



# AMERICAN BAR ASSOCIATION

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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 for the American Bar Association Governmental Affairs Office. At the designation of ABA President H. Thomas Wells, I appear before you today on behalf of the American Bar Association in support of the funding requests of the Library and the Law Library of Congress. We also would like to urge your support for 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 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 such repository, 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 had 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 of 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 receiving the funding it truly needs, including the Law Library. 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 function, and to compensate for decreased buying power over acquisitions.

These sums are independent of a separate request we supported 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 the 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. They represent responsible stewardship over resources entrusted to them 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 what inadequate funding has been taking from them over time, particularly the Law Library. 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, a foundation into which the private bar and industry could contribute towards the support of the Law Library as well as potentially provide enhanced services for a fee. We discussed aspects of such an endeavor with 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. We hold Dr. Billington in the highest esteem, but we remain concerned that with the appropriations he receives there is too little latitude in making allocations to meet the special needs of the Law Library.

It is important to emphasize that we also have explored non-financial contributions to these efforts. 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 native tongue 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 your consideration of our concerns, proposed solutions and urge your full support for the Library and the Law Library of Congress. I respectfully request that this formal statement be made part of the hearing record.