



Law Library Lights

International and Foreign Tax Research

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Tax research often strikes fear in the heart of lawyer and librarian alike, and foreign and international tax research, doubly-so. Fortunately, the resources available for tax research are top-notch, which should enable your research to proceed painlessly.

This article will look at resources and tools for finding model and in-force bilateral tax treaties; foreign tax law in both English and vernacular; and newsletters for keeping abreast of current issues in international and foreign tax law.

Introduction

The main concerns in international tax law that treaties attempt to address are the avoidance of double taxation and tax evasion. Double taxation is when a citizen of one country (such as of the United States) works in a foreign country and has to pay taxes to both her home country and current foreign country of residence. Countering tax evasion focuses on offshore tax shelters, citizens (or resident corporations) who hide assets offshore, and information exchange. Over the last few years, the United States has been renegotiating its bilateral tax agreements to implement FATCA, the Foreign Accounts Tax Compliance Act (P.L. 111-147 (Mar. 18, 2010)).

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Some terms and issues frequently seen currently in foreign and international tax planning are

1. **FACTA**, the Foreign Accounts Tax Compliance Act, a recent United States law that requires foreign banks to disclose their accounts held by American citizens;
2. **BEPS**, or Base Erosion and Profit Shifting, which is the concern that international corporations are minimizing (or eliminating entirely) their income taxes through foreign tax planning and restructuring through low-tax countries and tax havens;
3. **Inversions**, which is when a United States corporation restructures into a foreign corporation and expatriates;
4. **A Dutch-Irish Sandwich**, a cross-border tax planning structure taking advantage of various incentives and tax rates in Ireland and the Netherlands; and
5. **Worldwide Versus Territorial Tax Systems**, which is the debate over whether American citizens and corporations should pay income taxes based on citizenship (i.e., an American corporation pays income tax for all its income no matter in which country it is earned) or territory and residence (i.e., an American corporation only pays income tax on income earned inside the United States).

Bilateral Tax Treaties

The main form of international treaty concerning tax law is the bilateral treaty between two countries.

Model Bilateral Tax Treaties

Bilateral tax treaties (or “conventions”) generally use one of three models as a starting point in negotiations:

- ▶ **The OECD Model**
- ▶ **The United States Model**
- ▶ **The United Nations Model**

The OECD (Organization for Economic Cooperation and Development) Model Convention with Respect to Taxes on Income and Capital was revised in 2014.¹ The majority of bilateral tax treaties between economically-developed nations use the OECD Model as a starting point. Although the United States is a party to this convention, the United States utilizes its own model for tax treaties.

The United States Model² was revised in 1996 and 2006. A copy of the model and a technical explanation is available from the IRS’s website. The US Model is similar to the OECD model, with a few exceptions to better conform to American tax law.

The United Nations Model Double Taxation Convention between Developed and Developing Countries (<http://www.un.org/en/development/>

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[desa/publications/double-taxation-convention.html](#)) last updated 2011, focuses on the unique issues facing developing countries. (Previous versions were drafted in 1980 and 2001).

Bilateral Tax Treaties In Which The United States Is A Party

Bilateral tax treaties in which the United States is a party are available in numerous official and unofficial resources.

Free/Official Resources

Tax treaties are announced and printed in the *Internal Revenue Bulletin* and reprinted in the *Cumulative Bulletin*. The text of most tax treaties in force is available on the IRS's website.³ The treaties available from the IRS include the text of the treaty, any additional protocols (i.e., amendments to the treaty), and a technical explanation of the treaty written by the Treasury Department.

The Treasury Department's website⁴ has the texts of recently-signed United States income tax treaties, protocols, and tax information exchange agreements (TIEAs) and the accompanying Treasury Department tax treaty technical explanations as they become publicly available. These treaty and TIEA documents are posted on Treasury's site upon signature and prior to ratification and entry into force.

Information on the Senate confirmation of tax treaties is available from the Library of Congress on [thomas.loc.gov](#).⁵ The information available on Thomas includes dates of Senate committee hearings and votes.

The Joint Committee on Taxation's technical explanations are available directly from their website.⁶

Subscription/Unofficial Resources

Both major commercial tax reporting services have United States bilateral tax treaty coverage. United States bilateral tax treaties are available in the CCH Tax Treaties looseleaf service *U.S. Tax Treaties Reporter*, which is available in print or electronically on CCH IntelliConnect. Similarly, these treaties are reprinted in RIA's Federal Tax Coordinator and electronically on RIA Checkpoint.

The Bloomberg BNA Tax Management Portfolios also have treaty coverage in their "Business Operations in [country name]" volumes. Generally, the bilateral tax treaty materials are contained within the Working Papers appendix in the relevant portfolio. Tax Management Portfolios are available in print and electronically in both the Bloomberg BNA Library and Bloomberg Law.

Bilateral Tax Treaties Between Two Foreign Countries

Free Resources

United Nations Treaty Collection (online at <https://treaties.un.org/>). Use the awkward, but necessary, advanced search. Generally, the UNTC is a few years behind, so relying on this collection as a final research destination is not recommended.

The European Union Taxation and Customs Union maintains a website pointing to the bilateral tax treaties of its member countries.⁷ The EU's website links directly to each country's tax authority's website, so the majority of the links are not in English.

For English-speaking countries with centralized government websites containing their primary legal materials, such as Canada⁸ or the United Kingdom,⁹ their governmental websites generally have a collection of their bilateral tax treaties.



Treaties may be available on other countries' governmental websites as well, but will likely require navigation in foreign languages. Google Translate can assist with browsing foreign-language websites, particularly for Google Chrome browser users.

Commercial Resources

Because of the difficulty of finding current information on foreign bilateral tax treaties using free resources, commercial resources will probably be the best choice for this type of research question.

Worldwide Tax Treaties is a collection available on Tax Analysts' web services subscription database.¹⁰ Worldwide Tax Treaties includes in-force, pending, and terminated treaties. Model tax conventions are also available. Worldwide Tax Treaties also includes a tool to compare the articles of two different bilateral tax treaties, or a treaty to a model convention.

The International Bureau of Fiscal Documentation¹¹ produces both a set of print resources and a subscription database. The International Bureau of Fiscal Documentation (IBFD) is a Netherlands-based non-profit that collects material, writes research articles and analyses, and offers education and training on international and cross-border tax law. IBFD's print publication of foreign bilateral tax treaties is via a series of regional books with a somewhat confusing and inconsistent set of varying titles:

- ▶ *Supplementary Service to European Taxation: Information on European Taxes and Tax Treaties*
- ▶ *Taxes & Investment in Asia and the Pacific*
- ▶ *Taxes and Investment in the Middle East*
- ▶ *African Tax Systems*

- ▶ *Taxation and Investment in the Caribbean*
- ▶ *Corporate Taxation in Latin America*

IBFD also publishes a few country-specific books, including *Taxation and Investment in Canada*, *Taxation and Investment in Mexico*, and *The Foreign-Related Tax Laws and Regulations of the People's Republic of China*.

IBFD's subscription database (IBFD'S "Tax Research Platform") is an excellent tool for treaty research. Their database includes non-US bilateral tax treaties in English and in the vernacular of the two signatories. Much like Worldwide Tax Treaties, IBFD's database makes it easy to compare two treaties (or a treaty and a model convention) side-by-side.

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IBFD also includes national and international (European Court of Justice) case law interpreting tax treaties, although for many civil law countries only a summary of the court's holding is available. A unique advanced search function in IBFD's case searching permits searching by OECD article. Inasmuch as most non-US bilateral tax treaties follow the organization of the OECD model, this makes searching for cases interpreting a particular issue, which is generally addressed in the same section in every treaty, easy.



Foreign Tax Law

In English

The first step for finding the tax law for a particular country in English is to ascertain whether there is a translation of that country's tax code or a useful treatise on that country's tax system. These are available for most large economies, especially concerning members of the G-20, European Union, or OECD. It is strongly recommended to consult a country-specific research guide, such as those produced by the Law Library of Congress,¹² to identify translations and how often they are updated.

If a copy of a particular country's tax code is not available in an English translation, there are a few other sources to find foreign tax law in translation. RIA publishes *Worldwide Tax and Commercial Law*, which is a collection of both tax statutes and other commercial codes (generally banking and corporate law). It is comprehensive (around 150 countries) and organized by region. *Worldwide Tax* is available online on both RIA Checkpoint and on IBFD's subscription database.

For summaries of foreign tax laws, IBFD publishes a set of Global Tax Series, available in print and via their subscription database. The set includes two different summary types: Surveys and Analyses. The Surveys cover over two hundred jurisdictions and provide a brief overview of each country's system and tax rates. The Analyses are more in-depth, but are only for about sixty countries. Both the Surveys and the Analyses are organized the same way for each country, making it easy to compare tax laws across jurisdictions. Indeed, the IBFD subscription database provides a side-by-side comparison tool.

Another useful resource for getting the summary of a particular country's tax law is the Bloomberg

BNA Tax Management Portfolio for that particular country ("Business Operations in ..."). Not only is there a detailed summary of that country's tax law and its forms of business entities, but the Working Papers appendix will generally include frequently-used tax forms and incorporation workpapers.

In Vernacular

For finding primary sources of tax law in the vernacular of the foreign country, there are several resources that can list what resources are available for that country and where to find them. The Law Library of Congress endeavors to comprehensively collect the primary law of as many nations as possible. Accordingly, the Law Library of Congress is an invaluable resource—and conveniently located in town! As noted above (in note 12) the Law Library of Congress has two sets of research guides available: a number of detailed guides for a set of selected countries and a less-detailed set listing resources available for many countries.

The World Legal Information Institute¹³ is a free resource listing online sources for a large number of countries' laws, courts, and legislatures. Most of the listed sites contain primary legal sources, and for some countries, English translations are also available.

The Foreign Law Guide¹⁵ is a subscription database that provides information on sources of foreign law, including complete bibliographic citations to legislation, the existence of English translations and selected references to secondary sources. It covers approximately 190 jurisdictions.

Keeping Current

There are several practitioner-focused newsletters on foreign and international tax issues. Tax Analysts publishes two highly-respected and widely-read newsletters: *Tax Notes International*, and *World Tax Daily*. Tax



Notes International is a weekly publication and contains news and substantive articles written by both practitioners and academics. World Tax Daily is a daily newsletter (also available as an email blast) focusing on news. Both newsletters are available electronically through Tax Analysts'

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webservices database. When using this database it is highly recommended to always use the advanced search, as the advanced search provides for country-specific searching as well as searching Tax Analysts' archive.

Bloomberg BNA publishes several newsletters as well: *International Tax Journal*, *International Tax Monitor*, *Tax Planning International*, and *Transfer Pricing International Journal*. These are available in a print subscription or digitally in both the Bloomberg BNA Library and Bloomberg Law.

CCH IntelliConnect and RIA Checkpoint also have newsletters available. CCH IntelliConnect publishes *Global Daily Tax News*, *International Tax Journal*, and *CCH Global Tax Briefing*. RIA Checkpoint has the RIA-published *International Taxes Weekly* and

several WG&L publications, including the *Journal of International Taxation* and *International Tax Alert*.

Additional Resources

Some useful research guides on foreign and international tax law are the Law Library of Congress guides (see note 12); Georgetown Law Library's research guides on treaties,¹⁵ foreign and comparative Law,¹⁶ and international and foreign tax law;¹⁷ and Columbia Law Library's guide to treaty research.¹⁸ ■

Notes

¹ Available at <http://www.oecd.org/tax/treaties/oecd-model-tax-convention-available-products.htm>

² Available at <http://www.irs.gov/Businesses/International-Businesses/United-States-Model---Tax-Treaty-Documents>

³ <http://www.irs.gov/Businesses/International-Businesses/United-States-Income-Tax-Treaties---A-to-Z>

⁴ <http://www.treasury.gov/resource-center/tax-policy/treaties/Pages/treaties.aspx>

⁵ Although congress.gov has largely supplanted Thomas, treaties have not yet migrated to the new platform.

⁶ <http://jct.gov>

⁷ http://ec.europa.eu/taxation_customs/taxation/individuals/treaties_en.htm

⁸ http://www.fin.gc.ca/treaties-conventions/in_force--eng.asp

⁹ <http://www.hmrc.gov.uk/taxtreaties/>

¹⁰ <http://www.taxanalysts.com/>

¹¹ <http://www.ibfd.org/>

¹² The Law Library of Congress has two sets of country-specific research guides. Detailed guides for a few selected countries are available at <http://www.loc.gov/law/help/foreign.php> and all-nation online resources are at <http://www.loc.gov/law/help/guide/nations.php>

¹³ <http://www.worldlii.org/>

¹⁴ <http://referenceworks.brillonline.com/browse/foreign-law-guide>

¹⁵ <http://www.law.georgetown.edu/library/research/guides/TreatyResearch.cfm>

¹⁶ <http://www.law.georgetown.edu/library/research/guides/ForeignandComparativeLaw.cfm>

¹⁷ <http://www.law.georgetown.edu/library/research/guides/internationaltaxlawresearch.cfm>

¹⁸ http://library.law.columbia.edu/guides/Guide_to_Treaty_Research#Tax_Treaties



From the Editor

Going Global: Expand Your Horizons Beyond U.S. Law

Judy Gaskell

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I hope this Spring issue will help take you outside the boundaries of U.S. law. Jason Zarin will lead you through the thickets of International and Foreign Tax Research. Heather Casey will explore the current debate about whether or not to continue using the term “foreign law” to describe non-U.S. law. And Christopher Anglim will introduce you to the basics of researching Islamic Law.

Also in this issue, our LLSDC President, Mary Kate Hunter expands on the theme of pushing oneself beyond the comfort zone and also discusses the improvements to our organization that the LLSDC Board is working on accomplishing this year. And Andrew Martin describes the eye-opening and entertaining LLSDC member tour of the U.S. Naval Observatory Library.

Additionally Anne Mira Guha brings you updated member news and the answers to our spring member question: “What was your most memorable international travel experience and what did you learn from it?” Finally Roger Skalbeck gives us another informative Tech Talk column focusing on beginning law practice tech tips which we all should be aware of, be using for our own organization and productivity, and be teaching our associates, students and colleagues.

I wish you all a Happy Spring and hope you will find this a time of renewal and growth. ■



Submission Information

If you would like to write for Law Library Lights, contact Judy Gaskell at jgaskell248@gmail.com. For information regarding submission deadlines and issue themes, visit the LLSDC website at www.llsdc.org.



President's Column

On the Run.

Mary Kate Hunter

*Reference/Government Contracts Librarian, The George Washington University Law School, Jacob Burns Law Library,
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It's 6:45 p.m. and I am currently sitting in my office, when I know I should really be at the gym. No, this isn't some kind of New Year's resolution I'm still following through on, but a promise I made to my sister that we would both get in shape. The end goal of this is to run a team 5K and be ready to take on hiking in Peru this summer. I've got an app to keep me on track and a sister to tell me how wonderful her training is going. How could this possibly go wrong?

So I started my training, one foot in front of the other. I faced this challenge like I would any other – with the tools and support system I needed to accomplish my goal. I'm prepared and ready to go!

I'd like to think that I take on all my goals and challenges so deliberately, but that rarely happens. When I was approached to run for President of LLSDC, I was both honored and unsure if I would be up to the challenge. I don't think this is a role anyone believes they are completely ready for, but I think having a great support system and the resources you need makes all the difference. I'm still learning to be realistic about the time I have to follow my goals. We all struggle to find that magical work/life balance, but from time to time we all need to push ourselves within our professional lives.

Speaking of stepping outside our comfort zones - I just finished teaching secondary sources for the Legal Research Institute and although it did take some time to prepare, it was incredibly rewarding. I generally teach classes to 2L and 3L students, so this proved to be a unique audience that required a different approach. I found them so engaged and such fun to work with that I hope to return and teach at the LRI again next year.

Even on the Executive Board we've been working on creating an even better LLSDC. Improvements have been in disseminating information to you, our members, and we've been reviewing our systems to



President's Column, Continued

make it easier for future volunteers to get involved. One of our goals this year has been to update our policies, so that handing over the baton to the next group of volunteers runs more smoothly. Our internal documents are currently being updated and you'll be seeing many of these become incorporated into our fantastic website over the next couple of months.

If you are interested in trying something new, or looking for a challenge, let me suggest volunteering with LLSDC. We have many opportunities for interested volunteers. Not sure where your talents could best be utilized? No problem! Thanks to our Website Committee we have a new form for any member to fill out to find a group or SIS to volunteer with. Maybe you'll be inspired by this issue of *Lights* to make a new personal goal to learn about some aspect of international law that keeps popping up in your workflow or perhaps even learn a new language.

Whatever your goals may be, I wish you all the best in reaching them. ■

Non-U.S. Law versus Foreign Law

Heather E. Casey

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Why would it be beneficial for the law community to stop using the term "foreign law" and instead say "non-U.S. law" when referring to the laws of other countries? At first glance, "foreign law" seems a bit simpler to say – there's something a little clunky about "non-U.S. law." It doesn't quite roll off the tongue. But there are considerations beyond linguistic ease.

When we think of something as foreign, there is perhaps a tendency to believe that the item is

inaccessible or incomprehensible. While it is true that there are barriers to researching when you look outside the U.S., the fact remains that many of the same skills used in U.S. legal research apply in the context of other jurisdictions. Obviously, having polyglot skills is useful if you choose to go into a career in international law. However, for those of us who engage in the broad practice of FCIL librarianship, it would be impossible to learn every language we encounter in the various requests we receive. Moreover, it is not necessary.



It is far more important that we have the skills and resources to find information. Those skills in an FCIL librarian are similar to the ones our colleagues who research primarily U.S. law use.

“Instead of training our students and attorneys to view everyone else’s laws as the foreign, “unfamiliar,” or “strange” (both of these terms synonyms for foreign), we should train ourselves to see everyone else’s laws simply for what they are – “non-U.S. laws.””

Likewise, there are many legal systems outside of our own that are similar to the U.S. system. Rather than place a barrier in our minds by using the term “foreign,” perhaps we are better served by thinking of the laws outside our jurisdiction as “non-U.S. law.” After all, to those in the legal profession in France, China, or Argentina, we are a foreign jurisdiction and it is our law that would be foreign. Instead of training our students and attorneys to view everyone else’s laws as the foreign, “unfamiliar,” or “strange” (both of these terms synonyms for foreign), we should train ourselves to see everyone else’s laws simply for what they are – “non-U.S. laws.” This is a movement that has picked up steam within the library community. There are firms where librarians are asked to refer to “foreign law” as “non-U.S. law” and, based on conversations had while preparing this article, many FCIL librarians support a switch to “non-U.S. law.”

At my institution, it is not uncommon to have LLM students from other countries in the

classroom and it can be awkward to speak of “foreign law” when you have people within a room who disagree as to which jurisdiction is foreign. The implicit audience for services like the *Foreign Law Guide* or *Index to Foreign Legal Periodicals* is U.S. legal researchers. While these are both great tools, they can be off-putting to non-U.S. practitioners who may expect these services to treat U.S. law and periodicals as foreign materials for those who are not U.S. natives. Renaming these services what they actually are – the *Non-U.S. Law Guide* or the *Index to Non-U.S. Legal Periodicals* – would make for a more accurate user experience regardless of the user’s nationality.

One of the benefits of a global community is the ability to interact with people who are different from us and to learn from those experiences. We do ourselves a disservice if we place barriers in the way of meeting and interacting with those from other jurisdictions, regardless of how subtle those barriers may be. One fairly simple way to open lines of communication is to switch from the mindset of viewing all other jurisdictions as “foreign” and instead embrace the terminology of “non-U.S.” to

“We do ourselves a disservice if we place barriers in the way of meeting and interacting with those from other jurisdictions, regardless of how subtle those barriers may be.”

label other jurisdiction’s laws and legal materials. It’s a small step that can help trigger broader and more inclusive thought processes for dealing with international law matters. ■



Member Spotlight

Anne Mira Guha

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Gia Arney

In March, the Jacob Burns Law Library at The George Washington University Law School welcomed Gia Arney as its Reference/Business and Finance Librarian. Before joining the Law School she worked as a law librarian at the U.S. Department of Justice specializing in tax law. She is originally from Florida where she was an Estate Planning attorney for over 10 years. She is licensed to practice law in Florida, the District of Columbia and North Carolina.

Caroline Frances Jones

Caroline Frances Jones is leaving her position as Electronic Services Librarian at Crowell & Moring, LLP after nearly 7 years. Starting Monday, March 16th, Caroline will be the Manager of Reference and Competitive Intelligence for Dechert LLP. She will be in the DC office.

Patricia McDermott & John Moore

Patricia McDermott, Circuit Librarian since 1982 at the U.S. Court of Appeals for the Federal Circuit, retired January 5, 2015. Effective the same date, John Moore became the new Circuit Librarian at the court, where he had been an assistant librarian since 1990.

Member Question

What was your most memorable international travel experience and what did you learn from it?

"My most memorable international travel experience was my time spent in East Berlin of the Democratic Republic of Germany, a.k.a. East Germany, a.k.a. "Communist Germany," close to a decade before the Berlin Wall finally came down.

I met a couple of East German University students during the evening on my first visit and I made plans to return across the border again for a day visit later that week. I learned from these students that any banned



Member Spotlight, Continued

Western book I might smuggle into East Berlin would be read by at least a hundred different people. I was advised that if I were pulled out of an East Berlin checkpoint line for a random inspection, any Western book on my person had better look like a personal copy, heavily used, and owned by a clueless American tourist.

That next day in West Berlin was the first time I went shopping for a book to be read by 100+ people; this was many years before I began working in a library. My choice? *Slaughterhouse Five* by Kurt Vonnegut, Jr.. I figured if the worst did happen, coughing up a personal, grubby copy of a book authored by a fourth generation German American about the allied firebombing of Dresden [East] Germany wouldn't be too sensitive a topic and wouldn't get me in too much trouble with any East German authority. But I wasn't searched and the book was much appreciated."

- **Stephen S. Mellin, Information Services Manager, Jenner & Block LLP**

" My most memorable international travel experience was my first one. The summer between high school and college, I went on a European excursion with American Leadership Study Groups. It was a five week trip, highlighted by weeks in London, Rome and Paris with stops in between. We visited Florence, Milan, Venice, Innsbruck, Heidelberg, and Lucerne. We crossed the English Channel and drove through the Swiss Alps.

Thinking back, I am amazed by my incredible good fortune to have taken such a trip. I traveled with some of my high school classmates and teachers, and other students from central Virginia. We had had a rocky few school years in Richmond due to integration initiatives. With no transition or preparation, African American students were 'bussed' to schools previously attended by all White students, and none of us was very happy. So a bonus to this trip was making friends with some of the students I had sat next to in class but had never gotten to know. So on to the high points. Here's my list, in no particular order:

The High Points

- ▶ the Statue of David
- ▶ the Sistine Chapel
- ▶ the Mona Lisa
- ▶ staying at the Sorbonne and meeting students from across the Globe
- ▶ attending Pope Paul VI's blessing to students at the Castel Gandolfo (the papal summer residence)
- ▶ seeing the play 'Hair' in London
- ▶ real French croissants
- ▶ being in Europe during the summer of the Munich Olympics

The Low Points

- ▶ being escorted out of St. Peter's because my dress was too short
- ▶ hauling my broken suitcase from place to place (they were not on wheels in 1972)
- ▶ the Catacombs in Rome
- ▶ losing a book I had bought—the French translation of Angela Davis' *If They Come in the Morning*

All in all, this international travel experience was unforgettable."

- **Barbara Ridley Monroe, Reference & Collection Development Librarian, Georgetown Law Library**



Introduction to Researching Islamic Law

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Introduction

This is a brief guide to research in Islamic law. It is not intended to be an extensive or detailed guide. There are various sources that provide the researcher with a more comprehensive understanding of Islamic law. These sources are explained in this article. Islamic law governs every aspect of Muslim life, including religious practice, family law and criminal law. There are two major sources of Islamic law, divine revelation (wahy) and human reason (aql). There are two primary sources of Islamic law: the Quran and the Sunnah. Quran and Sunnah compose Shariah (pathway), the source of all principles of Islamic law. Muslims accept the Qur'an as the direct revelation of God's word to the Prophet Muhammad. Devout Muslims seek to model their behavior on the Sunnah, or "tradition of the Prophet", i.e., the personal example set by Mohammad in his teachings and actions which were recorded in individual accounts (Hadith).

The fiqh, as a secondary source, is the human understanding and knowledge derived from the primary sources. The fiqh includes the ijma (consensus), qiyas (analogy), aql (intellect) and urf (local custom). Over the centuries, generations of Muslim scholars have studied and interpreted

these primary sources to produce "fiqh", which embodies Islamic jurisprudence. Fiqh literally means "understand" or "perception" and denotes the human interpretation of the divine law which is fallible and changeable (as opposed to the unchangeable Sharia). The collections of fiqh have legal rulings of scholars who interpret and apply Sharia in various ways. In the Sunni Muslim tradition, several schools of law have emerged. The four most important are the Maliki, the Hanafi, the Shafi'i and the Hanbali. In contemporary usage, they are associated with different doctrinal approaches to Islamic law.

Beginning Research in Islamic Law

All Muslims are subject to Islamic law, however several nations have an Islamic or mixed legal system. Only a few nations have systems that are solely based on Islamic law, while others have a mix of civil, customary, common and Jewish law.

[The Foreign Law Guide](#), a subscription database on BrillOnline, provides an excellent overview of foreign legal systems, including those governed by Islamic law.

[The World Legal Information Institute \(WorldLII\)](#) is an appropriate place to begin Islamic law research.



WorldLII is a joint project between various Legal Information Institutes worldwide. It provides access to databases with primary and secondary legal materials from jurisdictions worldwide. The degree of coverage varies for each nation.

The Guide to Law Online from the Law Library of Congress is an annotated collection of links to primary source legal documents from nations throughout the world. The site focuses on links to sources with the full text of statutes, regulations, case law and legal commentaries.

“Islamic law governs every aspect of Muslim life, including religious practice, family law and criminal law.”

The Global Legal Information Catalog (GLIC) is a database of official legal texts (laws, regulations and judicial decisions etc.) from several nations. Documents are available in their original language. English summaries are available. Full-text access is restricted for some jurisdictions. The database content list gives the scope of coverage.

World Constitutions Illustrated: Contemporary & Historical Documents & Resources (a subscription database in HeinOnline) has current constitutions of every nation in the world in its vernacular language. It also includes at least one English translation. It provides contemporary and historical documents for several nations, including Afghanistan, Egypt, Iran, Iraq, Malaysia and Saudi Arabia. The collection includes primary source documents, scholarly articles, bibliographies on constitutional law and commentaries.

Cornell University Law Library's Foreign and International Law Guide provides helpful links to

the laws and legal systems of Islamic nations. The site begins by listing general resources, then organizes the other sources by individual nation.

The Middle East Institute in Washington, DC, has the mission of fostering the knowledge and understanding of Middle Eastern nations. Its online resource page includes: M. Cherif Bassiouni's Introduction to Islam: An Online Text.

The Ashgate Research Companion to Islamic Law (Ashgate, 2014) provides a comprehensive and authoritative guide to Islamic law. It discusses classical Islamic law and analyzes Western scholarship, and also addresses controversial issues involving Islamic Law in contemporary times. The second part of the work provides commentary discussing the substance of Islamic Law, the legal rules governing legal status, family law, socio-economic justice, penal law, constitutional law and the law of war.

Professor John Makdisi and Marianne Makdisi, *Islamic Law Bibliography* in 78 Law Libr. J. (1986) (updated in 87 Law Libr. J. 69 (1995)) provides convenient access for scholars and students to legal sources of Islamic Law, including primary Arabic and secondary English and French works.

Brill's Encyclopedia of Islam is an authoritative reference work of Islamic studies and has articles on all aspects of the Islamic world. Its 2d and third editions are online subscription databases.

Primary Sources in Islamic Law

Major repositories of primary sources in print include the Library of Congress, Cleveland State University, the University of Pennsylvania Law School, the Harvard Law School and the School of Oriental and African Studies (SOAS) at the University of London. All of these research libraries have large collections of Islamic law materials in both the vernacular and English



language. The Middle East Institute also holds a comprehensive collection of Middle Eastern sources.

The University of Southern California's [Center for Muslim – Jewish Engagement](#) website includes links to searchable Islamic religious texts. The site provides access to a large collection of English translations of Sahih Bukhari (translated by Mushin Khaji) and Sahih Muslim (translated by Abdul Hamid Siddiqui) the two main compendia of canonical Sunni collections. This allows researchers to search the Quran and Hadith databases.

The [Centre of Islamic and Middle Eastern Law](#) (CIMEL) at the University of London's SOAS provides links to Islamic and Middle Eastern legal materials online, including primary sources and Islamic legal rulings.

The University of Georgia's site, [Islam and Islamic Studies Resources](#), provide links to and commentaries on the Qur'an and Hadith. The site provides searchable translations of the texts.

“Islamic jurisprudence has developed over the centuries, and various schools have emerged, each with its own interpretation and application of Sharia. Thus, there exists a large collection of secondary sources.”

To research commentaries in the Shiite tradition, the [Al-Islam.org](#) site developed by the Ahlul Bayt Digital Islamic Library Project, provides full-text resources of the Qur'an and Hadith, translations and commentaries.

The online subscription database [Oxford Reports on International Law](#) is an excellent source of primary law for research on foreign and comparative law, including Islamic Law.

[Altafsir.com](#) is a non-profit website, sponsored by the Royal Aal al-Bayt Institute for Islamic Thought. It provides access, in both Arabic and English, to a large online collection of Qur'anic Commentary (tafsir or tafseer), recitation (tajwid), and the Hadiths.

The [Arab Legal Portal](#) site is sponsored by the United Nations Development Programme. With all of its materials in Arabic, it includes legislation and verdicts; a parliamentary database with legal texts from Arab legislatures; a database of banking laws; and a database on Egyptian Law.

Secondary Sources in Islamic Law

Islamic jurisprudence has developed over the centuries and various schools have emerged, each with its own interpretation and application of Sharia. Thus, there exists a large collection of secondary sources. The Law Library of Congress, Harvard Law School, and SOAS have many of these texts in print and many of these will be in Arabic. All of the works on “fiqh” can be found in the library catalog for texts by various Shiite and Sunni authors.

In addition to the Shia and Sunni tradition, Islam has many other branches. Researchers should determine the author whose work they are interested in. If you are not researching with a particular scholar in mind, use keywords such as Islamic law or fiqh, and Sunni (including the main schools – Maliki, Hanafi, Sha'fi'i and Hanbali) or Shiite. Researchers will also be able to find fiqh collections on particular topics of Islamic law (such as family law, criminal law etc.); however, it is more common that authors discuss several topics within one compilation.

The [Harvard Law School's Islamic Legal Studies Program](#) focuses on providing access to interdisciplinary resources on the academic study of Islamic law, emphasizing legal history, law and society, and comparative law. Its [SHARIASource](#)



is a new initiative that will provide an online portal of credible resources and analysis on Islamic Law in collaboration with scholars of Islamic law and policy in the United States and worldwide. SHARIAsource will also provide access to many of the Islamic and comparative law materials from the Harvard law Library holdings.

Oxford Islamic Studies Online is an authoritative resource providing access to much of the best current scholarship in Islamic Studies in order to foster a more complete and accurate understanding of the Islamic world. This subscription database has reference content and commentary by leading scholars in Islamic law and related areas. It is updated regularly.

Islamic Law Online is a free database, sponsored by the Centre for Indonesian Law, Islam and Society at the Melbourne Law School. It has English language materials on Islam worldwide, including books, chapters in books, journal articles and theses. One focus of the database is its analysis of Islamic Law and how that interconnects with society.

The following sources, described above, also contain some secondary sources:

- ▶ The University of Georgia's *Islam and Islamic Studies Resources* site provides access to several secondary sources, including texts from important Sunni scholars and leading articles on Islamic law. The Centre of Islamic and Middle Eastern Law (CIMEL) from the SOAS provides access to journal articles.
- ▶ The *Arab Legal Portal* site includes an Arab criminal encyclopedia in Arabic.
- ▶ For the Shiite tradition, the *Al-Islam.org* site provides access to several works on Islamic jurisprudence.

Columbia International Affairs Online (CIAO) is a comprehensive source for theory and research in international affairs. This subscription database includes working papers, conferences, research project reports and news.

The New York Law School and the Social Science Research Network (SSRN) collaborate on the Islamic Law and the Law of Muslim World Research Paper Series, which is a research forum on public and private law, legal history, legal policy, and practice in the Muslim world.

Brill's Index Islamicus is a subscription database of books and journal articles about Islam or the Muslim world, covering works which were published since 1906 in Western languages only.

Ebsco's Middle Eastern and Central Asian Studies (MECAS) database provides access to a wide range of material on the countries and peoples of the Middle East, Central Asia and North Africa. It includes literature on political and legal issues from 1900 to the present.

Finding Journal Articles on Islamic Law

Researchers will find many relevant journal articles in the *Arab Law Quarterly*, *Journal of Islamic Studies*, the *Yearbook of Islamic and Middle Eastern Law* and the *Middle East Journal*. Researchers can also locate journal articles in *Westlaw*, *Lexis/Nexis*, and *HeinOnline* (for full-text access to US and international journals).

Researchers should also consult the *Index to Legal Periodicals* (a well-respected index for identifying scholarly legal articles), *Current Law Index*, and the *Index to Foreign Legal Periodicals* (which indexes several journals covering Islamic law).

Finally the *Middle East Abstracts and Index* is a print index to journal articles. The online version is at <http://www.referencecorp.com/books.html>. ■



Law Student Law Practice Tech Tips

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On March 23rd, I participated in a Technology Boot Camp for third-year law students at the University of Richmond School of Law. Together with two practicing lawyers, we presented technology practice tips for law students soon to enter practice. I am including a short list of these tips for this Tech Talk column. Hopefully they are relevant to law students and library professionals who work with them both during and after law school.

Office Applications: Know Them Well

Office applications like Word and Excel are core business productivity tools, even though they are not exactly enabling disruptive innovation. Not knowing how to use them can be disruptive, as argued by Casey Flaherty, General Counsel at KIA motors. Back in 2013, he audited attorneys at nine of their outside firms for their office technology competence. Based on his metrics, eight of these firms failed. For more details read the article: "Could you pass this in-house counsel's tech test? If the answer is no, you may be losing business."

http://www.abajournal.com/legalrebels/article/could_you_pass_this_in-house_counsels_tech_test

These firm evaluations resulted in a project called the Legal TechAudit, run as an assessment tool with Suffolk Law School. Although this audit focuses on Microsoft products, the lessons are relevant to any productivity tools your peers and clients use. Here are some fundamental tips for word processing and spreadsheet applications.

Word: Know how to auto-number sections, work with headings, edit footnotes and manage meta-data. Understand how to work with tracked changes and edit document properties when converting them to Adobe format or sending them to others, such as clients or opposing counsel.

Excel: Know how to use data manipulation features, such as filtering and simple financial calculations. Understand how worksheet relationships function for relative and absolute cell references, and get bonus points for knowing why pivot tables are powerful. Combine Excel with Word to streamline document processes.

Tech Talk, Continued

Find Tools for Simple Tasks

When advising clients, it's important to have quick access to tools that help with common tasks. Especially with solo practitioners and in estate planning, financial calculations are frequently in demand. On the web, the computation engine [WolframAlpha](#) simplifies many of these tasks. There's also an app designed for lawyers called: [WolframAlpha: Lawyer's Professional Assistant](#). This iPad app works well for tasks like present or future value, mortgage calculation, cost of living comparison and life expectancy. It's lacking some things, and there's little to no value in the app's legal dictionary and Roman numeral converter.

Another useful app is [GoodReader](#). If you use an iPhone or iPad, GoodReader is one of the best apps available for annotating, organizing and reading text files such as PDF and office documents. They've added the ability to use custom signatures, protected by Touch ID, and you can synchronize with major cloud storage services, including DropBox, Box and OneDrive. If you're an Android user, [iAnnotate](#) is a good option, available for Android tablets as well as the iPad.

Keep Notes and Collaborate Anywhere OneNote / Evernote

A note-taking application is extremely useful when moving between devices and locations. The leading tools for this are Microsoft's OneNote and Evernote. Both services work on almost any device imaginable, and there are many online tips for using them in law practice.

OneNote is a bit more business-oriented, with better options for structured content, especially

if you organize work notes and type more than you write by hand. Both have features that will convert text in photos so you can search them, and both have collaboration features that work across Microsoft, Apple and Android devices. The law practice automation company RocketMatter has Evernote integration tools. Here are two articles discussing law practice application of each note-taking tool:

▶ **Lawyers Get Organized With Microsoft's OneNote.** Sept. 3, 2014

<http://hytechlawyer.com/?p=2422>

▶ **How Lawyers Use Evernote.** By Tim Baran. Nov. 24, 2014

<http://www.legalproductivity.com/practice-management/evernote-lawyers/>

Read More: Fundamental and Transformative Books

[Law Practice Technology: An Introduction for Law Students.](#) By David Whelan, Pressbooks.com, 2015.

This free ebook introduces many fundamental legal technology concepts. It covers transactional as well as litigation-focused practice topics. The work itself is released under a Creative Commons license, so you can read it, edit sections and republish it, often without seeking permission.

Tomorrow's Lawyers: An Introduction to Your Future. By Richard Susskind, Oxford University Press, 2013.

This is a legal futurist view of large trends in law practice globally, trying to predict how and where major changes are likely to arise. This



Tech Talk, Continued

book treads some of the same ground as his earlier works “The End of Lawyers?” and “Transforming the Law” but it is perhaps the most succinct and best starting point for current or recently-graduated law students.

Know the Benefits and Risks with Relevant Technology

In 2012, the American Bar association adopted a change to commentary in their Model Rules of Professional Conduct. Comment 8 to Model Rule 1.1 on Maintaining Competence reads as follows: “To maintain the requisite knowledge and skill, a lawyer should

keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology ...”. As Robert Ambrogi reported in a March, 2015, [blog post](#), thirteen states have now adopted this rule. Virginia’s Supreme Court will vote on this soon and Massachusetts will likely adopt this as well.

Knowing technology tools is very relevant to future, current and past law students. Here’s hoping the benefits outweigh any negative impact from the risks of relevant technology, in whatever form that may take. ■

LLSDC Tour of the Naval Observatory Library

Andrew Martin

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For the best time you’ll ever get, come to the Naval Observatory.” United States Naval Observatory (USNO) Public Affairs Officer Geoff Chester drops this bon mot as he enlightens a rapt audience of Librarians about the history and purpose of an installation that most of us know as “Where Vice President Biden parks his Trans Am.”

In January, the LLSDC Federal Special Interest Section got to explore this fantastically interesting place, hidden in plain sight right in the middle of our city. Our host was Sally Bosken, the Director of the Naval Observatory Library, which is the largest astronomical library in the United States, and which houses largest astrophysical periodicals collection in the world. She greeted

us from her desk at the apex of one of the most gorgeous and fascinating libraries I’ve ever seen. It looked like the kind of place Indiana Jones would visit searching for the clues to the final resting place of some arcane artifact. The Main Library is a rounded apse at one end of the James Melville Gillis building which houses the headquarters of the USNO. Antique astronomical instruments protruded from shadowy alcoves, and the marble busts of distinguished astronomers past gazed down at us sternly. Wrought iron spiral staircases at either end led to a second story of stacks that line the cupola. The whole building evokes not only the famous library at the British Museum, but also the telescope housing dome on the roof of this very building.





LLSDC Members Enjoying Their Tour of the US Naval Observatory Library

Did I mention that there's an honest to god working decorative marble fountain in the center of the room? 'Cause there is. "I turn it off for Christmas," Sally told us. "It's more festive decorated with poinsettias, but it runs the rest of the year."

Sally was gregarious and entertaining, reeling off tale after tale of the fascinating history of the Naval Observatory. President John Quincy Adams was a personal patron of the institution. In 1825, just before he left office, he signed the order creating the Naval Observatory. Astronomy and science were passions of his, and he spent many evenings afterwards gazing through the telescope with Commander Matthew Fontaine Murray, the first Superintendent of the Observatory.

The Library was started in 1843 when Congress voted \$800 to assemble a world class collection of astronomical texts and tables. They sent a young naval officer named James Gillis off to Europe on a buying expedition. He returned with a collection of rare and authoritative books and instruments that are still the nucleus of the Library's impressive holdings.

The Naval Observatory's first home was in Foggy Bottom, just east of where the Kennedy Center now clings to the edge of the Potomac. But there was a problem. "You don't want astronomers working in a place called 'foggy' or 'bottom,'" said Sally. "They wrote letters to Congress, complaining

that the astronomers kept dying of malaria." In 1893 they moved to a property far outside the city limits, on the slopes of Mt. St. Alban, where they would be free of the light pollution from the bustling capitol. Much has changed since then. The city has of course grown out to surround the observatory, so now the actual star gazing work is done mostly at a dark skies facility in Flagstaff, Arizona.

But what does a house for telescopes have to do with time, and how did the Navy get into the stargazing business in the first place? The answer, as Geoff Chester told us, also explains why we drop a ball in Times Square on New Year's Eve. Back in the pre-GPS days of sailing ships, figuring out where you were in the trackless ocean was important for ensuring you didn't sail in the wrong direction and die of scurvy and thirst before making land. Latitude (how far you were north or south) was pretty easy to figure out by using a quadrant to measure the angle of the sun at high noon. But for centuries, longitude (where you were east-west) eluded the best scientific minds. It was so important that the crowns of Europe offered huge prizes to anyone who could figure out a reliable way to determine it at sea.

The ultimate solution was both elegantly simple and impossibly complicated. Navigation turned out to be nothing more than having a REALLY precise idea of what time zone you were in. Just



as living in LA means that the 1pm slate of football games comes on at 10 in the morning, knowing exactly what time it was relative to the time at a fixed location told you how far east or west of that location you were. The Royal Observatory in Greenwich (across the Thames from London) was established to fix this timekeeping, explaining why we still mark time based on Greenwich Mean Time. The tricky part was inventing marine chronometers that kept REALLY precise time. A clock that loses a second a day sounds pretty accurate, but over a six month voyage, those seconds add up to minutes and degrees, and eventually huge course divergences. (Note: for a good read about the man who solved the timekeeping problem and his struggles to get paid for it, check out the book *Longitude* by Dava Sobel.)

As Goeff Chester told us, seaborne clocks had to be calibrated according to that one master position. The most precise method of timekeeping was a fixed transit telescope, which would note exactly when a particular star crossed a given meridian. To tell how accurate a clock was, you would bring it into the observatory and park it next to the transit telescope. Then you'd reset it the instant the star transited the fixed meridian at which your telescope was pointed. Over a period of weeks or months, you'd check it against the transit scope to see how much time it lost or gained. Once you knew that, at sea you could account for those lost or gained seconds in your navigation and still know exactly where you were.

Hang on, you're saying, what about Times Square? Don't worry, I'm getting there. The ships needed to reset their chronometers whenever they could to maintain the most accurate time. Most of the world's shipping went through London, so a boat anchored in the Thames had a good view of the Royal Observatory on the south bank of the river. They set up a time ball, a red sphere on a tall mast that was visible to all the boats on the river. At 1pm exactly, the astronomers would drop the ball to the bottom of the mast and all the ships

captains would reset their marine chronometers, secure in the knowledge that they had the most accurate time possible.

Naturally, our young country didn't want to have to go all the way to London for the accurate time, so in 1843 Congress voted the funds to establish a National Observatory, incorporating the existing Naval Observatory. The original home of the Observatory in Foggy Bottom was clearly visible to shipping in the Potomac coming up to the bustling port of Georgetown, and there was a functioning time ball on the roof. Before the early 20th century project of dredging and infill that created the Tidal Basin and the contours of the city as we know it today, the river actually ran much closer to the Foggy Bottom location. For years the Naval Observatory dropped the ball at precisely noon (presumably differing from Greenwich's 1pm drop just out of sheer cussedness.) Even after moving to what was named Observatory Hill in 1893, they would drop the ball in Foggy Bottom by telegraph signal. The ball that drops in Times Square on New Year's Eve is an homage to such time balls. "It's horribly inaccurate," said Goeff Chester. "I time it every year, and it's usually off by as much as 10-15 seconds, which is an eternity in our line of work."

Eventually the Naval Observatory began selling the precise time to railroads. Incidentally, we owe our modern system of time zones to the railroads. Once upon a time (pun intended) every town kept their own time, usually setting a clock in the town square to noon when the sun was overhead. But with the advent of railroads, it became REALLY important to have timetables harmonized so that you didn't have trains running in opposite directions on the same track at the same time. After an appalling number of crashes, the railroads began buying their time via telegraph directly from the USNO.

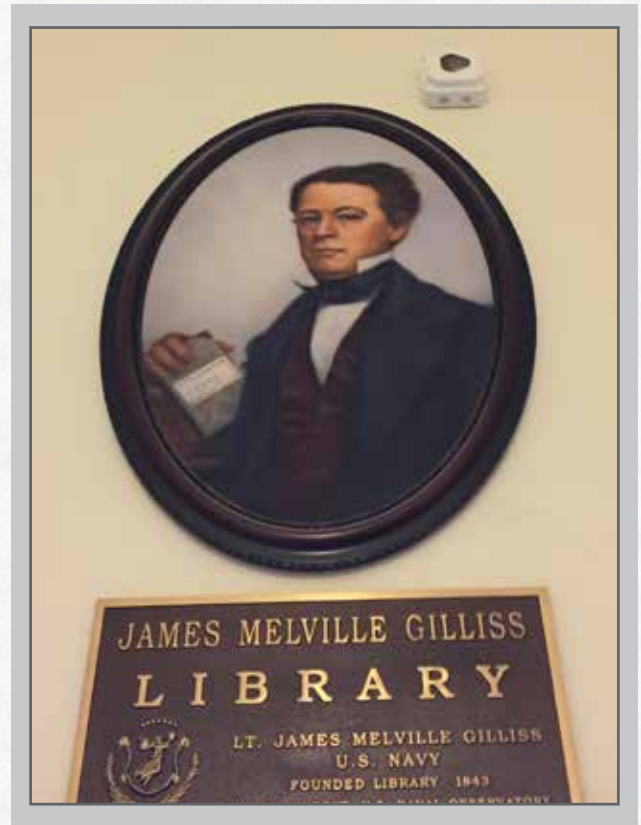
The Naval Observatory no longer uses astronomical instruments to determine the correct





Close up View of the
Main Library

time. Instead it uses a network of atomic clocks. Specifically cesium beam oscillating technology. If this sounds like Dr. Who stuff, yeah, it pretty much is. You might as well call it a sonic screwdriver for all the layman can understand of it. Still, the USNO maintains the hyper accurate clocks that are used by the network of GPS satellites that guide both your iPhone or Garmin as you visit an unfamiliar grocery store and Tomahawk cruise missiles as they drop with pinpoint accuracy. The accuracy of these amazing atomic clocks is measured in femtoseconds or quadrillionths of a second. That's one millionth of one billionth of a second. You can get the exact time via a website or by calling up the speaking clock. Actor Fred Covington, who appeared in the movie Norma Rae, will tell you the exact time, just as he has done every day since 1978. It's a good deal for the USNO, considering that Fred died in 1993.



US Naval Observatory
Library Plaque

Geoff tells us that aside from the military, the biggest consumer of hyper-precise time is the financial industry. When transaction times are measured in microseconds and prices are calculated to six decimal places, the exact time that a trade is made can mean billions of dollars one way or another. On Wall Street, Geoff says, all the big trading houses have their servers in the same building. Not only that, they scrupulously make sure that the cables connecting them to the trading floor are all exactly the same length so that no one has an advantage over anyone else.

"We also get lots of calls from lawyers," he said. "Obviously you lot know how that can be. They want a certified copy of the exact sunrise or sunset in a certain place on a certain date, usually to prove that someone could or couldn't have been committing some crime. I tell them, 'Yeah, we don't do that. Consult your almanac.' The problem is one

of reference. A person with one clock knows what time it is. A person with two is never sure."

After Goeff finished his interesting and polished presentation, Sally showed us some of the treasures of the Library. For any bibliophile or science nerd, the treasures are breathtaking. There is a copy of Galileo's "Dialog Concerning the Two World Systems." Also Copernicus's *De revolutionibus orbium coelestium*. You might know these as the books that got their authors condemned by the Church for heresy. There's also an incunabula printing of Luca Pacioli's "Everything about Arithmetic, Geometry, and Proportions," the first written description of double entry bookkeeping. Sally told us that the book includes the advice, "Keep one book for others to see, and another one for yourself with the real numbers." Amusingly, its margins are filled with doodles and scribbles from someone trying to get his or her pen flowing. Sally also showed us an original printing of the Federal Budget from 1801, listing the salaries of President Thomas Jefferson, VP Aaron Burr, and Secretaries of State John Marshall and James Madison.

When we had all picked our jaws up off the floor, Sally took us to explore the actual observatory dome. It houses the original 26-inch "Great Equatorial" refracting telescope from 1873. When it was first built and installed in Foggy Bottom, it cost \$50,000.00 and was the largest refracting telescope in the world for a decade. In August of 1877, assistant astronomer Asaph Hall used it to discover the two moons of Mars, Phobos and Deimos, which brought world renown to the USNO. It's one of the only remaining observatory telescopes in the world where you can look through the eyepiece. Modern telescopes are all linked to cameras or digital imaging, so you look at the stars on a computer screen. It was incredible to see such an historic object that's still used for active scientific measurements.

From the roof of the main building, we also had a great view of the Washington National Cathedral atop Mt. St. Albans and of a white Queen Anne style house at One Observatory Circle. This house was built as the home of the Superintendent of the Naval Observatory in 1893. In 1923, however, the Chief of Naval Operations visited it and realized that he liked it much more than his currently allotted quarters, and he promptly took it over. It was the CNO's residence until 1974, when Congress started looking for a location for a Vice President's residence. Prior to 1974, the Vice President and his family lived in their own private homes in DC, but the cost of Secret Service protection for such homes had become prohibitive. Nelson Rockefeller was the first VP assigned to live there, but being a Rockefeller, his own house was so much nicer that he only used the place for entertaining. Walter Mondale was the first VP actually to reside on the grounds of the USNO.

In 2009, Newsweek reported that Joe Biden had revealed the presence of a fortified, vault-like bunker underneath the residence that was the famed "undisclosed location" to which Vice President Dick Cheney was rushed in the chaos after the 9-11 attacks. The Vice President's press office has subsequently disputed that report.

The Naval Observatory Library is a hidden gem in a city of high profile libraries. Sadly, Sally Bosken will not be available much longer to give her superb tour. After nine years, she is riding off into the sunset of a well-deserved retirement. We are grateful to her and to Geoff Chester for being so hospitable and generous with their time and showing us around such a magnificent institution.

Special thanks to Cameron Gowan of Jones Day for setting up the tour. To see more photos of this fabulous tour, please go to Flickr at <https://www.flickr.com/photos/zombiebuford/> ■



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