



# AMERICAN BAR ASSOCIATION

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

Statement of

**THOMAS M. SUSMAN**

on behalf of the

**AMERICAN BAR ASSOCIATION**

submitted to the

**SUBCOMMITTEE ON THE LEGISLATIVE BRANCH**

**COMMITTEE ON APPROPRIATIONS**

of the

**UNITED STATES HOUSE OF REPRESENTATIVES**

on the subject of

**THE LIBRARY AND LAW LIBRARY OF CONGRESS**

**May 5, 2009**

Madam Chairwoman, Ranking Member Aderholt, Members of the Subcommittee:

I am Thomas Susman, Director of the American Bar Association's Governmental Affairs Office. At the designation of ABA President H. Thomas Wells, Jr., I appear before you today on behalf of the American Bar Association in support of the funding requests of the Library of Congress and the Law Library of Congress. We also urge your support to address the outstanding needs facing the Law Library as represented in the Charles H.W. Meehan Law Library Improvement and Modernization Act, introduced in the 110<sup>th</sup> Congress.

Founded by Congress in 1800 as its research arm, the Library of Congress is the oldest federal cultural institution. Over its history, the Library has grown into an unparalleled public resource of staggering proportion, housing more than 138 million items in 90 collections, including books, periodicals, film, and audio recordings, in more than 470 languages. Similarly, authorized by Congress in 1832, the Law Library of Congress has grown from its modest beginnings to become the world's largest repository of legal materials, including more than 2.65 million legal volumes and periodicals. The magnitude of these priceless collections in both size and significance to our nation and to the world cannot be overstated. Their scope renders the challenges posed in their daily growth and administration unique. These are our national treasures, and the funding required to keep them running at full capacity is a wise investment of taxpayer dollars.

In 1932, 100 years after the founding of the Law Library, the ABA formed a permanent committee – our second oldest – to serve as the voice of the legal profession concerning the Law Library's ongoing development and effective operation. Given the interrelationship between the Library and Law Library of Congress, we support their missions and request full funding for both institutions. As we told this Subcommittee last year, we deeply appreciate the Congress' historical support for them, but are also concerned that these grand collections have been subject to reduced budgets insufficient to meet their core needs. Consequent erosion of infrastructure, loss of institutional knowledge from retiring staff, and incomplete collections only become costlier to address over time.

The Law Library of Congress, in particular, has been traditionally thought to serve the branches of state and federal government, the legal profession, universities and law schools, corporate law departments, and the general public. American corporations engaged in international commerce have also discovered the Law Library's massive collection and auspicious initiatives such as the Global Legal Information Network (GLIN), comprised of statutes and other legal information from contributing nations. As a growing number of lawyers – government and private – are turning to support American enterprise abroad and foreign investment here at home, the Law Library of Congress is recognized as the ultimate source for international trade law and an anchor for the rule of law worldwide.

Despite these impressive accounts, the Library of Congress still must engage in an unenviable priority-setting process with no one department, including the Law Library, receiving the funding it truly needs. For FY2010, the bulk of the Library of Congress request for a 4.6% increase over FY2009 is merely to compensate for increasing pay and price-level costs adjusting for inflation. The Law Library has requested a \$4 million increase to perform a necessary update of GLIN, support the recent assumption of responsibility over THOMAS, cover the

consequences of inflation and rescissions on contracted services central to Law Library functions, and compensate for decreased buying power over acquisitions.

These sums are independent of a separate request supported by the ABA in our testimony for FY2009 as part of the Charles H.W. Meehan Library Improvement and Modernization Act. That bill focused on, among other things, the cataloguing and classification of several hundred thousand volumes in order to bring the collection up to date and under the industry-standard K classification system that the Law Library of Congress devised. A current and complete collection is a non-negotiable requirement for an operating law library, let alone for a library relied upon by the U.S. Congress. Yet there have been times in the past when the Law Library's periodicals and loose-leaf subscriptions – which provide the most current analysis and status of the laws – were as much as one year out of date. Standard law library practice entails delay of no more than one week, preferably three days. As a result, our world class institution at times may operate as only a second-class law library.

We still support this critical catalogue and reclassification need. However, in deference to the priorities of the Law Library, and because the Librarian of Congress has for several years committed surplus funds to chip away at the catalogue and reclassification project, we believe the Law Library's \$4 million requested increase represents the better leverage of taxpayer dollars at this time.

Too often such targeted increases invite a zero-sum shell game, taking from one project what it gives to another. An increase for the Law Library is translated into a cut to the larger Library of Congress. Neither institution's request is frivolous. Both requests reflect responsible stewardship over resources entrusted to the institutions and are central to the mission of each. Unlike other requests for support, these are not calling for the enrichment of the Library and Law Library at the expense of other projects and programs under your review. We are advocating for the restoration of inadequate funding that has been taking from these institutions – particularly the Law Library – over time. There is no cutting from either institution without undermining their respective missions.

The ABA does not believe these issues are necessarily for Congress alone to remedy. Under the Meehan Act, Congresswoman Lofgren proposed the creation of a private-public foundation for the support of the Law Library of Congress. This foundation could receive contributions from the private bar and industry towards the support of the Law Library; it also could potentially provide enhanced services for a fee. We have discussed aspects of such an endeavor with the Librarian of Congress, Dr. James Billington, and his staff. The Meehan Act has not yet been introduced this Congress, but we would support it or similar proposals that enhance the resources and flexibility of the Law Library to meet the particular challenges it faces. Our concern is simply that, with the appropriations received by the Library of Congress, there is too little latitude to make additional allocations to meet the special needs of the Law Library.

I want to emphasize that the ABA has also explored the potential for non-financial contributions to meet some of the Law Library's needs. During a productive meeting with the Librarian of Congress and key members of his staff last year, we discussed our mutual interest in organizing volunteers from a number of sources including law firms and law libraries to donate substantial

time to aid with the catalogue and classification backlog at the Law Library. The Law Library staff, however, believes that the rigors of the reclassification project and the need for fluency in the language in which the texts are written would exceed volunteer abilities, let alone the exacting requirements of the Law Library. We will continue to explore other ways the ABA may be of assistance in these efforts.

Thank you for inviting the ABA to express its support, as well as concerns and some proposed solutions, relating to appropriations for the Library and the Law Library of Congress. The American Bar Association stands ready to work with this Subcommittee, as it has worked with the Law Library of Congress, towards ensuring that the needs of this unique and remarkable institution are met.