever became of Silly String? We know what happened to much of it: Disgraced savings and loan mogul Charles Keating bought \$1,948 worth of it for a single Christmas party—an estimated 1,000 miles of the stuff. This was revealed in a report filed by bondholders in a 1991 class action lawsuit.

To read stories from the Associated Press detailing some of the lawsuit’s revelations about Keating’s lavish expenditures, access the Associated Press–All database (AP-ALL) and type the following Terms and Connectors query:

keating /s “silly string”

## Advanced SEARCH TIP

### Clearing the Check Boxes at the KeyCite Limits: Document Type Page?

**Q:** In many places on Westlaw (and elsewhere on the Internet), I can clear several check boxes simultaneously. So why can’t I clear all the check boxes simultaneously at the KeyCite Limits: Document Type page? I think some sort of *Clear All* link could save me a little time when I only want one or two document types.

**A:** Try it now. You can now click **Clear All** to clear all check boxes at the KeyCite Limits: Document Type page simultaneously.