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UPDATES FROM THE HILL AND THE GOVERNMENT RELATIONS OFFICE

White House Open Government Initiative Met with Mixed Reviews

On his first full day in office, President Obama issued a [Memorandum on Transparency and Open Government](#) which called on the Chief Technology Officer to coordinate the development of recommendations for a new Open Government Directive within 120 days. On May 21, 2009, 120 days after the Memo was issued, the White House Office of Science and Technology Policy posted a [notice](#) in the Federal Register calling for ideas to help craft the directive.

The Open Government Initiative will take place in three phases: Brainstorming, Discussion, and Drafting. The Brainstorming phase began on May 21, with only one week for members of the public and organizations to submit ideas and vote. Acting quickly, OMB Watch posted the recommendations of the 21st Century Right to Know project on the [public voting site](#). We encouraged our members to vote on these recommendations, which AALL helped draft and nine AALL chapters and more than 75 individual law librarians signed on to support. With such a short time frame, we asked our members to specifically focus on areas of great interest to law librarians, such as [Authentication of government documents](#) and [Preservation of electronic records and converted records](#). We thank those of you who were able to vote.

The Brainstorming session officially closed at midnight on May 28. [According to Dr. Beth Noveck](#), Deputy Chief Technology Officer for Open Government, all ideas and comments will be reviewed before the Discussion phase begins on June 3.

The Government Relations Office will continue to be closely involved in this process and we will keep you updated on further developments.

AALL and New York Chapters Send Letters in Support of Access to Congressional Research Service Reports

On May 20, 2009, AALL sent a letter to Senate Homeland Security and Governmental Affairs Committee Chairman [Joseph Lieberman](#) (ID-CT) and [Senator John McCain](#) (R-AZ) to thank them for introducing [S. Res. 118](#) to provide the public with access to Congressional Research Service (CRS) reports. S. Res 118 would require an index of reports be made available and create a centralized electronic system that would allow members of the public to search for CRS reports and issue briefs.

On May 14, AALL also signed onto a [letter](#) organized by OpenTheGovernment.org to Senate Rules and Administration Chairman [Charles E. Schumer](#) (D-NY) and Ranking Member [Bob Bennett \(R-UT\)](#) to urge them to hold public hearings on open government issues and to mark-up and pass S. Res. 118. AALL's New York chapters, the [Association of Law Libraries of Upstate New York](#) (ALLUNY) and the [Law Library Association of](#)

[Greater New York](#) (LLAGNY), also wrote to Sen. Schumer to ask for his support of the resolution.

Government Relations Office Director and AALL Member Testify Before Congress

As AALL President James Duggan reported in the May edition of his [e-newsletter](#), Mary Alice Baish, director of the AALL Government Relations Office, testified on May 5, 2009 at the public witness hearing held by the House Appropriations Committee Legislative Branch Subcommittee in support of the Government Printing Office's (GPO) FY 2010 budget request. In her testimony [[written testimony](#); [oral testimony](#)], Mary Alice thanked the committee for supporting GPO's funding needs in FY 2009, including \$1 million for the new Federal Digital System (FDsys). She also urged the committee to support GPO's FY 2010 request of \$8 million for the future development of FDsys.

On May 6, Roger V. Skalbeck, vice chair-elect of AALL's Copyright Committee, testified on behalf of the American Association of Law Libraries, Medical Library Association, and Special Libraries Association on proposed exemptions to Section 1201 of the *Copyright Act*. Roger's [statement](#) requested that the media faculty exemption be broadened to include faculty of law and the health sciences.

AALL Signs on to Letters in Support of Transparency and Accountability

- **Letter Asks the White House to Treat Office of Administration as Subject to FOIA**

On May 14, 2009, AALL joined OpenTheGovernment.org and 35 other organizations on a [letter](#) asking the Obama Administration to once again treat the White House's Office of Administration (OA) as an agency subject to the Freedom of Information Act (FOIA). In August 2007, in the middle of an investigation of millions of missing White House emails, the Bush Administration declared that the OA was not an agency and therefore does not need to comply with FOIA. This declaration effectively reversed 30 years of practice.

- **AALL Expresses Support for *State Secrets Protection Act* (S. 417)**

AALL signed on to a [letter](#) on May 20, 2009 to Senate Judiciary Committee Chairman [Patrick J. Leahy](#) (D-VT) and new Ranking Member [Jeff Sessions](#) (R-AL) in support of the *State Secrets Protection Act* (S. 417). This bill would permit the government to continue invoking the state secrets privilege, but it would require that the executive branch submit the evidence the government seeks to shield for an independent assessment by the judge. The judge would then decide, based on this particular evidence, whether the state secrets privilege applies and if there government may keep the evidence secret.

- **292 Groups Support Expanding Whistleblower Protections for Government Employees**

On May 15, 2009 the Government Accountability Project (GAP) released a [letter](#) to President Obama and members of Congress in support of whistleblower rights for government employees. This is a letter similar to one we signed on to last Congress, but the number of signatories has more than doubled to 292 demonstrating the increased support for providing government whistleblowers with meaningful protections.

The letter asks Congress to support whistleblower legislation to grant employees the right to a jury trial in federal court; extend meaningful protections to FBI and intelligence agency whistleblowers; and grant comparable due process rights to employees who blow the whistle in the course of a government investigation or who refuse to violate the law, among other key provisions.

Government Relations Office Updates Presidential Records Issue Brief

To help keep you up-to-date on the status of legislation to amend the *Presidential Records Act*, we have updated AALL's [Issue Brief on Public Access to Presidential Records and Claims of Executive Privilege](#) to reflect its current status in the 111th Congress. AALL supports the *Presidential Records Act Amendments of 2009* ([H.R. 35](#)) which would restore standards for the timely release of presidential records and nullify E.O. 13233. H.R. 35 passed the House of Representatives on January 7, 2009. On April 1, 2009, the Senate Committee on Homeland Security and Governmental Affairs favorable reported an amendment in the nature of a substitute to H.R. 35. The bill will now go to the Senate floor for consideration.

President Obama Issues Call to Reduce Overclassification

In a new [Memorandum on Classified Information and Controlled Unclassified Information](#), President Obama calls for a review of policies which lead to the overclassification of information. Specifically, he would like a review of [Executive Order 12958](#) on Classified National Security Information, and asks for recommendations on a new National Declassification Center to establish a system of collaborative declassification review.

In addition, President Obama calls for quick action to rein in Controlled Unclassified Information (CUI) designations, control markings used by agencies such as "For Official Use Only" (FOUO) and "Official Use Only" (OUO). The memo cites a May 2008 Presidential Memorandum which was intended to ease information sharing in the government and rein in the various control markings. Because the CUI Framework is not expected to be completed until 2013, President Obama calls for an Interagency Task Force on CUI which would recommend within 90 days how the White House should move forward in establishing new standards for CUI designations. AALL supports this memo and applauds President Obama for this step toward greater openness.

OUTSIDE THE BELTWAY: CHAPTER NEWS

If you have news on policy or legislative issues in your AALL Chapter, please [let us know](#). News might address legislation you are tracking, policy-related events your chapter is hosting, or anything you think might be of interest to our community. We'd love to hear from you!

SNELLA and AALL Send Letter to Connecticut Appropriations Committee on Court Library Funding Crisis

On May 18, 2009, the Southern New England Law Libraries Association (SNELLA) and AALL sent a joint [letter](#) to the chairs and ranking members of the Connecticut General Assembly Joint Committee on Appropriations to oppose the proposed elimination of acquisitions funding for Connecticut Judicial Branch Law Libraries in FY 2010 and FY 2011. HB 6365, *An Act Concerning the State Budget for the Biennium Ending June 30, 2011*, would have a devastating effect on access to the most current print and electronic legal resources. Our letter urged the committee chairs to restore funding to the court law libraries for FY 2010 and subsequent years.

FREE TIME WELL SPENT: Further Reading for the Information Policy Junkie

Law Library of Congress Introduces New Web Resources

In light of President Obama's nomination of Sonia Sotomayor to the Supreme Court, the Law Library of Congress has launched a new [Web site](#) with information on articles and books by Sotomayor, Congressional documents, cases, and web resources.

The Law Library of Congress also launched a new [Web site](#) on the United States Constitution. The Web site include sections on Constitutional Interpretation, Executive Privilege, Military Tribunals, Presidential Inherent Powers, Presidential Signing Statements, Second Amendment, State Secrets Privilege, War Powers, War Powers Resolution, and Additional Constitutional Resources.

Advisory Board Releases Recommendations on Privacy Policy

The [Information Security and Privacy Advisory Board](#) (ISPAB) recently released a report, [Toward A 21st Century Framework for Federal Government Privacy Policy](#), which makes recommendations to update the Privacy Act of 1974 (5 U.S.C. § 552a) to reflect current technologies and information systems to protect against a variety of threats to privacy. AALL applauds the report's recommendations on how to update the Act to reflect the changes in how Federal agencies collect, use, and distribute information.

Senate Votes Now Available in XML

The Senate finally took a small step toward more transparency by beginning to publish [roll call votes in XML](#), a move that the House of Representatives made five years ago. This new development will allow anyone to use the data to analyze and visualize Senate voting records in new ways. Improved access to legislative information is the sixth “most wanted” item in the “[Show Us the Data: Most Wanted Federal Documents](#),” a recent report by OpenTheGovernment.org and the Center for Democracy and Technology (CDT).



May News on the AALL Washington Blawg

- [How Would You Make the Federal Government More Transparent? The White House Wants to Know](#)
- [AALL and New York Chapters Send Letters in Support of Resolution on CRS Reports](#)
- [Join Us for the Policy Track Programs in D.C.](#)
- [Government Printing Office Authenticates Online Budget](#)
- [AALL Day on the Hill Advocacy Training Agenda](#)
- [AALL Government Relations Office Director to Testify at House Legislative Branch Appropriations Hearing](#)
- [Senators Lieberman and McCain Introduce Resolution to Require Access to Congress Research Service Reports](#)
- [Government Printing Office Launches New Web Site](#)
- [THOMAS Launches RSS Feed](#)

To follow the latest posts from the [Washington Blawg](#), you can sign up for the [RSS feed](#) or to receive the Blawg entries via [email](#).

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