

Public Affairs Committee

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March 2006 UPDATE

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Co-Chairs

SUNSHINE WEEK TELECONFERENCE

"Are We Safer in the Dark?," a Sunshine Week national teleconference, was broadcast from the National Press Club in Washington, D.C. on Monday, March 13. The teleconference was sponsored by AALL, ALA, ARL, SLA, and a variety of other organizations. CALL was a host site for the teleconference, held at the Metropolitan Library System Office on South Michigan Avenue from noon till 1:30 p.m.

Tom Blanton, Director of the National Security Archive, Tom Susman, of Ropes & Gray, and Barbara Petersen, Executive Director of the Florida First Amendment Foundation, spoke, and Geneva Overholser of the Missouri School of Journalism was the moderator. The speakers relayed valuable information about ways in which government secrecy has been harmful to people, and debated whether the Freedom of Information Act has actually been helpful in making government more open. The program was very interesting; unfortunately, technical problems, caused by high winds, prevented us from enjoying the entire program.

A DVD of the teleconference will be sent to us when it is available, and at least one showing will be announced when we have the DVD in hand; we also plan to lend the DVD to CALL members who would like to see it.

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CHICAGO MUNICIPAL CODE

I received some additional information about the *Chicago Municipal Code* from Lyle Benedict (a reference librarian at the Chicago Public Library - benedict@chipublib.org). Here is an excerpt of his e-mail reply to me:

"Here is what we know so far:

Apparently the city's contract with Municipal Code Corporation expired late last year. I do not know if Municipal Code Corporation will honor existing subscriptions. Book Publishing Corp., the previous publisher, continued to publish supplements for a while after they lost their contract. Municipal Code Corp. may do the same, or may sell their list to the new publisher. A free electronic version of the code popped up last week at: <http://www.amlegal.com/library/il/chicago.shtml> We don't know if they will be the new publisher.

Members should also be aware of the following:

1. The *Municipal Code* is statutory---it consists of ordinances (laws passed by the City Council, the legislative body of the city) of a general and permanent nature.
2. The *Zoning Code* is not contained in the paper or electronic versions of the *Municipal Code*.

It is separately published by Index Publishing, a division of Law Bulletin publishing. The Chicago Department of Zoning often hosts an electronic version.

3. The current *Electrical Code* likewise is not contained in the paper or electronic versions of the *Municipal Code*. This is apparently due to copyright issues since it is based on the *National Electrical Code*. The *Electrical Code* is also published by Index Publishing--either by itself, or as volume 2 of the *Building Code*.

4. Other ordinances not considered to be of a general and permanent nature will not appear in the Code, but will show up in the *Journal of Proceedings* of the City Council, i.e. the city's session laws.

5. The Municipal Reference Collection is ready and willing to help with ordinance questions. We update our copy of the Code on a continual basis and are very familiar with the ordinances. Preferred methods are telephone (312) 747-4526 or in person."

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USA PATRIOT ACT RENEWAL

On March 9, 2006, President Bush signed into law a reauthorization of 16 provisions of the USA PATRIOT Act. H.R. 3199 makes 14 provisions of the USA PATRIOT Act permanent and creates a December 2009 sunset for Sections 215 and 206. Section 215 is the provision that permits the FBI to require businesses, including libraries, to reveal their business records in response to an order authorized by the Foreign Intelligence Surveillance Court. Section 206 is the roving wiretap provision, allowing a wiretap order to attach to a particular suspect rather than to a particular communications device.

P. L. 109-177 also amends Section 215 by adding provisions for judicial review of orders to produce library and other sensitive business records and includes specific Congressional reporting obligations.

The law was enacted only after months of negotiation and two extensions of the original December 2005 sunsets. Some senators remain unsatisfied that the law as enacted contains sufficient safeguards. On March 6, Senator Arlen Specter, Chairman of the Senate Judiciary Committee, introduced S. 2369, a bill that would require the government to produce evidence as to a connection between a specific person and terrorism and/or espionage in order to obtain an order under Section 215. The bill has bipartisan support (12 co-sponsors – 8 Democrats and 4 Republicans) and has been referred to the Senate Judiciary Committee.

More information on P.L. 109-177 can be found on THOMAS at <http://thomas.loc.gov/cgi-bin/bdquery/z?d109:HR03199:|TOM:/bss/d109query.html> .

The text of S. 2369 can be found on GPOAccess at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_bills&docid=f:s2369is.txt .

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Illinois Library Day

More than 600 librarians converged on Springfield on Wednesday, March 1 for a successful Illinois Library Day (formerly known as Library Advocacy Day). At mid-day, we marched from

the Lincoln Presidential Library to the Capitol Building for a rally in the shadow of the Lincoln statue. Throughout the rest of the day, attendees paid personal visits to their legislators to raise awareness about the work libraries do in their districts and the resources needed to get their work done.

At the rally, State Librarian Jesse White announced that he had directed his staff to reallocate \$510,500 from the Secretary of States office to cover cuts to the Illinois library systems fiscal year 2007 budget. In announcing the restoration of funds, White recognized "the importance of services that the systems provide to libraries throughout the state. They are the backbone of our libraries and make our interlibrary loan program the envy of the nation."

The event drew good attendance statewide, but locally the turnout appeared to be less than a year ago. Only four people were on the early morning bus when it left the Loop; fortunately the Burr Ridge office of the Metropolitan Library System had a large crowd waiting when we arrived there to pick them up. We should make it a priority to do better in 2007. Even when the issues addressed at the state level are not as relevant to law libraries as they are to others, its important for us to lend our support, and it makes it more likely that other librarians will be there for law librarians when we need them.

News from GPO and DLC

The beta version of GPOs new online OPAC went live on March 9. In response to user comments, GPO decided to scrap the proposed name, **Franklin** and retain the familiar name, **Catalog of U.S. Government Publications(CGP)**. The online CGP contains over 500,000 records dating back to 1976, and GPO will continue adding records dating back to the late 1800s. During the 90 day live beta period, GPO plans to continue testing and adding new features and functions. You can access the CGP at <http://www.gpoaccess.gov/cgp> , and find more information about it at http://www.access.gpo.gov/su_docs/fdlp/cip/index.html .

GPO is also working with two vendors on a pilot web discovery and harvesting project. Both vendors will crawl the EPA website three times over a six-month period, and their results will be compared to set criteria for harvesting from other agencies. GPO estimates that crawling the various EPA websites will catch 30,000 to 40,000 fugitive documents; they're also preparing a supplemental cataloging project contract to handle the extra cataloging load. Later this year, several more agencies will be crawled. By the summer ALA and AALL meetings, GPO expects to have some good data to share about the project.

The Depository Library Council has been busy following up on the work of the Fall DLC meeting to lay out a vision for the future of depository libraries. Their FDLP Next Steps Wiki is an interactive way for Council members and others to participate in addressing the goals the process has identified. The wiki also includes a link to the DLCs most recent paper, **Knowledge Will Forever Govern, a Vision Statement for Depository Libraries in the 21 st Century**. The wiki is available at <http://wikihost.org/wikis/nextsteps/> .

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Congressional Hearing on Orphan Works

In early March, Maria Pallante, Associate General Counsel and Director of Licensing at The

Solomon R. Guggenheim Foundation, testified on behalf of 17 organizations, including AALL, before the House Judiciary Committee's Subcommittee on Courts, the Internet, and Intellectual Property. The topic of the hearing was orphan works and the hearing was unique in a number of ways. All seventeen groups—ranging from museums and libraries to publishers and other content owners—have participated during the past year in the Copyright Office's investigation of the problems raised by orphan works. The term refers to the large volume of works that are likely still protected by copyright although their owners cannot be located after a reasonable effort in order to secure licensing permission to use them. Given the diversity of our organizations, it is remarkable that we not only agree that a problem exists, but we also agree on a legislative solution.

Student attorneys at the Glushko-Samuelson Intellectual Property Law Clinic of the Washington College of Law at American University have been working on this issue since 2002 and deserve a lot of credit for developing a legislative fix. The Copyright Office has also supported these efforts. Overall, we agree with most of their January 2006 *Report on Orphan Works* (<http://www.copyright.gov/orphan/>) issued in the wake of a year-long effort that included a public comment period and round-tables and informal meetings. Having so many diverse groups supporting Ms. Pallante's statement strengthened our position and also impressed members of the committee. Chairman Smith indicated at the hearing that he wants to move quickly on this legislation and hopes that statutory language can be agreed upon by the end of March. The outlook for getting a bill enacted this year is very good. (From Mary Alice Baish, AALL Washington Office)

Section 108 Roundtables

The Section 108 Study Group, a select committee of copyright experts, is charged with updating for the digital world the Copyright Act balance between the rights of creators and copyright owners and the needs of libraries and archives. To that end, the Group sponsored public roundtables in Los Angeles and Washington, D.C. earlier this month. For a list of participants, see http://www.loc.gov/section_108 Sally Wiant, a former chair of the AALL Copyright Committee, testified on behalf of AALL at the March 16 roundtable. (Keith Ann Stiverson)

AALL Thanks U.S. Archivist for Moratorium on Declassification

In a letter dated March 7 th, AALL President Claire Germain thanked Allen Weinstein, Archivist of the United States, for issuing a moratorium on NARA's reclassification of approximately 9,500 documents that had previously been available to the public. Most of the documents date back to the 1940s and 1950s and, according to historians familiar with them, pose no threat to our national security and should remain publicly accessible. Weinstein also required NARA's Information Security Oversight Office to conduct an audit of these materials. This issue was brought to our attention by the press and obviously members of Congress interested in overseeing this administration's penchant for secrecy read the same articles. Rep. Christopher Shays (R-4-CT), already an outspoken champion of openness in government, is convening a hearing next week as chair of the Government Reform Committee's Subcommittee on National Security. Incidentally, Weinstein, who was sworn in as Archivist in February 2005, will be

speaking in St. Louis along with Printer Bruce James at the Town Meeting on E-Life Cycle Management (G1). (From Mary Alice Baish, AALL Washington Office)

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