



American Association of Law Libraries

MAXIMIZING THE POWER OF THE LAW LIBRARY COMMUNITY SINCE 1906

Ann T. Fessenden
President, AALL

U.S. Courts Library 8th Circuit
Thomas F. Eagleton U.S. Courthouse
Room 22.300, 111 South 10th Street
St. Louis, MO 63102
314-244-2660
ann_fessenden@ca8.uscourts.gov

May 14, 2008

Richard G. Davis
Superintendent of Documents and
Director, Library Services and Content Management
U.S. Government Printing Office
732 N. Capitol Street, N.W.
Washington, D.C. 20401

Dear Mr. Davis:

On behalf of the American Association of Law Libraries (AALL), I would like to thank you for seeking our comments and those of selective depository libraries to incorporate into the report requested by the Joint Committee on Printing (JCP) on the conditions of regional depository libraries. It is our understanding that, based on a legal memorandum from the Congressional Research Service (CRS), the JCP decided to not approve the proposed shared regional designation between the University of Kansas and the University of Nebraska at Lincoln. At the same time, JCP raised concerns that the request signaled growing challenges confronting regional depository libraries. As the national organization representing law librarians who serve a wide variety of library patrons, AALL is well aware of the challenges articulated by the JCP, and we are honored to have the opportunity to express our own concerns regarding shared depositories.

Our Interest in a Vital Federal Depository Library Program

AALL is a nonprofit educational organization with over 5000 members nationwide. Our members respond to the legal information needs of a variety of users: legislators, judges, and other public officials at all levels of government, corporations and small businesses, law professors and students, attorneys, and members of the general public. AALL's mission is to promote and enhance the value of law libraries, to foster law librarianship and to provide leadership and advocacy in the field of

legal information and information policy. AALL has long been a strong champion of the FDLP and the public's right to access federal government information at no cost through participating depository libraries. Depository law libraries exist at academic law schools, in federal agencies and courts, and within state and county governments.

Since the Federal Depository Library Program (FDLP) is built on the successful relationship between a regional library and the selective depository libraries each regional serves, it is important that the viewpoints of all depository libraries be considered as part of this report. It is up to the depository library community collectively to form a consensus on how to ensure a robust FDLP that serves all users well in the 21st Century. AALL is very supportive of the existing structure of regional and selective depository libraries because the system has worked very well. Even though some regionals may have space constraints due to the size of their tangible collections, there are no restrictions that we're aware of to keep them from storing some materials remotely or entering into shared housing agreements with other participating libraries in their states. And with the new emphasis on electronic access over tangible distribution, we are reassured that the FDLP has a vital future because new libraries, including two law libraries, have recently joined the program.

Our Concerns with Challenges to the FDLP

One of the most important reasons why the current structure of regional and selective depositories is necessary is because our users need to be assured that the legal information they locate, use and rely upon is both official and authentic. Depository law libraries collect and provide access to these primary, authentic legal materials distributed to them in tangible formats through the FDLP. The integrity of these FDLP materials is not questioned because of their tangible form. This "tangible equals authentic" principle is reflected in retention requirements set forth for regionals in Chapter 12 of the *Federal Depository Library Handbook*, a publication written by and for the FDLP community. According to that document, regionals are required to retain print and microfiche copies of FDLP materials because "[t]he principal responsibility of a regional depository library is to ensure the comprehensiveness and *integrity* of Federal depository resources..." (p. 139, emphasis added).

In turn, selective libraries can rely upon the FDLP materials maintained by the regional libraries as a reliable, authentic source of the law. When the issue of shared regionals across state lines was first broadly discussed at the Spring 2006 Depository Library Council meeting in Seattle, many selective depository librarians expressed the need to be able to refer a user to a relatively close regional library in their state. This is especially important for the legal community who require access to official and authentic documents.

The Internet could provide our patrons with easy electronic access to government documents as a substitute for the tangible materials, as long as those documents are certified as official and authentic. As you know, AALL has taken a national leadership role on the issue of digital authentication because the ability to authenticate online legal resources is especially important as

government moves to a more electronic environment. We are pleased that AALL's Acting Washington Affairs Representative, Mary Alice Baish, recently had the opportunity to testify in support of full funding for GPO in FY 2009 before the House Appropriations Committee Legislative Branch Subcommittee. Her statement reflects our support for GPO's move to a more electronic program and the enhanced capabilities that the Federal Digital System will bring, particularly in the area of digital authentication. All users of online government information need to be assured that the information they find is reliable and trustworthy.

We are very pleased with the progress that GPO has made during the past year on digital authentication by implementing digital signatures to certain electronic documents on GPO Access, including its online collection of authenticated Public and Private Laws of the 110th Congress, as well as GPO's digitally signed version of the *2009 Budget of the United States Government*. This establishes GPO as *the* trusted information disseminator for the Federal government by providing the assurance that these electronic documents have not been altered since GPO disseminated them. However, until all federal documents are similarly authenticated, we simply cannot yet rely on electronic resources as a substitute for a tangible collection.

And while we also applaud the efforts of many regional and selective depository libraries who are involved in digitization projects, it is necessary to point out that the digital files resulting from non-GPO scanning of these legacy materials are not authentic.

Our Commitment to a Strengthened FDLP

In light of the Joint Committee on Printing's decision on the proposed Kansas-Nebraska merger, we are very concerned about multi-state plans such as that being proposed by the Association of Southeastern Research Libraries (ASERL). This coalition of research and state libraries across ten southeastern states, from Virginia to Louisiana, works to develop successful inter-institutional resource sharing and other collaborative efforts. Their proposal for collaborative collection management partnerships across state lines for the regionals in these states raises very serious questions, however. We fail to see how it will improve public access particularly given the public's need to have ready access to official and authentic federal documents. ASERL members seem to also believe that the current network of regional depository libraries is overly redundant. We respectfully disagree. We believe that when GPO collects and compiles data from the regional libraries, you will find that the current system is working well.

We recognize that even in tight budgetary times, it is important that regionals continue to serve their respective selectives. In order to do so, each regional should be encouraged to sufficiently staff its federal government documents section to provide both the assistance and expertise needed by its selectives and the public whom they serve. When the regional finds that its limitations are such that it may not be able to fully provide those services, then it is paramount that the regional work closely

with its selectives to develop a plan that will allow for the delivery of services. This approach would also be appropriate in providing access to material, especially the legacy material, held by regionals.

Unfortunately, we rarely take the time to applaud the excellent leadership and services that most regionals provide to their selectives and indeed to all members of the public served within their regional system. That said, because of budget and staff constraints, some regionals have difficulty providing the full array of services that is required of them. In these situations where the system is not working, we need to explore other models that will improve public access to the communities served within their regional structure.

One such approach when a regional is overly burdened is the model being developed in Indiana, where various depository libraries throughout the state are willing to share collection and service responsibilities based upon their expertise. This new collaboration for resource sharing was developed by the Indiana Networking for Documents and Information of Government Organizations (INDIGO). They are working on what they call the Indiana Light Archives Documents Project for federal documents and related services. The state's selective depository libraries are meeting the challenge by taking parts of the regional library's tangible collection through shared housing agreements and providing services to them.

We do not advocate a one-size fits all approach to resolve the issue of how to strengthen public access when a regional library is overburdened. However, we do believe that other approaches may be developed that meet the current statutory requirements and enhance the federal government information needs of the users within each region. A multi-state approach would tend not to meet these criteria, particularly given the public's need to have ready access to authentic government resources.

In closing, we again commend you for seeking comments from the broad library community on the regional study requested by the JCP. We believe the study offers us all the opportunity to examine possible new ways of providing federal government information through the system of regional and selective depository libraries. Well-funded regionals with their dedicated staff have provided excellent leadership and services for many decades, and the selective libraries they serve rely on their support.

We look forward to further discussions about how we can all work together to ease the burdens of the regionals that are having difficulty meeting their requirements, perhaps along the lines of the Indiana model or other shared housing agreements within the region. We do not support a model, such as that proposed by ASERL, for collaborative collection management partnerships across state lines. We are aware of efforts to seek a legislative fix to reduce the burdens on regional libraries. However, we are concerned about opening up Title 44 at this time, particularly when there is no consensus on what changes to the current structure would be acceptable and meet the goal of enhancing the public's access to federal government information.

AALL welcomes the opportunity to play a role in redefining the regional system and we look forward to continuing to work with you on this effort. Thank you very much.

Sincerely,



Ann T. Fessenden, President
American Association of Law Libraries