

## Washington Brief (March 2009 Spectrum, Vol. 13, No. 5)

### NARA Struggles to Preserve Complete Set of Electronic Records from Bush Administration

WASHINGTON, D.C., January 6, 2009 – As the National Archives and Records Administration (NARA) prepared to receive the electronic records of the Bush Administration, it was unclear whether the agency would be able to handle the large volume of electronic records it would be responsible for once George W. Bush left office. Of specific concern was the huge number of White House electronic records, including e-mails, videos, and other electronic documents saved with proprietary systems. In fact, NARA officials estimate that the Bush White House created nearly 50 times the volume of electronic records than did the Clinton White House. Anticipating that it would be unprepared to face this enormous challenge, NARA put an emergency plan into place in late December to deal with the large quantity of records.

During the last few years, we have become increasingly aware of the serious problems with the Electronic Records Archives (ERA), NARA's information system designed to preserve and provide access to electronic records. Several reports by the Government Accountability Office have highlighted the need for NARA to address major problems with the ERA, including frequent delays and cost increases. During a Senate hearing in May 2008, NARA Inspector General Paul Brachfeld harshly criticized the agency for its inadequate plans to manage electronic records.

Questions also remain whether Vice President Cheney's records will be preserved because of assertions by his office that the vice president "belongs to neither" the executive nor legislative branch. A pending lawsuit filed by several nonprofit groups and historians asks a federal judge to declare that Vice President Cheney's records are covered by the *Presidential Records Act (PRA)* and that the records must be preserved.

AALL believes it is NARA's responsibility to ensure the preservation of these materials that document the past eight years of the Bush Administration.

We proposed to the Obama-Biden Transition Team that the Executive Office of the President and federal agencies take into consideration the preservation of digital materials *at the point of their creation and storage*. We hope the new administration will immediately begin to work closely with NARA to plan for the electronic record keeping of its digital materials, including the use of non-proprietary systems that are crucial to digital preservation.

### We Need Your Voice at AALL's Day on the Hill 2009

With the convention of the 111th Congress and the inauguration of President Obama, change is in the air here in Washington. The new leadership in the White House and Congress presents many opportunities for AALL and law librarians everywhere. In order to take advantage of these opportunities, the Government Relations Office and Government Relations Committee need *your* help to deliver our message to key members of Congress. Your assistance during the past two years was instrumental in getting Congress to order the reopening of the Environmental Protection Agency libraries and enact the *OPEN Government Act of 2007* (P.L. 110-175) to reform the *Freedom of Information Act* by strengthening agency accountability. Without all the phone calls and

e-mail letters to Capitol Hill from AALL members, these victories would not have been possible.

Now we really need your help in getting support for the exciting key issues on AALL's legislative agenda for the 111th Congress. By working together, we can ensure that law libraries can provide the public with unrestricted access to government information, continue to have the freedom to explore new ways to innovate, and protect the privacy of library users. The important issues on our agenda include:

- Adequate annual funding to the Administrative Office of the U.S. Courts for no-fee public access to PACER;
- A public domain citation system for legal information;
- The enactment of "Orphan Works" legislation to allow libraries to digitize and make publicly available materials whose copyright owners cannot be found despite extensive and costly searches; and,
- The repeal of Section 215 (the so-called "library" provision) of the *USA PATRIOT Act*, which is due to sunset on December 31, 2009.

To learn more about these issues and make your voice heard on the Hill, please join us for AALL Day on the Hill: Legislative Advocacy Leadership Training 2009. This special event will take place right before the Annual Meeting on Friday, July 24, from 8:30 a.m. to 5 p.m. There is no registration fee for AALL members but you do need to register now because participation is on a first-come, first-serve basis. By attending our advocacy training, you'll network with new colleagues, learn how to advocate for law libraries, improve your communication skills, and spend an afternoon on Capitol Hill.

During the morning sessions, we'll teach you about AALL's important legislative issues and give you the confidence you need to become a strong advocate for yourself and our profession. We are also delighted to announce a special guest speaker, Stephanie Vance, who will lead an educational and fun session on the tips and tricks of effective advocacy so that you'll be prepared to meet with your own Congressional delegation in the afternoon.

Attending our annual advocacy training has become a tradition for many of our members, so whether you're new to our advocacy efforts or a seasoned veteran, the AALL Day on the Hill is the perfect opportunity to learn about AALL's policy agenda and make your voice heard in Congress. What could be more fun? Please register by contacting AALL Advocacy Communications Assistant Emily Feldman at [efeldman@aall.org](mailto:efeldman@aall.org). Emily and I hope to see you there!

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