

AALL Government Relations Policy

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I. Introduction

Founded in 1906, the American Association of Law Libraries (AALL) is a non-profit, professional organization devoted to improving the operation of law libraries and the distribution of legal information. More than 5,000 AALL members work in nearly 1,900 libraries serving government officials, the bench, the bar, legal scholars and the public.

Collectively law libraries form a knowledge network that supports the use of law in society. Law libraries and their users are affected by a broad span of public policy concerns ranging from the dissemination of government information to intellectual freedom and intellectual property. The exponential growth of the Internet as a central point of access to information raises a whole new spectrum of legislative and policy concerns that are critical to the future of law libraries. The American Association of Law Libraries provides leadership and advocacy in the field of legal and government information and information policy, and therefore has specialized knowledge applicable to many aspects of these public policy concerns. Furthermore, because of their training, expertise and/or positions of trust, many AALL members have a special responsibility for ensuring that federal, state and local legal information resources are created, managed and disseminated effectively regardless of format.

Accessible government information is both an essential principle of a democratic society and a valuable public good created at taxpayer expense. Federal, state and local authorities — and indeed all citizens — must ensure that government and legal information is permanently available to the public at low or no cost, in an easily accessible and professionally maintained environment.

II. Dissemination of Government Information

Federal, state and local governments should create comprehensive and coherent policies for making government information permanently available to the public at low or no cost.

A. Creation and Collection of Government Information

Federal, state and local governments have a duty to create, collect and

disseminate government information to their citizens. Government information should be available to the public at no or low cost in an easily accessible format. Any revenue garnered by government from the sale of public information should be reinvested in the infrastructure that delivers government information to the public.

The commercial sector plays an important secondary role in the collection and dissemination of government information. The American public is served by a diversity of information providers, and no public or private entity should enjoy a monopoly over any body or type of government information. Nor should any private or public sector entity limit the dissemination of government information through exclusive contracts, resale restrictions or other restrictive trade practices.

B. Depository Library Programs

The Federal Depository Library Program (FDLP) and state-based depository programs have special relevance to the study of law. Many law libraries serve as federal depositories, state depositories, or both.

Federal Depository Libraries operate under a statutory obligation to make government information available to the public. The FDLP should provide for a system of equitable, effective, no fee, efficient, and dependable access to and dissemination of government information, in permanent and readily accessible formats, from all branches of government.

As the government moves into a more electronic environment, depository libraries are increasingly important channels through which citizens access law and law-related information. The Government Printing Office, the National Technical Information Service, the Library of Congress and other federal agencies share in the dissemination of government information. AALL believes that all federal government information should be disseminated through a depository and access program with strong, central authority, with

congressional oversight, and with the ability to enforce agency compliance through relevant laws, regulations and other policies.

State and local governments should create and maintain comprehensive depository and access programs. Where appropriate, these should operate under a statutory obligation to make government information available to the public at no or low cost.

III. Accessibility of Government Information

A. Equitable Access to Government Resources

The public has a right of access to government information, including access to the basic materials necessary for legal research. Federal, state and local governments are obligated to disseminate and ensure broad permanent public access to government information for all citizens regardless of income or geographic area. Therefore, governments must preserve the authenticity and integrity of their information, whether the information is in a print or an electronic format.

Primary legal titles fundamental to our democracy should continue to be disseminated to depository libraries in print until such time as the government can ensure the authenticity of, permanent public access to, and preservation of the electronic version.

B. Freedom of Information

Public inspection of government records, including electronic records, under the Freedom of Information Act (FOIA) is the foundation for citizen access to government information. FOIA must be amended periodically to ensure that government information is available in a timely manner and in a format useful to the requester, including request and delivery by electronic means.

Statutes and regulations governing security classification should be construed to promote open government while protecting the need for FOIA exemptions.

IV. Intellectual Property

A. Copyright and Licensing

An equitable balance between the rights of users of information and the rights of copyright owners and licensors is essential to the free flow of information. The *United States Copyright Act* should maintain this balance by interposing the fewest obstacles to the free distribution of government information in all media and formats. Furthermore, licensing regimes should not impose barriers to the access or use of information in the public domain, and should preserve fair use and other user rights promoting the dissemination of information and ideas.

B. Public Domain Status of Government Publications

Government information, including the text of primary legal materials, judicial or administrative decisions, statutes and regulations, must be in the public domain and available to the public without restriction. AALL supports a general prohibition against copyright restrictions on government works.

AALL opposes any copyright claims, restrictive licenses, royalty arrangements, statutory or regulatory revisions, or interpretations of federal, state or local laws or regulations that restrict access to, or the use or reuse of, government information.

V. Intellectual Freedom

AALL endorses the Library Bill of Rights (current version available on the American Library Association Web site at <http://www.ala.org/alaorg/oif/library/billofrights.pdf>) and supports the right of libraries to disseminate materials on all subjects. The Association vigorously opposes censorship. Similarly, AALL supports nondiscriminatory access to information for all library users.

VI. Management of Information

A. Privacy

The protection of personal privacy is a core value of our society. AALL supports a comprehensive national and state framework for privacy protection to safeguard the rights of all Americans. Public access to government information must be

tempered by privacy rights concerning personal information held in private sector databases and government files, including the confidentiality of library circulation records. Strong federal and state privacy laws are needed to insulate sensitive personal information from a world of interconnected databases.

B. Technical Standards

AALL seeks a leadership role in the development and management of national legal resources. Coordinated action is needed to build specialized legal collections and inter-library service networks. AALL strongly supports the ongoing effort to develop appropriate international technical standards for information technology.

C. Role of the Law Library of Congress

AALL supports a strong Law Library of Congress as our nation's de facto National Law Library. The programs and services of the Law Library of Congress are important to the Library of Congress in fulfilling its mission to effectively serve

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the Congress and the nation, and to the successful operation of all law libraries.

The Law Library's digital initiatives to preserve and disseminate historic congressional materials benefit Congress and all citizens. The Congress should provide adequate funding to extend the scope of these worthy projects and permit similar valuable initiatives to digitize the Law Library's rare and unique legal and government information resources.

AALL also supports the Law Library's efforts to identify and catalog its nearly 30,000 rare and unique legal materials for the benefit of the nation. The Congress should provide adequate funding to the Law Library for the preservation of these rich collections and for a rare books curator.

D. White House Conferences

AALL supports periodic White House conferences and similar national forums for the evaluation of library services to the nation.

E. Library Funding

Libraries are critical to the knowledge base and economic and social well-being of society. Adequate funding of public law libraries and access programs, such as the Federal Depository Library Program and state depository programs, is a necessity.

Cataloging utilities and computer-aided legal research depend upon electronic data transfer. For this reason, AALL supports a regulatory environment that fosters an efficient and economical flow of electronic information to and from libraries. In particular, a system of affordable telecommunication rates should be provided to libraries.

F. Preservation

Most paper produced since 1850 has a high acid content that drastically reduces the life of books. Massive deterioration of law library holdings is occurring. The burden of preserving the intellectual content of these deteriorating books falls on libraries.

AALL supports efforts to establish and fund preservation activities. Initiatives

such as preservation photocopying, microfilming and data scanning are needed to reformat information fixed on brittle paper. Other measures, such as de-acidification programs, must be undertaken to limit further loss of paper documents. Preventive measures, notably policies promoting the use of permanent alkaline paper, are needed to end the spiraling cost of preserving the human record.

Equally urgent is the need to ensure the permanent public access and preservation of electronic government information. Government has an obligation to guarantee the authenticity, integrity, permanent public access and preservation of its digital information. Leaders in library, government, industry and academic circles must cooperatively design and deploy coherent strategies for archiving digital information.

VII. Conclusion

AALL and its Chapters will inform our members of current information policy issues and assist policy makers in developing laws, policies, and practices consistent with this policy.