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TRIBUTE

PROFESSOR PETER D. JUNGER

REMEMBERING PETER D. JUNGER

Patricia Harris O’Connor

I met Peter Junger when I came to work as the Head of Public Services and Instructor in Law at the CWRU Law Library in June 1984. One of my first memories of Peter was when, in a discussion with him and Professor Spencer Neth, I discovered that I would be “in charge of the library’s new computer lab.” This was news to me, since no one had bothered to mention it in my interview a few months earlier. I never did figure out whether this was a deliberate omission or whether the idea of a computer lab had only occurred to Professors Neth and Junger after I started work at CWRU.

I regard the time I spent at CWRU fondly. I had a great boss, Professor Kathy Carrick, who generously encouraged me to develop my talents. With her encouragement, I explored new uses of computers in library work. CWRU was the first law library to place a computer at its Reference Desk, the second law library to have a computer lab, and the first to experiment with the numerous legal databases, other than LEXIS and WESTLAW that publishers were developing.

Although I developed many close relationships with the faculty during my four years at CWRU and I hold all in high regard, my relationship with Peter Junger was special. I was in my early thirties: he was in his fifties. I was at the beginning of my career and he was well-established in his. We shared intellectual curiosity and an appreciation of eclectic things. In many ways, I had led a sheltered life. Peter Junger was a charming companion as he introduced me to

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new experiences—to my first sushi bar, to jazz and blues bands and singers, to cognac, to oriental philosophy, and to stimulating intellectual conversations on every topic under the sun. I literally cannot think of a subject we did not discuss. I learned so much from those discussions and they have provided the basis of much of my later intellectual development.

To illustrate my point, let me share one discussion that Peter and I had in 1985. We met at a bar located near his apartment in Cleveland Heights. Our conversation drifted to what I discovered was a shared concern—the nature of storage of computerized data and the lack of concern with its preservation. We discussed the comparative stability of papyrus and vellum, in contrast to acid-based paper and the irony that items created in the Middle Ages would last longer than those created in the Twentieth Century. Peter was concerned that the federal government had failed to export data from mainframe computers to new storage formats prior to the breakdown of the last machine capable of reading the data. His example was the records of soldiers serving in the Vietnam War. The government still had the records, but lacked the ability to access them.

I regret that I did not have the means to record that conversation and that I did not immediately write it up for publication. Many years passed before I read a paper raising these concerns.

Peter was a complex man who thought deeply about many things. He also cared for people, although he had an outward gruffness that could be off-putting to others and made it difficult for some people to approach him. Because he infrequently showed his feelings openly (except his anger and frustration), I was surprised at the depth of his compassion. One evening we had eaten a late dinner and were having drinks as the restaurant prepared to close. Just before midnight a distressed man entered the restaurant and approached our table. He was babbling incoherently and he took a gun out of his pocket. I was terrified because I could not understand what was going on. Peter was totally calm and did not seem at all uncomfortable. He talked to the man, asking him questions, until it became clear that this was a Vietnam veteran who was experiencing mental problems related to the war. Although I know that Peter had served in the military (I believe he was a sharpshooter stationed in Germany), I don’t think he had combat experience. Yet Peter was able to empathize with this human being in a way that totally surprised me. Peter defused the situation, convinced the man to give up the gun, and got the man help. After the incident was over, poor Peter had to deal with me, as I totally came unglued. What an evening!
In my last full semester at CWRU (Fall 1987), Peter let me assist him in the preparation of his Computers & the Law seminar. I was fascinated by his approach, which was novel and unique to him. He used his vast knowledge of computers and programming to illustrate points in the course. Later at UMKC I taught a course of the same name for over ten years. In the early years of these classes, a professor could cover almost every statute, case, and regulation in the then-limited area of Computer Law. As I taught my seminar, I tracked the developments of Peter Junger’s constitutional challenge to the provisions of the Export Administration Regulations regulating the export (and the discussion of) encryption software.\(^1\) I cannot state the importance of this decision better than the Wikipedia entry for *Junger v. Daley*: “The case led to an important ruling in 2000, with the Sixth Circuit holding that software source code is protected by the First Amendment.”\(^2\) In the latter years of his career as a law professor Peter had taken a stance and made a difference in the law. I was so proud of him. His name will live on for many, many years after his passing.

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\(^1\) *Junger v. Daley*, 209 F.3d 481 (6th Cir. 2000).
