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Government Relations Policy Draft, March 1996

SEAALL

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I. INTRODUCTION

The South Eastern Chapter of the American Association of Law Libraries began in 1937 when a group of ten law librarians from four North Carolina law libraries met to form the North Carolina Law Librarians Association. Later the group was joined by law librarians from South Carolina and became the Carolina Law Librarians. In 1939 it changed its name to the Carolinas Chapter of the American Association of Law Libraries. The group continued to broaden its membership and became the South Eastern Chapter of the American Association of Law Libraries (SEAALL) in 1954. The SEAALL is a non-profit, professional organization devoted to promoting law librarianship and developing and increasing the usefulness of law libraries. Currently, its more than 500 members work in libraries that are located in the southeastern region of the United States and that serve government officials, the bench, the bar, legal scholars and the lay 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 development of state and national information infrastructures and the dissemination of government information to intellectual freedom and intellectual property. SEAALL members have a special responsibility for ensuring
that state and local legal information resources are developed, managed and shared effectively.

II. GOVERNMENT INFORMATION POLICY

Accessible government information is both an essential principle of a democratic society and a valuable resource created at taxpayer expense. Timely and equitable access to government information is the cornerstone of SEAALL's Government Relations Policy.

A. Freedom of Information

Public inspection of government records under public records laws is the foundation for citizen access to state government information. State public records laws must be amended periodically to ensure that government information is available in a timely manner and in a format useful to the requestor. Statues and regulations governing exemptions from public access should be construed purposefully to promote open government while protecting the need for the exemptions.

B. Privacy

Public access to government information must be tempered by privacy rights concerning personal information held in government files. Strong privacy laws are needed to insulate sensitive personal information from a world of interconnected databases.
C. Dissemination of Government Information

State and local governments have a duty to disseminate government information to their citizens. Government information should be available to the public at no or low cost in both traditional and electronic formats. Any revenue garnered by governments from the sale of public information should be reinvested in the infrastructure, which delivers the government information to the public.

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

D. State Depository Library Programs

State Depository Library Programs have special relevance to the study of law. State depository libraries operate under a statutory obligation to make government information available to the public. State Depository Library Programs should provide for a system of equitable, effective, no fee, efficient and dependable access/dissemination of all formats of government information from all branches of government. As state governments move into the electronic environment, depository libraries are increasingly important channels through which citizens access law.

With the increasing dissemination of government information in electronic format, many state agencies share in the dissemination of government information. In order to ensure that all state government information is disseminated through depository
libraries, SEAALL believes that each state should establish and/or maintain a strong, central authority with the ability to promulgate and enforce agency compliance with relevant laws, regulations and policies.

E. Government Tax Policy

IRS tax policy on the treatment of business inventories has shortened dramatically the inventory life of most book titles. SEAALL supports the passage of legislation to fashion an equitable tax policy which takes into account the special inventory requirements of the publishing industry.

III. LEGAL RESOURCES

SEAALL seeks a leadership role in the development and management of state legal resources. Coordinated action is needed to build specialized legal collections and interlibrary service networks. SEAALL strongly supports the ongoing effort to develop appropriate technical standards for information technology.

SEAALL supports timely and equitable access to legal resources regardless of the format in which the information is fixed.

IV. INFORMATION TECHNOLOGY

A. Information Infrastructures

SEAALL supports the development and integration of the National Information Infrastructure (NII) and similar state information infrastructures to take advantage of the
nation's resources in information, communication and computing technologies. Legal and nonlegal information should be made available through the NII and state information infrastructures to a broad cross-section of the South East, including law libraries.

The development of the NII and state information infrastructures should ensure broad public access to electronic government information by providing low-cost access for all citizens regardless of income or geographic area. SEAALL believes that the development of an open network architecture system will ensure broad public access. The right of fair use and the noncopyrightable nature of state government information paid for by taxpayers should be maintained in the electronic environment.

B. Telecommunications

No modern law library can operate without telecommunication services. Cataloging utilities, electronic bulletin boards and computer-aided legal research all depend upon electronic data transfer. SEAALL is concerned that rising telecommunication costs may limit access to information. For this reason SEAALL supports a regulatory environment that fosters an efficient and economical flow of electronic information to and from libraries. In particular, SEAALL urges lawmakers to guarantee that a system of affordable rates is provided to libraries.

V. FEDERAL AND STATE SUPPORT FOR LIBRARIES

A. Conferences
SEAALL supports periodic federal and state conferences and similar forums for the evaluation of library services to the nation. Following each conference, national and state governments should act promptly and decisively to implement the resolutions adopted by the conferees.

B. Library Funding

Though state and local governments operate in a climate of fiscal restraint, libraries are so critical to the well-being of society that full funding of access programs, such as State Depository Library Programs, are a necessity.

VI. 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.

SEAALL 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 preserve electronic information. Leaders in library, government, industry and academic circles must design and deploy coherent strategies for archiving significant data files.
VII. INTELLECTUAL PROPERTY

A. Copyright Law

An equitable balance between the rights of users of information and the rights of copyright holders is essential to the free flow of information. All proposed revisions or interpretations of the copyright law should maintain this balance by interposing the fewest obstacles to the free distribution of ideas in all media and formats.


SEAALL supports a general prohibition against copyright protection for government works. Similarly, SEAALL opposes any copyright-like royalty arrangements that restrict the flow of information from the government to the public.

It is particularly important that the text of primary legal materials, such as judicial or administrative decisions and statutes and regulations, remain in the public domain. Americans have a constitutional right of access to the legal system, including access to the basic materials necessary for legal research. SEAALL opposes any proposed revisions or interpretations of the copyright law which would extend copyright restrictions to primary legal materials.

VIII. INTELLECTUAL FREEDOM

A. Censorship

SEAALL endorses the ALA Library Bill of Rights and supports the right of
libraries to disseminate materials on all subjects. SEAALL vigorously opposes censorship. Similarly, SEAALL supports nondiscriminatory access to information for all library users.

B. Confidentiality

SEAALL supports the passage of strong state laws protecting the privacy rights of library users.

IX. CONCLUSION

SEAALL, through its representatives, supports a pro-active program to inform its members of current issues and to assist government decision-makers in developing laws and policies consistent with this Government Relations Policy.