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May 4, 2011

Representative Ander Crenshaw, Chair  
Subcommittee on Legislative Branch Appropriations  
U.S. House of Representatives  
440 Cannon House Office Building  
Washington DC 20515

Representative Michael Honda, Ranking Member  
Subcommittee on Legislative Branch Appropriations  
U.S. House of Representatives  
1713 Longworth House Office Building  
Washington DC 20515

Dear Chairman Crenshaw and Ranking Member Honda:

“A stitch in time saves nine.” This old maxim remains relevant today when applied to the pressing need for archival storage space for the Library and Law Library of Congress that entails the new Module 5 for the Library’s precious and irreplaceable collections.

On behalf of the American Bar Association, I thus write to urge your support for funding this priority request of the Library and Law Library of Congress. We recognize the scarce resources with which your subcommittee is working. As we have stressed in previous years, investment in the Library and Law Library collections is not a sunk cost. Indeed, such investment is all the more important to support today. These collections are invaluable tools for, among other things, empowering American entrepreneurs and corporations to enter and comply with the laws in foreign markets and bring international business to ours. A robust Library collection pays dividends to the American people.

These resources, however, instead face a significant danger of costly damage and permanent loss from improper storage – problems compounded by the sheer magnitude of the collections at risk. With more than 147 million items, the Library of Congress is undeniably running out of space. Even today, volumes are being stacked directly on floors for archival. The Law Library of Congress is projected to run out of shelf space just two years from now.

It is for this reason that we are setting aside our usual requests of your subcommittee so that we might instead amplify the need for relief represented by the construction of Module 5 (Mod5).

Foreseeing the need for archival storage eighteen years ago, Congress approved the transfer of 100 acres at Ft. Meade from the U.S. Army to the Architect of the Capitol for high-density storage facilities. Since then, only four of 13 planned facilities have been completed. The Architect of the Capitol requested for FY2011 \$16.9 million for the construction of a fifth facility, Mod5. Mod5 would house an additional 2.5 million volumes, extending the Law Library shelving capacity for an additional 4-6 years.

We believe this cost is not truly avoidable, either. If Congress does not provide the necessary resources for the construction of Mod5, the Library and Law Library will be forced to make unenviable choices among other costly alternatives for off-site storage or choose to allow their collections to become incomplete and out-of-date. We believe the costs presented by Mod5 must be balanced against the costs to the Congress, commerce, and the American people were the Library and Law Library unable to fulfill their missions.

For example, such deterioration of the Law Library collection – particularly to the foreign law collection – would not likely be rectifiable. The laws and legal resources from many foreign nations of interest to Congress, particularly those that do not post official versions of their laws online, are at best difficult and sometimes impossible to acquire within a year or two after initial printing. Insisting that the Law Library must instead attempt to play “catch up” in future years to maintain an up-to-date collection fully equipped to meet the needs of Congress and the nation is truly a costly gamble.

Congress, the nation, and the world should not be placed at such risk; Mod5 should be funded and built without delay. We accordingly urge your consideration of this vital project.

Our traditional requests in support of the elimination of the 554,000-volume backlog of unclassified documents in the Law Library, and the conversion of approximately 4.8 million pages of foreign nations’ official legal gazettes to more durable microfilm, remain important projects that we support. Their successful implementation would also help alleviate the current conditions. When a house is on fire, however, one must put out the fire first, and then focus on the causes. Without the timely construction of Mod5, these other projects will be dwarfed by new and more costly problems.

The American Bar Association Standing Committee on the Law Library of Congress is the second-oldest entity of our nearly 400,000 member organization, celebrating a 79 year relationship with the Law Library. We remain committed to service the needs of the Law Library of Congress and offer ourselves as a resource to you and to the Congress concerning its needs and potential solutions.

Thank you for your consideration. I respectfully request that this letter be included in the written record for the Subcommittee's hearings on Legislative Branch Appropriations requests for FY2012.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Thomas M. Susman", with a long horizontal flourish extending to the right.

Thomas M. Susman

Cc: Members of the House Appropriations Subcommittee  
on the Legislative Branch