

Putting Ideals into Action

AALL Washington Affairs Office is the hub of law librarianship's government activity

by Leah Sandwell-Weiss

Recognizing the availability of legal information to all people is a necessary requirement for a just and democratic society, the American Association of Law Libraries exists to promote and enhance the value of law libraries to the public, the legal community, and the world; to foster the profession of law librarianship; and to provide leadership in the field of legal information and information policy.

—American Association of Law Libraries Mission Statement

Photo by Brant Bender.



Mission statements are funny things; they sound good, but sometimes it's hard to see how institutions use them in the real world to accomplish their goals. At least one exception to this perception, however, exists in AALL: the Washington Affairs Office (WAO).

Since its inception, the WAO has been headed by Bob Oakley, director of the law library and professor of law at the Georgetown University Law Center and former AALL president. Associate Washington Affairs Representative Mary Alice Baish joined Oakley in 1995. As a result of their efforts, AALL has become a leader in influencing the national debate on information policies.

A History of Government Relations

AALL has been involved with public policy issues since at least 1908, two years after its formation, according to Timothy Coggins' *The American Association of Law Libraries and Its Government Relations Program: Parts I & II*. Early efforts were aimed at obtaining legal information. The Association's first president, A.J. Small, recommended that a committee be formed to work cooperatively with the Library of Congress. He also proposed the Association's first lobbying effort: an attempt to persuade Congress to provide the *Statutes at Large* and other legal publications to law libraries. AALL's Committee on Legal Bibliography recommended in 1914 that Congress provide a "popular titles" index and that it adopt a short title for all legislation. The Association proposed and lobbied for legislation for the first time in 1927. As a result of its efforts, legislation providing for the publication of a biennial index of various state legislation was passed and

AALL Washington Affairs Representative Bob Oakley gives his report during Business Meeting Session II at the 2003 AALL Annual Meeting in Seattle. To achieve the Washington Affairs Office's goals, Oakley and Associate Washington Affairs Representative Mary Alice Baish monitor proposed legislation and regulations, make contacts, and establish relationships with legislators and regulators and their staff, among other things.

signed into law. In 1939, an AALL member testified before a congressional committee for the first time; the testimony was in support of increased appropriations for the Law Library of Congress.

AALL leadership quickly recognized the benefits of working with other libraries, library associations, federal agencies, and sympathetic organizations. In addition to the Library of Congress, the Association joined with the American Library Association (ALA), the American Bar Association (ABA), the Association of Research Libraries (ARL), and the Special Libraries Association (SLA) to discuss and lobby issues of common interest. AALL joined with ALA and ARL in 1943 to form the Joint Committee on Government Publications with the aim of improving the publication, distribution, and preservation of government documents. In 1942, the Association joined with other library associations to found the Council of National Library Associations in order to speak out and work together on issues of common interest. When changes to copyright law became a critical issue in the 1960s and 1970s, AALL helped organize what eventually became the Joint Libraries Committee on the Copyright Law and, through the Copyright Committee, was heavily involved in developing and monitoring changes to copyright law.

In the '80s, two committees published reports that pushed AALL to recognize the importance of government relations. In 1985, the Special Committee on the Future of AALL issued a final report identifying the Association's "lack of leadership on legal issues of concern to the library and information world" and recommending that AALL take an active role by developing positions and establishing a legislative program on issues relevant to the Association. In 1988, the Special Committee on National Information Policy, chaired by Oakley, began to develop methods the Association could use to identify relevant information policy issues. This committee's work led to most of

AALL has been involved with public policy issues since at least 1908, two years after its formation. Early efforts were aimed at obtaining legal information. Currently the AALL Washington Affairs Office concentrates on copyright, intellectual freedom, and public access. (photo by JakeMcGuire.com)

feature



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AALL's current government relations program, such as providing a regular legislative update at the Annual Meeting, re-organizing what would become the Government Relations Committee (GRC) with a new charge, and identifying librarians in Washington, D.C., who could establish relationships with Congress, federal agencies, and other library associations.

This last recommendation was finally implemented in 1989 with the appointment of Oakley at Georgetown University Law Center and the volunteer efforts of Joanne Zich of American University's Washington College of Law. After Zich's efforts ended, Susan Tulis, of the University of Virginia, became the first assistant Washington affairs representative for one year. Baish became the second assistant Washington affairs representative in February 1995.

Educating and Influencing

So what does the Washington Affairs Office actually do? Two years ago, Baish described the office's key tasks as:

- educating legislators, policymakers, and the press about public policy issues important to law librarians;
- influencing legislators and policymakers so that they understand the importance of these issues and support legislation and regulations that benefit law libraries;
- working with other groups and engaging new stakeholders to strengthen law librarians' voices in policymaking; and
- training AALL members to be effective grassroots activists.

Oakley and Baish use a variety of methods to accomplish these tasks. They monitor proposed legislation and regulations, make contacts, and establish relationships with legislators and regulators and their staff. They also draft letters, statements, testimony, legal briefs, and other documents in support of AALL policy, which are prepared in consultation with the GRC and, as appropriate, with the AALL president and/or Executive Board.

Oakley and Baish do similar work with library coalitions and other organizations. Baish is a member of the steering committee for the new OpenTheGovernment.org coalition, is a longstanding member of the ALA's Government Information

Subcommittee, and has been a member of the Institute of Museum and Library Services Review Panel on the \$20 million grant program to recruit and train librarians for the 21st century. She actively participates in such coalitions as Americans for Fair Electronic Commerce Transactions (AFFECT), Shared Legal Capability, Database Coalition, Friends of Fair Use, and the ABA Committee on the Law Library. In addition to representing AALL with these groups, Baish drafts congressional testimony and joint library letters and monitors opportunities to sign onto letters organized by our affiliated coalitions and other organizations.

Oakley is involved in many of the same coalitions as Baish. He was a founding member of the Digital Future Coalition, which was influential at the time the *Digital Millennium Copyright Act* was passed. He also works actively with the Shared Legal Capability, Friends of Fair Use, AFFECT, and the ABA Committee on the Law Library of Congress. He is currently coordinating a conference on antitrust issues in scholarly and legal publishing for the Information Access Alliance. This spring Oakley was appointed to serve on a special committee of the Copyright Office to review Section 108 of the *Copyright Act* and make recommendations to take into account the needs of libraries in the digital age.

In recent years, Oakley has become involved in an increasing number of international issues. Developments overseas, particularly in the European Union or the United Nations Educational, Scientific, and Cultural Organization, can have major consequences on U.S. law and U.S. libraries. He has been a member of IFLA's Copyright and Other Legal Matters Committee, and he continues to work with that committee as an expert advisor. This winter Oakley drafted a statement of library principles for adoption as part of the WIPO Development Agenda. These principles have been endorsed by all the major U.S. and Canadian library associations, and they have now been translated into French for the consideration of the French Library Association. In early February, Oakley presented the library principles to a meeting of experts in Geneva.

Annual Updates and Training

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Legislative and Regulatory Update Sessions at the Annual Meeting, which began in the early 1990s. During these sessions, Baish usually presents an overview of the year's legislative and regulatory activities and provides a preview of the next year's issues. This presentation typically is followed by presentations or panel discussions on hot issues.

In addition, AALL, the WAO, and the GRC have sponsored successful advocacy training workshops prior to the start of the Annual Meeting. These workshops provide updates on current issues and cover the best methods of capturing legislators' attention, how to approach a meeting with legislators or their staffs, how to set legislative priorities, and how to work with chapter and other state organizations on important issues. Last year's workshop concentrated on critical state issues, especially funding for county law libraries.

The WAO also helps the GRC develop and present programs on relevant issues. Last year, for example, Baish moderated a program on the virtual federal depository library program, with U.S. Public Printer Bruce R. James as the speaker. Last year, on behalf of AALL Past President Janis Johnston, Baish also invited Siva Vaidhyathan, director of communication studies in culture and communication at New York University, to be one of the keynote speakers.

In addition to these activities at the Annual Convention, Oakley and Baish frequently give presentations to other law library associations and groups during the year. They also maintain the WAO Web site (www.ll.georgetown.edu/aallwash) with new alert information, briefs, letters, and presentations. The Web site also contains links to related organizations and archives of older material. Baish sends word of hot issues that need quick responses through action alerts sent to the advocacy discussion list (aall-advoc@aall.org). And, of course, she writes a monthly "Washington Brief" column for *AALL Spectrum*.

Copyright, Intellectual Freedom, and Public Access, Oh My

In light of AALL's mission, the WAO focuses its efforts on three key areas: ensuring balance in updating copyright laws for the digital age, protecting intellectual



Photo by Brant Bender.

Last year, on behalf of AALL Past President Janis Johnston, Associate Washington Affairs Representative Mary Alice Baish invited Siva Vaidhyathan, director of communication studies in culture and communication at New York University, to be one of the keynote speakers at AALL's Annual Meeting. Vaidhyathan spoke about the future of global information politics.

freedom and rights at all levels of government, and preserving public access and the right to know of all citizens.

In the copyright arena, the WAO has worked extensively on preventing passage of database protection legislation, which would grant new protections to facts and data outside of copyright law. Baish worked with database coalition partners in sessions with database protection proponents hosted by staff of the House Judiciary and House Commerce Committees. Database coalition partners include libraries, higher education groups, chambers of commerce, and many large publishers.

Through the efforts of the WAO, AALL has signed onto several copyright-related amicus briefs during the past few years at both the appellate and Supreme Court levels, including *Eldred v. Ashcroft*, *Dastar v. Twentieth Century Fox Film Corporation*, *RLAA v. Verizon*, and *MGM Studios Inc. v. Grokster*. The WAO also worked extensively to oppose state passage of the *Uniform Computer Information Transactions Act (UCITA)* by joining other library associations in 1999 to form AFFECT, an anti-*UCITA* coalition. AFFECT's opposition was rewarded when the National Conference of Commissioners on Uniform State Laws formally pulled its support for *UCITA* in 2003.

The WAO's primary focus in protecting intellectual freedom and rights has been the *USA PATRIOT Act*. The WAO took action

immediately after the act was first proposed shortly after September 11, 2001, to analyze and identify potential flaws. AALL was the first library association to sign on to a "Library Community Statement on Freedom of Speech and Access to Information" supporting "the balance between access to information for all, the privacy rights of our users, and the responsibility to cooperate with law enforcement agencies," released on September 20, 2001. On October 2, 2001, the library community sent a letter and statement to Congress identifying our concerns with specific items in the proposed anti-terrorism legislation. After passage of the act, AALL and other library organizations sponsored a videoconference titled "Safeguarding Our Patrons' Privacy: What Every Librarian Needs to Know about the *USA PATRIOT Act* and Related Anti-Terrorism Measures."

Recent efforts have included sending out action alerts to get more co-sponsors for several House and Senate bills that would amend the act; the WAO also has led efforts to oppose legislation to repeal the *USA PATRIOT Act* sunset provisions and to expand the use of secret evidence.

Protecting public access to information has been a high priority of the WAO in recent years. Through the WAO, AALL joined ALA, ARL, the Center for American Progress, Common Cause, the National Security Archive, People for the American Way Foundation, SLA, and the Society of American Archivists in an amicus brief in support of the Sierra Club and Judicial Watch. The groups litigated, seeking information on who, outside of the government, participated in Vice President Dick Cheney's National Energy Policy Development Group. In 2004, AALL became a founding member of OpenTheGovernment.org: Americans for Less Secrecy, More Democracy. Baish assisted in getting grants for the organization and drafting its statement of values. The WAO has been especially active in working with Superintendent of Documents Judy Russell to ensure that she takes into consideration the special needs of law depository libraries as the Government Printing Office (GPO) continues to reduce the number of print titles. However, the WAO's work with GPO

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is not limited to the needs of law libraries. A recent action alert, for example, concerned a call to stop GPO's abrupt plan to eliminate print distribution of important government information to our nation's federal depository libraries.

One of the WAO's biggest successes has been the publication of the *State-by-State Report on Permanent Public Access to Electronic Government Information*. Baish acted as the executive editor to put together this project, which involved librarians from every state reporting on the status of their state's efforts in providing continuing access to and preserving "born digital" government information. Four regional editors—Charlene Cain, Susan Dow, Richard

Matthews, and David McFadden—compiled the information collected by more than 50 state volunteers. The report, funded by an Aspen research grant, was posted to the WAO Web site at www.ll.georgetown.edu/aallwash/PPAreport.htm in July 2003. With the assistance of the WAO's first summer intern, hard copies of the report were sent to every state librarian, state archivist, CIO, and governor. As a result of this report, Baish and the report's editor-in-chief, Richard Matthews, were given spots on a permanent public access panel at the ALA annual meeting in 2004. Furthermore, Baish was invited to participate on a task force organized by the Library of Congress' National Digital Information Infrastructure Preservation

Program to assist in developing a grant program to provide funds to state libraries and state archives for research in this area.

This brief history of the WAO only scratches the surface of the efforts and impact Washington representatives have had on AALL during the past 15 years. The WAO has clearly been a leader in fulfilling the AALL mission to provide leadership in the field of legal information and information policy. ■

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