# Legal and Legislative INFORMATION PROCESSING

edited by
Beth Krevitt Eres

**Library of Congress Cataloging in Publication Data**
Main entry under title:

Legal and legislative information processing.

Includes bibliographical references and index.
1. Legislation—United States—Data processing —Addresses, essays, lectures. 2. Legal research —United States—Data processing—Addresses, essays, lectures. 3. Information storage and retrieval systems—Law—United States—Addresses, essays, lectures. 4. Information storage and retrieval systems—Court administration—United States— Addresses, essays, lectures. I. Eres, Beth Krevitt.
KF242.A1L37 340'.028'5 79-7063
ISBN 0-313-21343-7 lib. bdg.

Copyright © 1980 by Beth Krevitt Eres

All rights reserved. No portion of this book may be reproduced, by any process or technique, without the express written consent of the publisher.

Library of Congress Catalog Card Number: 79-7063
ISBN: 0-313-21343-7

First published in 1980

Greenwood Press
A division of Congressional Information Service, Inc.
88 Post Road West, Westport, Connecticut 06881

Printed in the United States of America

10 9 8 7 6 5 4 3 2 1

# Legal and Legislative INFORMATION PROCESSING

This book is dedicated to
the memory of my father, Irving A. Krevitt,
a man of goodness, love, and pride

# *Illustrations*


1 Key Steps Toward Improved Congressional Information Support 31

2 Florida Legislative Information and Processing System Conceptual Design 77

3 Florida Legislative Information and Processing System Conceptual Design (Revised) 80


试读结束：需要全本请在线购买： www.ertongbook.com

# *Tables*


| | | |
|---|---|---|
| 1 | Legislative Applications of Information Technology | 57 |
| 2 | Information Technology Applications in State Legislatures, 1977 | 58 |
| 3 | Computers in State Legislatures | 64 |
| 4 | Summary of Software in State Legislatures | 66 |
| 5 | Summary of Peripheral Equipment in State Legislatures | 67 |
| 6 | Example of KWIC Printout | 271 |
| 7 | List of Keywords and Keyphrases for Search | 273 |

# *Preface*

The field of textual information processing has exploded in the 1970s as a result of the overwhelming flow of paper information and the increased sophistication of and economies of scale for online computer storage and retrieval network capabilities. Not the least affected by these dramatic developments has been the legal profession. Both lawyers and legislators have been confronted with the need to keep abreast of current events, with the depth of research required to acquire comprehensive topic- or case-related knowledge, with the amount of text processing (such as indexing and editing) necessary to access available information, and, finally, with the speed in which the work must be done.

Concurrently the computer profession has developed the ability to provide online access to millions of bytes of information via international communications networks. The more effective indexing and greater manipulation of natural language text resulting from research conducted in the 1960s has extended these networks to the textual and bibliographic information-processing field. The needs of the legal profession and computer and information-processing abilities combined has resulted in the emergence of legal and legislative computer information processing. In some areas, the effect has been that a greater quantity of work can be done and at greater speeds. In all areas, the qualitative results have been impressive.

This book presents a broad picture of existing and future endeavors. It has been designed to appeal to a wide audience of readers—among them,

practicing lawyers, legislators, librarians, information specialists, and computer scientists. Accordingly the contributors to the book were chosen to represent a broad spectrum of professionals, each viewing the field from his or her own vantage point.

Each of the five parts of the book are introduced with a headnote that briefly describes the material to be found in the chapters therein. The chapter authors have provided a brief history of the topic of their chapter, described current activities and procedures, discussed future possibilities, and drawn conclusions, along with appropriate references.

This book is not intended to be an exhaustive treatment of this expanding field; it could not be. Readers interested in particular areas are urged to delve into the references listed in each chapter for further information.

# *Acknowledgments*

My greatest debt is to the twenty-six men and women who unsparingly contributed their time and expertise in order to produce the chapters for this book. I greatly appreciate their assistance in reviewing the initial outline, contacting other potential contributors, and providing general moral support. Particular thanks go to Robert L. Chartrand for his willingness to undertake a second, and most difficult, chapter (with Jane Bortnick), and to Lawrence H. Berul, whose guidance to me many years ago was so important. I am also indebted to Charles H. Davis for his teaching efforts in my graduate school years as well as for his personal recommendation to Greenwood Press. I am grateful to those who have helped me in many technical and editorial matters, particularly Phyllis Safer.

To my husband, Michael, who overwhelmingly gave his time, advice, and support so that I could accomplish each requisite task, I can never fully express my gratitude. To my father, Irving Krevitt, in whose memory this book is dedicated, there is no longer anything that can be said. Knowing how proud he would have been is enough.

# *Contents*


| | | |
|---|---|---|
| *Illustrations* | | *xi* |
| *Tables* | | *xiii* |
| *Preface* | | *xv* |
| *Acknowledgments* | | *xvii* |
| **I** | **Federal Legislative Information Processing** | **1** |
| 1 | The Quiet Revolution of Information Technology in Congress<br>*Bruce F. Norton* | 3 |
| 2 | Information Technology for Congress: A Proven Potential<br>*Robert Lee Chartrand* | 19 |
| 3 | Changing Information Needs of Congress<br>*Neal Gregory* | 37 |
| **II** | **State Legislative Information Processing** | **47** |
| 4 | An Overview of State Legislative Information Processing<br>*Robert Lee Chartrand and Jane Bortnick* | 49 |

| | | |
|---|---|---|
| 5 | Legislative Data Processing: Florida<br>*Dozier Johnson* | 75 |
| 6 | A Comprehensive Computer-Assisted Legislative Program: Virginia<br>*John A. Banks, Jr.* | 95 |
| 7 | A Legislative Information System: Washington<br>*Richard O. White, Edward Miller, and Robert Fitchett* | 107 |
| **III** | **Information Processing and the Law** | **127** |
| 8 | The Emergence of Computer-Assisted Research as an Established Legal Tool<br>*Joseph L. Ebersole* | 129 |
| 9 | LEXIS: Legal Research and Litigation Support<br>*Karlyn D. Stanley* | 149 |
| 10 | WESTLAW: Computerized Legal Research Program of West Publishing Company<br>*Theodor Herman* | 157 |
| 11 | JURIS: A Tool for Legal Research<br>*Stanley O. Croydon, Jr.* | 163 |
| **IV** | **Litigation, the Courts and Computers** | **173** |
| 12 | The Need for Computer-Managed Litigation Files<br>*Lawrence H. Berul, Michael P. Stern, and James Keane* | 175 |
| 13 | The Computer as an Aid to Litigators<br>*Robert S. McCormick and Steven E. Rosen* | 187 |
| 14 | Computer Technology in the Courts<br>*Larry P. Polansky* | 201 |
| 15 | Use of Computerized Business Records as Evidence<br>*William A. Fenwick and Gordon K. Davidson* | 213 |
| **V** | **Other Applications of Computers to the Law** | **233** |
| 16 | The Treasury Enforcement Communications System<br>*Patricia Coss* | 235 |


试读结束：需要全本请在线购买： www.ertongbook.com

17 The Electronic Barrister: Applications in Environmental Law 243
*Victor J. Yannacone, jr.*

18 The Responsa Project: Computerization of Traditional Jewish Case Law 261
*Yaacov Choueka, Aaron M. Schreiber, and Menachem Slae*

*Index* 287

*About the Contributors* 297

# Part I

## FEDERAL LEGISLATIVE INFORMATION PROCESSING

*Each of the three chapters in this part presents both general and specific discussions of the history, needs, current status, and future plans of the U.S. Congress with regard to information technology. Congress's relationship to supportive information agencies (such as the Congressional Research Service, Government Accounting Office, Office of Technology Assessment and Congressional Budget Office) is presented by Bruce Norton and Robert Chartrand along with their observations regarding the use of other federal government and nongovernment data bases and information retrieval systems. Norton shows that relations between the Congress and the executive branch have altered, and continue to do so, as a result of Congress's increased use of information technology. Chartrand further cites the subtle changes that have taken place within Congress itself as a result of the introduction of new methods of voting, determining bill status, analyzing fiscal matters, and so on.*

*Neal Gregory enumerates the similarities and differences between the two houses with regard to history, committee activities, budget, size, and seniority. The chapters also stress the manifold character of congressmen as legislators, representatives of their constituency, party members, and overseers of government policy.*

*Norton describes how the distribution of influence is affected as new members of Congress arrive and are immediately afforded access to information with the aid of the computer to the same extent as more senior members.*

*According to Gregory, it is often these same new members who are introducing the information technology acumen they have acquired in business and academia.*

*The chapters conclude by envisaging the future of the Congress as one of greater centralization, improved quality of legislation, broader focus on long-range problems, and more sophisticated use of audiovisual computer-related communications systems.*

# 1

BRUCE F. NORTON

# *The Quiet Revolution of Information Technology in Congress*

Several revolutions were staged on Capitol Hill in the 1970s. Some produced reforms dealing with Congress's internal operations, and others, with bolstering its position vis-à-vis the executive. But just as noteworthy, and certainly just as significant, was a quieter revolution that ushered in the development of a sophisticated information-support capability that has become the envy of nearly every other legislature in the world.

Although it is a genre of reform not commonly referred to in discussions about strengthening Congress, the introduction of information technology on Capitol Hill signals new directions in the legislature that have the potential of producing as profound an effect on the way it goes about its business as reforms intended to improve its internal organization or enhancing its powers vis-à-vis the executive. In fact, the objectives of reform represented in these latter, more publicized reform efforts ultimately required Congress to come to grips with the frustrations of dealing with an inferior information capability. Had it ignored the many benefits that can flow from an advanced information-support system, it would have neglected one of the means by which it could revitalize and maintain itself as a legislative institution.

The fundamental premise thus is that Congress needs information, so that it can act as an effective decision-making body of government. This does not mean, however, that it should or can duplicate the vast reservoirs of data held by the executive branch. Nor does Congress's possession of an adequate supply of information guarantee that it will produce rational

decisions, for rationality lies in the eye of the beholder. Moreover, some legislators ignore the facts on some issues. The second premise is that information used in the political arena is rarely neutral. Whether information is of a policy substance or a political nature, advantages can be derived from misinterpreting it, distorting it, or ignoring it. The likelihood that information will occasionally be misused, however, should not be construed as an argument against yet a third premise: the Congress requires information that is objective, accurate, comprehensive, timely, and relevant. How legislators act on information makes the Congress a political institution, but how they use it does not detract from the imperative that it be useful.

Before exploring the strides that have been made in the wake of the quiet revolution of information technology on Capitol Hill, it is useful to ponder Congress's information problems from two perspectives—the constitutional and the institutional—and then to examine the development of an information-support infrastructure in the Congress. Both areas of inquiry will help put Congress's gains in information technology in the proper context.

## Information Problems: Constitutional and Institutional

From one perspective, Congress's information problems are not unlike those of almost any other institution. But complicating the ordinary problems it experiences are a host of additional ones that are peculiar to it from both a constitutional and an institutional standpoint.

### *Constitutional Problems*

Although the founders forged a partnership between the Congress and the executive, history shows that this partnership has been an uneasy one. Quite apart from the advantages that accrue from the assignment of different powers to two different branches of government, the principle of separate institutions sharing related functions and responsibilities has produced tension, rivalry, and suspicion between the two federal partners. The result was to create the conditions for what Arthur M. Schlesinger, Jr., has called a "permanent guerrilla warfare" between the two branches.[1] And precipitating some of the warfare has been the refusal by presidents and other major officials in the executive branch to share with Congress information that Congress feels it has a right to possess in order to make informed judgments in fulfilling its lawmaking and oversight responsibilities. The most dramatic and attention-getting instances of the outright denial of information is denial based on the use of executive privilege, a doctrine of constitutional controversy invoked by some presidents who contend that its release would jeopardize national security or in some way detract from the independence and integrity of their office. In fact, however, only a few presidents have resorted to this use and only in the rarest of instances.

A more serious threat to Congress's ability to obtain information from the executive branch has been the withholding of information based on acts of commission and acts of omission. Acts of commission occur when the president or other principal officers in the executive deny requests from congressional committees or individual members of Congress to examine data or review findings of studies relating to Congress's job as a legislative body. In the period from 1964 through 1973, the Senate Judiciary Committee's Subcommittee on Separation of Powers documented more than three hundred instances when the executive employed, in the words of Chairman Sam Ervin, "a full range of devices, subterfuges, preposterous extensions and assumptions of authority, and outright evasiveness . . . to thwart the Congress and its legitimate legislative inquiries."[2]

Perhaps just as serious a threat are acts of omission, whereby the executive fails, wittingly or not, to keep Congress informed of certain developments that are critical to Congress's legislative and oversight responsibilities. Dramatic as they are, occasional clashes between the executive and the Congress resulting from the latter's unmet requests for information represent only a small fraction of Congress's information problems with the executive. The legislature has little or no knowledge of countless numbers of decisions made in the bureaucracy each day. And it has little reason and even less time to question whether certain activities are being carried out or are even being contemplated.

### *Institutional Problems*

Most would agree that the separation-of-powers arrangement makes many of Congress's information problems with the executive inevitable. But whereas information problems of this nature are constitutional, many others that Congress experiences are institutional.

Considering Congress as a whole, a salient characteristic bearing on the legislature's information problems is its bicameral organization and orientation. Going beyond the obvious fact that there are two houses of Congress, it is important to stress that there are two different houses of Congress—different with respect to their size, their organization, the constituents they represent, and, to a degree, the powers they possess. Each house has its own lore and traditions, the members of each house speak sometimes in religious tones of its accomplishments past and present, and there is ample evidence of the cordial disdain that one house has for the other. With this phenomenon of bicameralism triumphant, the only regular formal links between the two houses occur when one reports to the other that it has passed legislation and when there is a conference committee, which brings selected members of the two bodies together, out of necessity, to negotiate the differences in House- and Senate-passed legislation. The only other time when members of the two houses—and, again, selected members—meet is when a state

试读结束：需要全本请在线购买： www.ertongbook.com