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The AALL Washington E-Bulletin

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SPECIAL ANNOUNCEMENT

AALL Launches New Advocacy Toolkit for Members and Chapters

In his March [e-newsletter](#), AALL President James Duggan announced the launch of AALL's [Advocacy Toolkit for the 111th Congress: 2009-2010](#), our new practical guide to help AALL members and chapters become effective advocates for law libraries.

The Advocacy Toolkit provides AALL members and chapters with:

- Ways to get involved in advocacy;
- Specific actions you can take immediately to promote our efforts in Washington, D.C.;
- A comprehensive look at the issues and bills AALL is currently working on; and
- The tools you need to become effective advocates at both the federal and state levels.

The Toolkit is a dynamic resource which includes current action alerts for individuals, along with a guide to the federal legislation that AALL either supports or opposes. In addition, the Toolkit provides you with simple tips and tricks in the form of "[Idea Corners](#)" that will help you take easy steps to improve your advocacy efforts. The Toolkit also includes in-depth sections dedicated to helping chapters jump-start their advocacy efforts at the federal and state levels. It explains how both new and well-established chapter legislative committees can influence policy by tracking bills, working with coalition partners, and communicating with their members of Congress or their state legislature to achieve the chapter's legislative goals.

The Advocacy Toolkit is available as a live document and as a PDF on the [AALL Government Relations Office Web site](#). An [RSS feed](#) is also available to help you keep track of the latest action alerts, bills, and other updates. We hope you find this Toolkit to be a useful resource and welcome your comments and suggestions!

UPDATES FROM THE HILL AND THE GOVERNMENT RELATIONS OFFICE

Federal Bill Tracking Guide for March 2009

Coinciding with Sunshine Week (March 15-21, 2009), several bills were introduced this month to increase government transparency at the federal level. The following provides a description of these bills. To keep track of all of the legislation that AALL supports and opposes in the 111th Congress, see [Section 3.2](#) of the Advocacy Toolkit.

AALL Supports the Following Bills:

***OPEN FOIA Act of 2009* ([S. 612](#))**

During Sunshine Week, [Sen. Patrick Leahy](#) (D-VT) and [Sen. John Cornyn](#) (R-TX), the Senators behind the *OPEN Government Act* (P.L. 110-175) to reform the Freedom of Information Act (FOIA), joined forces again to introduce legislation that would limit Congress' use of new FOIA exemptions. The bill, which the Senators also introduced in the 110th Congress, would require Congress to clearly state its intention to provide for statutory exemptions to FOIA in proposed legislation. S. 612 would shine more light on FOIA by bringing into the open FOIA exemptions that are often hidden within the text of proposed legislation.

Status: S. 612 was referred to the Senate Committee on the Judiciary on March 17, 2009.

***Reducing Information Control Designations Act* ([H.R. 1323](#))**

This bill would require the Archivist of the United States to issue regulations regarding the use of information control designations, often called "sensitive but unclassified" (SBU) information and "controlled unclassified information" (CUI), such as such as "For Official Use Only" (FOUO) and "Limited Official Use" (LOU). This legislation, which is identical to a bill introduced in the 110th Congress, follows guidelines issued by President Bush in a [memorandum](#) on new rules governing the designation and sharing of CUI and its control markings.

Status: H.R. 1323 passed the House of Representatives on March 17, 2009. It was referred to the Senate Committee on Homeland Security and Governmental Affairs on March 18, 2009.

***Whistleblower Protection Enhancement Act of 2009* ([H.R.1507](#))**

This bill would strengthen whistleblower protections for federal employees who expose waste, fraud, and abuse. The bi-partisan group of co-sponsors, led by Representatives [Chris Van Hollen](#) (D-MD-8) and [Todd Platts](#) (R-PA-19), introduced the *Whistleblower Protection Enhancement Act of 2009* after Senate conferees objected to including an amendment on whistleblower safeguards to the stimulus package.

Status: H.R. 1507 was referred to the House Committee on Oversight and Government Reform and the House Committee on Homeland Security on March 12, 2009.

AALL Applauds Attorney General Holder's New Memo on Freedom of Information Act

On March 19, 2009, Attorney General Eric Holder issued new [guidelines](#) to executive branch departments and agencies on the implementation of the Freedom of Information Act (FOIA). The guidelines reflect President Obama's January 21st [Memorandum on the Freedom of Information Act](#) that asserts the Administration's strong stance on openness.

The Holder memo instructs agencies to lean toward openness in FOIA requests and make disclosures whenever possible, while acknowledging the importance of the FOIA exemptions to protect national security and personal privacy, among other sensitive information. The memo also emphasizes the importance of the role of federal agencies in ensuring proactive and prompt disclosure. The memo rescinds the guidelines issued by former Attorney General John Ashcroft in October 2001 that encouraged agencies to resist disclosing information if any potential harms might result. The Ashcroft memo led to agencies' adopting a presumption of secrecy, rather than disclosure, for FOIA requests.

The Holder memo is consistent with recommendations supported by AALL and many of our chapters and members in a report to the new Administration and 111th Congress, [Moving Toward a 21st Century Right-to-Know Agenda: Recommendations to President-elect Obama and Congress](#). We commend President Obama and Attorney General Holder for taking these steps to increase government openness under FOIA.

President Obama Issues Memos on Signing Statements and Scientific Integrity

In other good news from the new Administration, President Obama issued a [Memorandum on Presidential Signing Statements](#) on March 9, 2009. Signing statements can be used by presidents to raise constitutional objections when signing bills into law and have been commonly used by presidents to secretly reject provisions of law.

In the memo, Obama promises more openness in the use of signing statements. He states that he will "take appropriate and timely steps, whenever practicable" to raise his concerns about pending legislation with Congress. When he does issue a signing statement, Obama promises that he will identify his constitutional concerns about a statutory provision, "with sufficient specificity to make clear the nature and basis of the constitutional objection."

Also on March 9, Obama issued a [Memorandum on Scientific Integrity](#) in which he orders the Director of the Office of Science and Technology Policy to develop recommendations designed to guarantee scientific integrity throughout the executive branch, including that "each agency should make available to the public the scientific or technological findings or conclusions considered or relied on in policy decisions." In addition, the recommendations state that agencies should adopt "such additional procedures, including any appropriate whistleblower protections, as are necessary to ensure the integrity of scientific and technological information and processes on which the agency relies in its decisionmaking or otherwise uses or prepares."

AALL is pleased with these memos that demonstrate the President's commitment to government transparency and accountability.

National Institutes of Health Public Access Policy Made Permanent

On March 12, President Obama signed the 2009 *Omnibus Appropriations Act* (P.L. 111-8), which includes a provision making the National Institutes of Health (NIH) Public Access Policy permanent. The NIH Revised Policy on Enhancing Public Access requires eligible NIH-funded researchers to deposit electronic copies of their peer-reviewed manuscripts into [PubMed Central](#) (PMC), the online digital library maintained by the NIH. Full texts of the articles are made publicly available and searchable online in PMC no later than 12 months after publication in a journal.

Unfortunately, the passage of this provision does not mean that the fight for public access to taxpayer funded research is over. AALL currently opposes a bill, the *Fair Copyright in Research Works Act* ([H.R. 801](#)), introduced by [Rep. John Conyers](#) (D-MI-14), that would reverse the public access policy at NIH and prevent similar policies at other agencies. On February 13, AALL joined nine other organizations on a [letter](#) to Members of the House Committee on the Judiciary, chaired by Rep. Conyers, to ask Committee members to oppose the bill.

Declassification Board Warns White House of Major Risks to Openness

In a [letter](#) on March 6, 2009, Acting Chair of the Public Interest Declassification Board Martin Faga warned President Obama that citizens' access to government information is at risk due to fundamental problems with the current declassification system. The letter identifies several problems, including inadequate resources, the lack of a coordinated interagency process, and weak leadership. Mr. Faga states that comprehensive reform of the current approach to declassification is needed to address these and other issues, as identified in the Board's report, [Improving Declassification](#). Mr. Faga also recommends that attention to the classification process itself is needed to ensure that it supports declassification and over-classification.

OUTSIDE THE BELTWAY: CHAPTER NEWS

If you have news on policy or legislative issues in your AALL Chapter, please [let us know](#). News might address legislation you are tracking, policy-related events your chapter is hosting, or anything you think might be of interest to our community. We'd love to hear from you!

Sunshine Week Webcast Explores Obama's Open Government Directive

On March 20, 2009, OpenTheGovernment.org, AALL, and other organizations co-sponsored a Sunshine Week webcast that allowed the public to participate in crafting the Obama Administration's forthcoming [open government directive](#). Law librarians around the country watched the webcast and many participated in local programs. AALL sites included: the Northern California Association of Law Libraries (NOCALL) at the Pacific McGeorge School of Law Gordon D. Schaber Library; Law Librarians of Puget Sound (LLOPS) at the University of Washington Odegaard Library; Cuyahoga County Public Library; and Lyon County Law Library. We thank all of the law libraries, chapters, and

individuals who took part in the Sunshine Week webcast this year by hosting local events or participating in the live program.

Speakers at the national event, “Opening Doors: Finding the Keys to Open Government”, included [Vivek Kundra](#), newly-appointed federal Chief Information Officer; [Beth Noveck](#), Professor of law and Director of the Institute of Information Law and Policy at New York Law School, and Deputy Director for Open Government at the Office of Science and Technology Policy; [Katherine McFate](#), Program Officer for Government Performance and Accountability, Ford Foundation's Governance Unit; and [Dan Chenok](#), a member of President Obama's "Technology, Innovation and Government Reform" transition team. The program was moderated by [Patrice McDermott](#), Director of OpenTheGovernment.org.

At the end of this year’s webcast, OpenTheGovernment.org and the Center for Democracy & Technology released a new report, "[Show Us the Data: Most Wanted Federal Documents](#)", based on the results of a [web based survey](#) that helped identify the most wanted federal government documents. Thank you to all of the law librarians who participated in the survey. Some of the Most Wanted Government Documents included on the list are public access to all Congressional Research Service reports (ranked first); open and accessible Federal Court documents through the PACER system (ranked third); and access to comprehensive information about legislation and congressional actions via THOMAS or public access to legislative information service (ranked sixth).

If you missed the program you can watch the archived webcast [here](#). In addition, if you’d like to participate in the ongoing conversation to help craft the Open Government Directive, you can [join OpenTheGovernment.org’s Google Group](#).

NOCALL/SLA Host Successful Sunshine Week Program

Submitted by Michele Finerty, NOCALL Government Relations Chair

NOCALL GRC and the Special Libraries Association, Sierra Nevada Region Chapter, presented the 2009 Sunshine Week program on March 25th in Sacramento, California. The national webcast “Opening Doors: Finding the Keys to Open Government”, comprised the first part of the NOCALL/SLA program. It was followed by a luncheon panel of local speakers who have extensive experience in promoting open access to official documents. They were:

- Terry Francke, a graduate of Pacific McGeorge School of Law and the General Counsel and Founder of Californians Aware. Mr. Francke served as legal counsel for the California Newspaper Publishers Association and general counsel to the California First Amendment Coalition. He taught journalism law at Stanford University’s Department of Communications, served as expert contributor to the 1994 major revisions to the Brown Act, and to the 2004 ballot proposition making open government a basic right of citizens under the California Constitution; and

- Andrew McIntosh, an award-winning senior writer at the *Sacramento Bee*, where he serves as a public records and FOIA specialist. His five-part series on defects in the state's licensing for paramedics earned him the 2007 Society of Professional Journalists Excellence in Investigative Reporting, and it led to the passage of a new state law in 2008. Last week it was announced that Mr. McIntosh was awarded the Society of American Business Editors and Writers Best in Business Award for his series on nail gun design flaws.

The program went very well and we received many positive comments, especially about the local guest speakers.

Ohio Library and League of Women Voters Host Lively Sunshine Week Discussion

Submitted by Melissa Barr, Cuyahoga County Public Library

Cuyahoga County Public Library and the League of Women Voters of the Cleveland Area jointly sponsored the webcast at the Maple Heights Library Branch. Despite some technical difficulties, the audience enjoyed the webcast and was delighted to discuss local government issues afterward.

And we had plenty to talk about! The FBI and the IRS conducted multiple raids on Cuyahoga County government offices last July, as well as several private contractors doing business with local governments. Over 200 agents were involved in the raids and they took possession of truckloads of documents. County Commissioner Jimmy Dimora, who also heads the local Democratic Party, is one of the officials under investigation. Among other activities, Commissioner Dimora was instrumental in imposing a local sales tax to raise funds for a new convention center, without a vote by the public. The project had been repeatedly rejected by voters. The commissioners have conducted numerous behind-closed-doors meetings with Medical Mart Properties Inc. of Chicago, developer for the new convention center, refusing to disclose details of the project even to Cleveland Mayor Frank Jackson.

After a lively discussion of the raids and the Medical Mart situation, we moved on to the proposed relocation of the Cleveland Port Authority offices and commercial shipping docks, a project of particular interest to the League of Women Voters members. Relocation costs will run into the millions, involve dredging of Lake Erie by the Army Corps of Engineers, and moving a public marina. The project will encompass over 200 acres of lakefront property, prime real estate a short distance from downtown Cleveland. Although we had not exhausted all avenues of discussion, we wrapped it up at 4:00 and went on our merry ways, not having solved all the problems in Cuyahoga County, but certainly giving them a good airing.

FREE TIME WELL SPENT: Further Reading for the Information Policy Junkie

Shining the Light: A Collection of Sunshine Week Reports and Readings

- A [Sunshine Week Survey](#) found that public opinion about government secrecy has leveled off, though seven in 10 adults still consider the federal government to be secretive. Indicating that the public welcomes Obama's actions to make government more transparent, eight in 10 adults believe that President Obama's Freedom of Information directive calling for a presumption of disclosure is the right thing to do.
- The Electronic Frontier Foundation (EFF) launched a [search tool](#) that allows you to examine thousands of pages of documents from government agencies such as the Central Intelligence Agency (CIA), Department of Defense (DOD), and Department of Justice (DOJ). The documents, which were obtained through requests and litigation under the Freedom of Information Act (FOIA), cover technology issues and government policies that affect civil liberties and personal privacy.
- In an [op-ed](#) published by *USA Today*, Ellen Miller, co-founder of the [Sunlight Foundation](#), explored how far open government advocates have to go to prod government to make information available to the public.

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