



AMERICAN BAR ASSOCIATION

GOVERNMENTAL AFFAIRS OFFICE • 740 FIFTEENTH STREET, NW • WASHINGTON, DC 20005-1022 • (202) 662-1760

Statement of

HON. TEDSON J. MEYERS

on behalf of the

AMERICAN BAR ASSOCIATION

submitted to the

**COMMITTEE ON HOUSE ADMINISTRATION
UNITED STATES HOUSE OF REPRESENTATIVES**

on the subject of

**The Library of Congress:
Current Issues with Library Management**

October 24, 2007

Mr. Chairman and Members of the Committee:

I am Tedson J. Meyers, and I appear before you today on behalf of the American Bar Association (ABA) at the request of its President, William H. Neukom. Since 1932, the ABA has enjoyed a formal relationship with the Library of Congress and its Law Library through our Standing Committee on the Law Library of Congress, which I have chaired for the last seven years. The ABA Standing Committee's mission is to be the voice of the legal profession concerning the continued development and effective operation of the Law Library as it serves the Congress, the legal profession and the public. It is in that spirit that these comments are provided to you, along with our appreciation for your holding this important hearing.

It is a pleasure to appear on this panel with Anne Fessenden, President of the American Association of Law Libraries. Members of our two organizations have worked together for years in a close partnership over a common vision for what a vital and thriving Law Library represents not just to the persons present here today, but the American public at all levels. As we shall convey also, it has in recent years taken on special meaning for people and nations of the world.

In addition we wish to pay special respects to our twelve-year Standing Committee member, former Congressman Bill Orton. His efforts and insights into the Law Library's work, its problems and its potential have been an inspiration for all of us who serve.

Testimony at today's hearing touches upon some of the vital functions that the Law Library of Congress provides – indeed, must provide – for its fast-growing clientele. Formerly, that clientele has been thought to include all branches of the federal government; state governments; the legal profession; universities and law schools; corporate law departments; and the general public. Currently, however, the list no longer stops there. As Members of Congress are aware, the Law Library has launched production of a digitized pool of statutes and other legal information from a growing number of contributing nations, embodied now in GLIN, the Global Legal Information Network. As such, the Law Library of Congress is now recognized, in its 175th year, as an anchor for the Rule of Law worldwide.

That it accomplishes so much is remarkable. With over 2.5 million volumes it is the world's largest law library, comprising at least twelve percent of the entire collection held by the Library of Congress. Yet less than three percent of the Library of Congress' budget is allocated to the Law Library's work.

There are significant consequences for that allocation of resources:

One-third of the Law Library's volumes have remained uncatalogued, accessible only to select Law Library staff. Save for special funds made available by the Congress a few years ago, the Law Library would still be without adequate resources fully to implement the model K classification system, which is the standard for law libraries nationwide. In harsh reality, there have been moments when qualified observers feared the Law Library of Congress was at risk of becoming a museum. The ABA takes special note of the following words spoken by the Law Librarian of Congress, Dr. Rubens Medina: "The law demands an unforgiving margin of currency." Contrast that with the dilemma, until very recently, in which the Law Library's new arrivals were made available to the public only after a year or more, when standard law library practice entails delay of no more than one week, preferably three days.

Other consequences: Turnover in Law Library senior staff – especially experts in foreign law - has meant a drop in the efficiency of operation as new staff is trained. Accompanying that, a loss of institutional knowledge of the collection impedes proper classification. Further, the escalating cost of acquisition for new volumes and scholarly periodicals, and preservation of older ones, is slowly putting those critical materials beyond the Law Library's ability to reach or protect them. Given the state of the current collection, it would seem that even the move to broader digitization of the Law Library's collection would require greater resources than it can currently afford.

The ABA takes note of administrative and financial practices within the Library of Congress that contribute to the Law Library's plight. Resource priority and allocation remain in the hands of senior administrators of the Library of Congress. Catalogue delay – a predicament noted above – is a symptom of that process. Personnel are detailed to the Law Library at intervals and levels decided elsewhere. This is the case, even under the inspiring leadership of Dr. James Billington, who understands fully the opportunities offered by digitized information and is a world leader in pressing for its implementation. Nevertheless, Library of Congress administrators are mindful of their obligations to wide and varied sectors of the American public for whom availability of the latest in other pursuits - whether intellectual or recreational – are of supreme importance.

Over the past 30 years, the ABA has on five occasions adopted formal resolutions intended to address these and related challenges. The first such resolution, adopted

by the ABA House of Delegates in 1979, countered an effort by the Library of Congress's Director of Library Services to terminate the Law Library of Congress as its own department and make it a mere subdivision under another. The result was a letter from the chair of the Oversight Committee, reminding that the status and location of the Law Library were matters for decision by the United States Congress, alone.

Another ABA proposal was advanced by former Congressman Charles "Mac" Mathias, then chair of our Standing Committee, and adopted by the ABA House of Delegates in 1992. That, like the 1979 resolution, proposed transformation of the Law Library of Congress into an independent National Law Library to serve the nation much in the spirit of the highly regarded National Library of Medicine. As one justification for taking this position at that time, Mr. Mathias indicated that a proposal had surfaced within the Library to move the Law Library of Congress to become a part of the social studies collection. Accordingly, it is out of this context that our positions seeking Law Library independence grew. There are other benefits to this approach, e.g., financial transparency, accountability to the Congress and the ability to attract funding from the larger community served by the institution, particularly as special projects might arise. While this position of independence of the Law Library has never formally been abandoned within the ABA, we are not now advocating this position as a solution to the current circumstances facing the institution.

Reliable solutions for funding both the Library of Congress and the Law Library at levels sufficient to let them do their jobs, have proven elusive. We do invite the Committee seriously to consider one urged by Senator Ted Stevens and others. That proposal is to create, and require for the future, an independent line item for the Law Library of Congress in the federal budget of the Library of Congress. That way, Congress could ensure that the funding intended to target the chronic issues facing the Law Library could be used specifically for that purpose. The benefits of certainty would follow. The Law Library would no longer depend on allocation or shifting of funds by others within the Library of Congress's administration. Moreover, with clear understanding of the federal contribution, others can be solicited as financial partners in the Law Library's work.

We are respectful of the Library of Congress's historic opposition to this line-item proposal. We suggest however, that an emerging national objective should now weigh on the matter. As American corporations have discovered, the Law Library of Congress has become the "mother lode" of reliable information on foreign and comparative law. It is precisely those fields to which a growing number of lawyers

– government and private - are turning to support American enterprise abroad, as well as foreign investment here at home. New business establishment, labor laws, transportation rules, even the cultural status of the Rule of Law – these areas are uniquely within the knowledge of selected Law Library staff, a staff whose looming succession can best be implemented with assured budget sums at hand. A line item for the Law Library can help achieve that goal.

It can help achieve stability for GLIN, too. An element of Dr. Billington’s powerful initiatives for information’s digital future, GLIN has been well understood by Members of Congress as a way to monitor government solutions in other lands. Targeted in recent years was GLIN’s transition to a private foundation, funded by its growing number of member nations or authorized national and international bodies. However, GLIN’s accelerated growth has made such transition for the moment impractical. Continued funding has been sought in order safely to cross that bridge without losing momentum. Meanwhile, a body of advisors is serving under the Honorable William Sessions to assist the new Global Legal Information Network Foundation. Judge Sessions is in the Hearing Room today, and I am honored to serve on his team.

We respectfully request that this formal statement be made part of the hearing record. As noted, the statement constitutes the official view of the American Bar Association. I look forward to answering your questions.

Thank you.