

AALL's Advocacy Program Gets Better All the Time ... with a Lot of Help from Its Members

by Mary Alice Baish

In 1906, AALL's founders acknowledged the need for law librarians to play an active role outside of their institutions. They recognized the importance of proactive outreach to publishers; to policymakers; and to what those in Washington, D.C., like to call their "fellow travelers," those who have similar goals. The history of AALL is replete with examples of how law librarians engaged in and influenced important information policy issues through the years. Three of these issues remain on the forefront of AALL's commitment to serving members' needs today. AALL and its members worked:

- to draft the Federal Trade Commission's *Guides for the Law Book Industry*, which were promulgated in 1975;
- to ensure that the *Copyright Act of 1976* maintained the historic balance between copyright holders and users;
- and to enact the 1972 and 1978 amendments to Title 44, which brought law libraries into the Federal Depository Library Program.

Fast-forward to today. AALL continues to advance these three issues crucial to the success of the Association:

- maintaining the historic balance between producers' and users' intellectual property rights in the digital environment;
- ensuring permanent public access to electronic government information through a vibrant FDLP; and
- working on vendor relations regarding the delivery and rapidly increasing costs of legal resources.

The AALL Executive Board, the Washington Affairs Office, and AALL committees and chapters all contribute

to the success of its advocacy. But they are guided by Strategic Direction #3 of the AALL 2000-2005 Strategic Plan, which provides the umbrella for much of AALL's advocacy:

AALL and law librarians are recognized leaders in shaping information policy that ensures fair and equitable access to national and state legal and government information.

Specific outcomes define the direction for the policy initiatives of the Washington Affairs Office, the Government Relations Committee and the Copyright Committee. AALL must strive to ensure that:

- Authentic, current and historic government information is widely available at little or no cost.
- Integrated finding tools and a system of standards for electronic publications provide permanent public access to legal and government information.
- Copyright law, licensing law and practices, and related legislation preserve the rights of users, including fair use in all formats.
- And, most important, **AALL members actively participate in advocacy** at all levels of government. See http://www.aallnet.org/about/strategic_plan.asp.

The Executive Board clearly recognizes not only the important issues that will significantly affect and improve members' professional lives but also that the Association and its members must join forces to achieve these goals.

The Washington Affairs Office leads AALL's policy initiatives. As the Association's Washington lobbyists,

Government Advocacy at Work

ALL has a long tradition of speaking out on behalf of its members and in support of users of legal information. Since its founding in 1906, AALL has dedicated itself to ensuring that government information remains accessible to the public at low or no cost. Federal, state and local information, funded at taxpayer expense, must remain readily accessible if the democracy that Americans cherish is to remain strong.

According to the Association's Government Relations Policy, AALL is a nonprofit, professional organization devoted to improving the operation of law libraries and the distribution of legal information:

Collectively law libraries form a knowledge network that supports the use of law in society. Law libraries and their users are affected by a broad span of public policy concerns ranging from the dissemination of government information to intellectual freedom and intellectual property. The exponential growth of the Internet as a central point of access to information raises a whole new spectrum of legislative and policy concerns that are critical to the future of law libraries.

The current political and economic climates compound the challenges of the Internet in changing the way that legal information is presented and preserved for the public. Now more than ever, it is vital that AALL and its members serve as strong, well-informed advocates for reasonable access to legal information.

Strategic Direction #3 of AALL's 2000-2005 Strategic Plan states, "AALL and law librarians are recognized leaders in shaping information policy that ensures fair and equitable access to national and state legal and government information."

AALL is incredibly fortunate to have excellent Washington Affairs representatives and dedicated, active members of the Government Relations Committee leading the way as each member makes a personal commitment to participate actively in advocacy at all levels of government.



Carol Avery Nicholson
AALL President

AALL's Advocacy Program

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Bob Oakley and Mary Alice Baish strive to ensure that members' interests are well-represented at all levels of government. Their key tasks are:

- to *educate* legislators, policymakers and the press about public policy issues important to law librarians;
- to *influence* legislators and policymakers so that they understand the importance of these issues and support legislation and regulations that benefit law libraries;
- to work with other groups and *engage* new stakeholders to strengthen law librarians' voice in policymaking; and
- to *train* AALL members to be effective grassroots activists.

The most effective means to achieve these ends is timely and informative communications with target audiences, fellow travelers and members. The WAO devotes much of its time and effort to drafting letters, comments and testimony on diverse issues to influence policy decisions. AALL recently submitted comments to the U.S. Copyright Office on the triennial rulemaking related to the anti-circumvention provisions of the *1998 Digital Millennium*

Copyright Act; to the Office of Management and Budget on the proposed Federal Acquisition Regulation amendments to implement OMB Memorandum No. M-02-07, "Procurement of Printing and Duplicating through the Government Printing Office"; and to the Federal Communications Commission on possible new rules for the broadcast flag. (A broadcast flag is a signal that can be embedded in digital broadcast content to regulate performance of the equipment that recognizes the signal. It could be used to control the use of digital content, thereby restricting libraries and patrons from using digital broadcast content for teaching, study and scholarship.)

However "**all politics is local.**" Members of Congress must hear about library

concerns not only from AALL's Washington Affairs representatives but also from law librarians, the practicing experts in the real world. Members of Congress are, after all, accountable to the voter. AALL members must educate them on issues important to the law library community and hold them accountable for their votes. The WAO's success as AALL's representatives depends on the grassroots support of members. Members must *educate* their elected representatives; *influence* those officials' understanding of library concerns; and *enlist* others, including their colleagues, chapters and even the local press. At stake are important policy matters that will affect how librarians can provide information to the constituents of all elected officials. Law librarians have the specialized expertise to understand complex legal issues and the legislative process that together are crucial if legislators and other government officials are to understand the concerns of librarians and the specific needs of law library patrons. Each member can and should become active in AALL's advocacy

program. AALL's success depends upon it.

The first step is to be well-informed about the issues. The Washington Affairs Office updates members with the monthly "Washington Brief" column in *AALL Spectrum* and issue briefs on its Web site and through the AALL advocacy listserv. The WAO's Web site, [http://](http://www.ll.georgetown.edu/aallwash)

www.ll.georgetown.edu/aallwash, features the latest news, letters, comments and testimony on issues going back to the 104th Congress, as well as hotlinks to the Web sites of AALL's fellow travelers. Bookmark and regularly visit the site. The Government Relations Committee Web site, <http://www.aallnet.org/committee/govr>, and the Copyright Committee Web site, <http://www.aallnet.org/committee/copyright.asp>, also include up-to-date information on legislative issues affecting the law librarian community and the Association's advocacy efforts.

The advocacy listserv, initiated after the first AALL Advocacy Training Workshop at the 1999 Annual Meeting in Washington, D.C., links the WAO and AALL members

who are interested in following its policy work and furthering those efforts. The listserv is an important tool for member volunteers to alert the WAO about state issues, such as the introduction of the *Uniform Computer Information Transactions Act* or threats to the funding of state and county law libraries. Join the advocacy listserv by clicking on "Subscribe AALL-Advoc" on the WAO home page. Listserv participants can then become one of the first to respond to AALL's calls for assistance with a particular issue.

AALL especially needs members' help now on the legislative priorities for the 108th Congress. The stakes have never been higher: They will affect how individuals and libraries access and use digital content, both for public domain and proprietary information resources. *Crucial* areas include:

Since 1995, AALL has opposed *database legislation* that gives new copyright-like protection over facts, data and government information that fall outside of the protections granted to copyright holders in the *Copyright Act*. Congress will likely reconsider database legislation this year, and once again AALL will call upon members for help.

Reintroduced by Reps. Rick Boucher, D-Va., and John Doolittle, R-Calif., the *Digital Media Consumers' Rights Act of 2003* is essential to reaffirming fair use in the digital age. It will correct some of the excesses of the *1998 Digital Millennium Copyright Act*. AALL must enlist more co-sponsors now.

Access to government information encompasses many concerns, including the possible decentralization of agency printing; the future of the FDLP in the digital age; the need for permanent public access to and preservation of born-digital federal, state and local government information; and restrictions on public access in the post-Sept. 11 environment, including an erosion of the *Freedom of Information Act*.

The *Uniform Computer Information Transactions Act*, enacted in only two states since 1999, is a complex uniform law that enforces shrink-wrap and click-on licenses. 2003 may well make or break it.

A formidable agenda faces AALL. The Association has strengthened its influence by building coalitions with fellow travelers. In 1999, AALL was a founding member of the Americans for Fair Electronic Computer Transactions coalition, which, ably assisted by the AALL community, has blocked *UCITA* in more than 20 states.

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Law librarians across the country contributed to that success. They worked closely with the Washington Affairs Office and state AFFECT groups to track state UCITA activities. Law librarians drafted testimony and participated in hearings to oppose UCITA and support state bomb shelter legislation, which blocks enforcement of UCITA as enacted in Virginia and Maryland against their citizens.

“ **AALL's advocacy program raises the visibility of the Association and the law library community.** ”

Most recently members responded to an urgent action alert on Jan. 16 to persuade their states' House of Delegates to oppose a resolution endorsing UCITA, which was considered at the American Bar Association's February 2003 Midwinter Meeting in Seattle. The resolution was a ploy by the National Conference of Commissioners on Uniform State Laws to win an endorsement from the ABA, a respected organization in the legal community. Facing strong opposition from the major sections of the ABA, the NCCUSL withdrew the resolution from consideration on Feb. 11. Because members responded to the action alert and urged their state delegations to oppose the resolution, AALL members contributed to this important victory.

Similarly, in spring 2002, AALL members educated and influenced the leadership and members of the ABA. As the WAO prepared an amicus brief supporting the plaintiff in *Eldred v. Ashcroft*, it learned that the ABA Board of Governors would be asked to consider filing an amicus brief supporting the *Copyright Term Extension Act* a few days later. AALL and other public domain advocates consistently opposed CTEA. They did not want the ABA to openly support term extension as the case moved to the Supreme Court. The WAO issued an urgent alert asking AALL members to urge the ABA not to support the *Copyright Term Extension Act*. Their immediate response was instrumental in the ABA's decision not to submit a brief.

Then-ABA President Robert Hirshon was surprised that law librarians engaged in policy matters and had such a vibrant advocacy program. "I am very impressed with the activities of AALL in focusing on public policy issues," Hirshon said. "With regard to UCITA, the Association and its members have not only brought significant

expertise to the table but have also demonstrated a willingness to reach out to other constituencies in order to effectuate an important resolution and achieve a key public policy goal."

As AALL's advocacy program has grown, its members have superbly led many important information policy issues. AALL's continued success in influencing policy decisions boils down to the essential involvement of its members.

Here's how members can join their colleagues and get involved in AALL's advocacy program:

- **First**, go to the Washington Affairs Office Online and subscribe to the AALL advocacy listerv. Click on "SUBSCRIBE: AALL-ADVOC."
- **Second**, while there, review the action alerts to become familiar with AALL's advocacy needs. The WAO is currently seeking new co-sponsors for the *Digital Media Consumers' Rights Act of 2003*.
- **Third**, those attending the 2003 AALL Annual Meeting in Seattle should consider signing up for the Advocacy Training Workshop on July 12.
- **Fourth**, get involved in advocacy programs of local AALL chapters and join their chapter government relations committees.

The highly successful Advocacy Training Workshop, sponsored by AALL as a member benefit, informs members not only about current important policies but also on the techniques to become an effective spokesperson. "The Advocacy Workshop [in Minneapolis] was such an amazing eye opener for me," said GRC member Elizabeth LeDoux of Covington and Burling. "I learned that one person can make a huge difference, can even start a revolution. I came away feeling empowered and excited about effecting change for law libraries in my state." The sidebar to the "Washington Brief" in this issue of *AALL Spectrum* summarizes the key details of this year's workshop. Please contact Associate Washington Affairs Representative Mary Alice Baish for more information or to register for this year's session.

AALL's advocacy program raises the visibility of the Association and the law

library community. It influences the outcome of policy decisions that are vital to members' institutions and users. But the heart of the program relies on collaboration between the Association and its members.

Join AALL colleagues who have discovered that active participation in the Association's advocacy efforts empowers them — and is also very rewarding. In this age of the Internet, AALL has wonderful new tools to deliver its message quickly and effectively. The WAO thanks all the unsung heroes who over the years have responded faithfully and effectively to AALL's urgent calls for help to pressure their elected representatives and other officials to protect and enhance the nation's libraries. AALL invites its members to join its advocacy team.

Mary Alice Baish (Baish@law.georgetown.edu) is the AALL associate Washington Affairs representative in Washington, D.C.

AALL's Fellow Travelers

**American Library Association
Washington Affairs Office**
<http://www.ala.org/washoff>

**Americans for Fair Electronic
Commerce Transactions**
<http://www.affect.ucita.com>

**Association of Research
Libraries**
<http://www.arl.org>

**Center for Democracy and
Technology**
<http://www.cdt.org>

Digital Future Coalition
<http://www.dfc.org>

Electronic Frontier Foundation
<http://www.eff.org>

**Electronic Privacy Information
Center**
<http://www.epic.org>

Freedom Forum
<http://www.freedomforum.org>

OMB Watch
<http://www.ombwatch.org>

Public Knowledge
<http://www.publicknowledge.org>

GRC Members Lead in Information Policy and Advocacy

by Charlene Cain

AALL's Government Relations Committee monitors federal and state legislative, regulatory and judicial developments — excluding copyright — that affect the Association, law librarianship, law libraries or the dissemination of information.

A standing committee of AALL, the Government Relations Committee advises the Executive Board and the Washington Affairs Office about these information policies. The GRC communicates the Association's stances on these policies to various government entities. The committee also assists the WAO on behalf of AALL.

The GRC develops the legislative update session at the AALL Annual Meeting in conjunction with the WAO. It also proposes programs on government information issues to the Annual Meeting Program Committee.

The committee's liaison program bolsters AALL's advocacy initiatives by working with the Association's chapters. Members of the

GRC are assigned to maintain monthly contact with specific chapters' members who monitor information issues in their regions. To facilitate such interaction, a list of GRC members and their assigned chapters is updated yearly on the GRC Web site at <http://www.aallnet.org/committee/govr>. To strengthen communication, GRC members write articles for chapter newsletters, participate in listservs and speak at conferences. The GRC also forwards the WAO's action alerts to chapter listservs, urging recipients to support AALL advocacy efforts by contacting their elected officials.

These activities boost AALL's advocacy efforts and expand chapters' knowledge of and participation in information policy discussions. As liaison to the Southeastern Chapter of Law Libraries and the New Orleans Association of Law Libraries, I have developed the contacts and knowledge that have enabled me to participate more fully in these organizations.

The Government Relations Committee also solicits nominations for the Public Access to Government Information Award.

Established in 1999, this award honors significant contributions by people or organizations involved in the protection and promotion of greater public access to government information. Recipients need not be law librarians or members of AALL. Previous PAGI award winners have been the U.S. Government Printing Office Web site, GPO Access; the Library of Congress' legislative information Web site, THOMAS; and the federal government's Web portal, FirstGov.

Charlene Cain (lcain@lsu.edu), associate librarian for government documents at Louisiana State University Paul M. Hebert Law Center Library in Baton Rouge, La., is chair of the 2002–2003 Government Relations Committee.

California Law Librarians Win Important Legislative Battle

by David McFadden

AALL's California chapters and the state's county law librarians successfully lobbied last year against a bill that would have passed the burden of funding county law libraries from the counties to the law libraries.

AB 2648 debuted as an innocent technical bill to change the composition of the San Diego County Public Law Library Board of Law Library Trustees. Amended three times, the bill became much more threatening to the state's county law libraries. The first — and worst — amendment did not survive long enough for a vote by any committee or house. This amendment would have shifted the burden of paying for law library facilities, including utilities and maintenance, from the counties to the county law libraries. The other two amendments imposed a system of accountability, at first on all county law libraries and finally only on San Diego County.

County law librarians primarily opposed AB 2648, but they enlisted others along the way. The Council of California County Law Librarians, along with various individual county law libraries, led the campaign against the bill. The CCCLL's own professional lobbyist helped guide, advise on and develop strategies. The lobbyist

arranged to have witnesses and attendees at committee hearings.

Members of AALL's three California chapters — Northern California Association of Law Libraries, Southern California Association of Law Libraries and the San Diego Area Law Libraries — opposed the bill tirelessly. They e-mailed calls to action, sample letters and points of opposition to all three listservs and posted each new amendment on chapter Web pages.

Bar associations and individual attorneys voiced their disapproval about the bill at various stages.

The GRC even urged relatives and friends to write, fax and e-mail their opposition to the legislation.

Articles in the *California Bar Journal*, *Los Angeles Times* and *The Recorder* discussed possible cuts that would result from the bill.

Lobbying against the bill also meant traveling to Sacramento. Twenty-one law librarians attended the California Law Librarians' Legislative Advocacy Day on March 12, 2002, establishing AALL's presence in the capital and educating state legislators about county law libraries. Law librarians distributed flyers opposing AB

2648 to participants of the April 16, 2002, Legislative Day for the California Library Association and the California School Library Association.

Maintaining opposition throughout the process was a challenge. As the bill was amended and became less draconian and more localized — the last amendment applied only to San Diego County — some groups ceased to actively oppose the bill. Otherwise sympathetic legislators finally voted for it only because it did not affect their districts. Nonetheless, contacting not only the governor but also his chief of staff and others contributed to law librarians' ultimate success.

On Sept. 11, 2002, Gov. Gray Davis vetoed AB 2648, giving California law librarians at least a temporary sense of relief. Even though the final version of AB 2648 applied only to San Diego County, the governor's veto message acknowledged that, "This bill creates a poor precedent for counties to follow in providing support for county law libraries."

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