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The American Association of Law Libraries and Its Government Relations Program: Part I

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Hearing Before the Subcommittee on Labor, Health and Human
Services, and Education

Of the Committee on Appropriations
United States House of Representatives
One Hundred Fourth Congress, First Session

On Examining the Role of Professional Library Associations
in the Lobbying and Government Affairs Arenas
Wednesday, January 17, 1996

House of Representatives
Subcommittee on Labor, Health and Human Services, and Education
Committee on Appropriations
Washington, D.C.**

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** Presenting this information about the American Association of Law Libraries' government relations program in this format, which imitates a federal congressional hearing, is merely a creative technique used by the author. No such hearing ever occurred, and the

The subcommittee met, pursuant to notice, at 10:00 A.M., in room 2154, Rayburn House Office Building, Hon. John E. Porter (chairman of the subcommittee) presiding.

Opening Statement of Hon. John E. Porter

REPRESENTATIVE PORTER: The subcommittee will come to order. I am pleased to chair this hearing today. The hearing focuses on the involvement of professional library associations and organizations in lobbying and government affairs. The hearing is designed to determine how library organizations and associations impact federal legislation and policies and federal funding of library programs through their organized government relations programs.

Several panelists representing major library associations are with us. Each representative will describe his or her association's activities and the objectives of the association's government relations program. The associations are varied: Two associations have been involved formally in government relations activities for many years, but one association is a newcomer to formal government relations programs.

The first witness is Timothy L. Coggins, Director of the Law Library and Associate Professor of Law at the University of Alabama School of Law, Tuscaloosa, Alabama. Mr. Coggins will present information about the government relations program of the American Association of Law Libraries, the library association with the newest program of government activities. I asked Mr. Coggins to provide historical information about the development of his association's government relations activities, including specific illustrations of the association's committees and members working with the U.S. Congress and other government departments and agencies. The Chairman requested that Mr. Coggins relate this information to provide subcommittee members with an understanding of a library association's government relations program and the reasons why library professionals feel that they must participate in these activities. Mr. Coggins, the subcommittee welcomes you.

remarks attributed to the chairman of the subcommittee were written completely by the author of this chapter.

Statement of Timothy L. Coggins

*Director of the Law Library & Associate Professor of Law
University of Alabama School of Law, Tuscaloosa, Alabama*

MR. COGGINS: Thank you, Chairman Porter, for this opportunity to testify before your subcommittee and to present the development and the objectives of the government relations program of the American Association of Law Libraries (AALL). The American Association of Law Libraries was founded in 1906 as a non-profit, professional organization devoted to improving the operation of law libraries and the distribution of legal information. The Government Relations Policy [hereinafter Policy] of the AALL outlines the objectives of its government relations program. The Policy emphasizes that a primary goal of this Association's program is to ensure timely and equitable access to government and legal information.¹

This Policy represents the views of an association with more than 5,000 members who provide law library services to government officials, the bench, the bar, legal scholars and the public in nearly 1,900 libraries.² AALL, its members and its users are affected by a broad span of public policy concerns "ranging from the development of the National Information Infrastructure and the dissemination of government information to intellectual freedom and intellectual property. AALL members have a special responsibility for ensuring that federal, state and local legal information resources are developed, managed and shared effectively."³ For these reasons, the AALL membership and its leaders recognized early in the Association's development that they must participate in legislative, judicial and regulatory processes. It is only recently, however, that the government relations program of AALL has been formalized into a "proactive program to inform its members of current issues and to assist government decision-makers in developing laws and policies consistent with its Government Relations Policy."⁴

This statement traces the early involvement of the Association, its committees and its members in government activities and tracks the developing collective interests of law librarians and AALL members in

1. *American Association of Law Libraries, Government Relations Policy* (revised July 1995) [hereinafter *Policy*], in AALL DIRECTORY AND HANDBOOK 1995-1996, at 363 (1995).

2. *Id.*

3. *Id.*

4. *Id.* at 364.

these issues. The discussion concludes with the late-1980s and early-1990s developments, which resulted in an increased AALL presence in Washington, D.C. The presentation deals exclusively with the American Association of Law Libraries' activities and not with the activities of its chapters and Special Interest Sections.⁵ It focuses primarily on involvement at the federal level, rather than at the state and local levels.

Introduction

Librarians have long been aware of the necessity of involvement in government relations activities in order to guarantee access to information for their users, but have not always taken a proactive stance. "No longer can we maintain the traditional passivity prevalent among us," writes Camila A. Alire in her introduction to a special issue of *Colorado Libraries*, which was dedicated to librarians and lobbying.⁶ She encourages librarians to be proactive, not passive or reactive. Proactive participation among librarians takes many forms, ranging from encouragement by an association to its members to correspond individually with legislators about issues to the development of a full program of legislative activities, including association staff who monitor legislation and attempt to impact the outcome of legislation with its members' views. The American Library Association (ALA) and the Special Libraries Association (SLA) are two library professional organizations which have long had active participation in the Washington government arena. The activities of these two library associations are known widely and are appreciated by citizens and others concerned about access to information.⁷ The American Association of Law Libraries, on the other hand, relied almost exclusively on actions by its executive board, its committees and individual members, rather than a more organized program with representation in the Washington, D.C. area.

5. AALL chapters were encouraged by the executive board to develop their own government relations committees and to have those committees communicate state and local issues to the national committee. The Special Interest Sections of AALL represent the interests of members in specific areas, such as the Social Responsibilities SIS, the Legal Information Services to the Public SIS and the State, Court and County SIS.

6. Camila A. Alire, *Libraries, Lobbying, and Legislative Issues*, COLO. LIBR., Dec. 1992, at 4.

7. See YURI NAKATA, *FROM PRESS TO PEOPLE: COLLECTING AND USING UNITED STATES GOVERNMENT PUBLICATIONS* 7 (1979).

I. The Early Years, 1906–1929

The early years of the American Association of Law Libraries' development in government relations are marked by individual members working diligently to organize the fledgling association. The activities involved correspondence and meetings to make its members aware of problems facing the profession and the operations of law libraries. Access to information was a substantial problem for law librarians, and the Association appointed many committees to remedy this situation. In fact, the early efforts of the AALL were directed toward *obtaining* legal materials, not toward impacting content and policy decisions. During this period AALL found a strong ally in the Library of Congress (LC) and relied upon LC's assistance in obtaining necessary legal information for AALL members and the users of law libraries.

The first gathering of law librarians occurred on July 2, 1906 in one of the parlors of the Hotel Mathewson at Narragansett Pier.⁸ This gathering was organized by A. J. Small, the Law Librarian of the Iowa State Library, who later served as President of the Association and stressed the importance of banding together to obtain important and optimal results.⁹ In his 1908 President's Address, President Small discussed specific efforts for the Association. "I would recommend the appointment of a committee to confer with the Librarian of Congress, relative to obtaining aid in carrying out the purposes of our organization."¹⁰ He discussed how effective the Library of Congress had been at publishing reference lists, cataloging cards and other services for library work. "I believe that he [Librarian of Congress] will be glad to confer with representatives of this association in regard to such matters."¹¹ Thus, President Small immediately directed the Association to begin many years of cooperation with one federal agency: the Library of Congress.

The first example of an Association activity to persuade the U.S. Congress to take an action occurred during President Small's tenure. He described an attempt to persuade Congress to furnish "*Statutes at Large and Revisions*, and other legal publications to the distinctively law

8. A. J. Small, *President's Address*, 1 LAW LIBR. J. 4, 4 (1908). See also A. J. Small, *Reflections*, 24 LAW LIBR. J. 12 (1931).

9. A. J. Small, *President's Address*, 1 LAW LIBR. J. 4, 4 (1908).

10. *Id.* at 5.

11. *Id.*

Libraries. Reports to the Association¹⁹ indicate that the service was concerned with access to information and improving that access for members and citizens. "Your committee urges the libraries . . . to cooperate the fullest possible extent, if necessary making special appeals to their legislatures for the means with which to do so, in order to make the cooperative plan an entire success and to make the service entirely satisfactory and also to reduce the expense as much as possible."²⁰

Another effort to promote better access to legal information was the work of the Association's Committee on Securing Latin-American Laws. The committee attempted to obtain and disseminate the laws of Latin-American countries through an organized formal program, but it was unsuccessful. The Association did, however, issue a recommendation that it should "endeavor to obtain information concerning the laws of the Latin-American countries by direct communication with the legal societies in those countries and the deans of the law departments of their universities."²¹ This course was recommended to the Association by an LC official²² as probably the only way in which the information sought could be obtained.

19. See *Legislative Information to Aid Librarians: Report of the Joint Committee on National Legislative Information Service on the Publication of the Official Index to State Legislation*, 9 LAW LIBR. J. 96 (1916); *National Legal Information Services*, 10 LAW LIBR. J. 62 (1917); [*Report of the*] *Joint Committee on National Legislative Information Service of the American Association of Law Libraries and National Association of State Libraries*, 11 LAW LIBR. J. 84 (1919). There was some discussion also about the benefits of a legislative reference bureau for state legislatures. See Con P. Cronin, *The Benefits of a Legislative Reference Bureau to a State Legislature*, 13 LAW LIBR. J. 86 (1921).

20. *Legislative Information to Aid Librarians*, 9 LAW LIBR. J. 96, 98 (1916). One of the major accomplishments of this committee was the publication of the *Official Index to State Legislation*.

The Joint Committee . . . has continued its efforts unremittingly since the work was organized in 1907, and feels that it has now finally solved these problems in the publication, under its direction, of the "Official index to state legislation," which was inaugurated in its present form in 1915 and has been continued each week during 1916. Since January 1, 1916, it has furnished to every state library and legislative reference bureau the weekly cumulative numbers.

Id. at 96.

21. *Report of the Committee on Securing Latin-American Laws to the Executive Committee*, 3 LAW LIBR. J. 22, 23 (1910).

22. *Id.*

libraries, as is provided for, to the state libraries."¹² Later, the Association worked jointly with the American Bar Association (ABA) to persuade the Superintendent of Documents to distribute early prints of the laws as passed by Congress. The ABA letter encouraged the U.S. government to develop a service similar to those offered by state legislatures, which provided libraries with slip laws for state statutes.¹³ This endeavor succeeded. In a letter to libraries, the Superintendent of Documents wrote, "I will arrange to furnish copies of the Public Acts, immediately upon their publication, at a subscription price of \$2.00, which will include all Public Slip Laws to be enacted during the coming session of Congress."¹⁴

Two important actions indirectly related to government relations, but directly relating to attempts to provide access to information, occurred during this early period. In 1908 a proposition was submitted to AALL by a special committee of the National Association of State Libraries for "A National Legislative Reference Service."¹⁵ The service was designed to develop a system of reports on the current legislation of the several states and to furnish this information to the subscribers promptly and accurately. The plans for the service were discussed, and favorable action was taken at a joint meeting of the two associations.¹⁶ The service was successful. Personal testimonies of the value of the service were presented by members attending a joint meeting of the two associations. "Herbert O. Brigham stated that the Rhode Island State Library had found the service of great value. Legislators had been able thereby to refute misstatements and keep in touch with the volume, character and progress of legislation in other states, information which had never before been available."¹⁷ "Mrs. Spencer, of the Michigan State Library, said she could not express herself too strongly with regard to the benefits derived from the service in her library."¹⁸ Later, AALL would establish a Joint Committee on a National Legislative Information Service with the National Association of State

12. *Id.* at 5-6.

13. *How to Secure Public Acts of Congress in Advance*, 3 LAW LIBR. J. 49 (1911).

14. *Id.*

15. *Report of the Special Committee of the National Association of State Libraries on Legislative Reference*, 2 LAW LIBR. J. 80 (1909).

16. [*Proceedings of the*] *American Association of Law Libraries [Fifth] Annual Meeting*, 3 LAW LIBR. J. 13, 19 (1910).

17. *Id.* at 14.

18. *Id.*

Although this endeavor did not require federal legislative actions, it demonstrates that the Association continued to be concerned about access to information and believed strongly that users of law libraries should have such access. Additionally, the Association membership recognized that it would achieve better results through cooperative efforts with federal agencies and departments. After receiving no responses to its letters about obtaining these Latin-American laws, the committee issued a second set of letters and requests. These were signed by the Attorney General of the United States and asked that the laws be made available to the U.S. Department of Justice, which could then supply the information to law libraries.²³

Other cooperative efforts with the Library of Congress continued during this period. AALL members and LC discussed a "uniform nomenclature" for subject headings for the printed cards on law books.²⁴ The Law Librarian of Congress, E. M. Borchardt, corresponded with the AALL membership and requested that law librarians pay special attention to the "Tentative Headings and Cross References for a Subject Catalogue of American and English Law."²⁵ The purpose of the list was to bring about uniformity in the subject catalogs of the textbook materials used in law libraries.²⁶ AALL issued a resolution praising the Library of Congress for working with the Association in this area.²⁷ In 1919 the

23. O. J. Field, *Report of the Committee on Securing Latin-American Laws*, 4 LAW LIBR. J. 1, 1 (1911).

24. *American Association of Law Libraries, Annual Meeting [Minutes]*, 5 LAW LIBR. J. 1, 2 (1912).

25. *Id.* at 2.

26. *Id.*

27. *American Association of Law Libraries, Minutes of the Annual Meeting*, 5 LAW LIBR. J. 7, 16 (1912).

WHEREAS, the American Association of Law Libraries appreciates the valuable services rendered by the Library of Congress in undertaking the work of compiling and publishing a list of subject headings for law library catalogues, which will be of great assistance to law librarians and to the legal profession whom they serve; therefore BE IT RESOLVED, that the thanks of this Association be transmitted to the Librarian of Congress, and through him, to those engaged in the work, for their contribution of this valuable guide, which will tend to make uniform law library catalogues, a condition much to be desired. And BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Librarian of Congress.

Id.

Association passed two other resolutions requesting that efforts be undertaken by LC: "that the Library of Congress . . . prepare and publish as soon as possible its classification schedules for foreign law; and . . . that it would be of service to all libraries having collections of foreign law books if the Library of Congress would prepare a tentative list of subject headings for the cataloguing of foreign books."²⁸

Another early effort dealt with the availability of state session laws. The Association's Committee on Reprinting Session Laws report encouraged association members to assist its efforts. After attempts to devise a system of retrieving and reprinting session laws for several years, the committee reported that it had been unsuccessful in interesting legislators in this project.²⁹ "Only by arousing and stimulating an interest in this can we succeed and we invite you one and all to help in the good work."³⁰ One assumes that the committee was making an urgent request that law librarians work with many individuals, including congressmen and state legislators, to gain their support.

The Association continued during this early period to help its members obtain materials from state and federal governments as inexpensively and quickly as possible. In 1914 the membership was presented with a resolution requesting that the "postmaster-general establish a library post for the transport of books, magazines, etc., that is similar to the post available to publishers of magazines and newspapers who enjoy a cent a pound flat rate postal service."³¹ The Association's Committee on Legal Bibliography recommended in its May 25, 1914 report that AALL should use "its influence" in having the rules of the Supreme Court published in the law reports.³² The recommendation requested that "not only should the rules be printed in the volumes, but when a law report contains the Supreme Court rules, the same should be indicated on the back of the volume by a printed label or a suitable stamp."³³

28. *Proceedings of the Fourteenth Annual Meeting of the American Association of Law Libraries*, 12 LAW LIBR. J. 41, 54 (1919).

29. *American Association of Law Libraries, Minutes of the Annual Meeting*, 5 LAW LIBR. J. 7, 11 (1912).

30. *Report of Committee on Reprinting Session Laws*, 4 LAW LIBR. J. 31, 35 (1912).

31. *American Association of Law Libraries, Minutes of the Annual Meeting*, 7 LAW LIBR. J. 1, 16 (1914).

32. *American Association of Law Libraries, Minutes of the Annual Meeting, Report of the Committee on Legal Bibliography*, 7 LAW LIBR. J. 53, 55 (1914).

33. *Id.*

This committee further recommended that the Association work to establish a system of uniform titles that could be used in indexing,³⁴ and it urged librarians to use their influence in correcting irregularities. The committee also attempted to persuade the U.S. Congress to prepare "nicknames" or popular titles tables for congressional laws. The committee recommended that "a resolution be prepared in the name of the Association and addressed to the proper official or department . . . urging the importance of the publication of a pamphlet giving references to each of the laws called or known by a popular title."³⁵ The report urged other congressional actions: the adoption of a short title for all acts passed either by state legislatures or by Congress and the inclusion in indexes to subsequent *Statutes-at-Large* and *Revised Statutes* citations to any and all laws passed by the Congress of the United States that may be known by a popular title.³⁶ This committee's work affects the use of legal research materials today, since nearly every state and federal codification includes a "popular name" table for its statutes, and most acts are assigned a popular title in the legislative process.

In the first decade of its existence, two AALL presidents discussed association matters globally but also very directly connected with government activities. President E. J. Lien of the Minnesota State Library responded to the 1915 welcoming address at the annual meeting by calling upon the association to take assertive steps to "secure more uniformity and better service" in the dissemination of state and federal laws and legislation, to develop a better system for designating law reports, and to further the exchange of materials.³⁷ The Association reacted quickly to President Lien's address and formed the Committee on the President's Address.³⁸

The decade ended with a philosophical presentation by President Edward H. Redstone of the Social Law Library, who returned to a discussion of the values of a democracy. He commented, "Real American ideals, those of Washington, Jefferson, Lincoln have not changed: the Constitution is not a scrap of paper and long-established customs are not

34. *Id.*

35. *Id.* at 57.

36. *Id.*

37. *American Association of Law Libraries, [Minutes of the] Tenth Annual Meeting*, 8 *LAW LIBR. J.* 9, 12 (1915).

38. *Id.* at 13.

easily supplanted by theoretical replacements."³⁹ His comments strike at the heart of the government relations program of any library association. If American democracy is to survive, its people must have access to the laws and information of its country. The Association's Government Relations Policy echoes President Redstone's comments: "Accessible government information is both an essential principle of a democratic society and a valuable national resource created at taxpayer expense."⁴⁰ Interestingly, commentators who discuss access to government information issues today make the same connection as President Redstone made and as the Policy makes. "Legislators and agencies simply have to accept the democratic principle: Equal access to public records is fundamental for an informed public and fair participation in the process of our own governance."⁴¹

CHAIRMAN PORTER: Thank you, Mr. Coggins, for that interesting and very detailed assessment of the American Association of Law Libraries' early years of involvement in state and federal government activities. Is the next decade in the Association's program development more of the same or are there illustrations of further and more direct involvement in affecting legislation, and in particular, federal legislation? The subcommittee recognizes the importance of your involvement with state legislative, regulatory and judicial bodies, but remember that we are interested primarily in your government relations activities as they are directed toward federal legislative, judicial and regulatory actions.

MR. COGGINS: Yes, Chairman Porter. I will limit my remarks during the next decade of the Association's government activities more exclusively to the federal government, as well as some organizational issues that impact this role.

The developments in the 1920s closely parallel those in the first decade. In his address to the 15th annual meeting President Frederick C. Hicks commented about the work of the various AALL and joint committees and specifically mentioned the committees involved in the bibliography of American statute law, the uniformity of session laws and

39. *Proceedings of the Fourteenth Annual Meeting of the American Association of Law Libraries, President's Address*, 12 LAW LIBR. J. 43, 44 (1919).

40. *Policy*, *supra* note 1, at 363.

41. Jim Warren, *Access: Pricing Policies for Public Records*, GOV'T TECH., Nov. 1995, at 16.

documents, the skeleton index to statute law and the National Legislative Information Service.⁴² President Hicks' comments addressed the same issues raised by President Lien earlier: Is the Association content with the "fruits of our labor?"⁴³ He encouraged the membership never to interpret the purpose narrowly, but rather to use the objective of the Association to justify "every endeavor that will assist all who administer law libraries and all who use law books wherever they may be found."⁴⁴ President Hicks appears to have been laying groundwork for AALL's more formal program of government relations activities.⁴⁵

During the welcoming speech at the 16th annual meeting, Sumner Y. Wheeler, Secretary of the Essex County Bar Association and a member of the Association, urged cooperation with the ABA's Committee on Uniform State Laws.⁴⁶ He discussed the difficulty and confusion caused with the United States system that has one federal government and forty-eight state legislative bodies promulgating legislation. "Uniform state laws stabilize our government and unite us more closely together as a people and like a common language, strengthen our allegiance to the

42. *Proceedings of the Fifteenth Annual Meeting of the American Association of Law Libraries, President's Address*, 13 LAW LIBR. J. 21, 23 (1920).

43. *Id.*

44. *Id.* at 24.

45. *Id.* at 27. President Hicks also discussed the importance of law librarians' recognizing the value of cooperation with librarians in other types of libraries.

There is a natural tendency, on the one hand, for us to draw apart into a more or less splendid isolation. . . . Let us combat these tendencies, and cling to the truth that we are librarians first and law librarians second. No great library movement can come to pass without affecting us directly or indirectly. Let us see to it that these movements feel the impress of our own thought and that to some extent they are molded to our needs.

Id. Interestingly, another president sounded this same theme many years later.

I do have some problems with the fact that we law librarians often forget that we are librarians. . . . I am not sure that, historically, we didn't lose something by separating ourselves from the American Library Association and moving so far away from it. Not that I would advocate joining the American Library Association or being subsumed by them. But I really think it would be very beneficial to develop closer ties than we have.

See Roger F. Jacobs, in REFLECTIONS ON LAW LIBRARIANSHIP: A COLLECTION OF INTER-VIEWS 117, 144 (1988).

46. *Proceedings of the Sixteenth Annual Meeting of the American Association of Law Libraries*, 14 LAW LIBR. J. 23, 25 (1921).

central government."⁴⁷ His message was clear: The Association must use its influence to guarantee access to the laws of the states and the country. "To our charge has been committed the custody of the laws, the scepter of government. . . . We are in a position to make helpful suggestions and in a humble way to add to the efficiency of the government."⁴⁸

Cooperation with the Library of Congress and the Superintendent of Documents continued in the 1920s. At the 1921 annual meeting in Swampscott, Massachusetts, the Committee on Resolutions presented a resolution dealing with the publication by the Superintendent of Documents of the *Documents Catalogue* and the *Checklist of United States Public Documents* and the fact that it had not been issued regularly and recently to the membership. The resolution noted the importance of the checklist and the documents catalogue as sources for information concerning the federal government publications available to the public.⁴⁹ The unanimously adopted resolution was sent to the Public Printer, the Superintendent of Documents, the Chairman of the Joint Committee on Printing, U.S. Congress, and the chairmen of the Appropriations Committees of the Senate and House of Representatives. This action represents the first real recognition that the Association must communicate more and more with the committees of the U.S. Congress and government officials to make its opinions heard and respected.

During the Swampscott meeting one of the presentations focused on the importance of United States government documents as law books.⁵⁰ The presentation encouraged law librarians to accept their roles in this important process. The presenter quoted a speaker at an earlier annual meeting: "The State and National Governments have only to a very limited extent undertaken to supply the law in any convenient form to the legal profession and even in those cases where the Government has published the laws at public expense, the distribution of them has not been efficient."⁵¹ His indirect admonition to the law librarians was that they

47. *Id.* at 25.

48. *Id.*

49. *Id.* at 51.

50. Clarence A. Miller, *United States Public Documents as Law Books*, 18 *LAW LIBR. J.* 7, 7 (1925).

51. *Id.* at 8.

should assert their roles in this arena and help guarantee that government documents are available to the public.⁵²

The most significant development of the 1920s occurred in 1927 when, for the first time, the Association proposed and lobbied for legislation. The legislation in question called for the indexing of various state legislation and was enacted into law by the U.S. Congress and signed by the President.⁵³ "We Law Librarians must not underestimate ourselves," the AALL President told members as he described the effort of the Joint Committee on the Index to Legislation of the National Association of State Libraries, the American Association of Law Libraries and the Special Libraries Association. The legislation required the Librarian of Congress to prepare and report to Congress biennially an index "to the legislation of the States enacted during the biennium, together with a supplemental digest of the more important legislation of the period."⁵⁵

Law librarians' commitment to public access to information strengthened during President Andrew H. Mettee's term. In his 1923 President's Address, he encouraged the membership to recognize that "[i]t is the duty and desire of the librarian to make available all books and other literature on subjects of interest to those lawfully entitled to the same instantan-"⁵⁶ To further this goal, he encouraged members to act globally: "We are an active part of the universe, so intentioned, and as an indication of what we may expect in the form of legislation and thereby in the paper of

52. *Id.* at 27. *Law Library Journal* included several articles during this period that emphasized the importance of the law library to its various constituencies. See Arthur M. Harris, *The Value of the Law Library to the Layman, Legislator and Lawyer*, 18 *LAW LIBR. J.* 72 (1925); Lawrence Kelley Smoot, *The Value of the Law Library to Layman, Lawyer and Legislator*, 19 *LAW LIBR. J.* 2 (1926); Lena M. Bangs, *Why a Law Library: City, County or State?*, 19 *LAW LIBR. J.* 8 (1926); William Renwick Riddell, *The Library and the People*, 20 *LAW LIBR. J.* 93 (1928); George S. Godard, *The Past, Present and Future of the Law Library*, 24 *LAW LIBR. J.* 14 (1931); and Andrew H. Mettee, *The Potentialities of the Law Library*, 24 *LAW LIBR. J.* 18 (1931).

53. See Act of Feb. 10, 1927, ch. 99, 44 Stat. 1066 (1927) (providing for the preparation of a state legislation biennial index). See also [*Proceedings of the Twenty-Second Annual Meeting of the*] *American Association of Law Libraries*, 20 *LAW LIBR. J.* 17, 47 (1927).

54. [*Proceedings of the Twenty-Second Annual Meeting of the*] *American Association of Law Libraries*, 20 *LAW LIBR. J.* 17, 25 (1927).

55. See Margaret W. Stewart, *The State Law Index*, 21 *LAW LIBR. J.* 78 (1928) and H. H. B. Meyer, *State Law Index*, 20 *LAW LIBR. J.* 53 (1927). See 20 *LAW LIBR. J.* 51 (1927) for a copy of the letter from the Chairman of the Joint Committee to the President of the United States.

56. Andrew H. Mettee, *President's Address*, 17 *LAW LIBR. J.* 11, 11 (1923).

books and other legal literature."⁵⁷ He outlined an impressive agenda and suggested to the members that it was time to call for:

- I. Restatement of the Law. . . ;
- II. A Digest Universal of all Reports of Decisions of the courts of the English speaking peoples;
- III. A Table of Citations of all cases cited by the courts;
- IV. A Table of Citations of cases referred to by Text Book Writers;
- V. A Cumulative Index of Articles printed in Legal Periodicals;
- VI. A Complete Catalogue of Law Books printed in the English language.⁵⁸

President Mettee's call clearly was addressed by private publishers, including some of the legal publishing giants that exist today. His remarks also emphasized that the AALL should be a participant in the discussions with both private- and public-sector publishers to guarantee adequate methods of dissemination of legal information.

Other Association government relations actions during the 1920s included (1) a resolution to the Library of Congress seeking a revision (due to numerous changes and additions) of the "Tentative List of Subject Headings for American and English Law" that LC prepared in 1911⁵⁹; (2) a resolution to the U.S. Department of State, requesting that the department create better publications for the uses of the public and teachers and students of international law because of the importance of those documents⁶⁰; and (3) a report of the Special Committee on Securing Advance Opinions of the U.S. Court of Claims, seeking speedy publication of the official reports.⁶¹

Before proceeding to the next decade in the development of the AALL's government relations program, I would be happy to respond to any questions or to elaborate on any issues mentioned above.

57. *Id.* at 12.

58. *Id.* at 13.

59. [*Proceedings of the Twenty-Third Annual Meeting of the*] *American Association of Law Libraries*, 21 *LAW LIBR. J.* 21, 39 (1928).

60. *Id.* at 39-40.

61. *Proceedings of the Twenty-First Annual Meeting of the American Association of Law Libraries, Report of Special Committee on Securing Advance Opinions of U.S. Court of Claims*, 19 *LAW LIBR. J.* 53 (1926). See also subsequent report of the Special Committee at 29 *LAW LIBR. J.* 43 (1927).

CHAIRMAN PORTER: Thank you, Mr. Coggins, for your offer. I do believe, however, that the subcommittee is ready for you to detail the Association's efforts in the next decade, which I understand is a very crucial one for your Association.

MR. COGGINS: You are correct, Chairman Porter. The American Association of Law Libraries was experiencing growth and internal organizational concerns faced by all associations as they mature. The 1930s were significant, not so much for the impact that the Association had on legislative, regulatory and judicial activities, but rather for steps toward more services provided by the Association for its members and the users of law libraries. These activities focused on the formation of an organization committed to its membership and its members' desires and interests in providing low-cost access to legal information.

II. The 1930s: A Decade of Debate and Growth

The major Association activity of the 1930s was the presentation and the debate of the "Roalfe Plan,"⁶² which recommended systematic growth and a new direction for the Association. That was not the only noteworthy activity for the decade, however. Some very important government activities occurred during the decade as well. First, the Association membership displayed tremendous impatience with the timeliness of government publications and began to consider more timely dissemination methods. Second, the relationship with the Library of Congress strengthened and cooperative efforts achieved much needed results. Third, Association members granted the officers the authority to nominate librarians for appointments.⁶³ Fourth, the members presented a plan to the U.S. Supreme Court and enabling legislation to the U.S. Congress to obtain access to records and briefs. But, perhaps one of the most significant achievements of the 1930s was the first recorded evidence of testimony by an AALL member before a committee of the Congress.

In her report to the 34th annual meeting, Helen Newman, Law Librarian at George Washington University, outlined the activities of her

62. See *infra* text accompanying notes 67-77.

63. *Proceedings of the Thirty-First Annual Meeting of the American Association of Law Libraries*, 29 LAW LIBR. J. 95, 121 (1936).

executive secretary position during the past year. She listed as an achievement for the year the approval of a recommendation that a committee be appointed by the AALL President to investigate the possibility of the "Library of Congress publishing a revised list of law subject headings."⁶⁴ Clearly, many things carried over from decade to decade.⁶⁵ In the section of her report dealing with "Headquarters Activities," Miss Newman identified an important milestone in the development of the AALL's government relations program: "On February 3, 1939, your Executive Secretary testified as a representative of the American Association of Law Libraries at the Hearings before the Subcommittee of the Committee on Appropriations of the House of Representatives in behalf of increased appropriations for the Law Library of Congress."⁶⁶

CHAIRMAN PORTER: Mr. Coggins, let me interrupt you a second. At what point during the development of the American Association of Law Libraries did the Association find itself with a "headquarters" and did Miss Newman occupy a paid position with your Association?

MR. COGGINS: Chairman Porter, thank you for taking me back in my testimony to the beginning of the 1930s. I felt, however, that Miss Newman's testimony before a subcommittee of the U.S. Congress was the most relevant item to the discussion of a government relations program and wanted to emphasize this significant step first. Miss Newman was not a paid employee of the Association. I will return now to the discussion of the "Roalfe Plan."

On September 11, 1930, William R. Roalfe, Law Librarian at Duke University, wrote a detailed letter to AALL President Rosamond Parma, Librarian at Boalt Hall, University of California at Berkeley.⁶⁷ Mr. Roalfe suggested that the American Association of Law Libraries should undertake a major study to "make the most of this profession to which we are

64. *Proceedings of the Thirty-Fourth Annual Meeting of the American Association of Law Libraries, Report of the Executive Secretary and Editor of the Law Library Journal*, 32 LAW LIBR. J. 215, 215 (1939).

65. See *supra* text accompanying notes 24-28.

66. *Proceedings of the Thirty-Fourth Annual Meeting of the American Association of Law Libraries, Report of the Executive Secretary and Editor of the Law Library Journal*, 32 LAW LIBR. J. 215, 216 (1939).

67. *A Letter to the President of the Association, September 11, 1930*, 24 LAW LIBR. J. 60, 60 (1931).

devoting the better part of our lives."⁶⁸ He argued that the Association was not taking advantage of the opportunities which lay before it because the structure of the organization suffered from an "inherent defect that has long since been recognized by many business and trade groups."⁶⁹ Mr. Roalfe suggested that the Association should pursue new projects, refine other projects, and should discuss permanent headquarters with a permanent, paid secretary.⁷⁰ Mr. Roalfe's letter resulted in considerable debate at the annual meeting and the naming of a special Committee on an Expansion Program, to be chaired by Mr. Roalfe.⁷¹ The first report of the committee was presented to the Association in April 1932⁷²; another report was issued on December 28, 1933⁷³ and was the subject of discussion at the next annual meeting on June 27, 1934.⁷⁴ Reports of the subsequent expansion program committees were prevalent in the *Law Library Journal* for the entire decade.⁷⁵

68. *Id.*

69. *Id.*

70. *Id.* at 61-63.

71. *Proceedings of the Twenty-Sixth Annual Meeting of the American Association of Law Libraries*, 24 LAW LIBR. J. 151, 160 (1931).

72. *American Association of Law Libraries, Report of the Committee on an Expansion Program*, 25 LAW LIBR. J. 177, 177 (1932) [hereinafter Roalfe Plan].

73. *Report of the Committee on Roalfe Expansion Plan*, 27 LAW LIBR. J. 40 (1934).

74. *Proceedings of the Twenty-Ninth Annual Meeting of the American Association of Law Libraries*, 27 LAW LIBR. J. 132, 132 (1934). See also more discussion of the Roalfe Plan at 27 LAW LIBR. J. 180 (1934). The discussion of the Roalfe Plan has continued throughout the history of the Association and its development "[T]hat [Roalfe Plan] was a real landmark in the history of the Association . . . You don't picture him [Roalfe] as a really forceful person, but he was such a fine thinker that he commanded attention. People relied on him for advice on how things should be done." *Marian G. Gallagher, in REFLECTIONS ON LAW LIBRARIANSHIP: A COLLECTION OF INTERVIEWS* 81, 97 (1988). Miss Gallagher continued to describe the early operations of the Association as being driven by Mr. Roalfe and Miss Helen Newman. "Helen Newman was another driving force who worked for years to implement these ideas. She was just adored, and most people remember her as the person who ran things. In contrast, Roalfe was a very dignified, gentle man who, I suppose, never interrupted anyone in his life. But people valued his wisdom." *Id.* at 98.

75. William R. Roalfe, *The Activities and Program of the American Association of Law Libraries*, 29 LAW LIBR. J. 7, 7 (1936); *Proceedings of the Thirty-First Annual Meeting of the American Association of Law Libraries, Outline of Plan for Further Expansion of Activities of American Association of Law Libraries*, 29 LAW LIBR. J. 133 (1936); *Proceedings of the Thirty-Second Annual Meeting of the American Association of Law Libraries, Report of the Advisory Committee on the Expansion Plan*, 30 LAW LIBR. J. 433 (1937); *Proceedings of the Thirty-Third Annual Meeting of the American Association of Law*

Why is the "Roalfe Plan" such a significant development in the government relations program of the American Association of Law Libraries? The plan did not mention specifically any government relations activities designed to impact federal and state legislative, judicial and regulatory actions. It appears, however, that government relations activities were implied in the plan for several reasons. First, the plan recommended that the headquarters of the Association be located in Washington, D.C., and that permanent staff be available at this office.⁷⁶ Washington was suggested as the location for the headquarters for two reasons in particular, as identified by Miss Newman, a member of the Expansion Program Committee: "The Library of Congress there gave us unusual facilities, particularly in the field of foreign legal publications; and, second, that government publications, which I know some of you find it difficult to obtain, may be obtained by those of us in Washington who are able frequently to secure them, even though they may be out of print at the Government Printing Office."⁷⁷ The Association was incorporated under the laws of the District of Columbia on September 23, 1935.⁷⁸ Additionally, the expansion program was designed to use permanent staff to handle administrative and on-going matters, leaving more time for members to deal with substantive issues, such as legislation and other government relations activities.

The Association dealt with several substantive government relations activities during this decade. A resolution, prepared in collaboration with the Association of American Law Schools and sent to the Honorable Charles Evans Hughes, Chief Justice of the U.S. Supreme Court, requested that the records and briefs for cases before the Court be made available to

Libraries, Report of the Committee on The Expansion Plan, 31 LAW LIBR. J. 216 (1938); William R. Roalfe, *Development of the American Association of Law Libraries Under the Expansion Plan*, 31 LAW LIBR. J. 111 (1938); *Report of the Committee on the Expansion Plan for 1938-39*, 32 LAW LIBR. J. 144 (1939). The Roalfe Plan was endorsed by the Association of American Law Schools. See *Roalfe Plan Endorsed by the Association of American Law Schools*, 28 LAW LIBR. J. 3 (1935).

76. Roalfe Plan, *supra* note 72, at 185.

77. 27 LAW LIBR. J. 132, 133 (1934).

78. William R. Roalfe, *The Activities and Program of the American Association of Law Libraries*, 29 LAW LIBR. J. 7, 8 (1936). AALL's sister organization, the National Association of State Libraries, was incorporated under the laws of the State of Pennsylvania. See 30 LAW LIBR. J. 253 (1937).

libraries which wanted them and were willing to preserve them.⁷⁹ The report of the Committee on Public Documents revealed a conflict between the Association and the Superintendent of Documents. The committee chair discussed the success of the Association in modifying a ruling of the Superintendent of Documents. The modification allowed law librarians to order the bound volumes of the *United States Supreme Court Reports* "directly from and through the honorable house of John Byrne and Company, Washington, D.C."⁸⁰

The Association's interest in more timely access to government publications and information was the subject of the report of its Committee on Loose-Leaf Publications. The report requested the "speeding up of certain governmental activities in order to compete with the loose-leaf services now rendered by the Commerce Clearing House and Prentice-Hall publishing houses,"⁸¹ especially as it related to reports from certain government agencies, such as the Bureau of the Internal Revenue, the Board of Tax Appeals and the Government Printing Office.⁸² In his report, G. E. Wire, Chairman of the Committee on Public Documents, acknowledged the collaboration of the AALL and its good congressional friends who helped law librarians secure "many documents free for our

79. *Proceedings of the Twenty-Sixth Annual Meeting of the American Association of Law Libraries, Letter to the Honorable Charles Evans Hughes from Eldon R. James*, 24 LAW LIBR. J. 164 (1931).

80. *Report of the Committee on Public Documents*, 17 LAW LIBR. J. 35 (1924). In the report Chairman G. E. Wire, commented, "In closing this report I may add that I see no prospect of securing any federal legislation giving law libraries free documents. All we can hope for is to buy at cost plus, as noted above, and get all else we can by good, skillful begging in each individual case." *Id.* at 36. It was much later before depository status was offered to law libraries through the Federal Depository Law Program. See *infra* text accompanying notes 238-243.

81. *Proceedings of the Twenty-Fourth Annual Meeting of the American Association of Law Libraries, Special Report of the Committee on Loose-Leaf Publications*, 23 LAW LIBR. J. 15, 15 (1930). See also a discussion about this issue in the *Proceedings of the Twenty-Fourth Annual Meeting of the American Association of Law Libraries*, 23 LAW LIBR. J. 2 (1930) and *Supplemental Report of the Committee on Loose-Leaf Publications*, 23 LAW LIBR. J. 130 (1930). The committee was eliminated in 1952 because "the reason for its existence no longer exists." *President's Page*, 45 LAW LIBR. J. 133, 133 (1952).

82. See *Supplemental Report of the Committee on Loose-Leaf Publications*, 23 LAW LIBR. J. 130 (1930).

libraries."⁸³ Other efforts for speedy and timely access to information involved obtaining published congressional hearings.⁸⁴

Another report presented to the Association during this decade provided librarians with statistics for lobbying efforts to increase appropriations at the state level. The report of the Special Committee on Appropriations for Law School Libraries was charged with investigating the adequacy of appropriations received by law school libraries.⁸⁵ The report concluded with significant advice for the individuals who sought funds from state and federal agencies. "It is the hope of the committee that the concrete facts presented in the compilation will not only point the way to better use of funds and higher levels of attainment, *but even serve as a weapon for wresting funds from indifferent and uninformed officials* who finally decide on the amounts of the annual appropriations."⁸⁶ The Association and its members were moving their discussions and their preparations for government relations activities to the next level.

III. The Transitional Years, 1940-1979

This forty-year span can best be described as a transitional period in which many Association efforts were handled by individuals, committees and leaders, but without any formal presence in Washington to help accomplish the goals. The period included significant cooperative endeavors with other associations and a growing awareness of the importance of bar associations to the membership. It was also a period when issues such as copyright law, access to public documents and the depository library program attracted considerable attention.

Association activities during the 1940s can be grouped into several broad categories: (1) further organizational matters, including developments under the "Roalfe Plan"⁸⁷ and the Association's activities during

83. See *Report of the Committee on Public Documents*, 17 LAW LIB. J. 35, 36 (1924).

84. Miles O. Price, *Government Documents for the Law Library*, 28 LAW LIBR. J. 67, 70 (1935).

85. *Proceedings of the Twenty-Sixth Annual Meeting of the American Association of Law Libraries*, 25 LAW LIBR. J. 79, 107 (1932).

86. *Id.* at 110 (emphasis added).

87. See *Decade of Progress Under the Roalfe Plan: 1931-1941*, 35 LAW LIBR. J. 419 (1942). The issue of a permanent staff member, who might assist with government relations activities, was considered during later discussions about the Roalfe Plan implementation.

the war period; (2) work of committees on legislation and government publications; (3) continuation of a strong relationship with and assistance to and from the Library of Congress; and (4) other miscellaneous matters involving legislative and governmental efforts.

The Association debated participation in a federation of library associations during this era. At its 41st annual meeting the Association discussed the delegation of certain responsibilities to the American Library Association under this federation arrangement. The proposal for the federation suggested that the AALL would delegate to ALA four functions:

1. Administration of the membership process,
2. Public relations,
3. National relations—joint representation of U.S. library interests on a national basis, and
4. International relations—joint representation of U.S. library interests in international field.⁸⁸

It is unclear from the published proceedings what item three included and if AALL was actually delegating government relations activities to the American Library Association.

Another significant organizational issue during the early 1940s was the curtailment of Association activities due to the war. "These are war days, days of compulsory rationing of essential commodities, and days of voluntary rationing of time not expended in essential activities," wrote

"One of the most important points of that particular program [Roalfe Plan] is one that never was completely adopted. I refer to the idea of a permanent Executive Secretary." Harry Bitner, *The Organization and Affiliations of the American Association of Law Libraries*, 39 LAW LIBR. J. 128, 128 (1946). Subsequent reports of the Special Committee on Advisability and Practicability of Establishing the Office of Executive Secretary-Treasurer on a Full Time Basis indicate that the Association could not establish the position for financial reasons. See *Proceedings of the Fortieth Annual Meeting of the American Association of Law Libraries, Report of the Committee on Advisability of Establishing the Post of Executive Secretary on a Full Time Basis*, 40 LAW LIBR. J. 192 (1947); and *Report of Special Committee on Advisability and Practicability of Establishing the Office of Executive Secretary on a Full Time Basis*, 41 LAW LIBR. J. 119 (1948). Unable to secure funding to hire a permanent executive secretary, the committee proposed a "temporary expedient" to divide the present secretary-treasurer position into two positions. *Id.* at 122. The committee also proposed the necessary amendments to the constitution and bylaws to accomplish this recommendation. *Id.* at 123.

88. *Proceedings of the Forty-First Annual Meeting of the American Association of Law Libraries*, 41 LAW LIBR. J. 161, 230 (1948).

Miss Newman in her annual report.⁸⁹ The Association could not continue its committee work at full strength and was not able to meet regularly. In fact, the 1943 annual meeting was canceled.⁹⁰ Other law-related associations also curtailed their activities, thereby affecting the operations of law libraries.⁹¹ During the war period there was another effort that did impact directly on government relations and activities. In his "Report of the President," used to alert members to Association activities during a year when no annual meeting was held, President Alfred A. Morrison noted several significant achievements and developments. He reported that he had been informed that "it was the consensus of the opinions of the Association of Research Libraries, the American Library Association, the Learned Societies and other groups that a Joint Committee on Government Publications should be appointed to deal with reproduction, distribution and preservation of important materials issued by the government during the war."⁹² AALL named a representative to this committee. The Association's current Government Relations Policy includes concerns about these same issues relating to government publications.⁹³

The first published report of this joint committee appeared in 1946 when AALL representative Virginia Knox detailed the many accomplishments of the committee. "One of the main objectives of this joint committee is the arrangement for cooperative distribution of processed official government publications."⁹⁴ Her report detailed the effort to determine if individual libraries would support an expediting office for government publications and a systematic method of procurement and distribution of

89. *Proceedings of the Thirty-Seventh Annual Meeting of the American Association of Law Libraries, Report of the Executive Secretary and Treasurer 1941-42*, 32 LAW LIBR. J. 260, 260 (1942).

90. *Announcement by President [Bernita J.] Long to the Members of the Association*, 36 LAW LIBR. J. 2 (1943).

91. E.g., *Statement of General Policy Regarding Relaxation of Law School Library Requirements During the National Emergency*, 35 LAW LIBR. J. 109 (1942).

92. 37 LAW LIBR. J. 78, 81 (1944). The Association participated in many joint committee endeavors with several associations through the appointments of representatives. Although not as prevalent, the practice of representatives to associations, organizations and other groups continues today. For example, the Association has an official representative to the U.S. Copyright Office.

93. See *Policy*, *supra* note 1, at 363-64.

94. *Proceedings of the Thirty-Ninth Annual Meeting of the American Association of Law Libraries, Report of the A.A.L.L. Representative on the A.L.A. Committee on Government Publications*, 39 LAW LIBR. J. 234, 234 (1946).

the documents.⁹⁵ The joint committee also discussed an effort to amend the general depository law to include all land grant colleges as depository libraries and “to designate the law libraries of State Universities maintaining separate law libraries as depositories for laws, rules and reports of administrative and executive agencies or tribunals and legal opinions and decisions.”⁹⁶ The Congressman who introduced the amendment specifically requested law library support for the change.⁹⁷

MR. COGGINS: Chairman Porter, with your and the subcommittee’s permission I will discuss very briefly an activity that deals specifically with the Association’s efforts on the state level. This discussion is relevant because law librarians learned a valuable lesson: To persuade and influence legislators, librarians must join hands and efforts with other powerful groups such as state bar associations.

CHAIRMAN PORTER: Your history of government relations for the American Association of Law Libraries is very interesting and I appreciate the discussion of the related issues. I see no reason why you should not proceed with the state issue discussion if you feel that it illustrates a significant development in the AALL government relations program.

MR. COGGINS: Thank you, Chairman Porter.

AALL’s Joint Committee on Legislation was more active than the Joint Committee on Government Publications. The committee discussed the unavailability of state administrative rules and regulations. California and Kentucky both had passed legislation for the reporting of promulgated rules and regulations,⁹⁸ but most states did not have similar legislation. The joint committee recommended to the 1942 annual meeting that AALL should “endorse the basic idea of the California and Kentucky acts, and urge its members to present the matter to their local state bar associations and those states where such legislation is deemed

95. *Id.* at 235.

96. *Id.* (emphasis added).

97. *Proceedings of the Forty-Second Annual Meeting of the American Association of Law Libraries, Report of the Joint Committee on Government Publications*, 42 LAW LIBR. J. 148, 148 (1949).

98. *Proceedings of the Thirty-Seventh Annual Meeting of the American Association of Law Libraries, Report of the Special Committee on Legislation*, 35 LAW LIBR. J. 272, 272 (1942).

necessary.”⁹⁹ During subsequent discussion Association members reacted favorably to this recommendation and even encouraged the joint committee to go further than just rules and regulations.¹⁰⁰ In a 1942 joint session, AALL and the National Association of State Libraries endorsed the principle of legislation which would require the codifying, filing and publishing of state administrative rules as exemplified in the California and Kentucky acts.¹⁰¹ In 1944 the committee reported that New York had enacted legislation which required the preparation of a compilation of administrative rules and regulations,¹⁰² but the chair noted that there were no “actual publications” from several other states, even though legislation existed which required the publication. He concluded that efforts of local groups should continue to get suitable legislation enacted.¹⁰³

The committee chair reported the next year that “[s]tate bar associations are becoming increasingly active in pressing legislation to provide for the publication of state administrative rules and regulations.”¹⁰⁴ He detailed the developments in certain states where the bar associations had pressed actively for publications. Law librarians again learned a significant lesson about government relations activities: An association must possess substantial power in order to influence legislation and to have its voice heard in the legislative arena. The chair of the joint committee advised librarians that “in those states where the need for publication is

99. *Id.*

100. *Proceedings of the Thirty-Seventh Annual Meeting of the American Association of Law Libraries*, 35 *LAW LIBR. J.* 251, 273 (1942).

101. *Report of the Joint Committee on Legislation of the National Association of State Libraries and the American Association of Law Libraries*, 36 *LAW LIBR. J.* 153, 153 (1943). The committee reported that there was some discouraging news. “The Kentucky Reviser of Statutes writes, ‘Lack of funds together with a lack of general interest in the publication of a register and code are the reasons for our ignoring the provisions of the law with respect to the publication.’” *Id.* at 154. Unfortunately, this reply remains the response of many state and federal governments to the need for state and federal legal materials by the public. The response by the Kentucky Reviser of Statutes indicates that librarians and the users of legal information are not the powerful lobbying groups to which state and federal legislators respond.

102. *Report of the Joint Committee on Legislation of the National Association of State Libraries and the American Association of Law Libraries*, 37 *LAW LIBR. J.* 93, 93 (1944).

103. *Id.* at 94.

104. *Proceedings of the Thirty-Eighth Annual Meeting of the American Association of Law Libraries, Report of the Joint Committee on Legislation of the National Association of State Libraries and the American Association of Law Libraries*, 38 *LAW LIBR. J.* 143, 143 (1945).

felt, the local librarians might well attempt to interest the state bar associations in fostering necessary legislation."¹⁰⁵

The Association continued its work with the Library of Congress during the 1940s and even enhanced the relationship through several actions. First, AALL and LC's Chief of the Descriptive Cataloging Division agreed that LC would issue in the near future "revised Library of Congress cards for our *Law Library Journal* and *Index to Legal Periodicals*."¹⁰⁶ Dr. Eldon R. James, previously the Law Librarian at the Harvard Law School and an active member of AALL, assumed the position of Law Librarian of Congress and welcomed a new era of cooperation, especially in the area of services from the Law Library of Congress.¹⁰⁷ The Association participated with the ABA's Special Committee on Facilities of the Law Library of Congress, which worked toward increased appropriations for the library.¹⁰⁸ Finally, the Association appointed a Committee on Cooperation with the Library of Congress, designed to work

105. *Id.* at 144. Efforts continued by this Joint Committee to impact legislation affecting the publication of state administrative rules and regulations. However, the next year the committee concluded that "its functions could be best carried out by local representatives, in those jurisdictions where administrative rules are not adequately published. It therefore requests its discharge from the functions it has been attempting to serve." *Proceedings of the Thirty-Ninth Annual Meeting of the American Association of Law Libraries, Report of the Joint Committee on Legislation of the National Association of State Libraries and the American Association of Law Libraries*, 39 LAW LIBR. J. 237, 237 (1946).

106. *Proceedings of the Thirty-Sixth Annual Meeting of the American Association of Law Libraries, Report of the Executive Secretary and Editor of the Law Library Journal*, 34 LAW LIBR. J. 165, 166 (1941).

107. *Dr. James Appointed Law Librarian of Congress*, 36 LAW LIBR. J. 91, 91 (1943).

108. *Report of the Special Committee on Facilities of the Law Library of Congress*, 37 LAW LIBR. J. 99 (1944). "The Committee expresses its gratitude to Congress for its continued interest in the Law Library, but this amount, large as it is, under present conditions has to go for many things the Law Library formerly received without payment." *Id.* at 101. See also a detailed discussion of the Law Library of Congress in *Proceedings of the Forty-First Annual Meeting of the American Association of Law Libraries*, 41 LAW LIBR. J. 161, 284 (1948). In his comments to the annual meeting Dr. Luther H. Evans, the Librarian of Congress, reported, "I went to Congress and I fought for a budget of sixty people. I think I got two. This year we got none, no increase at all. I think we must have an increase in the staff of the law library. I think it is one of our greatest pools in the service of Congress, in the service of the government, in the service of the nation, and I intend to keep on fighting for a larger staff at the law library." *Id.* at 293.

with the Library of Congress on the development of Class K to provide the classification of the books in the Law Library of Congress.¹⁰⁹

Other developments during that decade included the U.S. Department of the Interior's publishing the first issue of the *Law Library Reporter*, responding to the interest among law librarians for better access to government information.¹¹⁰ In addition to a list of recent accessions, the *Reporter* contained a brief description of selected decisions of the federal and state courts and the administrative rulings of the U.S. Attorney General, the Comptroller General and executive agencies.¹¹¹

The Association exhibited its concern about access to legal information through its Special Committee on Local Law Library Service, which sought to discover and explain the importance of access to legal information. "It is the objective of this committee to organize and develop interest in the improvement of local law library service in order that all lawyers in both large and small communities may have ready access to legal works which are essential to conducting a successful practice."¹¹²

109. The first discussion of this committee occurred after Dr. Evans' presentation to the 41st annual meeting. See *Proceedings of the Forty-First Annual Meeting of the American Association of Law Libraries*, 41 LAW LIBR. J. 161, 304 (1948). The first report of the committee was delivered the next year. See *Proceedings of the Forty-Second Annual Meeting of the American Association of Law Libraries, Report of the Committee on Cooperation with the Library of Congress*, 42 LAW LIBR. J. 214 (1949).

110. *Current Comments: Law Library Reporter Issued by the U.S. Department of Interior*, 34 LAW LIBR. J. 63, 63 (1941). Not only were Association members concerned about access to materials in this type of publication, but they continued to pursue options for access to all types of government publications. See generally Elizabeth Finley, *Legislative Histories*, 39 LAW LIBR. J. 161, 164-66 (1946), for a discussion of legislative history and the difficulty of compiling both state and federal legislative histories. *Law Library Journal* later reports that Professor Millard H. Ruud of the University of Texas School of Law proposed that "each state should establish in each of its major cities and in such of its other cities, so as to place within an hour's drive of most all lawyers within the state, a legislative history research library." *Current Comments: Legislative History Research Libraries Proposed*, 52 LAW LIBR. J. 48, 48-49 (1959).

111. *Current Comments: Law Library Reporter Issued by the U.S. Department of Interior*, 34 LAW LIBR. J. 63 (1941).

112. *Proceedings of the Thirty-Fifth Annual Meeting of the American Association of Law Libraries, Report of the Committee on Local Law Library Service*, 33 LAW LIBR. J. 228, 228 (1940). The committee also conducted an educational publicity campaign through the state bar associations, the American Bar Association and the local bar societies so that the "definite plans for meeting the problem may be adopted as far as possible in every state." *Id.* Clearly, law librarians were learning the lesson about cooperation with influential groups such as the state bars. "It appears probable that the best solutions for improving local law

The committee report the following year provided an excellent list of the status of local law library service in the states¹¹³ and then advised law librarians about working with the state and federal governments. The

[m]ost surprising fact brought out in this study is that many states have legislation which, if diligently executed, can or undoubtedly will provide for adequate, or at least substantially improved, local law library service, as is indicated by the experience of those states where due diligence has been shown in pursuance of such legislation.¹¹⁴

Again, the Association and its members learned the importance of lobbying efforts and the need to work with the groups that can be most influential in accomplishing Association goals.

The AALL also participated in an assessment of the classification of positions in federal law libraries. At its 40th annual meeting the membership adopted a resolution addressing this issue. The resolution recommended that the "United States Civil Service Commission adopt the policy of including credit for law library experience above and beyond four years; and . . . that the Association officially recommend to the Civil Service Commission that a special option be inserted henceforth in all professional library examinations, recognizing specialized training and experience in law librarianship."¹¹⁵ A Special Committee on Position Classification in Federal Law Libraries was appointed by the President after the adoption of the resolution. The committee's final report the following year included twelve recommendations about qualifications, job specifications, skills and other issues¹¹⁶ and concluded that the AALL should continue to strive for greater recognition and support for law

library service will be the establishment of community or at least a system of country law libraries by the legislatures." *Id.* at 230.

113. *Proceedings of the Thirty-Sixth Annual Meeting of the American Association of Law Libraries, Report of the Special Committee on Local Law Library Service*, 34 LAW LIBR. J. 273, 273-85 (1941).

114. *Id.* at 285.

115. *Proceedings of the Fortieth Annual Meeting of the American Association of Law Libraries*, 40 LAW LIBR. J. 113, 218-19 (1947). The resolution was proposed by the Law Librarians' Society of Washington, D.C.

116. *Proceedings of the Forty-First Annual Meeting of the American Association of Law Libraries, Report of the Special Committee on Position Classification in Federal Law Libraries*, 41 LAW LIBR. J. 128, 130-31 (1948).

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librarians just as other professional library associations advance the interests of the librarians in other specialized fields.¹¹⁷

Several new endeavors began in the 1950s, and the Association continued to work diligently on others from previous decades. The activities focused in five different areas: (1) concern about the depository library program; (2) development of stronger ties to library and other professional organizations, including state bar associations¹¹⁸; (3) continued interest in the classification of law library employees in the federal government; (4) subject-oriented committee work, such as copyright law, preservation, censorship and relations with publishers; and (5) further organizational issues.¹¹⁹ The association mounted a significant lobbying campaign during this decade for the continuation of the *State Law Index* and to obtain funding for it.¹²⁰

Headed with its success in the 1940s, the Joint Committee on Government Publications actively pursued better and more efficient distribution of federal documents in the 1950s. The joint committee succeeded in solving some of the problems facing depository libraries, including the number of depository libraries in the United States, a decrease in the number of documents being sent to libraries, the method of ordering documents, and the

117. *Id.* at 131.

118. See William R. Roalfe, *The American Association of Law Libraries and Its Relations with Professional Organizations*, 49 LAW LIBR. J. 128 (1956).

119. The Association continued its self-examination. See Panel on *How Can the American Association of Law Libraries Expand and Modernize its Program to Improve Law Library Service?* 47 LAW LIBR. J. 360 (1954), which addressed many issues, including whether to establish a headquarters for the Association at the American Bar Association Center in Chicago. *Id.* at 366. At the 47th annual meeting President Lucile Elliott asked four questions, one of which was "Why is the Headquarters project at a standstill—and why has it stayed as an unrealized dream for twenty years on our overall program?" *Proceedings of the Forty-Seventh Annual Meeting of the American Association of Law Libraries, President's Annual Report, 1953-1954*, 47 LAW LIBR. J. 312, 313 (1954). See also *Proceedings of the Forty-Seventh Annual Meeting of the American Association of Law Libraries, How Can the Association Expand its Program in Order to Improve the Quality of Law Library Work?* 47 LAW LIBR. J. 373 (1954). For other interesting analyses of the Association, see Gilson G. Glasier, *Beginnings of the American Association of Law Libraries*, 43 LAW LIBR. J. 147 (1950) and *History of the American Association of Law Libraries: The Founders and the Early Years, 1906-1929*, 49 LAW LIBR. J. 82 (1956), and George A. Johnston, *Our Predecessors and Their Achievements*, 49 LAW LIBR. J. 138 (1956). One additional committee not mentioned which the Association created during this time period was the Committee on the Creation of the International Association of Law Libraries. See 52 LAW LIBR. J. 300 (1959).

120. See *infra* text accompanying notes 131-36.

need and desire of law libraries to obtain depository materials that were unavailable to them.¹²¹

The Association debated and adopted a motion that the Association should participate actively with ALA to address this issue of access to government publications.¹²² While considering depository library status, the members discussed the need for court libraries to have depository status. In 1956, this discussion continued: "Your Representative continued to raise the problems of the number and types of depository libraries and the importance of law libraries of certain depository materials now unavailable to them."¹²³ The joint committee achieved some success. The next year the AALL representative reported that hearings on the sale and distribution of government publications by the Superintendent of Documents were held on August 7, 1956, which should result in improved distribution of depository materials.¹²⁴ The AALL representative attended the next year's hearings on H.R. 9186, the depository library bill, and joined other librarians in a statement which emphasized the "advisability of further liberalizing depository legislation."¹²⁵

121. *American Association of Law Libraries, Reports of Officers, Committees, Representatives and Chapters 1953-54, Report of A.A.L.L. Representative on Joint Committee of A.L.A. on Government Publications*, 47 LAW LIBR. J. 305, 306 (1954).

122. *Proceedings of the Forty-Seventh Annual Meeting of the American Association of Law Libraries, Report of the Representative on the A.L.A. Joint Committee on Government Publications*, 47 LAW LIBR. J. 335, 335 (1954).

123. *American Association of Law Libraries, Reports of Committees, Representative to the ALA Joint Committee on Government Publications*, 49 LAW LIBR. J. 358, 358 (1956).

124. *American Association of Law Libraries, Annual Reports of Officers, Committees, and Representatives for 1956-1957, Representative on the ALA Joint Committee on Government Publications*, 50 LAW LIBR. J. 291, 292 (1957).

125. *American Association of Law Libraries, Annual Reports of Officers, Committees, and Representatives for 1957-1958, Representative on the Joint Committee on Government Publications*, 51 LAW LIBR. J. 302, 302 (1958). The new legislation (if passed) would allow senators and representatives and delegates from the territories "to designate depository libraries in their areas, but would limit additional depositories to two institutions which could furnish justification of the necessity for additional federal collections and prove adequate facilities for handling the materials received." *Current Comments, Depository Library Bill*, 50 LAW LIBR. J. 576, 576 (1957). H.R. 9186 was revised and reintroduced as H.R. 11042, but this legislation failed to come to a vote in the 85th Congress. *Current Comments: More on Revision of the Federal Depository Library Laws*, 51 LAW LIBR. J. 447, 448 (1958). This comment notes that 62 librarians, including several AALL members, testified at one of the subcommittee hearings. *Id.* at 447.

The Association solidified its relationship with various library organizations and considered a stronger relationship with the ABA when the interests of the two associations in government relations areas coincided.¹²⁶ During a discussion of how to assert this stronger role with the ABA at the 50th annual meeting, one member suggested that AALL members with particular interest in and knowledge of a subject should consider assuming leadership roles in the ABA. Three specific areas were mentioned: (1) the creation of a "digest of the statutes of all the 48 states," (2) working with the ABA because of its "interest in uniform headings for statutory materials concerning state laws," and (3) the preparation of "documentary materials relating to state constitutions, constitutional conventions, and the like."¹²⁷ Clearly, if this collaboration succeeded, legislation would be needed to obtain funding for the projects, and the AALL would use its relationship with the ABA to further its own government relations goals.¹²⁸

The Association was one of twelve library and documentation groups that comprised the Council of National Library Associations (CNLA), whose purpose was to "coordinate the efforts of the various associations, to speak and to act for the profession as a whole in the fields of common professional interest such as national and international relations . . . and to recommend to individual associations and groups of associations projects of importance in specific fields, and to give such projects general professional support."¹²⁹ The council participated in several government relations activities, including a concern about censorship¹³⁰ and the

126. "Our relations with American Bar Association have been exceptionally pleasant. It is our good fortune that Jack Leary [position not identified] is interested in a progressively closer relationship between the two groups." *American Association of Law Libraries, Annual Reports of Officers, Committees, and Representatives for 1957-1958, Report of the President*, 51 LAW LIBR. J. 289, 290 (1958).

127. *Proceedings of the Fiftieth Annual Meeting of the American Association of Law Libraries*, 50 LAW LIBR. J. 296, 410 (1957).

128. The Association also continued its involvement in the ABA's Committee on the Facilities of the Law Library of Congress. *President's Page*, 51 LAW LIBR. J. 1, 1 (1958).

129. *Current Comments, A Federation of American Library Associations: A Report from the Council of National Library Associations*, 44 LAW LIBR. J. 53, 53 (1951). See also *President's Page*, 51 LAW LIBR. J. 1 (1958).

130. *Proceedings of the Forty-Third Annual Meeting of the American Association of Law Libraries, Report of Council of National Library Associations and Related Committees*, 43 LAW LIBR. J. 339, 340 (1950). The council created a Committee on Censorship to address this issue. *Id.* at 341.

continuation of the *State Law Index*.¹³¹ The discussion about the *Index* generated considerable discussion about dealings with the U.S. Congress and how to obtain necessary funding for projects. Various suggestions were made to achieve this goal.¹³² "We must continually impress upon Congress our great need for this particular tool, and I feel that we should continue to do it despite the fact that we shall meet disappointment; just continue until they realize that we mean business."¹³³

This issue also prompted recommendations about more *organized* lobbying than in prior situations. One member commented that he knew his representative in Congress "fairly well" and did not believe that letters on association letterhead meant very much to his congressman, but rather suggested another approach. "Would it be in order to suggest that our Secretary might compile a letter and send it to each of the member libraries for the librarians to send to their own Senator and Representative, in the hopes that a more nearly personal appeal might get better results?"¹³⁴

And finally, another member suggested that a presence in Washington would be crucial to contact people in Congress.¹³⁵ Might this be the beginning of the more formal AALL presence in Washington and the call to the membership to create a Washington office? ALA opened a Washington office in the 1950s; this development was monitored closely by AALL. Subsequent discussion about the *State Law Index* involved whether the index could be published by a private publisher. Members reacted that this was the wrong approach to consider.¹³⁶ But, this likely

131. *Proceedings of the Forty-Fifth Annual Meeting of the American Association of Law Libraries*, 45 LAW LIBR. J. 206, 387 (1952).

132. *Id.* at 388.

133. *Id.*

134. *Id.*

135. *Id.* at 388-89.

136. *Id.* at 389-90. For other discussion of the *State Law Index*, see *Proceedings of the Forty-Eighth Annual Meeting of the American Association of Law Libraries*, 48 LAW LIBR. J. 286, 335 (1955); *American Association of Law Libraries, Annual Reports of Officers, Committees, and Representatives for 1956-1957, Representative on the CNLA Joint Committee on the Indexing of State Laws*, 50 LAW LIBR. J. 293 (1957); and *American Association of Law Libraries, Annual Reports of Officers, Committee, and Representatives for 1957-1958, Representative on the CNLA Joint Committee on the Indexing of State Laws*, 51 LAW LIBR. J. 305 (1958). In the 1958 report the representative reports that

[t]he American Bar Association and the Librarian of Congress have evidently lost interest in the *Index*. At budget hearings, the Congress has never been fully informed of the importance and necessity of the *Index* as a research tool

represents the foundation for the Association's principle that the government has an obligation to provide certain types of information to its citizens, even though the "commercial sector plays an important secondary role in the dissemination of government information."

Close cooperation with the Library of Congress continued, specifically in the development of the K classification project.¹³⁷ At the 52nd annual meeting the Association adopted a resolution expressing its appreciation to the Library of Congress for its efforts in the development of the Class K scheme for law-related materials and distributed the adopted resolution to the Librarian of Congress, the Chairman of the Joint Committee on the Library of Congress, the Chairman of the Subcommittee on the Library of each of the houses of Congress and the Chairman of the Appropriation Committees of each of the houses of Congress.¹³⁸ The Association also participated with LC by adopting resolutions seeking the

and was misled by being told that the *CCH Index to Legislation* was better than the *State Law Index* and that lawyers did not use the *Index*. Congress saw no necessity for continuing its publication. . . . I must recommend that the Executive Board take necessary action to reactivate all interested to join AALL in a concerted action to apprise the Congress of the true merits of the *Index* and to press for an appropriation for its continued publication.

American Association of Law Libraries, Annual Reports of Officers, Committees, and Representatives for 1957-1958, Representative on the CNLA Joint Committee on the Indexing of State Laws, 51 LAW LIBR. J. 305, 305 (1958). The report also suggests that the American Bar Foundation had appointed a committee to consider a project, "A Survey of State Statutory Laws," and that the committee would consider the interest of those who would like to see the *Index* resumed. AALL was asked to appoint one of its members to the ABF committee. *Id.* The Committee on Cooperation with the Library of Congress also addressed many of these same issues, detailing again the misleading information supplied to Congress about the CCH service. The committee report emphasized the necessity of taking proactive steps to urge Congress to allocate funds for the *Index*. See *Proceedings of the Forty-Eighth Annual Meeting of the American Association of Law Libraries*, 48 LAW LIBR. J. 286, 289-91 (1955).

137. See *Proceedings of the Forty-Third Annual Meeting of the American Association of Law Libraries, Report of the Committee on Cooperation with the Library of Congress*, 43 LAW LIBR. J. 221 (1950). In the report the chairman notes that "it is my recollection that the record does not show specific endorsement by this group of the development of Class K." *Id.* This issue was mentioned also by President Dillard S. Gardner in two of his "President's Page" columns. See *President's Page*, 50 LAW LIBR. J. 1 (1957) and 50 LAW LIBR. J. 87 (1957).

138. *Proceedings of the Fifty-Second Annual Meeting of the American Association of Law Libraries*, 52 LAW LIBR. J. 312, 444-45 (1959).

restoration of funds cut from the LC's annual appropriations¹³⁹ and the enactment of legislation designating the Library of Congress as the National Library of the United States.¹⁴⁰ The following year President Marian G. Gallagher updated the progress on these two resolutions and noted that to receive much attention, members of the Association would need to send individual letters of support to the appropriate representatives and senators.¹⁴¹ This indicates increasing awareness by Association members of the importance of lobbying to accomplish legislative goals.

The Association's Committee on Federal Agency Activities focused on two major concerns: improvement of federal legal services and position standards for librarians.¹⁴² The ABA prepared and was able to get introduced in the U.S. Congress a bill designed to improve federal legal services, and AALL assisted with this effort. One of the provisions of the legislation would ensure continuing studies of the adequacy of federal agency law libraries, "including consideration of the vital questions of their control in the agency structure."¹⁴³ The other issue dealt with appropriate classification and position standards for librarians and continued an investigation by an earlier committee, the Committee on Civil Service,¹⁴⁴ which later became a subcommittee of the Committee on Federal Agency Activities. The committee's report at the 52nd annual meeting indicated that the committee had worked hard to achieve the type

139. *Proceedings of the Forty-Seventh Annual Meeting of the American Association of Law Libraries*, 47 LAW LIBR. J. 312, 337-38 (1954).

140. *Id.* at 375.

141. *President's Page*, 48 LAW LIBR. J. 1, 1 (1955).

142. *American Association of Law Libraries, Annual Reports of Officers, Committees, and Representatives for 1956-1957, Committee on Federal Agency Activities*, 50 LAW LIBR. J. 284, 284 (1957).

143. *Id.* The provision was included in the legislation at the request of AALL to further the position that the law library can only operate and function smoothly under the direct control of the chief legal officer of the agency.

144. *American Association of Law Libraries, Reports of Officers, Committees, Representatives, and Chapters 1952-53, Committee on Civil Service Positions*, 46 LAW LIBR. J. 301 (1953) and *American Association of Law Libraries, Reports of Committees, Committee on Civil Service Positions*, 49 LAW LIBR. J. 341, 341 (1956). Neither committee was very successful and one believed that it was necessary "to ask for a hearing before the Civil Service Commission" to present its findings and recommendations. *Id.* at 342.

of recognition that law librarians in various federal agencies should receive and valiantly fostered legislation to achieve the goal.¹⁴⁵

Two other issues, copyright law¹⁴⁶ and practices of legal publishers,¹⁴⁷ were monitored by the Association, although there is no evidence that any specific actions in these areas were taken during the 1950s. In 1957 ALA, the Association of Research Libraries, and the Special Library Association approved the formation of a standing Joint Committee on Photocopying of Copyright Materials,¹⁴⁸ but AALL did not participate in this joint committee until later. The committee was asked to address fair use in photocopying and to offer both practical solutions and legislation if needed.¹⁴⁹

Copyright would become a critical issue facing the Association during the 1960s as revisions of the copyright law progressed. In addition to continued discussions of copyright law, the Association faced other issues from previous decades and began to concentrate efforts in several new areas. Cooperative endeavors with LC, ALA and the ABA enhanced the Association's role on the national scene. The Joint Committee on Government Publications actively participated in discussions about the dissemination of government publications, including changes to the depository library legislation. The Committee on Federal Agency Activities broadened its activities. New developments in the 1960s included lively discussions about AALL and its members' roles in substantive copyright law discussions; that role for Association members continues today. AALL formed a new committee, the Federal Legislation Committee, the predecessor to today's Government Relations Committee. The Association was represented on the newly appointed Presidential National

145. *Proceedings of the Fifty-Second Annual Meeting of the American Association of Law Libraries*, 52 LAW LIBR. J. 312, 317 (1959). For other reports of the Committee on Federal Agency Activities, see 50 LAW LIBR. J. 284 (1957), 51 LAW LIBR. J. 297 (1958), and 52 LAW LIBR. J. 302 (1959).

146. See *Current Comments: Copyright and "Fair Use,"* 51 LAW LIBR. J. 447 (1958); *Current Comments: Recent Developments in Copying Methods*, 51 LAW LIBR. J. 442 (1958); and Benjamin Kaplan, *Revision of the Copyright Law*, 52 LAW LIBR. J. 3 (1959).

147. One member suggested that a committee be appointed by the president to "investigate the practice of selling legal publications at one price within a particular state and at higher prices in other states." *Proceedings of the Forty-Eighth Annual Meeting of the American Association of Law Libraries*, 48 LAW LIBR. J. 286, 348 (1955).

148. *Current Comments: Recent Developments in Copying Methods*, 51 LAW LIBR. J. 442, 443 (1958).

149. *Id.*

Advisory Commission on Libraries. Finally, other issues such as postal rate increases required vigilant attention.

Internally during this decade, the Association focused considerable attention on establishing a permanent headquarters for AALL. In 1965 an office was created in Chicago.¹⁵⁰ Two important liaison opportunities in Chicago were the American Library Association and the American Bar Association, both of which are headquartered there. Both groups would play key roles in helping AALL achieve its government relations goals. The development of a headquarters and a permanent staff enabled the membership to concentrate efforts in other directions such as government relations and substantive issues affecting law libraries. Additionally, a national headquarters enabled the Association to begin a more formal program of correspondence with state, local and federal officials, as well as the opportunity to better document its position on various issues. Later, when the Association considered the hiring of a permanent executive director, there was some interest in having this person assume government relations responsibilities.¹⁵¹

Cooperative efforts with other associations in government relations activities took many directions.¹⁵² The Association formally established a Liaison Committee with the Library of Congress¹⁵³ with a stated purpose of maintaining lines of communication to facilitate the work of standing committees in their contact with the Library of Congress *and* to make available the professional resources of the Association to LC.¹⁵⁴ Reports indicate that the committee "watched progress in the gaining of inventory

150. *American Association of Law Libraries, Reports of Officers, Chapters, Committees, and Representatives 1965-66, President*, 59 LAW LIBR. J. 246, 246 (1966). During this decade members debated the Association's organization and structure at programs and meetings. See *Organization and Structure of AALL*, 60 LAW LIBR. J. 416 (1967) and *Organization and Structure of AALL—The Future*, 61 LAW LIBR. J. 463 (1968).

151. See *infra* text accompanying notes 213-214.

152. *American Association of Law Libraries, Reports of Officers, Chapters, Committees, and Representatives 1965-66, President*, 59 LAW LIBR. J. 246, 249 (1966).

153. "I suppose it would be undignified to call this a formal recognition of an old love affair, but I'll take the chance," commented President Arthur A. Charpentier. *Id.* at 249. This committee functioned similarly to the Committee on Cooperation with the Library of Congress, which worked in the 1940s with LC on the Class K development. See *supra* text accompanying note 109.

154. *American Association of Law Libraries, Reports of Officers, Chapters, Committees, and Representatives 1966-67, Library of Congress Liaison Committee*, 60 LAW LIBR. J. 236, 236 (1967).

control of L.C.'s holdings in legal materials,"¹⁵⁵ attempted to speed up the retrospective cataloging of legal materials,¹⁵⁶ participated in an official visit at the Library of Congress upon the invitation of L. Quincy Mumford, Librarian of Congress, and Lewis C. Coffin, Law Librarian of Congress,¹⁵⁷ assisted with problems encountered using Class K,¹⁵⁸ and tried to assist LC with making available its large collection of law duplicates.¹⁵⁹ Other LC-related activities involving the AALL membership were the release by LC of the Class KF schedule for American law "for which we all have waited so long and, lately, rather impatiently,"¹⁶⁰ the appointment of Lewis C. Coffin, formerly the Associate Director of the LC Processing Department, but also a lawyer by training and a librarian by profession, as the Law Librarian of Congress,¹⁶¹ and concern over the rising cost of books and the operations of the Law Library of LC and the necessary lobbying to get a higher budget for the law library.¹⁶²

155. *American Association of Law Libraries, Reports of Officers, Chapters, Committees, and Representatives 1967-68, Library of Congress Liaison Committee*, 61 LAW LIBR. J. 219, 219 (1968).

156. *Id.*

157. *American Association of Law Libraries, Reports of Officers, Chapters, Committees, and Representatives 1968-69, Library of Congress Liaison Committee*, 62 LAW LIBR. J. 259, 259 (1969). See also *Current Comments, AALL Group Meets at Library of Congress*, 62 LAW LIBR. J. 221 (1969). Another report of this visit appears at 72 L.C. INFORMATION BULL. 680 (1968).

158. *American Association of Law Libraries, Reports of Officers, Chapters, Committees, and Representatives 1968-69, Library of Congress Liaison Committee*, 62 LAW LIBR. J. 259, 260 (1969). "In many ways this was a Class K year. The Library of Congress published its KF Schedule. After all these many years of discussion, we now have the benefit of a schedule for law which is being used by LC and is available to all of us." *American Association of Law Libraries, Reports of Officers, Chapters, Committees, and Representatives, Report of the President*, 61 LAW LIBR. J. 203, 203 (1968).

159. *Id.*

160. *Annual Reports, Report of the President*, 60 LAW LIBR. J. 211, 211 (1967). LC received a \$34,200 grant from the Council on Library Resources to develop and publish for use by law libraries this classification schedule. See *Current Comments, CLR Makes Grant to L.C. for Development of Law Classification Schedule*, 55 LAW LIBR. J. 429 (1962).

161. *Current Comments, Appointment of Law Librarian of LC Announced*, 57 LAW LIBR. J. 148, 148 (1964).

162. *Current Comments, Rise in Book Prices Taken Into Consideration by Congress in LC Budget*, 55 LAW LIBR. J. 244, 244 (1962). For reports of the LC Law Library, see *Current Comments, Library of Congress Law Library Services for Fiscal 1962 Reported*, 56 LAW LIBR. J. 269 (1963); *Current Comments, Librarian of Congress Reports on Services and Growth of Law Library*, 57 LAW LIBR. J. 249 (1964); and *Current Comments, Increased*

Cooperative efforts with ALA culminated in the passage and signing of the Library Services and Construction legislation (P.L. 88-269). The AALL representative to the ALA Council reported that AALL members should familiarize themselves with this act because of "all the promise it holds for the improvement and expansion of library services of every type."¹⁶³ Cooperative government-related efforts with the ABA focused on a continuing discussion about the *State Law Index*,¹⁶⁴ and the two organizations began exploring electronic retrieval systems for this information. "Since the *State Law Index* seems to be ideal material for electronic retrieval, it is suggested that the aid of the Joint ABA-AALL Committee on Electronic Data Retrieval be solicited."¹⁶⁵ This effort is significant for two reasons. First, both associations recognized an important and influential purpose in joining together to accomplish mutual goals. Second, it shows that both groups were beginning to face many issues that would impact their government relations programs later, including the dissemination of electronic information, the proliferation of legal materials and legal publishers, and the importance of standards in the design of computer retrieval systems.

The Joint Committee on Government Publications of AALL, the Association of Research Libraries, the Special Libraries Association and

Activities of Law Library Reported by Librarian of Congress, 58 LAW LIBR. J. 61 (1965). For an informative history of the Law Library of the Library of Congress, see Carleton W. Kenyon, *The Law Library of the Library of Congress*, in LAW LIBRARIANSHIP: A HANDBOOK 805 (H. Peter Mueller & Patrick E. Kehoe eds. 1983).

163. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1963-1964, ALA Council*, 57 LAW LIBR. J. 201, 201 (1964).

164. See *supra* text accompanying notes 53-59, 120 and 131-136.

165. *American Association of Law Libraries, Annual Reports of Officers, Chapters, Committees and Representatives for 1959-1960, Representative on the American Standards Association Joint Committee on State Law Index*, 53 LAW LIBR. J. 294, 294 (1960). "The Congress has made no effort to recommence publication of the *State Law Index*, and the American Bar Foundation's project, *A Survey of State Statutory Laws*, has produced no results in getting the *Index* resumed." *Id.* The joint committee reports indicate little activity, *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1961-1962, Interim Report of The Chairman of the Joint Committee on the ABA-AALL on Electronic Data Retrieval*, 55 LAW LIBR. J. 181, 181 (1962), but the committee meeting in 1968 did begin discussions about the "proliferation of law reports and other legal publications, the retrieval of information in secondary legal sources," and the development of standards. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1967-68, Joint Committee on Cooperation Between the AALL and ABA on Electronic Retrieval of Legal Material*, 61 LAW LIBR. J. 216, 216 (1968).

the Resources and Technical Services Division of ALA worked toward better and more timely access to government documents during the 1960s. The principal activity of the committee was the Documents Expediting Project, a project initiated by the committee earlier, but handled by LC, and designed to get documents to libraries and users faster and more efficiently.¹⁶⁶ The joint committee monitored depository library legislation (H.R. 519), which would remove the necessity for the Documents Expediting Project if the legislation was enacted. LC indicated a willingness to continue handling the project for another year until the U.S. Congress enacted the depository legislation.¹⁶⁷ A provision in the legislation required that those agencies having materials printed at other sources to furnish the Superintendent of Documents with sufficient copies for distribution to depository libraries,¹⁶⁸ a principle that the Association supports strongly today. The legislation also defined government publications very broadly, another Association belief that continues today. The legislation passed the House but did not receive Senate approval.

The Association's Committee on Federal Agency Activities tackled a wide range of issues during the 1960s, including a continuation of its effort to have the Civil Service Commission recognize legal education as a substitute for some of the experience factors required in the standards

166. See *American Association of Law Libraries, Annual Reports of Officers, Chapters, Committees and Representatives, Representative on Joint Committee on Government Publications*, 53 LAW LIBR. J. 292 (1960) and 59 LAW LIBR. J. 269 (1966). In 1961 the committee was inactive: "Apparently there was nothing of importance for it to consider. We should continue to participate in the joint committee as it will keep us informed of any important matters where joint action should be taken." *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1960-1961, Report Joint Committee on Government Publications*, 54 LAW LIBR. J. 311, 311 (1961).

167. *American Association of Law Libraries, Annual Reports of Officers, Chapters, Committees and Representatives 1959-60, Representative on the Joint Committee on Government Publications*, 53 LAW LIBR. J. 292, 292 (1960).

168. *Proceedings of the Fifty-Third Annual Meeting of the American Association of Law Libraries, Government Documents and Publications*, 53 LAW LIBR. J. 327, 352 (1960). Law librarians also discussed the development of similar depository library programs in the states that would provide law libraries with access to state documents. *Id.* at 333. "Law librarians are often directly or indirectly responsible for improving or making available sources of legal information. . . . The law librarians in every state have a *political job* to do in their state capitals in encouraging effective distribution of state publications so that judges, attorneys and clients may know the law. Nothing is more fundamental to the efficient administration of justice." *Id.* (emphasis added).

for librarians.¹⁶⁹ The committee also submitted a letter to the Senate Judiciary Committee endorsing S. 600, the Federal Administrative Practice Act of 1959.¹⁷⁰ It expressed its concern about the lack of legislative history information available for law library users and reported that "all public laws, beginning with the 88th Congress, [should] carry a brief history at the end of each slip print. We, as a Committee, further recommended that Hearings be included, but as of this date, the recommendation has been rejected."¹⁷¹

This committee participated in an unsettling issue involving law librarians in federal libraries. At the 53rd annual meeting the committee addressed the preliminary report of federal libraries piloted by Dr. Luther Evans. Dr. Evans and the editor of the *Survey of Federal Libraries* indicated that survey results showed that there "is no necessity to have a Federal agency with a Federal law librarian attached to it. It is a simple matter, he says, to have the activities of a law library that may possibly take place in the law library, take place in the general library, that a reference librarian could be assigned just to take care of the legal

169. *American Association of Law Libraries, Annual Reports of Officers, Chapters, Committees and Representatives for 1959-1960, Committee on Federal Agency Activities*, 53 LAW LIBR. J. 285 (1960) (discussing the *Minimum Qualification Standards for Librarians* and the need for some flexibility in the standards). See also *American Association of Law Libraries Reports of Officers, Chapters, Committees and Representatives 1963-1964, Federal Agency Activities*, 57 LAW LIBR. J. 191 (1964) in which the chair discusses the proposed *Tentative Draft Standards for Librarian Series, GS-1410 and Library Assistant Series, GS-1411*. The chair later reported that "your chairman, with a view to strengthening the status of law librarians, has collaborated with the Civil Service Commission in redrafting standards for professional librarians and library assistants." *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1964-1965, Federal Agency Activities*, 58 LAW LIBR. J. 213, 214 (1965). The committee took issue with the Civil Service Commission's tentative standards and reported that "the final draft reflected the efforts of this Committee." *American Association of Law Libraries, Reports of Officers, Chapters, Committees 1965-66, Report of the Committee on Federal Agency Activities, 1965-66*, 59 LAW LIBR. J. 258, 258 (1966).

170. *Id.* The committee continued the next year to monitor this same legislation, which was reintroduced in the 87th Congress as H.R. 349.

171. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1962-63, Federal Agency Activities Committee*, 56 LAW LIBR. J. 194, 194 (1963).

problems that may arise."¹⁷² The committee chair reported that the law librarians were disturbed by the preliminary report and wanted the Association to take some action.¹⁷³ Four potential actions were suggested at the meeting: (1) exhibit strong and vigorous protest after the report is released; (2) obtain written support of government administrators, outstanding law librarians in and out of government, lawyers, law school professors and deans; (3) designate authors to write critical articles in journals and periodicals as soon as the report is released; and (4) *consider how any legislation in line with Dr. Evans' recommendations can be fought*.¹⁷⁴ The Association and its members organized a concerted effort and a systematic approach to influence the final report and to impact any legislation that might come from the report. The final report, *The Federal Departmental Libraries, a Summary Report of a Survey and Conference*, recommended the establishment of a Federal Library Council to "conduct studies and advise on policies and action needed for more effective Federal library service."¹⁷⁵

The Federal Activities Agency Committee also addressed a potential change in the format of the *Code of Federal Regulations* from bound

172. *Proceedings of the Fifty-Third Annual Meeting of the American Association of Law Libraries*, 53 LAW LIBR. J. 298, 306 (1960). See also *Current Comments, Report Issued on Survey of Federal Departmental Libraries*, 57 LAW LIBR. J. 153 (1964), which reported that the survey devoted little attention to the law library, "except to present the issue of separate versus integrated status," and stated, "It should also be noted that as the scope of law and government is enlarged, the difference between a purely legal and a more general reference library diminishes." *Id.*

173. *Proceedings of the Fifty-Third Annual Meeting of the American Association of Law Libraries*, 53 LAW LIBR. J. 298, 307 (1960).

174. *Id.* For reports that cover this issue, see 54 LAW LIBR. J. 299 (1961), 55 LAW LIBR. J. 170 (1962), and 56 LAW LIBR. J. 194 (1963) (emphasis added).

175. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1963-1964, Federal Agency Activities*, 57 LAW LIBR. J. 191, 192 (1964). Subsequent reports indicate that AALL had two representatives on the council. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1965-66, Report of the Committee on Federal Agency Activities, 1965-66*, 59 LAW LIBR. J. 258, 258 (1966). "Areas of common interest which have been examined are recruitment of qualified personnel for federal libraries, procurement and inter-library loan procedures, a statement of the mission of federal libraries, and automation programs in federal libraries." *Id.* The mission statement and guidelines for interlibrary loan were released by the committee the next year. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1966-67, Federal Agency Activities*, 60 LAW LIBR. J. 216, 217 (1967).

volumes and pocket supplements to "box with a basic pamphlet and pamphlet supplement."¹⁷⁶ The committee reviewed the proposal for the new format and submitted a report objecting to the change. The next year the committee reported that a change in the format would occur, but it would not be in the form of boxes.¹⁷⁷ The committee followed congressional debates about the purchase of the *West's Modern Federal Practice Digest* and whether the House Appropriations Committee would approve funds specifically designed to purchase this set for federal libraries.¹⁷⁸ The next year the committee reported that "it looks as though H.R. 8141 . . . will be adopted by the Senate rather than S.2029," and that federal libraries will be able to purchase the digest.¹⁷⁹

The Association faced three new issues: copyright law, the development of a National Advisory Commission on Libraries, and the activities of the newly formed Federal Legislation Committee in the 1960s. The newly formed Federal Legislation Committee assisted with the development of the National Foundation of Law. The committee joined the ABA and AALS in drafting legislation to create the foundation, which included several provisions for aid and assistance to law libraries.¹⁸⁰ The legislation to establish the National Foundation of Law was introduced in Congress, but the chances of passage were slight.¹⁸¹ The functions of the foundation related to law libraries were (1) development of more efficient and comprehensive methods for searching case law and

176. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives, Federal Agency Activities Committee*, 54 LAW LIBR. J. 299, 299 (1961).

177. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1961-1962, Federal Agency Activities Committee*, 55 LAW LIBR. J. 170, 170 (1962). The committee noted the next year that legislation was introduced and passed in the House. "Its purpose is twofold: (a) to change the format of the *Code of Federal Regulations* from hard bound copies with yearly pocket supplements to cumulative annual paperbacks for each title and for selective sections within extensive titles; and (b) to give the CFR statutory designation." *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1962-1963, Federal Agency Activities Committee*, 56 LAW LIBR. J. 194, 194 (1963).

178. *Id.*

179. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1961-1962, Federal Agency Activities Committee*, 55 LAW LIBR. J. 170, 170 (1962).

180. 62 LAW LIBR. J. 257, 257 (1969).

181. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1967-68, Report of the President*, 61 LAW LIBR. J. 203, 203 (1968).

providing legal information, (2) the collection, evaluation, publication, and dissemination of information "relative to studies and programs undertaken," and (3) support for specific legal research and study programs.¹⁸²

The Federal Agency Activities Committee chair testified before the Senate Subcommittee on Education on the higher education amendments of 1968, which extended library assistance programs among other things and which were subsequently enacted.¹⁸³

In 1966 the National Advisory Commission on Libraries was created to "appraise the role of libraries as resources for scholarly pursuits, as centers for the dissemination of knowledge and as components of the Nation's rapidly-evolving communications and information-exchange network."¹⁸⁴ An Association past president, Marian Gould Gallagher, was appointed a member of the National Advisory Commission by U.S. President Lyndon B. Johnson.¹⁸⁵ The commission worked with House and Senate members to obtain support for a bill establishing the importance and relevancy of libraries. The stated policy of the legislation was that Congress should

affirm that library and information services adequate to meet the needs of the people of the United States are essential to achieve national goals and to utilize most effectively the Nation's educational resources and that the Federal Government will cooperate with state and local governments and public and private agencies in assuring optimum provision of such services.¹⁸⁶

Further, another responsibility of the Commission was to develop a procedure for advising the government agencies.¹⁸⁷ Through Ms. Gallagher's

182. *Current Comments, Judiciary Committees Ponder High-Powered Law Foundation Legislation: A Sketch*, 61 LAW LIBR. J. 171, 171 (1968).

183. 62 LAW LIBR. J. 257 (1969).

184. *Current Comments, Law Librarian Appointed to National Advisory Commission on Libraries*, 60 LAW LIBR. J. 175, 175 (1967).

185. *Id.*

186. *Current Comments, Library Commission Bill Introduced in Congress*, 62 LAW LIBR. J. 314, 314 (1969).

187. *Id.* Prior to the consideration of the legislation, hearings were held at which individuals were asked to comment about the value of libraries. John P. Frank, an attorney with the Phoenix, Arizona law firm of Lewis Roca Beauchamp and Linton and a member of the Maricopa County Law Library Board, testified that:

the goal of any democratic legal order ought to be a rule of law and not a rule of man. We seek the just solution of our problems on the basis of who knows what rather than on the basis of who knows whom. . . . In any matter in which justice is something more than the insight of native wit or ready perception of the

work with the commission, the Association influenced federal library and information policy.

The third new issue for the decade, copyright law, occupied considerable attention from the Association. Copyright became and still continues to be the area where the Association asserts a proactive leadership role. In other areas the Association often has followed the lead of other library and professional associations, but in copyright deliberations the AALL and its members have been leaders.¹⁸⁸ In 1960 the president appointed Julius J. Marke, Law Librarian at New York University, as the AALL representative to the Joint Libraries Committee on Fair Use in Photocopying.¹⁸⁹ Mr. Marke reported the next year that the committee was concerned with the "adoption of a code in the form of a policy statement referring to the regulation of photocopying in libraries."¹⁹⁰ Later, Mr. Marke moved that the Association should approve the joint committee's recommendation "that it be library policy to fill an order for a single photocopy of any published work or any part thereof."¹⁹¹

facts—in short, in any matter in which justice really depends on law—justice also depends on the books. It is essential to the existence of equal justice under law that those books be generally available.

Current Comments, John P. Frank Testifies Before the National Advisory Commission on Libraries, 61 LAW LIBR. J. 167, 170 (1968). Mr. Frank's comments echo the current AALL Government Relations Policy. See *Policy*, *supra* note 1, at 363.

188. *American Association of Law Libraries Special Committee on National Information Policy Interim Report, May 1, 1989*, 83 LAW LIBR. J. 149, 149 (1991). See also *American Association of Law Libraries Special Committee on National Information Policy Final Report, May 31, 1990*, 83 LAW LIBR. J. 177 (1991).

189. See *American Association of Law Libraries, Annual Reports of Officers, Chapters, Committees and Representatives for 1959–1960, Report of the President*, 53 LAW LIBR. J. 271 (1960).

190. *American Association of Law Libraries, Annual Reports of Officers, Chapters, Committees and Representatives for 1959–1960, Representative on the Joint Libraries Committee on Fair Use in Photocopying*, 53 LAW LIBR. J. 296, 296 (1960). The committee studied the issue, clarified its "thinking to date" about the issue and obtained legal counsel to review the first statement toward the code and "to clear it with the copyright interests." *Id.*

191. [*Proceedings of the*] *Fifty-Fourth Annual Meeting of the American Association of Law Libraries*, 54 LAW LIBR. J. 316, 438 (1961). The motion was adopted by a voice vote with only one "no" vote. *Id.* at 439.

This committee and the Association continued the single copy debate.¹⁹² At the next meeting the committee indicated that there had been slight amendments and a procedural supplement to the report on the single copies and that both had been adopted by "all the major library associations concerned except the American Association of Law Libraries."¹⁹³ After considerable debate at the annual meeting, in which members questioned whether the report counseled "libraries to engage in illegal practices,"¹⁹⁴ the amendment and the procedural supplement were adopted by AALL.¹⁹⁵ The committee chair reported that "the Joint Committee is striving to objectively seek a middle ground which will take advantage of latest technical developments in the dissemination of printed materials yet will provide sensible protection to those who make their bread and cheese by writing,"¹⁹⁶ the same basic principle to which the Association's Government Relations Policy today adheres.¹⁹⁷

192. See *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives, Joint Libraries Committee on Fair Use in Photocopying*, 54 LAW LIBR. J. 313 (1961) and 55 LAW LIBR. J. 185 (1962).

Since publication of the report on single copies, representatives of the Committee have met with publishers' representatives, representatives of the Copyright Office and other interested persons for the purpose of considering procedural recommendations designed to assist libraries in carrying out the committee's recommendation that it be library policy to fill an order for a single photocopy of any published work or part thereof.

Id. at 185.

193. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1962-1963, National Library Association Joint Committee Representatives on Fair Use in Photocopying*, 56 LAW LIBR. J. 204, 204 (1963).

194. *Proceedings of the Fifty-Sixth Annual Meeting of the American Association of Law Libraries*, 56 LAW LIBR. J. 322, 330 (1963). The chair of the committee reported that the committee had been advised by legal counsel "that we are not violating the law by setting a standard of this sort. It so advises the Committee in writing, and is prepared to stake its professional reputation on it." *Id.* at 331-32.

195. *Id.* at 332.

196. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1962-1963, National Library Association Joint Committee Representatives on Fair Use in Photocopying*, 56 LAW LIBR. J. 204, 205 (1963).

197. See *Policy*, *supra* note 1, at 364. The Policy states that "an equitable balance between the rights of users of information and the rights of copyright holders is essential to the free flow of information. All proposed revisions or interpretations of the copyright law should maintain this balance by interposing the fewest obstacles to the free distribution of ideas in all media and formats." *Id.*

Throughout the decade discussions of copyright law continued and committee chairs exhorted the membership to participate in copyright discussions. "My only purpose here is to tell you to be very vigilant as to the matter of copyright, because it can materially affect your own matters in later years, and undoubtedly will,"¹⁹⁸ commented the representative on the Fair Use Committee at the next annual meeting. In 1964 the joint committee's name was changed to the Joint Libraries Committee on the Copyright Law, because libraries were becoming increasingly concerned with all aspects of the proposed copyright law revisions.¹⁹⁹

Miscellaneous issues monitored and impacted by the Association during this decade included wider distribution of U.S. Supreme Court records and briefs,²⁰⁰ the postal rate debate, including a new fourth-class library mailing rate,²⁰¹ the establishment and maintenance of a research

198. *Proceedings of the Fifty-Seventh Annual Meeting of the American Association of Law Libraries*, 57 LAW LIBR. J. 309, 316 (1964). For additional discussion of activities in this area, see *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1963-64, Report of the Representative of the AALL to the CNLA*, 57 LAW LIBR. J. 202 (1964), which includes a resolution adopted by the CNLA on the matter of copyright. A report of the Joint Committee's findings and recommendations appears at *Current Comments, Committee on Fair Use in Photocopying Makes Recommendations*, 57 LAW LIBR. J. 155 (1964).

199. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1964-64, Joint Libraries Committee on the Copyright Law*, 57 LAW LIBR. J. 205, 205 (1964). The report also reported that the committee broadened its horizons "so as to include all relevant facets of the proposed revision as well as the photocopying problem for which it was first organized." *Id.* The change in name was concurred in by the AALL Executive Board at its December 1963 meeting. *Id.* The following year a revised version of the copyright law as submitted to Congress and hearings were held, but there is no indication that an AALL member testified. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1964-65, Joint Libraries Committee on the Copyright Law*, 58 LAW LIBR. J. 224 (1965). See *Current Comments, Textbook Publishers Hold Conference on Copyright*, 58 LAW LIBR. J. 166 (1965) (discussing the "new world of information storage and retrieval and the old world of education publishing"). *Id.* at 167.

200. *Current Comments, Wider Distribution Sought for U.S. Supreme Court Briefs and Records*, 58 LAW LIBR. J. 54 (1965), discussing the efforts of the ALA and its Legislation Committee and the Association of State Libraries to make possible for "as many as three libraries in every state to receive the complete records of the Court every term. As a depository of such valuable records, each receiving library would be expected to demonstrate its need for the record and its willingness to care properly for the collection and to share them with other libraries on interlibrary loan." *Id.*

201. *Current Comments, Library Postal Rates Changed*, 61 LAW LIBR. J. 318, 318 (1968).

laboratory in investigating preservation issues,²⁰² a new federal court rule "whereby in addition to the admission fee for practice fixed by the Judicial Conference of the United States, each applicant shall be assessed \$4 which the clerk shall place to the credit of the Court Library Fund,"²⁰³ a national plan for better coordination of microfilming programs,²⁰⁴ a plan by LC to reproduce on microfilm the bills and resolutions of the U.S. Senate and House of Representatives,²⁰⁵ and continued monitoring of censorship issues.²⁰⁶

CHAIRMAN PORTER: Thank you, Mr. Coggins, for the discussion of AALL's copyright involvement and the 1960s activities. It was, indeed, a very active decade for your Association. I also appreciate your discussion about the various AALL committees that were involved in affecting federal legislation and policies. In the next decade does your Association create a headquarters staff that further supports a government relations program? Also, does the AALL continue to pursue similar issues, such as copyright, preservation, censorship and depository library status for libraries?

MR. COGGINS: Yes, to both your questions.

The 1970s AALL activities are focused in four major areas: copyright law; issues associated with access to government publications, including the expansion of the depository library program; guidelines for legal publishers promulgated by the Federal Trade Commission; and the White House Conference on Library and Information Services. The Association continued its evolution into a strong national organization. Presidents rallied members to assume leadership roles in AALL and in other groups.

The Association is making its views and opinions known in a number of fields. Our representatives have followed and spoken out in such areas as the FTC investigation of the practices of law publishers and in the copyright field. We can justly be proud of this record, but we must ever

202. *Current Comments, CLR Makes Grant for Research on Preservation of Library Materials*, 55 LAW LIBR. J. 51, 51 (1962).

203. *Current Comments, U.S. District Court Admission Fee to Finance its Library*, 54 LAW LIBR. J. 234, 234 (1961).

204. *Current Comments, National Plan Proposed for Coordination of Microfilm Programs*, 58 LAW LIBR. J. 57, 57 (1965).

205. *Current Comments, Congressional Bills and Resolutions Are Now Being Microfilmed*, 57 LAW LIBR. J. 151, 151 (1964).

206. *Current Comments, J'Accuse*, 57 LAW LIBR. J. 156, 156 (1964).

be alert to other opportunities for making our views known. This Association should become the authority on what tools are needed by the legal profession and how these needs are best met.²⁰⁷

But there was some dissatisfaction among the membership about the Association and its activities, and a committee was named to address some of the criticisms.²⁰⁸ "Programs that are ill-conceived or of which the proponents have not recognized the full implication, if adopted, are often urged upon the association. Rarely is a member conscious of the IRS's regulations relating to tax exempt organizations,"²⁰⁹ commented the president when faced with divergent activities that some members wanted the Association to undertake. No specific mention was made of government-related activities and lobbying, however.²¹⁰ The task force report at the next annual meeting focused on the need for a strong national association to represent the interests of law libraries.²¹¹ But arguably, the most important activity during this decade affecting the organization of the Association were discussions about a proposed executive director for AALL.

Some of the duties planned for the executive director include:

- ◆ address problems facing today's libraries on a national science and which involve interaction with other associations and government;
- ◆ monitor federal legislation and lobbying on behalf of AALL in areas of interests;

207. *President's Page*, 66 LAW LIBR. J. 239, 239 (1966).

208. *President's Page*, 67 LAW LIBR. J. 1 (1974) (noting the creation of the Task Force on AALL Organizations by the executive board).

209. *Id.*

210. *Id.* The president mentioned issues ranging from complaints about a "governing clique within the association" to a lack of meaningful content of the professional programs to committees that are dominated by a number of individuals who have served for extended periods of time. *Id.*

211. *Proceedings of the Sixty-Eighth Annual Meeting of the American Association of Law Libraries, Third Business Session, June 25, 1975*, 68 LAW LIBR. J. 385 (1975).

As you all know, there are various national commissions being proposed; Congress has passed a White House Conference on Librarianship, and so forth. Unless we have a strong organization to represent our interests, we will not be able to see to it that the interests of law libraries and law librarianship are carried forth."

Id.

- ◆ create strong relationships at the decision-making administrative level with national associations such as ABA, AALS, ARL, ALA and others, and
- ◆ handle other critical area of legislation, library policy and professional activity.²¹²

The executive director position was approved by the membership and the first AALL executive director assumed the position in September 1981.²¹³ Thus, the Association moved to a stage in its development when it had committed verbally to a strong and aggressive program of legislative activities and monitoring of federal legislation.

Several important government relations activities were begun in the 1970s.²¹⁴ In 1972 the Executive Board made the Ad Hoc Committee on Copyright²¹⁵ a standing committee, thereby focusing more attention and membership expertise to the subject of copyright. The AALL named two representatives to the Joint Committee on Law and Technology with the ABA.²¹⁶ Two representatives from AALL were named to the Council of National Library Associations' Ad Hoc Committee on Copyright Practice and Interpretation.²¹⁷ The Association named a representative to the ABA's

212. *Proposed Executive Director for AALL*, 11 AM. ASS'N L. LIBR. NEWSL. 39, 40 (1979). The AALL President commented that "the time has long since passed when AALL began to be seriously injured on the national scene by not having the administrative continuity required to operate as an effective, viable and positive force." *Id.* at 41.

213. FRANK G. HOUDEK, *AALL REFERENCE BOOK: A COMPENDIUM OF FACTS, FIGURES, AND HISTORICAL INFORMATION ABOUT THE AMERICAN ASSOCIATION OF LAW LIBRARIES 1A-15* (1994).

214. See William D. Murphy, *Professional Organizations*, in *LAW LIBRARIANSHIP: A HANDBOOK 777* (H. Peter Mueller & Patrick E. Kehoe ed. 1983), which provides descriptions of the various AALL committees and special interest sections.

215. The Ad Hoc Committee on Copyright was created initially by the Association to respond to the *Williams & Wilkins* case dealing with an infringement action against the National Library of Medicine. *Ad Hoc Committee on Copyright Created*, AM. ASS'N L. LIBR. NEWSL., May 1972, at 10. The newsletter earlier reported on the issues involved in the *Williams & Wilkins* case. See *Report on Williams & Wilkins Raises Many Questions*. *Id.* at 8.

216. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1971-72, Joint Committee on Law and Technology*, 65 LAW LIBR. J. 320, 32Q (1972). One of the issues discussed by the joint committee was a "study with the American Association of Law Libraries and the Association of American Law Schools on the applications of technology to legal research." *Id.*

217. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1976-77, Council of National Library Associations*, 70 LAW LIBR. J. 419 (1977). The charge to the new committee was: "to monitor developments

Committee on Access to Government Information, Subcommittee on Agency Reporting and Dissemination.²¹⁸ The Association began to encourage members to become knowledgeable about federal legislative matters.²¹⁹ The newsletter began a column written by a member who reported on Washington activities²²⁰ in what appears to be another attempt to involve members more actively in government-related activities.

Copyright law was the major substantive issue faced during the 1970s, and the annual reports of committees and representatives reflected the concern about copyright law revision. In 1971 the Association's representative to the U.S. Copyright Office reported that "1970 saw yet another attempt at copyright law revision fail."²²¹ The representative encouraged the Association to maintain "close contact with the Copyright Office, the Senate Judiciary Committee and subcommittee, and the American Bar Association's section of Patent, Trademark, and Copyright Law."²²² The AALL Copyright Committee was involved significantly

concerning application and interpretation of the new copyright law by libraries, publishers, and others concerned with information transfer, and to report areas of concern, agreement and conflict to the membership for its consideration, to which end the Committee may make recommendations for Council action." *Id.*

218. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1976-77, ABA Committee on Access to Government Information*, 70 *LAW LIBR. J.* 415 (1977). The subcommittee was appointed to monitor the Freedom of Information Act and implementation procedures. "With the Freedom of Information Amendments and the positive actions regarding them, this Subcommittee's activities have been dormant." *Id.*

219. One such activity was an article in the newsletter about a telephone recording service available at the U.S. Congress for current legislative developments. *See Hot Line to Congressional Action*, *AM. ASS'N L. LIBR. NEWSL.*, May 1972, at 22.

220. *E.g., From Jack Ellenberger Our "Washington, D.C. Correspondent," AM. ASS'N L. LIBR. NEWSL.*, June 1974, at 15. This first column discussed the necessity of improvements to the indexes to federal regulations and encouraged the law library community to submit its suggestions. *Id.*

221. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1970-71, United States Copyright Office*, 64 *LAW LIBR. J.* 416 (1971).

222. *Id.* at 417. The representative also discussed the *Williams & Wilkins* action against the National Library of Medicine for alleged infringement of copyrights. *Id.* AALL would later join in the amicus brief in the *Williams & Wilkins* case. "At the general session on copyright held at the annual meeting, the membership with an overwhelming majority, voted to do so. Accordingly, Mr. Stephen A. McCarthy, Executive Secretary, Association of Research Libraries, has been informed that this Association will join with other library associations in the brief to be presented to the court." *AALL Joins in Williams & Wilkins*

during the 1970s in the preparation of comments about the various copyright legislation and often submitted comments to the various subcommittees considering the legislation and the courts' interpretation and application of copyright laws.²²³ Among the many copyright issues faced by the Association during this decade were the "continuing controversy regarding the appointment of a permanent Register of Copyrights,"²²⁴ the development and coordination of testimony of the various library associations on copyright revision,²²⁵ a recommendation to the Senate Subcommittee on Patents, Trade-Marks and Copyrights that S. 644 be revised to permit photocopying of periodical articles and to permit the committee to testify at the hearings,²²⁶ the most appropriate response from the library communities as the result of the U.S. Supreme Court's "disposition" of the *Williams v. Wilkins* case,²²⁷ and concerns as to the effect of the

Brief, AM. ASS'N L. LIBR. NEWSL., Sept. 1972, at 7. See also *General Session on Copyright*, LAW LIBR. J. 443 (1972). "On a show of hands on the question of joining other associations on the amicus brief to the Court of Claims, the members present registered approval, with one dissent." *Id.* at 453. Reports and updates about the *Williams & Wilkins* case were provided to the membership regularly. E.g., *Latest Developments on Williams & Wilkins Co.* At 42 LW 2282, AM. ASS'N L. LIBR. NEWSL., June 1973, at 14; *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1972-73*, U.S. Copyright Office, 66 LAW LIBR. J. 366 (1973); *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1973-74*, Copyright, 67 LAW LIBR. J. 434 (1974); *Proceedings of the Sixty-Eighth Annual Meeting of the American Association of Law Libraries, Second Business Session*, 68 LAW LIBR. J. 378, 379 (1975).

223. See *Proposed Legislation on Library Photocopy Reviewed*, AM. ASS'N L. LIBR. NEWSL., Dec. 1972, at 4.

224. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1972-73*, U.S. Copyright Office, 66 LAW LIBR. J. 366, 366 (1973). Barbara Ringer is later appointed as Register of Copyrights. See *Copyright Developments*, AM. ASS'N L. LIBR. NEWSL., March 1976, at 7.

225. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1972-73*, U.S. Copyright Office, 66 LAW LIBR. J. 366, 367 (1973).

226. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1972-73*, Copyright, 66 LAW LIBR. J. 350, 350 (1973).

227. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1973-74*, Copyright, 67 LAW LIBR. J. 434, 434 (1974).

It is clear that thereafter, depending on what the Supreme Court does, the real action will finally take place in the halls of Congress in the context of copyright revision legislation. At that time, it is also clear, this committee will be actively engaged, in conjunction with other scholarly professional

“provision forbidding ‘systematic’ copying (section 108(g)(2)) on library consortia and plans for cooperation.”²²⁸ The Copyright Committee was especially active during this period in its efforts to “influence Congress to adopt legislative safeguards and exemptions for library users of copyrighted works that are necessary to guarantee the public access to library resources for education, scientific, and scholarly purposes.”²²⁹ The Association and the committee participated actively in all the legislation leading up to the enactment of Public Law No. 94-553, the Copyright Revision Act of 1976,²³⁰ and continued to monitor and participate in the follow-up reviews of the new copyright laws.²³¹ AALL members also

associations, to develop an equitable position on replication of copyrighted materials that the AALL can support.

Id.

228. *AALL Committee News, Copyright Committee*, AM. ASS'N L. LIBR. NEWSL., Jan. 1975, at 8. See also *Proceedings of the Sixty-Eighth Annual Meeting of the American Association of Law Libraries, Second Business Session*, 68 LAW LIBR. J. 378, 379 (1975).

229. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1974-75, Copyright*, 68 LAW LIBR. J. 354, 354 (1975). The committee prepared a statement for the House Judiciary Committee on Courts, Civil Liberties and the Administration of Justice expressing its views about copyright law revisions. “It urges all members of the AALL to ‘educate’ members of the Congress whenever possible as to the serious consequences for research and the dissemination and flow of information that will follow if sections 108(g)(1) and 108(g)(2) are not deleted from the copyright revision bill.” *Id.*

230. See *National News: Copyright—Public Law 94-553*, AM. ASS'N L. LIBR. NEWSL., Dec. 1976, at 14 and *Summary of the Copyright Revision Act of 1976, P.L. 94-553*, AM. ASS'N L. LIBR. NEWSL., March 1977, at 11.

The enactment of the new copyright law has created additional problems for law librarians. Your chairman has worked very closely with representatives of the major national library associations in reviewing the guidelines for library photocopying and educational purposes set forth in Congressional reports and in meeting the thrust of the recommendations of the various associations representing proprietors of intellectual property, to the effect that they should be modified more favorably for their purposes.

American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1976-77, Copyright, 70 LAW LIBR. J. 403, 404 (1977).

231. *Legislation, Copyright—Five-Year Review*, 10 AM. ASS'N L. LIBR. NEWSL. 91 (1979).

Section 108(1) of the Copyright Act . . . directs the Register of Copyrights to conduct a review to determine whether the Act has achieved the intended statutory balancing of the rights of creators and users. The statutes expressly

followed the developments surrounding the new National Commission on New Technological Uses of Copyrighted Works (CONTU), which held its first meeting on October 8, 1975.²³²

The Association spent considerable time and effort during the 1970s dealing with issues associated with government publications and the depository library program.²³³ Association members were represented on an ad hoc committee advising the Joint Committee on Printing²³⁴ and on the Depository Library Council,²³⁵ both groups impacted issues of access

provides that representatives of library users and librarians should participate in this review which must be completed by 1983.

American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1978-79 Copyright, 72 LAW LIBR. J. 724, 724 (1979).

232. *Copyright Developments*, AM. ASS'N L. LIBR. NEWSL., March 1976, at 7; *Legislation*, 9 AM. ASS'N L. LIBR. NEWSL. 96 (1977); *Committee and Special Interest Section News, Copyright Committee*, 10 AM. ASS'N L. LIBR. NEWSL. 6 (1978); *Proceedings of the Seventy-Second Annual Meeting of the American Association of Law Libraries*, 72 LAW LIBR. J. 558, 561 (1979); and *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1978-79, Copyright*, 72 LAW LIBR. J. 724 (1979). "The AALL Copyright Committee plans to vigilantly monitor these developments by working closely with the other five major library associations with the purpose of securing and protecting our interests in the copyright arena." *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1975-76, Copyright*, 69 LAW LIBR. J. 413, 414 (1976). "The flood of letters to the members of the House Judiciary Committee was very helpful in affecting the changes favorable to the professional community." *Copyright Law Revision Update*, AM. ASS'N L. LIBR. NEWSL., June 1976, at 8. See also *Legislation and Legal Developments Committee, National Commission on New Technological Uses of Copyrighted Works*, AM. ASS'N L. LIBR. NEWSL., June 1977, at 14 and *News Notes, CONTU Final Report*, 10 AM. ASS'N L. LIBR. NEWSL. 50 (1979) ("recommending that with the exception of a provision relating to commercial copiers who are in the business of making copies for profit, the photocopying provisions of the new law are adequate at the present time to protect both the rights of creators and the public's access to their works."). *Id.*

233. Programs at the annual meeting and articles in the literature indicate the substantial interest in this subject. See Paul A. Willis, *Law Libraries and the Depository Program*, 65 LAW LIBR. J. 190 (1972); *Identifying and Acquiring Federal Government Documents: A Panel Discussion*, 65 LAW LIBR. J. 415, (1972); Kathleen T. Larson, *Establishing a New GPO Depository Documents Department in an Academic Law Library*, 72 LAW LIBR. J. 484 (1979).

234. *American Association of Law Libraries, Reports of Officers, Chapters, Special Interest Sections, Committees and Representatives 1978-79, Legislation and Legal Developments*, 72 LAW LIBR. J. 727, 727 (1979).

235. *News Notes, Governing Printing Office, Depository Library Council*, 9 AM. ASS'N L. LIBR. NEWSL. 8 (1977) (reporting that two members of the AALL were Council members). The AALL has enjoyed a long history of representation on the Depository Council

and dissemination of government information significantly. A major activity in this area during the decade was the expansion of the depository library program to both court law libraries and law libraries in accredited law schools. Neither was achieved without significant input from the Association.

Public Law 92-368, which was signed by the President on August 10, 1972, designated the highest appellate court in each state as a depository library: "Upon the request of the highest appellate court of a State, the Public Printer is authorized to designate the library of that court as a depository library."²³⁶ The debate of this issue occurred primarily in the 1960s. Legislation to designate the libraries of accredited law schools as depository libraries was first introduced in 1972²³⁷; however, the Association predicted accurately that the legislation would not proceed successfully and would have to be reintroduced the next year. The AALL Executive Board corresponded with the Superintendent of Documents and stated that a "law library should not be excluded from the depository program merely because a general library in the same vicinity already serves the public in that capacity."²³⁸ The board later adopted a resolution

with *at least* one member of the Association on the council at all times. Currently, one AALL member serves on the council.

236. *Legislation and Legal Developments Committee News*, AM. ASS'N L. LIBR. NEWSL., Dec. 1972, at 12. The first supreme court library to receive this depository library status was the North Carolina Supreme Court Library, which was designated officially in a ceremony on August 23, 1972. The AALL was represented at the ceremony by its president. *Id.*

237. *Id.*

238. *Id.* Legislation and Legal Developments Committee annual reports indicate that the Association continued to lobby for the legislation. "H.R. 537, . . . providing for the designation of law schools as depository libraries has been referred to the House Administration Committee. There has been no further action." *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1973-74, Legislation and Legal Development*, 67 LAW LIBR. J. 440, 440 (1974). In 1975 there was similar news from the committee: "H.R. 1269, amending the depository library program so that accredited law schools may be constituted depositories, is pending before the Committee on House Administration, Subcommittee on Printing." *Association News*, AM. ASS'N L. LIBR. NEWSL., June 1975, at 4. "Law librarians whose libraries would benefit from such legislation should make their views known to their Congressmen or the appropriate committee." *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1975-76, Legislation and Legal Developments*, 69 LAW LIBR. J. 420, 420 (1976). For a brief discussion and the differences of the two house bills, see *Legislation*

supporting the legislation to make law school libraries depository libraries.²³⁹ Hearings were held on the legislation in June 1977. Three members of AALL and the President of AALS were among the witnesses who testified.²⁴⁰ The legislation was signed into law by President Jimmy Carter on April 17, 1978, effective October 1, 1978.²⁴¹

The Association dealt with many other issues during the 1970s related to the government publications and the dissemination and access to those publications. Those issues included the consideration of a revision to title

and *Legal Developments Committee, Law School Depositories*, AM. ASS'N L. LIBR. NEWSL., June 1977, at 13. Senate legislation was similar to one of the house bills.

239. *Toronto Board Action, Depository Status*, 9 AM. ASS'N L. LIBR. NEWSL. 5 (1977). A portion of the resolution makes certain that the Association affirms its belief in access to government information: "and Whereas the AALL is concerned with assuring adequate access to government publications for users of libraries of accredited law schools. . . ." *Id.*

240. *Legislation, Depository Libraries—Law Schools*, 9 AM. ASS'N L. LIBR. NEWSL. 22 (1977). The depository library bill passed the House in October, but the bill was not considered by the Senate until the second session. *Legislation, Depository Libraries—Law Schools*, 9 AM. ASS'N L. LIBR. NEWSL. 64 (1977).

241. *Legislation—Depository Libraries*, 9 AM. ASS'N L. LIBR. NEWSL. 135 (1978). The final version of the bill permitted "libraries accredited by the highest appellate court of the state in which the law school is located" to be eligible, "in addition to the law schools accredited by a nationally recognized accrediting agency or association approved by the Commissioner of Education for that purpose." *Id.* For reports of the passage of the legislation, see *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1977-78, Government Documents*, 71 LAW LIBR. J. 521 (1978) and *Law School Depositories*, 10 AM. ASS'N L. LIBR. NEWSL. 131 (1979). But, only shortly thereafter, lack of funding for the new law school depository libraries became a significant new concern for the AALL, its committees and its members. See *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1978-79, Legislation and Legal Developments*, 72 LAW LIBR. J. 727 (1979); *Legislation—Law School Depositories*, 11 AM. ASS'N L. LIBR. NEWSL. 18 (1979). The funding issue was resolved quickly with the passage of H.R. 4289, which included a \$413,000 supplement for adding law libraries as depositories that was combined with funds from a contingency fund in order to "fully fund" the new law school depository program. Members of the Association were worried about the tone of the discussion at some of the hearings, however. "Congress is being unusually critical of the entire depository system this year. Hearings on P.L. 95-261 in 1977 saw this program in particular characterized as a '10 million subsidy for law libraries.' The figure is inflated, perhaps, but the sentiment has reappeared." *Law School Depositories*, 10 AM. ASS'N L. LIBR. NEWSL. 132 (1979). Interestingly, some of these same sentiments are expressed by members of the 104th Congress.

44 of the U.S. Code (Public Printing and Documents)²⁴²; a proposal by the Government Printing Office that "all GPO-printed publications would be issued on microfilm"²⁴³; a change in the definition of "public document,"²⁴⁴ an amendment to title 44, which provided that the United States courts of appeals and certain other courts should "now receive one copy of the daily and semimonthly *Congressional Record*"²⁴⁵; the conversion of documents to microfiche²⁴⁶; consideration of the Freedom of Information Act and quick and efficient access to government information;²⁴⁷ and finally, a new method for identifying the effective dates and time periods for documents submitted for publication in the *Federal Register*, and the current method of updating the *Code of Federal Regulations*.²⁴⁸

242. See *Legislation and Legal Developments*, 10 AM. ASS'N L. LIBR. NEWSL. 51 (1979); *Legislation, Title 44 Revision*, 11 AM. ASS'N L. LIBR. NEWSL. 18 (1979) ("At the San Francisco convention a statement in support of the effort to revise Title 44 was drafted. It supports the detailed analysis of the draft bill published by the A.L.A. 7/10/70. This statement, written by the Legislation and Legal Developments committee chairman, has been sent to Rep. Hawkins, the chairman of the Subcommittee on Printing." *Id.*); *Legislation, Title 44 Revision*, 10 AM. ASS'N L. LIBR. NEWSL. 130 (1979).

243. *Current Comments, Government Printing Office Proposes Microfilm of all Documents*, 64 LAW LIBR. J. 373, 373 (1971).

244. *Legislation, Title 44 Revision*, 11 AM. ASS'N L. LIBR. NEWSL. 54 (1979). The change would remove the language "reproduced for public use, wholly or partially at government expense," and would replace it with "reproduced . . . for official use of a government entity." *Id.*

245. *Legislation and Legal Developments Committee News*, AM. ASS'N L. LIBR. NEWSL., Dec. 1972, at 12-13. The introduction of this legislation resulted from a letter to a senator by an AALL member. *Id.* at 13.

246. *Legislation and Legal Developments Committee, Depository Libraries*, AM. ASS'N L. LIBR. NEWSL., June 1977, at 14. The Joint Committee on Printing authorized the GPO to convert to fiche "as necessary and as requested by individual depository librarians that category of publication known as non-GPO documentation." *Id.*

247. See Peter C. Ward, *The Public's Access to Government—Freedom of Information, Privacy and Sunshine Acts*, 70 LAW LIBR. J. 509 (1977). The author, a partner in a Washington, D.C. law firm, ended with four "bottom line" recommendations: know what you want; find out who has what you want; do not be afraid to ask for what you want and keep asking for it; and keep ten thousand dollars in petty cash in case you have to go to court. *Id.* at 516. Mr. Ward was challenged at the end of his comments for leaving out one of the most valuable resources in search for federal government documents: the law librarians. *Id.* at 517 (comments of Sharon M. Kissel of the Natural Resources Library, Law Branch, of the U.S. Department of the Interior).

248. *Current Comments, Federal Register and CFR Publication Changes Proposed*, 66 LAW LIBR. J. 118, 118 (1973). The schedule for the updating of the CFR is the same schedule in effect today: one-fourth as of January 1, one-fourth as of April 1, one-fourth as of July

The third major government relations activity of the 1970s was the Association's involvement in the Federal Trade Commission's investigation of whether publishers of law books and related publications were engaged in unfair or deceptive acts or practices.²⁴⁹ The FTC cited thirteen illustrations of behavior by legal publishers that could be classified as objectionable.²⁵⁰ The Association worked with the FTC to obtain approval for cooperation between law librarians and the publishers for the "purpose of discussing standardization of forms, definitions, and cataloging."²⁵¹ Discussions about the issues continued at the AALL annual meeting,²⁵² and other groups, particularly the ABA, became involved in the FTC investigation.²⁵³ The Association, through its Committee on Relations with Publishers and Dealers and its elected leadership, monitored developments. The reports of the committee indicate concern about

1, and the final one-fourth as of October 1. See also *Changes in the Federal Register*, AM. ASS'N L. LIBR. NEWSL., Sept. 1972, at 9 and *Legislation: CFR and Federal Register*, 10 AM. ASS'N L. LIBR. NEWSL. 17 (1978), which describes a reorganization of the two sources.

249. See Julius J. Marke, *The Gentle Art of Making Enemies or Law Book Publishing Revisited*, 63 LAW LIBR. J. 3 (1970). One of the underlying reasons for the investigation was an article by an AALL member and state court law librarian, who complained about the objectionable behavior. See Raymond M. Taylor, *Law Book Consumers Need Protection*, 55 A.B.A. J. 553 (1969).

250. Julius J. Marke, *The Gentle Art of Making Enemies or Law Book Publishing Revisited*, 63 LAW LIBR. J. 3, 3 (1970). See also *Current Comments, Investigation of Law Book Publishers Ordered by FTC*, 63 LAW LIBR. J. 280 (1970). Examples of the objectionable behavior are (1) putting new titles and binders on old books, (2) printing the same book in two different sets, and (3) using misleading advertising letters and circulars. *Id.* at 280. The FTC indicated that many of the alleged practices were contrary to provisions of its rules for subscriptions and mail order book industry and "if so determined, it will take action to effect prompt discontinuance thereof on an individual case basis or under an industry-wide proceeding, or both." *Id.* at 281.

251. *American Association of Law Libraries, Reports of Officers, Chapters, Committees, and Representatives 1969-70, Relations with Publishers and Dealers*, 63 LAW LIBR. J. 412, 412 (1970). The report indicated that a meeting was scheduled in Washington, D.C. for publishers and law librarians to discuss the issues. *Id.* at 412-13.

252. See *Law Publishing Under Attack*, 64 LAW LIBR. J. 533 (1971). The FTC did cancel one of its proposed regulations, which would have made it illegal to ship unordered merchandise, because the passage of the Postal Reorganization Act covered the same issue and made the proposed regulation unnecessary. See *Current Comments, FTC Cancels Ruling on Unordered Merchandise*, 64 LAW LIBR. J. 84 (1971).

253. *Current Comments, ABA Subcommittee Authorized to Look at Practices of Law Book Publishers*, 63 LAW LIBR. J. 368 (1970). The ABA subcommittee considered "the production, promotion, and sale of law books that ABA members assert are operating to the serious financial detriment of lawyers." *Id.*

the substantive issues, as well as significant concern about law librarians' relationships with legal publishers²⁵⁴ and a determination to assist in resolving the issue as fairly and effectively as possible.²⁵⁵ The resulting FTC's *Proposed Guides for the Law Book Industry* were released in February 1973. The purpose of the guidelines was "to afford guidance as to the legal requirements applicable to the practices of this industry in the interest of protecting the public and effecting more widespread and equitable observance of the laws administered by the Commission."²⁵⁶ The FTC requested that all interested individuals, associations, firms and others should submit comments and suggestions about the *Guides*.²⁵⁷

254. The investigation of law book publishing, presently being conducted by the Federal Trade Commission, has made both law publishers and law librarians particularly sensitive about the problems involved. The committee has worked diligently and professionally in drafting a code pertaining to the advertising of new publications that will reflect a sophisticated and reasonable understanding not only of law publishers' practices, but also of law librarians' needs, and appears to be reaching a consensus on a final draft.

American Association of Law Libraries Reports of Officers, Chapters, Committees, and Representatives 1970-71, Relations with Publishers and Dealers, 64 LAW LIBR. J. 413, 413 (1971).

255. It is pleasing to note that our criticisms and suggestions for improvement were accepted by most of them, and a promise was made not to repeat the objectionable promotional practice. It is also pleasing to note that the AALL Standards for the Advertising of New Law Publications has played an important role in publisher-law librarian relations."

American Association of Law Libraries, Reports of Officer, Chapters, Committees, and Representatives 1971-72, Relations with Publishers and Dealers, 65 LAW LIBR. J. 317, 317 (1972). Although many of the complaints investigated by the Committee on Relations with Publishers and Dealers were initiated by individual members of the Association, the resolution of the complaints was often easier for the committee due to the ongoing investigation by a federal agency.

256. *Federal Trade Commission Adopts Guides for the Law Book Industry*, AM. ASS'N L. LIBR. NEWSL. Sept. 1975, at 6.

257. *Current Comments, FTC Issues Proposed Guides for the Law Book Industry*, 66 LAW LIBR. J. 319, 319 (1973). In 1974 the chair of the AALL Legislation and Legal Developments Committee reported that he had offered "informal suggestions, . . . when asked by staff members at the Commission." *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1973-74, Legislation and Legal Developments*, 67 LAW LIBR. J. 440, 440 (1974). The Committee on Relations with Publishers' annual report indicated that "[w]ith the publication in 1973 of the Federal Trade Commission's *Guides and Trade Practice Rules* for subscription and mail order book publishing, it is evident that the committee may now turn its attention to additional matters."

After significant discussion, the *Guides* finally were promulgated on August 8, 1975 and were effective eight months later.²⁵⁸ The successful resolution of this problem associated with the practices of legal publishers and the extensive involvement of law librarians and AALL in the resolution indicate the influence of the Association and its members on government departments and the private sector.

The fourth major issue in the 1970s was the AALL participation in the White House Conference on Library and Information Services and the related state conferences. The President of the United States was authorized by P.L. 93-568 enacted in 1974 to call a White House Conference on Library and Information Services "not later than 1978."²⁵⁹ The purpose of the White House Conference was to build citizen support and develop library programs for the 1980s. State conferences held prior to the national conference were designed to assess needs and plan the course of library programs in the states for the next decade, to select delegates to attend the White House Conference, and to select issues to be discussed.²⁶⁰ The White House Conference was scheduled for September, 1979,²⁶¹ and AALL was one of the many library organizations that encouraged its members to participate in the discussions and the conference.²⁶² AALL President J. Myron Jacobstein of Stanford University appointed a committee of three members that was asked to coordinate the efforts of law librarians.²⁶³ He and the law librarian representative on the National Advisory Committee for the White House Conference advised law librarians "to stress the need for public access to legal information

American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1973-74, Relations with Publishers, 67 LAW LIBR. J. 443, 443 (1974).

258. *Federal Trade Commission Adopts Guides for the Law Book Industry*, AM. ASS'N L. LIBR. NEWSL., Sept. 1975, at 6.

259. *American Association of Law Libraries, Reports of Officers, Chapters, Committees and Representatives 1974-75, Legislation and Legal Developments*, 68 LAW LIBR. J. 348, 358 (1975). The conference was planned and conducted under the direction of the National Commission on Libraries and Information Science. *Id.* at 359.

260. *White House Conference*, 10 AM. ASS'N L. LIBR. NEWSL. 45 (1979).

261. *Id.*

262. See *White House Conference*, 10 AM. ASS'N L. LIBR. NEWSL. 21 (1978); *A.L.A. Rep to Discuss White House Conference on Libraries and Information Services in Boston*, AM. ASS'N L. LIBR. NEWSL., June 1976, at 3; *White House Conference*, 9 AM. ASS'N L. LIBR. NEWSL. 94 (1977).

263. *White House Conference*, 10 AM. ASS'N L. LIBR. NEWSL. 45 (1979).

and the resulting need for funds to support access programs.²⁶⁴ At the White House Conference, held November 13–16, 1979,²⁶⁵ President Connie E. Bolden (Washington State Law Library) represented the Association and presented the Association's three recommendations.²⁶⁶ The first recommendation was that "[a]ccess to legal information is an individual's right."²⁶⁷ The second recommendation asserted that the nation's well-being, like the nation's health, needs public support.²⁶⁸ The final recommendation stated that "[a]vailability of legal information must not be restricted to the libraries of the legal profession nor should assistance in the use of the legal materials be a monopoly of professional law librarians."²⁶⁹ The report concluded that "[a]ccess to legal information needs attention and funding on a state, territorial and national level."²⁷⁰

The Association monitored, reviewed and/or acted on many other issues during this decade. The following are only a few examples: (1) Library of Congress matters, such as a proposed reorganization of the Library of Congress,²⁷¹ the solicitation of more funds for continued Class

264. *Id.*

265. *Proceedings of the Seventy-Second Annual Meeting of the American Association of Law Libraries, Second and Final Business Session*, 72 *LAW LIBR. J.* 563, 563 (1979).

266. *AALL Recommendations to White House Conference*, 11 *AM. ASS'N L. LIBR. NEWSL.* 44–45 (1979).

267. *Id.* at 44.

268. *Id.*

269. *Id.*

270. *Id.* at 45.

271. *Library of Congress Reorganization*, 9 *AM. ASS'N L. LIBR. NEWSL.* 124 (1978). The Joint Committee on the Library concurred with the proposed reorganization, except for one portion:

All aspects of the reorganization plan as present to the Joint Committee on the Library at hearings on January 26 will be implemented with the exception of the Law Library. It will be excluded from the reorganization pending study of the ambiguities in the law relating to the Law Library and pending a management review by a consultant selected by the Librarian of Congress to look at the operation and management of the Law Library, its relationship to other research units of the Library of Congress, and to the total mission of the Library.

Id. "There is little doubt that all the letters generated by our [AALL] membership had a real impact on members of the Joint Committee. Hopefully, we have convinced the Librarian of Congress of our deep concern for the Law Library of Congress." *Library of Congress Reorganization Plan*, 9 *AM. ASS'N L. LIBR. NEWSL.* 87 (1977). AALL was represented at the hearings by seven members. A copy of President Alfred J. Coco's letter to the members of the Joint

K development,²⁷² the implications of insufficient Library of Congress funding on the Law Library,²⁷³ and an executive board endorsement of LC as a depository for federal court records and briefs²⁷⁴; (2) a proposal for a National Periodical Center, sponsored by the National Commission on Library Sciences²⁷⁵; (3) the reintroduction of legislation to establish

Committee on the Library appears at 9 AM. ASS'N L. LIBR. NEWSL. 41-42 (1977). See *AALL Comments on Library of Congress Task Force*, AM. ASS'N L. LIBR. NEWSL., Dec. 1976, at 5, for additional information about the Law Library's role. The American Bar Association offered the Association its support when the House of Delegates adopted a resolution opposing the reorganization plans of the Library of Congress as they related to the Law Library. See *American Bar Association, Report to the House of Delegates*, 72 LAW LIBR. J. 146 (1979).

272. *More Money for Class K Requested*, AM. ASS'N L. LIBR. NEWSL., Sept. 1972, at 10.

273. *Library of Congress Funding*, 10 AM. ASS'N L. LIBR. NEWSL. 18, 18 (1978); *Legislation, Library of Congress—FY 1978 Appropriations*, 9 AM. ASS'N L. LIBR. NEWSL. 22 (1977).

274. *Executive Board Endorses LC as National Depository for Federal Court Records and Briefs*, AM. ASS'N L. LIBR. NEWSL., March 1976, at 3.

275. See *Proceedings of the Seventy-Second Annual Meeting of the American Association of Law Libraries, Second and Final Business Session*, 72 LAW LIBR. J. 563, 564 (1979). In his report to the annual meeting the chair of the Committee on Legislation and Legal Developments noted that "NCLIS hopes the government will be willing to fund the creation of a national entity comparable to the Paris Lending Library. I think the expense of that operation is such that it is going to be some years off, if it every comes to pass." *Id.* See also *Legislation, National Periodicals Center*, 12 AM. ASS'N L. LIBR. NEWSL. 55 (1979).