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SPECIAL ANNOUNCEMENTS

You're Invited to AALL's Free Online Advocacy Training

As AALL President Cathy Lemann announced in her September [AALL E-newsletter](#), AALL is hosting a free Webinar in October, [Join AALL's Advocacy Team: How to Deliver Our Message](#). The online advocacy training will take place on Wednesday, October 14, from 1-2 p.m. EDT. Whether you're new to advocacy or an experienced advocacy veteran, you'll learn the skills you need to become a key part of AALL's Advocacy Team.

Mary Alice Baish, Director of Government Relations, will explain why we need *you* to help us advocate for AALL's policy priorities, including no-fee public access to Congressional Research Service reports and the digital authentication of online legal resources. "Advocacy Guru" Stephanie Vance, who was the guest speaker at AALL's 2009 *Day on the Hill*, will teach you the tools you need to become a successful advocate and how to effectively deliver our message. Advocacy Communications Assistant will familiarize you with the Government Relations Office's helpful informational and advocacyWeb tools.

This online training will provide you with practical tools and tips you need to take your advocacy skills to the next level. [Please register today!](#)

UPDATES FROM THE HILL AND THE GOVERNMENT RELATIONS OFFICE

USA PATRIOT Act Reauthorization Process Moves Ahead

On December 31, 2009, three provisions of the USA *PATRIOT Act* will expire: Section 206 (roving wiretaps), Section 215 (the so-called "library" provision), and the lone wolf provision. AALL is closely monitoring the reauthorization process to ensure that new legislation protects the rights of library users and all Americans.

Earlier this month, the Department of Justice sent a [letter](#) to Sen. Patrick Leahy (D-VT), Chairman of the [Senate Judiciary Committee](#), urging the reauthorization of all three provisions. AALL has long been concerned with Section 215 and the Federal Bureau of Investigation's (FBI) National Security Letter (NSL) authorities which, although not due to expire, raise serious privacy and civil liberties concerns. We have urged Congress to include in the reauthorization bill requirements that return to the pre-*PATRIOT Act* standard so that documents or other tangible things being sought by the FBI or a designee must be shown to pertain to a suspected agent of a foreign power or a person in contact with or otherwise directly linked to such an agent.

On September 17, Sen. Russ Feingold (D-WI) and Sen. Richard Durbin (D-IL) introduced the *Judicious Use of Surveillance Tools In Counterterrorism Efforts Act of*

2009, or *JUSTICE Act* ([S.1686](#)). The bill offers amendments to the three provisions expiring this year, as well as additional safeguards to the FBI's powers to issue NSLs. Abuse of NSLs by the FBI were documented in a 2007 report issued by the Department of Justice Inspector General. The *JUSTICE Act* would permit the government to obtain an order for records only if it has reason to believe an individual has some connection to terrorism or espionage. It would also impose limits on gag order and provide meaningful judicial review of Section 215 orders and the associated gag orders. AALL joined 36 organizations on a [letter](#) to the ten co-sponsors to express our support for the bill.

On September 22, Chairman Leahy, along with Sen. Benjamin Cardin (D-MD) and Sen. Ted Kaufman (D-DE), introduced a narrower bill, the *USA PATRIOT Act Sunset Extension Act of 2009* ([S. 1692](#)). S. 1692 would raise the standard for Section 215 orders by requiring that the government demonstrate a connection between the tangible records they seek and a suspected terrorist, and add more meaningful judicial review of Section 215 orders and the associated gag orders. The bill would also require judicial review and audits of the use of NSLs. On September 25, AALL sent letters to the [three original co-sponsors](#), thanking them for introducing this important legislation and expressing our support.

On the House side, the Judiciary Committee's [Subcommittee on the Constitution, Civil Rights, and Civil Liberties](#) held a hearing on September 22 on the *USA PATRIOT Act*. Specifically, the hearing examined the three sunset provisions of the Act and needed reforms to NSLs. Testimony from the hearing is available [here](#). No legislation has been introduced yet in the House to reauthorize the expiring provisions. However, AALL supports legislation sponsored by Rep. Jerrold Nadler (D-NY-8), Chairman of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, the *National Security Letters Reform Act of 2009* ([H.R. 1800](#)), that would establish reasonable procedural protections for the use of NSLs.

On September 23, the Senate Judiciary Committee held a hearing on the *PATRIOT Act* reauthorization. At the hearing, Assistant Attorney General David Kris reiterated the Administration's position that all three expiring provisions should be reauthorized. Department of Justice Inspector General Glenn Fine spoke about the troubling abuses of NSLs his office found during separate audits and the need for congressional oversight. Sen. Durbin (D-IL) used his time during the question and answer period to speak about the importance of libraries and to salute libraries for their outspoken advocacy during the *PATRIOT Act* debates. The Chicago Association of Law Libraries gave Sen. Durbin their first "Legislator of the Year Award" in 2005 for his leadership and support of libraries during the 2005 reauthorization process. Testimony from the hearing is available [here](#). We will continue to monitor the progress of the reauthorization as the December 31 deadline approaches, so please stay tuned for updates from the Government Relations Office.

Attorney General Holder Releases Memo on State Secrets Privilege

On September 23, 2009, Attorney General Eric Holder released a [memorandum](#) on the state secrets privilege. The government uses the state secrets privilege to withhold evidence when it believes that disclosure would harm national security. President Obama campaigned on a promise to rein in the use of the privilege. However, as outlined in OpenTheGovernment.org's 2009 [Secrecy Report Card](#), the White House has already disappointed openness advocates with the Department of Justice's use of the privilege in several cases.

The new policy has been met with mixed reviews by open government advocates. While AALL is pleased that the memorandum reflects many of the recommendations in the [Moving Toward a 21st Century Right-to-Know Agenda](#), to which AALL and several chapters and members signed on, the lack of judicial review and audits raises red flags for government accountability. Overall, we cautiously commend the Administration for taking this initial step to add internal checks and balances to the state secrets privilege and will continue to monitor its use.

Recently Confirmed FCC Chairman Genachowski Proposes New Net Neutrality Rules

In [remarks](#) at the Brookings Institution on September 21, 2009, new Federal Communications Chairman (FCC) Julius Genachowski proposed formalizing existing rules to protect the free flow of Internet traffic and adding two new principles to ensure an open Internet. The first new principle would ensure that broadband providers cannot discriminate against particular Internet content or applications. The second new principle would ensure that providers of broadband Internet access are transparent about their network management practices.

Chairman Genachowski will begin the process of codifying the existing four open Internet principles along with the two new proposals through a Notice of Proposed Rulemaking. You can view the chairman's comments, in video and text, on the FCC's new Web site, [OpenInternet.gov](#).

In a [speech](#) the same day in Troy, New York, President Obama commended Chairman Genachowski for taking steps to preserve an open Internet. As a senator, Obama was an original co-sponsor of the *Internet Freedom Preservation Act* ([S. 215](#)), and as candidate, he campaigned on a promise of net neutrality. AALL is pleased that President Obama and his newly-confirmed FCC Chairman are demonstrating the Administration's commitment to preserve an open and free Internet through their words and actions.

White House Posts Visitor Records Online

As we [reported](#) on our Blawg, on September 4, 2009 the White House took another step toward greater transparency with the [announcement](#) of a [new policy](#) to voluntarily disclose White House visitor access records. The White House will now make available online the records of visitors from the previous 90-120 days. While we'd like to see less

time pass between the visits and the public release of the records, we applaud the White House for this important step toward increased transparency.

The White House also announced that it had settled four pending cases requesting specific White House visitor records, including records from the Bush Administration. The Bush Administration had previously refused to release the logs, claiming the records were presidential records, not records of the Secret Service, and therefore exempt from the Freedom of Information Act's mandatory disclosure requirements. AALL opposed the Bush Administration's position and we are pleased with the release of these records.

OUTSIDE THE BELTWAY: CHAPTER NEWS

Ten Chapters and SR-SIS Join AALL on Letter of Appreciation to Sen. Leahy

On September 30, 2009, ten chapters and the Social Responsibility Special Interest Section (SR-SIS) joined AALL and other open government groups on a [letter](#) to Sen. Leahy to thank him for this "tireless commitment to protecting and advancing government transparency through the Freedom of Information Act (FOIA)." Sen. Leahy has worked closely with open government advocates, including AALL, to ensure the public has access to government information. The letter and an accompanying plaque were presented to Sen. Leahy this morning at the Senate Judiciary Committee's [hearing](#) on FOIA and the new Office of Government Information Services at the National Archives and Records Administration. This new office was mandated by the *OPEN Government Act* (P.L. 110-175) to play an ombudsman's role by providing policy guidance and mediation on FOIA throughout the federal government.

Thank you to the following chapters and the Social Responsibility Special Interest Section for signing onto this important letter: the Atlanta Law Libraries Association, Law Librarians Association of Wisconsin, Law Librarians of New England, Law Librarians Society of Washington, D.C., New Jersey Law Librarians Association, Northern California Association of Law Libraries, San Diego Area Law Libraries, Southern New England Law Librarians Association, South Florida Association of Law Libraries and Virginia Association of Law Libraries.

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

New Collections Available on FDsys

The Government Printing Office (GPO) recently announced that the List of CFR Sections Affected, Weekly Compilation of Presidential Documents, and Daily Compilation of Presidential Documents collections have been authenticated with digital signatures and are currently available on [FDsys](#). GPO is also in the process of digitally signing the

Federal Register collection on FDsys, which is expected to be complete by October 30, 2009.

In addition, earlier this month GPO announced eight new collections to FDsys:

- Congressional Directory (105th Congress to present)
- Congressional Record (Bound) (1999 to 2001)
- Congressional Record Index (1993 to present)
- Economic Report of the President (1995 to present)
- GAO Reports and Comptroller General Decisions (1994 to 2008)
- History of Bills (1983 to present)
- United States Government Manual (1995/1996 to present)
- United States Statutes at Large (2003 to 2006)
- The Congressional Directory, Congressional Record (Bound), United States Government Manual, and United States Statutes at Large are available with authenticated digital signatures.

White House Seeks Contractor to Archive Web Records

On August 21, the White House issued a [solicitation](#) seeking help capturing and maintaining data on publicly-accessible Web sites covered by the *Presidential Records Act*. The solicitation includes an explicit request to capture social networking sites in its definition of publicly-accessible Web sites. AALL is pleased to see the Administration taking proactive steps to fully comply with the Act.

2009 Secrecy Report Card Finds Slight Decreases in Government Secrecy

OpenTheGovernment.org released its sixth annual [Secrecy Report Card](#) this month. This year's report card found slight decreases in government secrecy overall in the past year, but notes that secrecy still remains a serious problem in many areas of the federal government. This year's report also includes a special analysis of the Obama Administration's track record on transparency.

Among the findings of the [2009 Secrecy Report Card](#) are that:

- **Classification Activity Still Remains High**
In 2008, the number of original classification decisions decreased to 203,541, a 13% drop from 2007. The number of "derivative classifications" continues to climb.
- **FOIA Backlogs Slightly Reduced**
The federal government processed 17,689 more FOIA requests than it received in 2008. The net improvement is in part the result of significant backlog progress on the part of a few agencies.
- **Reported Invocations of the State Secrets Privilege Continue to Rise**
Invoked only 6 times between 1953 and 1976, the privilege has been used a

- reported 48 times—an average of 6 times per year in 8 years (through 2008)—more than double the average (2.46) in the previous 24 years.
- **Scientific and Technical Advice Increasingly Closed to Public**
65% of FACA committee hearings were closed to the public in 2008. The same number of meetings was closed in 2008 as in 2007, but the total number of meetings fell—leaving fewer opportunities for public participation.

New Resource Available in LLSDC's Legislative Sourcebook

The Law Librarians' Society of Washington, D.C. (LLSDC) announced the availability of a new online resource, "[Federal Equal Employment Opportunity Laws, Cases, and Resources](#)," on its [Legislative Source Book](#). The new site contains links to Federal EEO laws, and selected related CRS reports, Federal agency resources, nongovernmental resources, and U.S. court opinions. Rick McKinney, the author of the Legislative Source Book, was the recipient of the 2009 Robert L. Oakley Member Advocacy Award.

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