

Chicago Association of Law Libraries

A Chapter of the American Association of Law Libraries

Public Affairs Committee

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March 2007 UPDATE

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Co-Chairs

Illinois Library Day

Consider joining other Illinois librarians for Illinois Library Day on April 19, 2007. Those of you who attended the CALL Legislative Advocacy Day workshop last November will recall Kip Kolkmeier's discussion of the event. While expressing skepticism about the impact of the event actually on any specific issue, he emphasized the value of participation in Library Day for laying the groundwork for further advocacy activities. It's a great opportunity to educate our legislators on issues of importance to libraries, make acquaintances that we can call on later when we need their support, and educate ourselves on legislative issues and process. Information about Illinois Library Day and the bus arrangements through Metropolitan Library Systems is in the MLS flyer at <http://www.mls.lib.il.us/calendar/Flyers/2340.pdf>.

GPO Update

FDLP Desktop Re-Design

The Government Printing Office (GPO) is working on a re-design of its FDLP Desktop. While principally a tool for federal depository libraries, the current Desktop (http://www.access.gpo.gov/su_docs/fdlp/index.html) holds some information that might be useful to any library, including links to lists of new electronic titles and other online offerings from GPO. They hope to have something ready to demonstrate in beta mode in time for the Spring Depository Library Council meeting in Denver, which begins April 15.

EPA Website Crawls

GPO recently completed its initial web harvesting pilot project, which captured official Environmental Protection Agency publications from the EPA website, and has published a *Web Harvesting White Paper* summarizing its findings (http://www.access.gpo.gov/su_docs/fdlp/harvesting/whitepaper.pdf). The project is an effort to automate the discovery and ingestion of online "fugitive documents," which fall within the proper scope of the Depository Library Program but have not been delivered to GPO for inclusion.

Two vendors – Blue Angel Technologies, and Information International Associates, Inc. (IIA) – crawled the EPA website on three occasions over a six month period; GPO is using the data to help inform the future development of the web harvesting function of the upcoming Federal Digital System (FDSys). Blue Angel's web crawls identified over 83,000 documents determined to be in scope, and IIA identified over 239,000 documents. Ease of harvesting varied depending on file types, and material residing in databases posed particular problems.

The White Paper notes that, pending forthcoming automation of the review and classification of the material brought in, automated harvesting “will only move the bottleneck” in the processing of online fugitive documents. Another agency will be selected for further testing which incorporates the lessons learned so far, ahead of the anticipated rollout of the web harvesting function with Release 2 of the FDSys in mid-2008.

Executive Order 13233

An executive order signed by President Bush on November 1, 2001, which limits access to the records of former presidents, has been under renewed scrutiny as plans for the Bush presidential library at Southern Methodist University move forward. The executive order, which gives former presidents and their heirs broad authority to withhold the release of their records indefinitely beyond the previously established twelve year time period, has been assailed by the American Historical Association and others as threatening access to fundamental resources for scholarship on the presidency. Now, SMU faculty are debating the merits of housing the records of a president whose own Executive Order could undercut the value of such a collection. Concern has widened over details about a political institute that would accompany the library and conduct research on issues to be determined by Bush, raising questions about whether SMU should lend its prestige to a facility that might be viewed as more partisan think-tank than presidential library.

The House Oversight and Government Reform Committee approved H.R. 1255, which would overturn EO 13233, on March 8th. A Statement of Administrative Policy posted to the Office of Management and Budget website states that “if H.R.1255 were to be presented to the President, his senior advisors would recommend that he veto the bill.”

Kevin McClure, Chicago-Kent College of Law

Section 108 Copyright Group

The Section 108 (Copyright) Study Group convened a roundtable discussion at DePaul University College of Law on January 31, 2007. At the request of the Library of Congress and the Copyright Office, the Study Group is examining whether Section 108 of the Copyright Act (which covers copyright exceptions and limitations applicable to libraries and archives) should be revised to better reflect new technologies and delivery methods. The Chicago Roundtable focused on copies for users, including interlibrary loan. Participants included librarians, archivists, rights-holders, and other representatives of interested groups such as the Copyright Clearance Center and the Federation of the Blind. Keith Ann Stiverson, a former chair of the AALL Copyright Committee, represented the American Association of Law Libraries. Transcripts and participant lists from all the roundtables are available at the web site: <http://www.loc.gov/section108/> (Questions? Contact Keith at kstivers@kentlaw.edu, phone 312-906-5610).

Keith Ann Stiverson, Chicago-Kent College of Law

FAIR USE Act of 2007

On February 27, 2007, Rep. Boucher (D-Va.) introduced H.R. 1201, the Freedom and Innovation Revitalizing U.S. Entrepreneurship Act of 2007 (known by its acronym as the FAIR USE Act). The bill was immediately referred to the House Committee on the Judiciary. If enacted, it would limit damages for secondary infringement to instances where no reasonable person could have believed the conduct to be lawful; permit use or development of devices to circumvent encryption if the device is capable of significant, noninfringing uses; and clarify the rights of libraries and other similar institutions to circumvent encryption for purposes of making preservation and other permitted copies.

Improper Use of National Security Letters and record requests by the FBI

On March 9, the Department of Justice Office of Inspector General issued a report on the use of national security letters by the FBI from 2003 to 2005. The report states that the FBI “significantly understated” the number of national security letters used by the FBI in that period and failed to enter information in the database created to track the usage of the letters in a timely and complete fashion. The Senate Judiciary Committee is holding a hearing on the reports on March 21 at which the Inspector General is expected to testify. The ACLU and others have called for amendments to the portions of the USA PATRIOT Act that authorize the use of the letters. The DOJ OIG report, "A Review of the Federal Bureau of Investigation's Use of National Security Letters," is available at <http://www.usdoj.gov/oig/special/s0703b/final.pdf>. The DOJ OIG report, "A Review of the Federal Bureau of Investigation's Use of Section 215 Orders for Business Records," is available at <http://www.usdoj.gov/oig/special/s0703a/final.pdf>. Margaret Schilt, D'Angelo Law Library

Net Neutrality

The AALL Washington Affairs Committee had the following e-mail update on Feb. 27, 2007:

Internet Freedom Preservation Act – S.215

“[S. 215](#), the Internet Freedom Preservation Act, was introduced by Senators [Byron Dorgan](#) (D-ND) and [Olympia Snow](#) (R-ME) on January 9th. The new Net Neutrality bill would amend the [Communications Act of 1934](#), effectively prohibiting large internet providers from restricting Web access to its competitors, or any other Web sites. [S. 215](#) has nine cosponsors, including Senators [Barbara Boxer](#) (D-CA), [Hillary Clinton](#) (D-NY), [Barack Obama](#) (D-IL), [Ron Wyden](#) (D-OR) and [Patrick Leahy](#) (D-VT). Readers will recall the battle over net neutrality last year. AALL is on the record as strongly supporting this bill.” E-mail from Elizabeth B. LeDoux (Advocacy/Communications Assistant, AALL Washington Affairs Office) on Feb. 28, 2007.

Additional Helpful Resources:

Hsing Kenneth Cheng, Subhajyoti Bandyopadhyay, Hong Guo, [“The Debate on Network Neutrality: A Policy Perspective.”](#)

[Congressional Testimony of Tim Berners-Lee](#) (March 1, 2007).

Roy Mark, [“Berners-Lee Gets Technical on the Hill,”](#) March 1, 2007.

Matt Hamblen, "[Study: Ending Net Neutrality Would Curb Broadband Improvements,](#)" March 19, 2007.

Charles Babington, "[Neutrality on the Net Gets High '08 Profile,](#)" **Washington Post** (Feb. 20, 2007).

Andrew Orlowski, "[Google Snubs Net Neutrality Debate,](#)" **The Register** (Mar. 20, 2007)

Heidi Frostestad Kuehl, Pritzker Legal Research Center, Northwestern University School of Law

The Gov Docs Guy

Check out Kevin McClure's new blog highlighting newsworthy government documents. Visit "The Gov Docs Guy" at <http://govdocsblog.kentlaw.edu/wordpress/>.

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