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Building a Home for the Laws of the World: Part II: Hoping, Hunting, and Honing

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Building a home for the laws of the world



By Margaret A. Leary



Building a home for the laws of the world

Part II: Hoping, hunting, and honing

The following feature is the second, concluding portion of the edited version of "Building a Foreign Law Collection at the University of Michigan Law Library, 1910–1960," © Margaret A. Leary, 2002, which originally appeared at 94 Law Library Journal 395–425 (2002), and appears here with permission of the author. The first part of the article (46.2 Law Quadrangle Notes 46–53 [Summer 2003]) detailed how the vision of Dean Henry Bates, generosity of graduate William W. Cook, and skills of librarian/traveler/negotiator Hobart Coffey combined to launch the building of the Law Library's international collection into one of the best in the world.

By Margaret A. Leary

The minutes of the Library Committee from 1898 to 1906 show monthly meetings in Dean Hutchins' office. Not only did this committee handle faculty suggestions for purchases, it also interviewed prospective employees and authorized the purchase of rubber stamps. Bates [Dean Henry M. Bates] was consistently a member of the committee.

[Hobart] Coffey's account of how the collection was built gives credit to several faculty members who helped with foreign acquisitions. This initial reliance on faculty advice was typical and Michigan's experience was the same as that of other university libraries. Ultimately, however, although faculty expertise was essential to ensure depth in specialized topics, building a great collection also required consistency in moving towards an articulated goal. Coffey and Bates' goal was a collection of primary material — the text of the laws — from all over the world and of scholarly secondary material — books and articles about the law. Faculty helped to identify the existing material that fit that goal.

A review of the minutes of the faculty Library Committee from 1922–52 shows that at first the committee worked mainly from lists created by faculty members (and later by Coffey), and that final approval came from the

committee rather than the librarian. By March 1925, however, the committee was dividing up the work. It named [faculty members] Dickinson, Drake, and Shartel to advise Coffey specifically on foreign acquisitions. By 1928, minutes show disappointment at the lack of faculty suggestions, and the records of Coffey's trips to Europe show that want lists were developed primarily by library staff, although some ideas continued to come from a few dedicated faculty members.

Faculty requests also influenced the development of the U.S. collection. Minutes show that some decisions were taken to the faculty as a whole (for example, state digests in 1924), but most suggestions were handled within the committee. In fall 1928, faculty suggested acquiring codified ordinances of the main cities in the United States and U.S. Supreme Court records and briefs offered by the Library of Congress, completing the collection of state session laws, and beginning to collect the reports of state banking and insurance commissions.

During the 1920s, the role of the dean and the Library Committee seems to have evolved from that of doing title by title selection to one encompassing the broader responsibilities of setting collection development objectives and helping make hard decisions, such as denying requests to transfer material from the Law Library to the University General Library. For example, in May 1929 the committee supported the librarian's recommendation not to transfer the *Congressional Globe* [the predecessor of the *Congressional Record*] to the General Library.

The Library Committee files also show faculty suggestions that, after some consideration and efforts, were abandoned. For example, one faculty member advocated acquisition of the journals of each of the state legislatures. Another urged that the Library selectively acquire transcripts and all other court documents of important trials. Coffey would, in the case of particularly demanding requests, suggest that as an experiment the faculty member's secretary do the collecting for a year or two to gather representative material and test the time required. Requests thus treated did not recur.

"The actual proceedings of the Cuban Constitutional Convention of 1901 are a very rare book. It turns out that the Law Library owns the personal copy of Lino D'Ou, one of Cuba's most distinguished public figures of color in late 19th and early 20th century journalism and political life. When I asked for the book, thinking it would not arrive for a while because it would have to come through inter-library loan, the Law Library staff brought it right to me."

Rebecca Scott
Professor of Law
and Charles Gibson
Distinguished University
Professor of History



“A great deal of my research on the laws of confrontation and hearsay has involved historical inquiry into the early English materials, going intensively as far back as the 16th century. Our spectacular collection has made this research much, much easier and more productive than it otherwise would be.”

**Richard D. Friedman
Ralph W. Aigler
Professor of Law**



Travel aboard

Librarian Coffey went abroad many times: Paris in 1924–25; Berlin and Munich in 1925–26; Europe more broadly in 1928 and again in 1931; Ireland, England, Denmark, Finland, Russia, Poland, Germany, and France in 1935; Mexico and Central America in 1941; and a final trip in 1950 to Central and South America (including every country except Bolivia and Paraguay). Finally after 25 years, Coffey had carried out Dean Bates' 1925 directive.

The records of the Law Library contain many lists of what Coffey sought and what he obtained on these trips. The general procedure was to spend months or years creating want lists. These were very detailed: for monographs, editions were specified. For serials of any kind — law reviews, session laws, court reports — volumes and years were provided. The lists included questions about what had actually been published. The librarian's report to the dean each year specified major purchases in great detail.

In general, the priorities from 1922 to 1950 were first to complete the collection of U.S. primary and major secondary material, then to do the same for the rest of the Anglo-American world, including British colonies and former colonies. These were followed in order of priority by Western Europe, Central and South America, and finally, after World War II, Japan and other parts of Asia, new nations, and inter-governmental organizations.

Before each trip, library staff performed many tasks to smooth the way. Preparing the want lists was the important job, but staff also compiled lists of libraries and law schools to visit. Coffey himself wrote in advance to librarians, law school deans and faculty members, and Michigan Law School graduates to arrange meetings during the upcoming trip. He wanted to know about developing areas of law, prominent scholars, and publishing and book selling practices. He sought to discover the best means to acquire books on the want lists and to set up reliable methods to acquire material in the future.

The Law School Library records contain a great deal of correspondence between Coffey and the staff back in Ann Arbor. A typical exchange is the following excerpt from a letter

to order librarian Rebecca Wilson written from The Hague during his 1925 trip to Europe. First, Coffey thanks her for sending guides and bibliographies. He then discusses the *Code de la Martinique* and whether to pay what either book dealer, Nijhoff or Karpinski, asked for it:

“In a previous letter I expressed a feeling that had been growing on me for some time — viz. that Nijhoff was the most expensive place in Europe to buy books. Since coming to The Hague I have investigated the matter still further and I am more convinced than ever. Nijhoff has a sort of monopoly on foreign books. He charges just as much as his customer will stand. Most of his business is with American libraries. I feel that our best plan is to try to buy books in the country where they are published. This will not always be possible, especially in the case of old books. But if we do it where it is possible we shall save a lot of money. As an example . . . Mr. Hicks of Columbia paid \$1,000 for a collection of Brazilian reports which can be bought in Rio for a song. . . .

“By the time I have finished in Europe I shall know most of the large libraries and book-sellers. And when I recommend books, I shall try always to give you the publisher, date, etc. This will help you in ordering. . . . Paris is a much cheaper place to have binding done — cheaper than in America or Holland. It seems to me that now is the most advantageous time to buy French books. I shall soon have another list of recommendations for you. The Hague is an excellent place to get a line on books.”

In another letter from 1925, Coffey expressed his thoughts about the Soviet Union:

“I am wondering whether we have started a collection of Russian law. While I doubt whether anyone on the present faculty reads Russian, we shall certainly have someone sooner or later who will be interested in this field. From a purely scientific viewpoint, I think we cannot afford to neglect Russian legislation. At present, there are a few works on Russian law in German, which I shall recommend in my next list. They consist, unfortunately, largely of extracts. An attempt is being made in France to translate the Soviet code, but thus far only one or two small volumes have appeared.”

The next year, the Library was “very fortunate to secure a set of laws of Russia from 1649 to 1866, purchases through Russell Batsell of the Reference Service in Paris. He bought

these laws in Russia during his visit there last May." In 1928, the Library acquired a set of the statutes of the Russian Empire covering 1866–1913.

And the area remained important. The 1935 report to the dean includes "added legal material for Imperial Russia, including the first and second editions of the Russian code of 1649." The next year, "We were fortunate to add a number of important items to our collection of Russian material dealing with the history and law of the Empire. Among these items are the proceedings of the State Duma; the reports of the Council of State; and a nearly complete collection of the various editions of the Russian codes. One item of importance for the law of the new regime was secured: the official journal of the Soviet Commissariat of Justice." In 1950, Coffey reported acquiring a 14-volume set of the proceedings and researches of the Russian Code Commission of 1899. "Although the proposed code never became law, the research of the commission constitutes one of the most valuable and scholarly studies ever made in any country."

Some of the pre-Soviet material in the Michigan collection contains ownership marks showing that it was once part of the Russian Czar's library in the Winter Palace. [Note: The significance of these ownership marks was identified by Professor Emeritus of Law Whitmore Gray.]

Another example of material formerly owned by an historically important person is the Library's copy of the *Diario de sesiones* of the Cuban Constitutional Convention, 1900–01. It is inscribed with the name of Lino D'Ou. D'Ou was a journalist and writer who organized several black societies in Cuba and became a Conservative Party representative from the province of Oriente in 1908. That his copy of the *Diario* came to Michigan in 1954 is ironic, if the description by U.S. authorities of him as someone who hated whites, "particularly Americans," is correct. D'Ou remained a prominent Afro-Cuban political and intellectual figure until his death in 1939. [Note: The significance of the inscription was noted by Latin American historian and Professor of Law Rebecca Scott, who recently was named to a Distinguished University Professorship.]

The best-documented trip was the one Coffey made to South America in 1950, which

also serves as a prime example of the third tool used to build the Michigan collection, developing relationships.

Developing relationships: Relationships abroad

The following excerpt from the Librarian's Report, 1949–50, illustrates the wide range of relationship building during his second trip south of the border. This trip is the best documented of them all.

"My trip to Central and South America had been planned for the winter of 1941–42, but was deferred because of the war and for personal reasons. My trip began with a visit to Havana, Cuba, . . . followed by visits to Haiti, Dominican Republic, Puerto Rico, Venezuela, Trinidad, Brazil, Uruguay, Argentina, Chile, Peru, Ecuador, Colombia, Panama, Costa Rica, Nicaragua, Honduras, El Salvador, Guatemala, and Mexico. The only South American countries not visited were Paraguay and Bolivia.

"In every country I called on our agents, ironed out difficulties which had accumulated over the years, and arranged for our agents to supply materials relating to the law of their particular country.

"In each city I visited I went to the second-hand bookstores, picked out what we needed. In each country I visited I tried to do the following:

- "Visit the leading law schools, talk with the dean and some of the professors, find out what I could about trends in legal education, publications being brought out by the faculty, new books being published in the country, etc.
- "Wherever possible I tried to get our Library on the mailing list for free copies of laws, court reports, and journals. In some cases I arranged to send the *Michigan Law Review* in return.
- "In almost every country I contacted some of the leading members of the bar, visited bar association libraries, inspected the libraries of individuals, and called on some public officials.
- "Went to bookstores searching for material we could use, and arranged for the shipment of same.
- "In every country I went to the National Library and talked with the director and some of his staff. I also visited every other library of importance, including the

"I cannot praise the Library service enough. I could not have done what I have done without it. I send in a request involving foreign language material, and I receive a response promptly. The service has no peer in the country. The collection is outstanding."

Eric Stein, '42
Hessel E. Yntema
Professor Emeritus
of Law



"I give the collection a lot of wear. I use the treatises and rely heavily on the Hanrei taikēi CD-ROM database for searches of Japanese case law; my work would be nearly impossible without it. I regularly look at about 10 Japanese journals; they keep me on top of things. I have done two projects that required me to trace the historical development of Japanese laws; once, I was able to look up in hard copy how the commercial code has changed through every revision of its 54-year history; in another, I was able to walk right up to the shelf and get the 1890 laws that I needed.

"The combination of (a) the law collection, (b) the Asia Library collection, and (c) the library staff makes this the best place in the world — yes, in the world — to research the Japan-related legal

American libraries maintained in some countries under the sponsorship of the U.S. Department of State. These libraries are often connected with a "cultural relations center," an institution found in several Latin American countries for the promotion of better understanding between those countries and our own, for teaching English, providing information, etc.

"In Cuba, Venezuela, Brazil, Argentina, Chile, Peru, Columbia, and Panama I contacted former students of this Law School, who were of tremendous help to me in arranging for visits to libraries, making appointments, and smoothing the way for visits to public officials, lawyers, and judges. Without the help of these men I should have accomplished far less than I did, especially in view of the limitations on my time.

"During the course of my trip I acquired considerable material in the form of gifts from individuals or government agencies. Often, material which we had never been able to secure through correspondence was readily produced when I made a person[al] call. In Colombia a former student, Señor Jose Perdomo, and his uncle, Señor Pedro Escobar, presented me with a collection of Colombian material of considerable value and scope.

"For each country visited I carried a list of the important materials which our library already owned and a list of the books which we wanted to acquire. These lists, incidentally, had entailed months of work on the part of Miss Wilson, our chief order librarian; Mrs. Roberts, chief bibliographer; and Mrs. Patrick, who did the typing. Without their help my visit would have been of little value.

"Most of the materials we were looking for were out of print and, consequently, hard to obtain. The almost complete lack of organization of the book trade in most countries added to the difficulty. While I did succeed in uncovering many of the items needed by contacting individuals or searching in the second-hand stores, it was impossible in a few days time to do the whole job. The only practical arrangement was to find a satisfactory person who would agree to keep hunting for the material on our list and send it to us when found. I am happy to report that I was able to make such an arrangement in every country except Honduras. Material on our want-lists is now coming in from practically every country and

will continue to come for a considerable time. Our contacts at the present time are excellent in nearly all countries. Unfortunately, many of these contacts are not with established law book firms (often no such firm exists) but with individuals — public officials, members of the bar, American diplomatic officers, representatives of American companies, etc. These contacts have the bad habit of disappearing after a time — men retire, change their occupation, return to this country, or simply grow weary in well doing. Acquiring materials from Latin America is a matter of eternal vigilance."

Coffey was less formal when he wrote back to the staff during the trip with observations about individual people and the conditions in each place he visited:

- "Weather is pleasant, not too hot, glad I brought along my summer clothes. Don't care much for this city! It is *smelly*, terribly over-crowded, and the noisiest place I have ever seen. It is as though all hell had broken loose." (Havana, January 6, 1950)
- "Here I am in a beautiful villa on the side of a mountain looking out on the sea. I have the best room and the best food thus far." (Port au Prince, Haiti, January 11, 1950)
- "Had a devil of a time finding Laurent. . . . He used to be in the archives but was thrown out to make room for a political hack. They say he took part of the archives with him, and I suspect he did. Lazy, indifferent, he cannot be moved or pushed. You should see his 'store,' I'll tell you about it later. [describes several items purchased from Laurent]. Also included are three or four old things we may be able to use. If not, we'll sell to Harvard at a stiff price. Legal material is so hard to find here that it ought to be worth its weight in gold. Last night I went to the Exposition . . . saw a marvelous bit of voodoo dancing. . . . No one here has heard of the *Revue de droit l'haiti*. The street number you gave is a *shack* with room for two or three pigs. . . . This is a country of over 3 million . . . and woefully poor. . . . [S]tudents rely on books from France. . . . The French is Creole, unintelligible. Only a few . . . taxi drivers speak English. I suspect they learned it in jail, because they are a gang of thieves." (Port au Prince, Haiti, January 11, 1950)
- "The hotel is one of the most beautiful I have ever seen. The city is clean, beautiful, and quiet." (Ciudad Trujillo, Dominican Republic, January 14, 1950)

- “Here I am in Caracas, the boomtown of the Americas. The expansion of the city, the construction of new buildings, roads, what not almost passes belief. The city has a gold rush atmosphere, big fortunes being made overnight . . . but I shall probably never return unless I make a fortune in oil. I had two long sessions with Ahrensburg. We must keep him as our agent. . . . He is blue-eyed, blond, stocky, grandson of a German professor who came to Caracas and spent his life here in scientific work. He is part German, part English, and the rest Venezuelan, employed by an oil company, a book collector and broker on the side. . . . The high court will be interested in some of our publications in exchange.” (Caracas, January 15, 1950)
- “Arrived in Rio after a long and hard flight from Trinidad. Amazingly beautiful city with a kind, friendly population. Have seen Leyte and shall have another conference with him. He is said to be about the only one in Rio who will do this sort of work. Leyte is a Brazilian, speaks no Spanish or English. We had to talk German. He keeps a good file of what the various libraries lack and when he buys an old library he tries to fill in the gaps in the collections of the various libraries. Beerens is Belgian, as is his wife. They have been in Rio a long time. Brazilians may be able to grasp what you have said in Spanish, but when they reply in Portuguese you are about where you were in the beginning. I have been able to make my way. . . . There are more German-speaking people here than Spanish. Beerens’ main job is to supply American publications to Brazilians. He is handling Brazilian subscriptions for us and a lot of other libraries, a new venture for him. He says he would rather try to get 20 American periodicals than one Brazilian. For complete sets and back runs we have to rely on Leyte it seems.” (January 31, 1950)
- “I arrived in Sao Paulo late Friday night. . . . Certain institutions and individuals can probably use many of our foreign law duplicates on exchange. . . . Hold them until I get back. I have picked up a few ideas on library equipment . . . one is a newspaper rack, better than the makeshift we have now.” (January 31, 1950)

- “Barreiro does not want to handle subscriptions, but will pass on subscription inquiries to the publisher. I can understand his difficulties. Subscriptions are a headache and there is no profit in them in a country like this. . . . The Bibliotheque National is housed in the university, provisionally and has been there 45 years, but a new building is going up. When the library is moved and organized we may hope to get a list of duplicates. . . . In Sao Paulo had a grand visit with Teizera, one of the finest we had at Michigan. . . . At the moment it looks as if Chile might be in a revolution or state of siege by the time I am ready to go. . . . I am well but homesick.” (Montevideo, February 3, 1950)
- “Visits to government agencies in Buenos Aires were not too satisfactory. People are being changed all the time, publications discontinued, etc. Heavy dirty hand of Peron and the light but even dirtier hand of Evita are felt everywhere. . . . I spent much time with Bunge and with some friends of Perriaux. Many lawyers and judges came to see me. I was entertained, too much. I felt I was leaving BA in sheer self-defense. Chile has been almost as bad. My great problem is how to slip away for a day so that I can avoid eating anything at all. The amount of food that people can consume here passes all belief. Must be some Swedish influence . . . prosperous people are nearly all fat. Santiago is very ugly in the *centro*, many old buildings are being torn down, the city is damaged by improvements!” (Santiago, February 19, 1950)
- “Am now in Lima. . . . Rosay is dead, his store discontinued, and his business in bankruptcy. No use to depend on them. Lib. Internacional is the biggest and most active but the manager is thought to be slippery; have placed our list with Iturriega. Two partners, one a German Jew who came here about 1928. He is well educated, very bright, knows books, and has a great memory and a flair for bibliography. The other partner, Iturriega, is a young Peruvian, a musician and composer, who recently won first prize in Peru and will go to Paris in October. The firm has almost no stock, uses runners who go out and buy. Here as in many other countries, new law books are as much of a problem as old, out of print books, because authors publish their works privately and do

issues that interest me. I can get more materials here faster than I could anywhere else. If I were at another school, I would not have written as much, and one article (on the world's first futures market, in Osaka, which relied heavily on historical sources) would never have entered my mind.”

Mark D. West
Nippon Life Professor of Law; director of the Law School's Program in Japanese Law; director of the Law School's Center for International and Comparative Law; and director of the University of Michigan Japanese Studies Center



"I work with the collection all the time and have nothing but praise for it. To put it simply, most of my work could not be done without it. Examples (other than law review articles) include my book *Conflict of Laws in Western Europe: A Guide Through the Jungle* (1995), my *General Report for the International Academy of Comparative Law on Liability for Defective Products and Services: Emergence of a Worldwide Standard* (2002), and my teaching materials for *International Litigation and Transnational Law*. Currently, I am working with Karima Bennoune, '94 (an assistant professor at Rutgers Law School), and Tim Dickinson, '79

not give them to the stores. To get one new book a dealer has to make telephone calls (usually the author has no phone because they are very scarce here) and then make one or more trips. Don't pay Rosay any more." (Lima, February 28, 1950)

- "Here in Quito . . . obviously some of my letters never reached their destination. In some countries the postmen take the letters, steam off the stamps, and sell them. Imagine! Have seen Chavez and Munoz and shall see them again this afternoon. Munoz is not an old professor, but a comparatively young man, all dressed in black. He speaks as he writes, i. e., at great length, and pays little attention to what I say. He is fascinating, a real scholar, a character." (Quito, March 11, 1950)

These samples show the effort Coffey put into finding people he trusted to help build the collection from afar.

Relationships within the University

In accordance with the Bylaws of the Board of Regents, the Law Library at Michigan has always been a part of the Law School and independent from the University Library. The bylaws provide for a Library Council, consisting of the directors of the individual libraries (University, Law, Business, Clements, and Bentley), that meets periodically to coordinate activities.

For the most part, coordination of collection development between the libraries has involved questions relating to American legal and law-related materials, such as constitutional conventions, criminology, journals of state legislatures, and reports of state commissions. But there was conscious collaboration on some topics related to foreign and international law as well. For example, in response to an inquiry from University Library Director William Warner Bishop, Coffey wrote:

"We checked our holdings of treaties using *Myers Manual of Collections of Treaties and of Collections Relating to Treaties*, 1922, indicated our holdings, and where we had something important not on the list, we added to the list. The list is incomplete because treaties get into the statutes, official gazettes, textbooks, and all sorts of places. . . . Our policy has been to rely on the League of Nations Series for most of the treaties made since 1919. We bought very

extensively in this field in an attempt to get together the leading treaty collections prior to the beginning of the League of Nations series."

Later Coffey offered to help the University general library locate dealers and dispose of duplicates on his Latin American trip.

In general, though, foreign and comparative law was not the subject of collaborative discussions. A major exception was countries whose language was in a non Roman script and for which there was outside support for "area studies" programs, that is, the nations of Asia and the Middle East. In 1953 Coffey wrote to University Librarian Warner Rice that "our policy for Japan and China is the same as for all other countries . . . to acquire basic materials. . . . We have lagged behind in building up our collections for the Orient . . . [but] still we have made some progress. It is my view that the Law Library should continue to be responsible for the acquisition of Japanese legal materials." Over time, however, the Asia Library did acquire a great deal of legal material, as did the Law Library. In 2001, the Law Library established an "approval plan" by which to acquire secondary material from Japan.

Exchanging or selling duplicates

The value of exchanges (the *Michigan Law Review* was usually the currency from Michigan) in foreign acquisitions is clear from the examples in the previous section. These exchanges meant that the Library paid the *Michigan Law Review* for subscriptions to be sent to other institutions, which in turn would send material to the Library.

One result of buying when abroad, from whence Coffey was unable to check existing holdings, was the acquisition of unneeded duplicates. Many gifts were also duplicates. In the 1930s, with the Depression deepening, the sale or exchange of this material was significant. From a 1932 report comes this description:

"Duplicates exchanged, free for transportation, or sold totaled 2,475 books and 1,050 periodicals; total amount of money \$2,115.58.

"Exchange relations have been established with Michigan State Library, New York State Library, Association of the Bar of the City of New York, Louisville Law Library Co., New York County Lawyers' Association, University of Chicago, University of Illinois, the law libraries of Columbia, Duke, and Yale.

“More than half of the duplicates have been sold to such institutions as the Colorado Supreme Court Library, the Cincinnati Law Library Association, the New York County Lawyers’ Association, the Iowa State Library, and the law libraries of such universities as Duke, Cornell, Iowa State, New York University, Minnesota, Pennsylvania, Chicago, Indiana, and Yale.

“The legal treatises which remained on the first duplicate list were offered to some of the smaller law libraries for the cost of transportation. The law libraries of Howard University, the University of Missouri, the University of Arizona, and the University of Arkansas took advantage of this offer.”

This is only one example. The files reflect a very conscientious effort to find a home for material that was duplicative or out of scope for a law library. However, most of this activity related to domestic rather than foreign or international material. With the exception of offerings from Harvard, exchanges with other libraries were not an important acquisition tool for Michigan’s foreign collection. However, exchanges directly with the law schools or other legal institutions of foreign countries were often significant, especially when a country had no established book trade.

Gifts

Gifts also appear to have been far less important for building the foreign, comparative, and international law collections than they were for the American collection. The collection of domestic law was “composed of a small collection of about 350 volumes donated by Judge Thomas M. Cooley” in 1859 and a gift of almost 800 volumes from the Honorable Richard Fletcher in 1866, who was “moved entirely by his admiration for this institution.” The collection almost doubled as a result of a gift in 1885 from Christian Buhl, who had “carefully selected a complete library of English and American textbooks and reports.” On the other hand, the librarian’s annual reports to the Library Committee or the dean show that most of the foreign collection was acquired by purchasing items from the want lists constructed as described earlier.

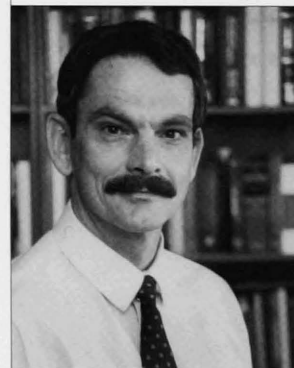
There are important exceptions, however. The annual reports include the number of gift volumes received and describe notable gifts.

Those that enhanced the collection beyond the borders of the United States included:

- 1931–32: Dartmouth College, 67 volumes of early editions of English treatises.
- 1930–40: Over this period, Orla Taylor, an 1887 graduate of the University of Michigan Law School, made several gifts of early law books. The files reveal a classic donor-recipient relationship, in which Taylor offered books to Dean Bates in 1930, suggesting that the books could be placed in display cases in conjunction with construction of the new library. Coffey assessed the value of the proposed gift and concluded “the value of the gift is too slight to warrant us accepting it on the terms Taylor seems to demand.” Coffey cited the cost of the exhibit cases, which would exceed the value of the books; the likelihood of ruining the books by keeping them on permanent exhibit; and the fact that people would cease to pay attention to a permanent exhibit and that the library already owned at least 200 more valuable volumes. Nevertheless, and probably because of estimates of what Taylor might do for the University later, the library accepted the books and built display cases. In 1932 Taylor gave 14 early English books and a 1625 *Grotius*. The next year, he gave “an excellent 15th century manuscript containing a Register of Writs used by lawyers of the period, and in 1940 a copy of Sir J. Fortescue’s *A Learned Commendation of the Politque Lawes of England*, 1599.
- 1935: Judge George A. Malcolm of the Supreme Court of the Philippines sold a collection of Philippine material at such a low price it was termed “in the nature of a gift.”
- 1946–50: the records of some of the Japanese war crimes trials came as a gift from Col. Edward H. Young of the Judge Advocate General’s Office in 1947. Judge V.C. Swearingen gave records of the trials of German war criminals that year. Two years later, Col. Rowland W. Fixel gave 300 volumes of transcripts, records, and exhibits in the Japanese war crimes trials, and in 1950 the Office of Chief Counsel for War Crimes gave 415 volumes of Nuremberg war crimes trials records and proceedings. Also that year the library selected 148 volumes from the library of

(of Dickinson Wright in Washington, D.C. and Ann Arbor), on a casebook for the Transnational Law course. Virtually every page of that book will be indebted to the Library’s international and foreign law collection.”

Mathias W. Reimann,
L.L.M., '83,
Hessel E. Yntema
Professor of Law



"I have been working for the past year on a book, *Buying Social Justice*, about the worldwide use of government contracting as a technique for promoting equality. The international collection at the Law School has been outstanding. When I've needed something, as often as not, there it is. Quite simply, I couldn't have done the research without it. A real treasure."

J. Christopher McCrudden
U-M Law School
Affiliated Overseas
Faculty; Fellow and
Tutor in Law, Lincoln
College, Oxford;
Professor of Human
Rights Law, University
of Oxford; and non-
practicing Barrister-at-
Law (Gray's Inn)



George Melchior, a distinguished author and international lawyer in The Hague. The collection was primarily secondary sources, most in German, published from 1900–35 and included five "Treaties of Peace with Germany," 1919–20, and five collections of German laws published from 1889 to 1939. Judge Henry M. Butzel gave three volumes called *Microcosm of London*, an original edition with 104 cold acqua plates which Coffey estimated was worth \$1,000 in 1949.

- 1950 Latin American Trip: "During the course of my trip I acquired considerable material in the form of gifts from individuals or government agencies. Often, material which we had never been able to secure through correspondence was readily produced when I made a personal call. In Colombia a former student, Jose Perdomo, and his uncle, Pedro Escobar, presented me with a collection of Colombian material of considerable value and scope."

By 1947, the librarian reported that "few of the gifts offered or made actually furnish material which we can use. Ninety-nine percent of a lawyers's library which comes to us is duplicate. We have donated this material to the University of the Philippines and to the devastated libraries of Europe. Large libraries, like large nations, must necessarily help to bear the burdens of the weak."

Special Note: The impact of World War II

The Librarian's Report for 1940–41 notes that practically no books or periodicals arrived from continental Europe. In 1941–42, Coffey notes the increased difficulty of purchasing materials for the library because of the spread of the World War. "A large share of the world is now cut off from us, and transportation restrictions and marine hazards make it difficult to import material, even when it can be purchased." Nevertheless, "a few items dealing with continental European law were secured from libraries of German refugees." This statement was accompanied by a list of several hundred volumes from Austria and the Czech Republic. In the library that year, staff inventoried the whole collection for the first time since the move to the Legal Research Building in 1931. Practically all staff participated, and they completed the inventory in little more than two weeks. They found many misshelved volumes,

and errors in cataloging were uncovered and corrected. Of the 166,000 volumes, only 181 could not be found. Coffey's work with policies and records succeeded in avoiding what he had observed at Harvard in 1929, a lack of bibliographic and physical control over the contents of the collection.

Fear of Japanese and German bombs led the Law Library to move a large share of its most valuable holdings to the nearly bomb-proof quarters available, but the material was not easy to access there. Coffey wrote that, "In doing this, we have exposed it to another hazard, i.e., water. We believe that few libraries in America have been able to safeguard their collections as well as we have."

The 1943–44 report continued the theme of acquisition difficulties and extended that to predictions of continued post-war problems. "No material was received for any part of continental Europe. Material from England declined in volume, but still continued to arrive. . . . We were able to import a large number of books from Latin America, thus fortifying our already strong collection in that field. Visiting scholars from certain South American countries report that our holdings are frequently more complete than those in their own countries." Coffey went on to predict that "the opening of the European sources of supply will see a mad scramble for the materials available. The supply is bound to be much restricted because of the wholesale destruction of English and European libraries and book houses."

However, the lull in acquisitions provided time to take care of the existing foreign law collection. In 1944–45:

"The assistant librarian disposed of 80 years' stock of duplicate material, including many tons of completely worthless material which was given to the waste-paper drive. The Cataloging Department spent considerable time adding call numbers to catalog cards covering foreign law. Shelf classification of foreign law, so ably planned and carried out by the assistant law librarian, has now been completed. We plan to now classify international law and criminology, and may complete it this fiscal year."

The 1945–46 report refers to the resumption of nearly normal acquisitions except from Europe, as well as the return of more students than ever.

By the 1946–47 report, books again began to flow from Europe to the United States:

“Material in considerable amounts, some of it an accumulation of the war period, has come to us from Spain, Italy, and Holland. Material from France has arrived irregularly and in small quantities. French dealers, in general, showed little inclination to resume business. It seems likely that in countries with unstable or greatly depreciated currencies owners of books prefer to hold tangible property rather than money of uncertain value.

The German situation remains hopeless, as before. Some of the leading book houses, especially those in Leipzig, were completely wiped out in bombing raids. Those not completely destroyed have found it impossible or impracticable to ship us materials. Thus far, there has been no way by which we could make payment for German material that comes to us in a roundabout way through friends, Army personnel, etc. Until normal trade relations are resumed, there is little chance that we shall be able to fill in the gaps caused by the war or to secure the few current works now being published in Germany. Even when normal trade relations are resumed, it is feared that the supply of material available will be very small indeed, and for this supply there will be the keenest competition not only in America but in Germany itself. One great source of supply of scholarly and research materials had always been professors’ libraries. Professors’ collections have largely disappeared in the last two decades. German libraries which suffered heavily during the war will absorb a large share of the scanty supply of books which may be available.”

The collection building era comes to an end

Following the war, the foreign law collections continued to grow, but with more emphasis on the developing intergovernmental organizations and new nations than on retrospective collecting, although that too continued. For example, the 1948–49 report said:

“Our collection of documents continues to increase, especially with the huge addition from the United Nations. The time is fast approaching when we shall have to have the services of a full-time documents librarian who would be responsible not only for the selection and the

acquisition of most of our documents but for their cataloging as well. Such an employee could also be of great help on the reference side.

“Last year we were fortunate in being able to add a considerable amount of Chinese material which helped in a small way to make up for past neglect. Our collection of material for the Orient has never been strong — a fact that was brought home to us in the last war when such material was needed and we were unable to supply it.

“Beginning in the spring of 1949 we have employed a part-time assistant who has knowledge of Russian and a genuine interest in Russian law. This assistant has been checking our holdings and keeping close watch on new Soviet publications. With this sort of help we may in time build up our Soviet collection to a satisfactory level.

“A considerable amount of Japanese material has come to us in the past year, largely through an exchange arrangement carried on under the supervision of the occupation authorities. These materials, together with those from China and the Soviet Union, obviously throw an added burden on both the order and catalog departments, particularly because of language difficulties.

“During the war years our whole European collection fell into arrears because of the impossibility of obtaining continuations and new works as published. Since the conclusion of hostilities we have been gradually filling in the gaps, and although we still have a long way to go we are able to report a considerable progress.”

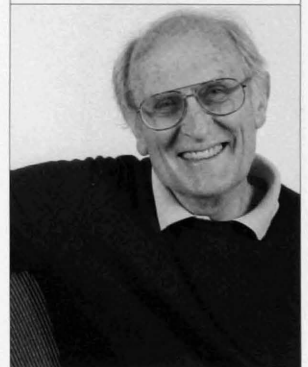
The report concluded with a long list of journals and primary material, current and retrospective, from Western Europe.

The next year, 1949–50, contained affirmation of the collection development policy Coffey supported back in 1928:

“Our aim is still to acquire the leading and significant legal materials, first for this country and those countries where the common law prevails . . . and next, . . . for the other important countries of the world. During the past year we have added considerabl[y] to our holdings from Japan, a country hitherto almost unrepresented in our collection. . . . Last year we obtained some very valuable material for Czechoslovakia to bring our collection up to date. . . . As Czechoslovakia passes more and more under the control of the Soviet Union we

“I have used this collection in the course of writing a book on the history of the European Convention on Human Rights and for numerous articles, and I am continually amazed at how good it is. Its utility is further enhanced by the skill and professional competence of the staff of the library. Those whose experience is confined to using it just do not realize how fortunate they are.”

A.W. Brian Simpson
Charles F. and Edith J.
Clyne Professor of Law



"Thanks to the efforts of Margaret Leary and her colleagues, it is now possible to access at Michigan the refugee law jurisprudence of virtually all asylum states either electronically, or in hard copy. This has been an invaluable resource to me, and to the many students enrolled in our Program in Refugee and Asylum Law."

James C. Hathaway
James E. and Sarah A.
Degan Professor of Law



may expect that the character and trend of the law will change and opportunities for further acquisitions will all but disappear."

By 1951–52, Coffey could look back with satisfaction, yet still see room for improvement in the foreign collections:

"Our collections for the various European countries have often shown an uneven development. This is due in part to the fact that in building up a library, the librarian is forced to buy in a given year what he can find. Also, when we have had our choice we have tried to acquire first those materials dealing with the law of the more important countries, such as Germany, France, and Italy. Some countries have been almost completely neglected, e.g. the Balkans, Hungary, Finland, and the Near East. Recently we have been able to strengthen some of the weaker sections in our collection. In the past year we have been particularly fortunate in having the aid of a specialist in Slavic materials, Israel Perlstein of New York, who has helped us to fill many gaps in our Russian and Czechoslovakian sections, and has supplied us with many of the fundamental legal source materials for Yugoslavia, a country hitherto almost unrepresented in our library. Altogether we secured from Yugoslavia approximately 350 volumes. Our dealer is at present on a buying trip in the Balkans, and will undoubtedly help us again to complete some of our sets and fill in important gaps. Among the items acquired for the territory now known as Yugoslavia are [followed by a long list of primary and secondary material]."

In 1957, the Michigan Law Library became the first academic library in the United States to be designated a depository for publications of the European Coal and Steel Community, one of the predecessors of the present European Union. The Library continues in this role to the present. In 2001, the University of Michigan was honored to become an official European Union Center institution.

The major work in building the foreign, comparative, and international collections retrospectively was completed by 1960. The director's role remained central, but gradually the primary responsibility for selecting individual titles shifted to reference librarians who were assigned collection development responsibilities for areas of the world congruent with their reference work duties. By the time Coffey

retired in 1965 he was "more than any other person or group of persons . . . responsible for the fact that the library of [the Michigan] Law School is one of the world's great law libraries." His successor, Beverley J. Pooley, wrote of him:

"His first and primary concern was with building the collection, and the Michigan Law Library today stands as a memorial to his towering achievement. . . . [W]hen he came [the library was about 80,000 volumes], a modest, primarily American collection; [it was] 350,000 in 1965 when he retired, comprising one of the great legal research collections of the world. His interest and special skills ranged widely: He collected early American session laws, as well as the rare volumes of French Coutumes; canon law, as well as anthropology; British commonwealth materials as well as Indian (Native American) treaties. He brought to bear upon the task of collection-building a keen legal intellect, a broad range of humanist scholarship, including a knowledge of six languages, and a curiosity that remained undiminished until the end."

Conclusion

As collection building gradually took less of his time, Hobart Coffey increasingly turned to other activities. He had taught admiralty and domestic relations since the 1930s and this continued; he also taught the part of a law and equity course that dealt with sources of law and using the Law Library. He wrote several manuals on the use of a law library, two articles for the *Dictionary of American Biography*, half a dozen book reviews, and many articles on law libraries and legal education.

He was a leader in the library profession beyond the law library world. In 1937–38, he was chair of the Michigan State Board for Libraries, which had general supervision over the Michigan State Library. In 1949 he was not only the president of the American Association of Law Libraries, he was also president of the Michigan Library Association. From 1938–53, he was originator, president, treasurer, and generally responsible for the Legal Microfilms Association, a nonprofit corporation that began the microfilming of United States Supreme Court records and briefs. Locally, he was a very active member of a cooperative eating club, the Wolverine Cooperative, from 1932 until its dissolution in 1951. In 1940 it was the largest

enterprise of its kind in the country, serving 500 to 600 dinners each night. He was chair of the Ann Arbor branch of the American Civil Liberties Union in 1932 and ran a meeting that spring, in the depths of the Great Depression and unemployment, to discuss what to do about “the recent march of the unemployed in Dearborn, and the shooting of several of the marchers by the Dearborn and Ford Factory police,” and its impact on civil liberties.

As he reflected on the growth of the Michigan Law Library collection, Coffey himself never failed to give credit to Dean Bates for its development:

“A large part of the credit for the development of the Library . . . must go to Dean Henry Bates, who brought to Michigan a genuine appreciation of the value of research material in a library. . . . He showed from the beginning a keen personal interest in the development of the law collection, and saw to it that his colleagues obtained the materials necessary for their research.”

As Bates completed his deanship, Coffey’s 1938–39 report commented that “under the administration and general supervision of our present dean the Library has grown from an insignificant collection of about 20,000 to one of 145,000. The Library today, both in its collection of materials and in its organization, is one of the outstanding law libraries in the country. It has been a center of research for lawyers, judges, and professors from all parts of the country.”

William Cook’s gift of buildings and an endowment to support research, York and Sawyer’s design for the inspirational Legal Research Building, Henry Bates’ expansionary view of legal education and legal research, and Hobart Coffey’s superb collection efforts spanning five decades brought reality to what was only a hope in 1934: “To have a collection of law books which will permit scholars to do research work in any field of law, regardless of country or period.”

Law Library Director Margaret A. Leary, above left, is shown with librarians Barbara Garavaglia, Beatrice Tice, '80, and Jennifer Selby, all of whom hold J.D. degrees and with whom she works to manage and enlarge the Law Library's international holdings. From 1973 to 1981, Leary served as assistant director and from 1982 through 1984 as associate director of the Law Library. She



received a B.A. from Cornell University, an M.A. from the University of Minnesota School of Library Science, and a J.D. from the William Mitchell College of Law. Leary has worked to build the comprehensive library collection to support current and future research in law and a wide range of disciplines. She has also developed strong services to support faculty research. The Law Library is known for its international law resources, which attract research scholars from around the world.

Barbara Garavaglia, '80, head of reference and librarian with the Law Library, holds a master’s degree from the University of Michigan School of Information and Library Studies. She earned her J.D., cum laude, at the Law School and her B.A. in political science, summa cum laude, at the State University of New York at Buffalo. A member of the Law Library staff since 1988, she previously had been assistant director of the (Michigan) State Law Library in Lansing and had worked as a research attorney in Ann Arbor.

Beatrice Tice, who regularly teaches research techniques at the Law School as an adjunct professor, is the Law Library’s foreign and comparative law librarian. She holds an M.L.I.S., with a special certificate in law librarianship, from the University of Washington and a J.D., with distinction, from Stanford Law School. She earned her M.A. in linguistics from Yale University and her B.A., magna cum laude, in modern languages from Pomona College. She has practiced law in California and joined the Law Library staff in 2000. She is fluent in French and German, has reading knowledge of Italian, Spanish, and Latin, and is familiar with Welsh, Scots Gaelic, and Irish Gaelic.

International Law Librarian **Jennifer Selby**, who joined the Law Library staff in 1999, earned her M.S. at the University of Michigan School of Information, her J.D. at Chicago-Kent College of Law, and her B.A. in chemistry at Michigan State University. She has practiced law in Michigan and Illinois.