

## Special Issue - Haiti Legal Patrimony Project

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### Helping in the Haiti Reconstruction

Nobody could be unmoved by the tragic scenes from Haiti after last January's massive earthquake. And it is likely that many of us gave generously to the immediate aid efforts. Still, as we all know, bringing long term hope to that stricken land and people will take a million different efforts by people of good will on thousands of fronts. In this global effort it makes sense that everybody do what they do best. What we law librarians currently do best is build digital law libraries. So, if we want to help Haiti reconstruct its society, the most worthy and logical focus for our community's attention would be to help rebuild its law libraries in first class fashion, using every digital option now available.<sup>1</sup>

As Haiti rebuilds, access to their laws and to law-related materials will be important to national and local governments and agencies, to

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<sup>1</sup> Among many other tragedies, the January earthquake caused irreparable damage to Haiti's libraries. Many library buildings and collections were destroyed, and damage to the wider infrastructure will, for a long time to come, complicate physical access to libraries. We applaud efforts underway in other quarters to collect physical books to replace some of the materials lost in Haitian libraries. But the focus of our Haiti Legal Patrimony Project will be oriented to the future. We are strengthened in our belief that digital is the way to go by recent news reports that one of Haiti's largest telephone companies plans to bypass rebuilding its landline system and instead invest all of its resources into a wireless replacement. Given the way technology is going, it is inevitable that, in the fullness of time, all of the laws of all nations will be digitally available to their peoples. In the normal course, however, resource-poor Haiti could have expected to come in at the tail end of this global evolution. One small consolation that we can offer them in their time of distress is that, at least in this small area, they will jump to the head of the queue.

cultural institutions, and to individual Haitian citizens. We at LLMC saw that as a problem speaking almost directly to us for remedy. We could see that, given our mission, expertise and technical base, we were uniquely positioned to lead efforts to digitize and provide free and open online access to virtually all of Haiti's public-domain law and law-related materials. As important, we had access to a unique resource, a worldwide network of generous and skilled colleagues who had helped us in similar collection building endeavors. In theory at least, we had the potential to marshal these resources with the goal of assembling the most complete digital collection of Haiti public-domain law and law-related titles ever compiled. All that was needed was some energy and a workable plan.

Building on past experience, we knew that the first necessity would be bibliographic, constructing a master title list that could serve as the template for an "ideal collection." With that in hand, we could, first scan the materials available in more accessible sources, and then publicize the evolving list to solicit loans or gifts of gap materials from our law librarian colleagues worldwide.

### Crafting the Template

Constructing the master title list called for the recruitment of some "heavy hitter" libraries; institutions whose collections could be expected to be rich enough to provide a solid bibliographic baseline for comprehensive collection development, and who also would be willing to take the lead in loaning significant portions for scanning purposes.

We first approached Columbia Law Library, which did not disappoint. They promptly got things moving by quickly generating a spreadsheet inventory of their Haiti holdings. This served as the preliminary template for collection development, sufficient to serve as a recruiting tool to show others what a basic collection would look like before enhancement. In addition to providing us with our first large batch of bibliographic data,

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Columbia Law Library also committed to loaning a large number of its titles for scanning purposes. It is expected that the first of those loaned materials will be arriving at LLMC's plant in Kaneohe, HI, in early May.

Our next stop was at the Law Library of Congress, where the response was equally as encouraging. As luck would have it, LLMC and the Library of Congress had just concluded their agreement for joint scanning projects that was publicized in the last issue of this newsletter (#40, March 23, 2010). Thus the Law Library of Congress was looking for a project that would build upon its unique strengths. The Haiti Legal Patrimony Project clearly filled that bill. LC-Law staff quickly produced a spreadsheet inventory of their Haiti holdings similar to that created earlier by Columbia. The LC-Law inventory revealed a Haiti collection that in some ways mirrored, but in many ways differed from, the collection at Columbia-Law.<sup>2</sup>

The Columbia-Law and LC-Law spreadsheets (with the bibliographic data simplified down to the essentials of title, imprint, and call number) have now been merged. A copy of the Combined Collection Spreadsheet is attached to this issue of the *Newsletter*. The Columbia-Law and LC-Law holdings are indicated by entries in columns B & C. The data for the titles themselves are organized in columns F, G & H under a form classification schema in this order: Constitutional, Legislative & administrative, Judicial, and Miscellaneous treatises. This exhibit reveals that the target collection of public-domain materials

<sup>2</sup> The differences can be explained by several factors. One, LC-Law concentrates more exclusively on legal titles, and relies upon the general collections at the Library of Congress to stock titles that are not specifically "legal." Second, Columbia-Law serves an academic community and, in common with its sister academic law libraries, stocks many titles "related to law." Finally, Columbia-Law has a tradition of harvesting pertinent government documents that are often lost in the relative obscurity of the Serial Set and catalogs them separately for placement with the collections of the countries to which they pertain.

for Haiti will at least exceed 440 titles contained in over 600 volumes. The project is substantial but clearly manageable. It's big, but capable of accomplishment in a reasonable amount of time. And it will clearly be a major contribution to the literature for this jurisdiction.

Speaking of getting this job done in a decent time frame, our joint scanning project with the Library of Congress as a whole has enabled us to make a major down payment on the scanning side of things. Taking advantage of some spare capacity on its Internet-Archive partnership scanning lines during the month of March, the Law Library has already rushed 109 titles in some 211 volumes through scanning. So some 25% of the initially targeted titles have already been scanned.<sup>3</sup>

<sup>3</sup> The books already scanned are shown in the exhibit in column D by the assignment of a 5-digit "LLMC number"; the numbers used to control all LLMC publications both in fiche and online. Additional information is provided in Column D for some LC-Law titles that are in various stages of preparation before scanning. A schedule of reasons for LC-Law "holds" is given at the bottom of Column D; e.g., the legend "hold-conserv." indicates that LC plans to scan the book, but that its physical condition must first be stabilized by treatment in LC's Conservation Department. Needless to say, given their age, many of these titles are fragile. Some idea of that problem can be gleaned by observing the spines of the books in the attached picture of Roberta Shaffer, Law Librarian of Congress, and Mark Strattner, Chief, Collection Serv. Div., standing in front of part of the Haiti collection in the Law Library's basement stacks. Since some of these holds imply that the LC-Law copy ultimately may not be scannable, this would be one reason for other libraries holding that title to consider the loan or gift of their copy for scanning purposes. A special reason for a hold on a title relates to the Haiti Official Gazette: *Le Moniteur, journal officiel de la République d'Haiti*, 1844-. (See the other attached picture showing Mark holding one of these volumes.) The copyright status of the Gazette is unclear. It may be under a form of "crown copyright." However, since it is one of the most important titles in any Haiti legal collection, we are absolutely committed to including it in this collection if at all possible. Should it turn out to be in

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The already-scanned images are now being processed by LLMC in Hawaii, and cataloging has begun in Saint Louis ULL. The first titles should go online in June.

### Building the Network

A big part of the potential behind the Haiti Legal Patrimony Project is the yield that could result from marshalling and combining the scattered resources of law libraries around the world. LLMC has learned from its experience with many filming and scanning projects over the years that no one library, or even a selected few libraries, contains everything on a subject or for a jurisdiction. So on this occasion also we will do our best to engage the energies and contributions of many libraries. To get that process going we have already contacted and recruited a number of libraries that have agreed to act as Public Sponsors of the project. These libraries will, both survey their collections for gap items that are not listed in the attached Haiti inventory, and also make any such gap items available for scanning and addition to the corpus. Our current list of Public Sponsors for the project includes Cornell U.L.L., George Washington U.L.L., Harvard U.L.L., the Univ. of Hawaii Library, the LA Law Library, Saint Louis U.L.L., the U.S. Army JAG School Library, the Barbados Museum & Historical Society, W.I., York U.L.L. in Canada, the Institute of Advanced Legal Studies Lib. and Oxford U.L.L. in the U.K., and the Max Planck Institute for Comparative & International Law libraries in Hamburg and Heidelberg, Germany.<sup>4</sup>

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copyright, LLMC will join the Library of Congress in making a formal request to the Haiti Government for a copyright release.

<sup>4</sup> We are particularly happy that the Max Planck Institute libraries are sponsors. A chapter in Haiti's fraught history was the long-standing rivalry between Germany and the United States for influence in the republic. By the first decade of the 20<sup>th</sup> Century, German influence in Haiti was in the ascendant, and greatly disproportionate to the small number, ca. 200, of German citizens resident in the country. Germany controlled 80% of the country's international commerce and also owned

### A Role for Every Library

Once our Public Sponsors have finished their contributions, it's a fair bet that the Haiti Legal Patrimony Collection will have moved a long way toward completion. But everything we know about how this type of project evolves tells us that it won't be 100% complete. There's always the odd item that fate has relegated to a resting place in the collection of some totally unexpected library.<sup>5</sup> So please, join the team behind this magnificent effort. Canvass your public catalog to see if you happen to have something for Haiti that has not yet made it onto the attached master spreadsheet. The titles on the spreadsheet are arranged in a form-classification/then-by-year order that we

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and operated major segments of its infrastructure. When reports reached U.S. President Wilson that Berlin was considering establishing a coaling station for its navy at Môle Saint-Nicolas, which in Washington's view would have threatened the Windward Passage between Haiti and Cuba, the geostrategic stage was set for the 1915 American invasion of Haiti. The subsequent American occupation lasted for nineteen years until brought to an end by President Roosevelt in 1932. Perhaps our Max Planck friends will be able to find some materials in their libraries that will help to illuminate this murky business. Additional help in securing texts shedding light on the lengthy U.S./Haiti "special relationship" may come from having as a Sponsor the U.S. Army JAG School Library, which enjoys exceptional access to many U.S. military libraries.

<sup>5</sup> For example, in the LLMC-fiche days, after extensive publicity and solicitation, and with the aid of 50 libraries, we had assembled what we believed to be a complete set (1869-2000) of the legal directory *Martindale-Hubbell*. We then heard from Library Number 51, which held and offered for filming the 1868 volume of *Martindale*. This proved that the run, and the company, started in 1868; something that none of us, even the company itself, knew. That ethereally elusive volume had come to rest in, of all places, the Kentucky State Archives. KSA only heard of our quest because a law librarian happened to mention it to her friend at the Archives when they had lunch together. So, to paraphrase Oscar Wilde, we continue to be amazed, but never surprised, when odd items show up in unexpected places.

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hope will make checking the list for matches as simple as possible. Do remember, of course, that we can only include public-domain material. That normally covers materials published by the U.S. government or privately published before ca. 1923. However, Haiti copyright tilts toward the European model. So, if in doubt on the question of copyright, or even in the case of close calls, please check with us. We'll be happy to assess the situation to see if your item qualifies. Just e-mail us in Kaneohe, HI at [llmc@llmc.com](mailto:llmc@llmc.com) with the subject heading "Haiti Collection."

Finally, even if your books are already covered on the spreadsheet by a listing for another library, please also consider cooperating with the LIPA Print Archive Program that is tracked in Column E. As you may know, LLMC's salt-mine dark archives are an accredited unit of the LIPA effort. If you plan to discard any of your Haiti books because they are now online, we would be glad to accept them and hold them in permanent trust for Haiti as a paper preservation backup for their digital copies. Thank you very much!

### LLMC Donations Committee Plea

*The LLMC Donation Committee has developed a program that enables individuals and organizations to contribute to the Haiti Legal Patrimony Project's efforts to provide digital access to Haitian law and law-related materials in a unique and personal way. Contributions to the Haiti Legal Patrimony Project will be gratefully accepted in any amount. Moreover, those who contribute at least \$100 will be able to 'adopt' individual volumes (or multiple volumes for multiples of \$100).*

*"Adoption' of a volume means that the donor's contribution ensures the digitization, online publication, and permanent maintenance of the digital copy of that volume, both on LLMC-Digital, and also on an open and publicly accessible website specifically tailored for free access by the Haitian people.<sup>6</sup>*

<sup>6</sup> As it evolves, the Haiti Legal Patrimony Collection will appear in full on *LLMC-Digital*, and in

*Contributors will be able to specify on a first-come-first-serve basis the volume(s) they wish to adopt. Volumes adopted by donors will be so identified on the navigation section of the screen display of each page of the book adopted. Additionally, all donors to the Haiti Legal Patrimony Project will be acknowledged on a Contributors' Webpage that will be featured on the home page of LLMC's central web site <[www.llmc.com](http://www.llmc.com)>.<sup>7</sup>*

*Donations to the Haiti Legal Patrimony Project will be tax deductible in accordance with federal income tax laws and regulations since the recipient and disburser of the funds, LLMC, is a not-for-profit, §501(c)(3) organization. All funds received as a result of this solicitation will be devoted specifically to supporting the Haiti Legal Patrimony Project. Checks should be made out to "LLMC-Haiti" and mailed to "LLMC-Haiti, P.O. Box 1599, Kaneohe, HI 96744, USA." We can also handle Visa and Mastercard transactions via e-mail to [LLMC@LLMC.com](mailto:LLMC@LLMC.com)".*

*Stay tuned while this exciting cooperative effort undertaken by our Law Library Community evolves through the LLMC coordinated digitization activities, and as the Donation Committee further develops a program aimed at encouraging contributions from a wide variety of individual and institutional donors.*

part on the Library of Congress and Internet Archive web sites. The matter of identifying a Haiti government or NGO host is still under negotiation.

<sup>7</sup> As a temporary measure until the Contributors' Webpage is established and mounted online, the Haiti Collection Donors List will be maintained in Column I of the attached spreadsheet. For the convenience of those who want to contribute titles to the collection, this spreadsheet will be housed under a temporary dedicated tab on the central LLMC web site, and will be regularly updated during this year while the bulk of the collection assembly is taking place. Finally, for the record, the first title adopted (line #42) is meant to honor Donald H. Gordon, former dean of Wayne State University Law School in Detroit and a co-founder of LLMC, who is celebrating his 85<sup>th</sup> birthday today in Hawaii with friends.

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*This is our chance as a profession to make a permanent gift toward Haiti's rebuilding process. Also, our contribution will reflect, both our commitment to the availability of legal information, and also our recognition of its centrality to a culture. We hope that you will join with us in this timely project!*