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Joint Scanning Project with LC

The last issue of this newsletter (#39, 2/9/10, pp. 2-4) provided a summary update of our LLMC extern scanner program. We hope that it gave our readers a good overview as to how much our off-site scanning contributes to the breadth and depth of the collections we are able to offer on *LLMC-Digital*. There is no question that the worth of our site to the wider world of scholarship is seriously enhanced by these extensive outreach efforts. The bulk of the titles captured in this way are effectively immovable, and probably would remain forever unavailable, if we had to rely upon only gift books or materials shipped on loan.

Continuing the theme of last month's survey article, we are delighted to herald the launch of a new addition to our off-site content-capture capacity. Starting today work has begun at the Library of Congress (LC) under a joint scanning program with LLMC. Operational details of the new LC/LLMC joint effort differ from those in place for our other external scanning sites. But the results may be even more rewarding. This program will yield a major increase in the quantity and quality of materials made available to our *LLMC-Digital* patrons.

This effort builds upon a substantial in-house scanning capacity available at LC due to a turnkey equipment/personnel lease program it has in place with the Internet Archive (IA). For the indefinite future, some of LC's scanning capacity will be devoted to materials targeted in this joint LC/LLMC program. LLMC's contribution to this common effort will lie in proofing, processing and OCRing the images, and in developing the metadata; i.e. full cataloging. All of the resulting images will be made available on both *LLMC-Digital* and also the IA site, each using its respective interface. In addition, some of the images will be made available on various LC sites depending upon subject matter and relevance to specific LC projects.

Our initial focus for using the amazing new data-capture capacity provided by LC will be on the Library's "Heritage Collection" of Native American titles. For our part, we were very happy that LC agreed to initiate our joint effort with these materials.¹ Longtime LLMC supporters will remember that putting together our microfiche Native American Collection was a major effort, taking ten long years in its development. But the pain was worth it. Over time that microfiche collection turned into a "bestseller"; being adopted by more libraries than any other of our special-

¹ As in any good partnership, it always works best when the benefits of the program further the goals of both partners. That is certainly the case here. While LLMC is delighted to be able to add major new content to its popular Native American Collection, the digitization of these materials will also serve to enhance a major Native American oriented initiative under development at LC. The Library is currently developing a new classification for *Indigenous Peoples in the Americas* (Classes KIA-KIX). Because so much of the important current primary and secondary literature in this field exists only in the "deep Web," a classification schedule that meets current needs must address the gap between availability and accessibility of information. For the first time, Web resources are being used for content formulation and the terminology of the schedule. The goal is to make the online classification a direct tool or "portal" for content search on the Web. Ensuring that LC's rich Native American Heritage Collection is fully cataloged will be LLMC's contribution to this effort. The principal mover and shaker in this "Indigenous Peoples Portal Project" is our own LLMC Advisory Council member Jolande Goldberg. Jolande's day job is Senior Cataloging Policy Specialist/Law Classification Specialist in LC's Cataloging Policy & Standards Division. In that role she is known to most of us as a main agent in the development of the LC law K-class cataloging schedule, and in particular for her work in revising the old JX schedule into the now-canonical JZ & KZ schedules. It was for this latter work that she received the American Association of Law Libraries' Andrews Award of 2001. Her extracurricular activities range far afield, including, among other accomplishments, a career as a distinguished sculptor. A picture of Jolande proselytizing for her most recent "favorite project" is attached to this issue.

subject-oriented film products. That popularity has extended over into the digital era. Even given the fact that our online collection of Native American material does not yet include all of the titles offered in the fiche collection, our digital Native American offerings were the single most used category on *LLMC-Digital* during calendar 2009.²

The new LC/LLMC joint effort will enrich our Native American Collection by roughly 2,000 additional titles containing about 2,100 volumes. And we won't just be adding quantity. Many of these titles fall into a class of material that hitherto we could only have dreamed of acquiring. For example, some 475 of the target titles come from LC's rare book collections. The LLMC Native American Collection has always been something of which we were justifiably proud. With these additions it becomes truly great.³

² To be fair this is partly a matter of how *LLMC* materials are grouped online. For example, for technical reasons tied to speeding up total system-response time, we separate the U.S. federal titles on *LLMC-Digital* into three categories: legislative, executive and judicial. If results for those three categories were to be combined together, the total number of visits to our U.S. federal materials substantially exceeded those for Native American. The same goes for the materials from the U.S. states. Nevertheless, the fact that the Native American Collection, even in its still incomplete state, is up there in the running testifies to the fact that there is obviously an engaged constituency for these materials among our libraries' patrons.

³ A spreadsheet listing the LC titles targeted in this scanning project is attached to this issue of the *Newsletter*. This exhibit (somewhat edited down and simplified for web transmission reasons) lists all of the target titles in what is hoped will be sufficient detail to identify them for interested parties. Column One provides the LLMC number that will be assigned to each title. This can also be used as a shorthand reference to avoid confusion between similar-worded titles. Please be aware that not all of these titles will necessarily make the final cut and actually be scanned, at least not just now. Although not very likely, some few titles may still be in copyright. Also, some fragile books may have to be put aside if the curators and preservationists at LC determine that they can't be subjected to even the gentle treatment provided by the IA Scribe scan equipment.

The LC/LLMC joint Native American project is being launched this month. Total scanning should take from three to four months. As the scanned images start arriving at LLMC, they will be proofed and paginated to fit the technical requirements of our LLMC/NBS interface, OCR'd, and cataloged. The LLMC side of the joint program will also take three to four months, lagging the LC activities by a month or so. This means that the first titles will start appearing on *LLMC-Digital* by early summer. The whole project should be more or less wound up by the end of this year.

Even before we complete the scanning of the Native American materials, the joint LC/LLMC focus will turn to other subject areas. We'll have more news on that next month.

New Military Law Titles from PLEI

During our microfiche years we were able to get non-exclusive copyright releases for two major military law looseleaf titles and three exceedingly valuable military law treatises from the publisher, the Public Law Education Institute (PLEI). This organization, under its longtime president Thomas P. Alder, was the principal agent maintaining public focus on, and chronicling the evolution of, military law during the turmoil of the Vietnam years and long after. Testimony on Mr. Alder's importance for the development of military law doctrine is provided by Eugene Fidell, author of one of the treatises involved, a Yale Law School professor, and currently a respected and frequent media commentator on military justice matters. As Professor Fidell wrote us recently:

I'm delighted that you were able to connect with Tom Adler. He more or less single-handedly kept the law alive in the important areas of military justice and conscription for a number of years and deserves great credit for having done so.

The good news is that we recently renewed contact with Mr. Alder. He welcomes our intent to preserve the record of PLEI's work, and graciously consents to extend the copyright release provided during our fiche years to include migrating the following five PLEI titles to *LLMC-Digital* and to any successor platform maintained by LLMC.

- **Selective Service Law Reporter**, V.1-5, 1968-73, PLEI
- **Military Law Reporter**, V.1-20, 1973-92, PLEI
- **Practice Manual of Sel. Serv. Law**, by Michael Tigar, ca. 195p., PLEI, 1968
- **Justice and the Military**, by Homer E. Moyer, Jr., xxii+1,398p, PLEI, 1972
- **Prac. & Proc. in U. S. Ct. Mil. Apps.**, by Eugene Fidell, ix+78p, PLEI, 1978. ⁴

We are currently working with Mr. Alder to ship the paper for these five titles to our plant

⁴The *Selective Service Law Reporter* (SSLR) was the major source covering the administration of the Selective Service System during one of the most explosive periods in U.S. draft law history, the era of the anti-Vietnam War protests. In unequalled depth, it provided news & analysis of legal developments, scholarly legal articles, and superb coverage of both statutes and caselaw generated during this fecund period of draft law evolution. For many of the case reports, SSLR is the sole source. It was succeeded in 1973 by the *Military Law Reporter* (MLR). For the period 1973-92, MLR served as the major and most comprehensive authority providing continuing coverage of U.S. military law, writ broadly. The editors of MLR defined military law as including civil law issues bearing heavily, or uniquely, on military service. Beyond military justice, the scope of coverage also included selective service law, Court of Veteran's Appeals cases, and veterans' benefits and preference law holdings in civil courts. MLR also treated intensively cases arising in civil courts involving claims by present and former military personnel against the government and defense suppliers. The common thread running through this jurisprudence is the defense of sovereign immunity, raised as intramilitary immunity, or, as in the Agent Orange litigation, by invocation of a government contractor defense. Decisions reported in MLR appear as full text or, in minor cases, as digests. These texts are annotated and keyed to finding aids that relate each case to both previous and subsequent decisions. While much of the case reporting simply consolidates opinions that are available from other proprietary sources, MLR is notable for its comprehensive coverage of decisions by the armed services Courts of Military Review. These CMR rulings constitute the bulk of appellate law under the Uniform Code of Military Justice. Aside from the CMR courts' limited distribution of slip opinions, most of these decisions during the period 1973-1992 were reported only in MLR. For this

in Kaneohe for scanning. If all goes well, we expect to have them all available online by late summer. In addition, preservationists will be happy to hear that Mr. Alder has agreed to designate LLMC's salt-mine dark archive as the permanent archival repository for his master copies of the print originals.

The Gale "Primary Sources" Project

We recently received several inquiries from subscribers questioning our intent for coverage of U.S. codes and constitutional records and other "primary materials." The reason behind these inquiries was that subscribers were receiving advertising describing a digital publishing effort in these subject areas by Gale in a project entitled *Making of Modern Law, Primary Sources*. As advertised the Gale project will include many materials in the following categories: journals and records of state and federal constitutional conventions, early federal and state codes, city charters, law dictionaries, and colonial records for the American colonies. Colleagues asked whether our own scanning plans might relieve them of the need to purchase the Gale product.

Without seeing the actual product, we can't really respond to the question of whether our colleagues should want to lay out \$60K or more for parts or all of these Gale offerings. We have always believed that for-profit companies have every right to offer the same titles that we do, if the "value-added" that they contribute creates a use experience that justifies the higher price. For all we know the bells and whistles that Gale may develop for some of these categories could well make their purchase advisable, especially for libraries with scholars specializing in one of more of these subject areas.

However, we should also point out that most, if not all, of the books in these groups of what Gale terms "primary materials" are in the public domain. One of LLMC's founding mis-

reason alone MLR is an indispensable foundation for any serious military law collection. Finally, the two listed treatises by Tigar and Moyer were actually published as sections of SSLR. However, since they are stand-alone works similar to Eugene Fidell's treatise, they will be offered as separate titles online.

sions was to ensure that materials in the public domain do not slide back into “virtual copyright” due to monopoly offerings by for-profit firms. Moreover, these are categories in which LLMC already has many offerings, and in which we are continually providing more thorough coverage. For example, we already have scanned and put online scores of early state codes and constitutional convention journals and records. Our intent is to get them all. At the rate that we are going, it is likely that we will cover most of the works in these two categories in the next two to four years; particularly now that we have access to the rich LC holdings in these areas. So if your needs can be met with “plain vanilla” coverage,⁵ you can count on LLMC providing that for these categories now or in the reasonably near future. But if you need a more fancy interface experience, and if Gale or anybody else provides it, feel advised to purchase all or parts of those projects with our blessing.

⁵ The question of LLMC’s “plain vanilla” program sometimes comes up when colleagues point to for-profit services that offer some of the same titles that we do, but with enviably superior “bells and whistles”; the value-added equation. Of course, the easy answer would be for us to note that these enhancements are usually reflected in those products’ price. However, beyond that, we do have a focused strategy of investment when it comes to using our members’ funds for either pioneering or adopting enhancement technologies. Most of the big break-throughs in the digital world are financed by the firms with the deep pockets (and the high prices). The costs of innovation, and possible failure, in this field are steep. So we would rather let the big boys be the trailblazers. The curve of development in these technologies is such that to-day’s amazing innovations soon become tomorrow’s standard practice. Since we are expected to be shrewd stew-ards of our library members’ relatively limited resources, we would rather accept modest delay and a slightly stodgy public persona as the price of prudence. Meanwhile, we stay alert and swim in the wake of the industry leaders, knowing that we can adopt their innovative enhancements once the bugs have been worked out and the solutions are both off-the-shelf and a lot cheaper.