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Special Libraries Association

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Exclusive Interview with Doris Kearns Goodwin



Copyright

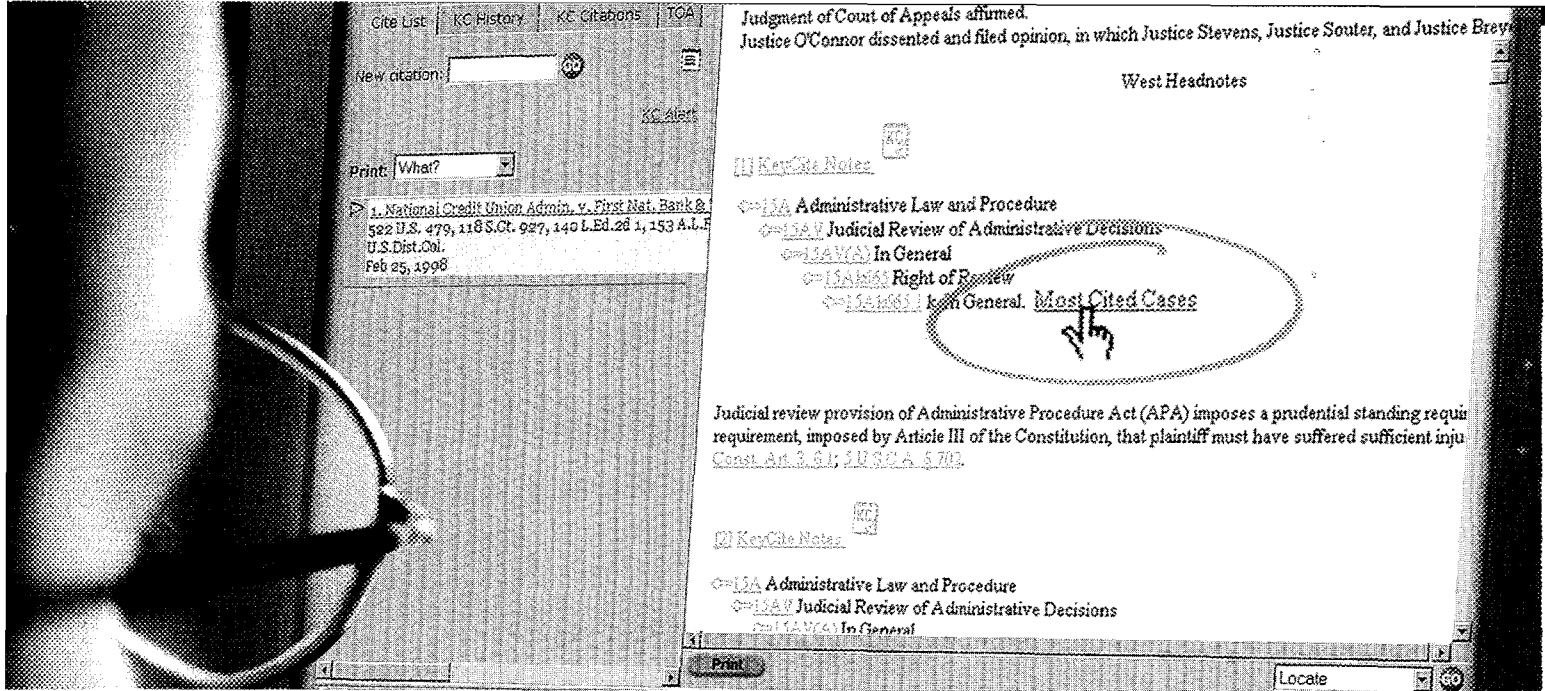
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Getting to 100: Managing Change at the Special Libraries Association



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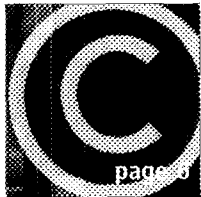
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This month *Information Outlook* offers a special expanded Web edition for SLA members with more articles, news and interviews. Look for these at the online table of contents at: <http://www.sla.org/pubs/serial/fo/2002/may02/toc.html>.



Digital Rights Management and Content Licensing
Dave Davis from Copyright Clearance Center looks at the dilemma information professionals face when they attempt to provide service to their customers while still remaining compliant with copyright law.



The Expanded Doris Kearns Goodwin Interview
Finish reading the interview with Doris Kearns Goodwin on page 22, yet you still want more? Go to *Information Outlook* online and read the Goodwin interview in its entirety.



Expanded News
Go to *Information Outlook* online for even more chapter, division, association and industry news.

correction



On page 7 of February's Preliminary Conference Program (in the "SLA Southern California Birthday Bash" section), Multex.com, Inc. was incorrectly identified as Multitext. *Information Outlook* regrets the mistake.

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Thank You

This is my last column as SLA president. It has been my honor and pleasure to serve in this role as leader for such a remarkable group of information professionals.

Last summer I began my presidency by visiting Bretton Woods, New Hampshire, to walk on the porch at the Mt. Washington Hotel that served as the site of the Veranda Conference where SLA was born in 1909. Perhaps the grand vista from that hotel inspired our founders to create their bold vision. It made me reflect on how far we have come. After 93 years of providing excellent service to a unique set of information professionals, the vision of our founder, John Cotton Dana, remains intact.

At the beginning of the year I wrote about change and our need to be flexible. I had no idea how flexible we all would need to be this year. September 11th and the economic downturn changed everything.

In spite of the unexpected events we have had this past year, I feel very good about the forward movement of the association and our members' resiliency and creativity. The changes coming to fruition now represent the work of past and present boards of directors. The task forces that form the basis for the bylaws initiative were appointed by Susan DiMattia during her presidency and did much of their work during Donna Scheeder's presidency. The Branding Task Force continues its efforts.

A revised bylaws document was brought to the board in January. As a result of member feedback and electronic discussions, an improved document will be acted upon at the annual conference in Los Angeles. Come to the Annual Business Meeting to vote on whether the bylaws changes are to be sent out to the general membership for ratification by mail ballot. These changes are stepping stones toward our becoming the association you have been asking for.

I appreciate the support and advice of the members of the board of directors and association staff, the past and current association leaders, the many members who have spoken up and the chapters who invited me to visit.

Thank you all for your help in this challenging year.

Hope N. Tillman

Hope N. Tillman, SLA President

Copyright, Fair Use and the For-Profit Sector



by James S. Heller

James S. Heller is the director of the law library and a professor of law at the College of William and Mary in Williamsburg, Virginia.

••• What is Fair Use?

INTERPRETING COPYRIGHT LAW IN LIBRARIES IS NOT AN EASY TASK.

Applying the fair use provision (section 107) and the library exemption (section 108) of the Copyright Act to the for-profit sector is particularly difficult. In determining whether a particular activity is permitted as a fair use under the section 108 exemption, one must distinguish between the different types of for-profit institutions. On one hand are copyshops, such as Kinkos, which generate income from making copies. Similar to copyshops are for-profit companies — such as TDI Library Services and Instant Information Systems — whose business is to provide document delivery services for a fee. Then there are companies, such as the Texaco corporation or law firms, whose business is *not* to make copies, but who instead reproduce copyrighted works only incidentally.

Because they are not libraries, copyshops and fee-based document delivery companies do not qualify for the section 108 library exemption. And because they are in the business of making and distributing copies, it is doubtful that copying they do for their customers could qualify as a fair use. Copyshops and document delivery suppliers, however, are different from companies that do not directly profit from making copies for their customers. A review of selected litigation involving publishers and the for-profit sector sheds light on the application of the fair use doctrine and library exemption in the for-profit sector.

Litigation Involving Copyshops

Publishers took on copyshops in the 1980's, beginning with a successful lawsuit by Basic Books against the Gnomon Corporation, which operated several stores in the Northeast. Gnomon was enjoined by a Connecticut federal district court from making copies of journal articles and book chapters, putting them together as compilations and selling them.

Two subsequent cases received greater publicity than the Gnomon case, probably because the end-users were university students. In *Basic Books, Inc. v. Kinko's Graphics Corp.*¹, the copyshop was sued by several publishers for making photocopies of copyrighted articles and portions of books and compiling them in what are commonly called "coursepacks." Kinkos maintained that the copying was educational because it was done for students at the request of their instructors. The federal district court disagreed and described the copying as non-educational and commercial. The court concluded that Kinkos was a willful infringer, criticizing its internal policies and procedures and its failure to educate and adequately supervise their employees.

The second case, decided in the 1990s, involved Michigan Document Service, a copyshop in Ann Arbor. In the "MDS" case², a decision by a three-judge panel of the U.S. Court of Appeals for the Sixth Circuit in favor of the copyshop was later reversed by the entire court. Unlike the Kinkos case, the original appeals court panel called MDS's copying "educational" and held that its producing coursepacks for students at the University of Michigan was a fair use. The entire court reversed and held that MDS's systematic and premeditated copying for commercial motivation was infringing. (The court also noted that MDS's copying went beyond what was agreed to in the classroom guidelines envisioned by Congress that were included in the legislative history of the 1976 Copyright Act)³.

Litigation Involving For-Profit Document Deliverers

In the early 1990s West Publishing Co., a publisher of law books, sued several for-profit information brokers for infringement. One defendant (Aaron-Smith) settled with West and agreed not to copy and distribute the proprietary features from West caselaw reporters, such as headnotes and synopses of the published court decisions. The other defendant, Faxlaw, was enjoined from copying and distributing the proprietary features of West publications.

Litigation Involving Businesses and Corporations for In-House Copying

In the early 1980s, Harper & Row Publishers sued pharmaceutical corporations American Cyanamid and E.R. Squibb for in-house duplication of copyrighted journal articles. Both cases resulted in out-of-court settlements, with each company agreeing to join and pay royalties to the Copyright Clearance Center (CCC), a clearinghouse for the receipt of royalties. Under the Squibb settlement, the parties agreed that Squibb could be excluded from

reporting and paying royalties for up to six percent of their copying, which was considered fair use.

A decade later, newsletter publisher Washington Business Information sued the Collier, Shannon & Scott law firm for making cover-to-cover copies of newsletters and sending them to attorneys throughout the firm. The firm reportedly paid a huge amount of money to the publisher to settle the lawsuit⁴. In 1999, LeBoeuf, Lamb, Greene & MacRae (a large New York-based law firm) purchased a multi-year photocopying license with the CCC and paid an undisclosed settlement to avoid a copyright infringement suit brought by four publishers.

Although the result in each of these cases was similar—a settlement or a judicial decision in favor of the plaintiff publisher—one must distinguish the cases on their facts. In the actions against the pharmaceutical companies and the law firms, the defendants were for-profit entities *not* in the business of profiting from making in-house copies of copyrighted works. By contrast, the for-profit document deliverers and the copyshops directly profit from making copies of copyrighted works. The section 108 library exemption and the section 107 fair use provision of the Copyright Act should be applied differently to these different types of for-profit companies.

Fair Use In The For-Profit Sector

Section 107 provides that:

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research, is not an infringement of copyright.

In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include: (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes; (2) the nature of the copyrighted work; (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and (4) the effect of the use upon the potential market for or value of the copyrighted work. The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

The extent to which in-house copying by a company *not* in the business of generating revenue from making copies may qualify as a fair use takes us to the most important in-house copying case, *American Geophysical Union v. Texaco*. The Association of American Publishers coordinated the lawsuit against Texaco in the name of five publishers. Before trial, the parties stipulated that al-

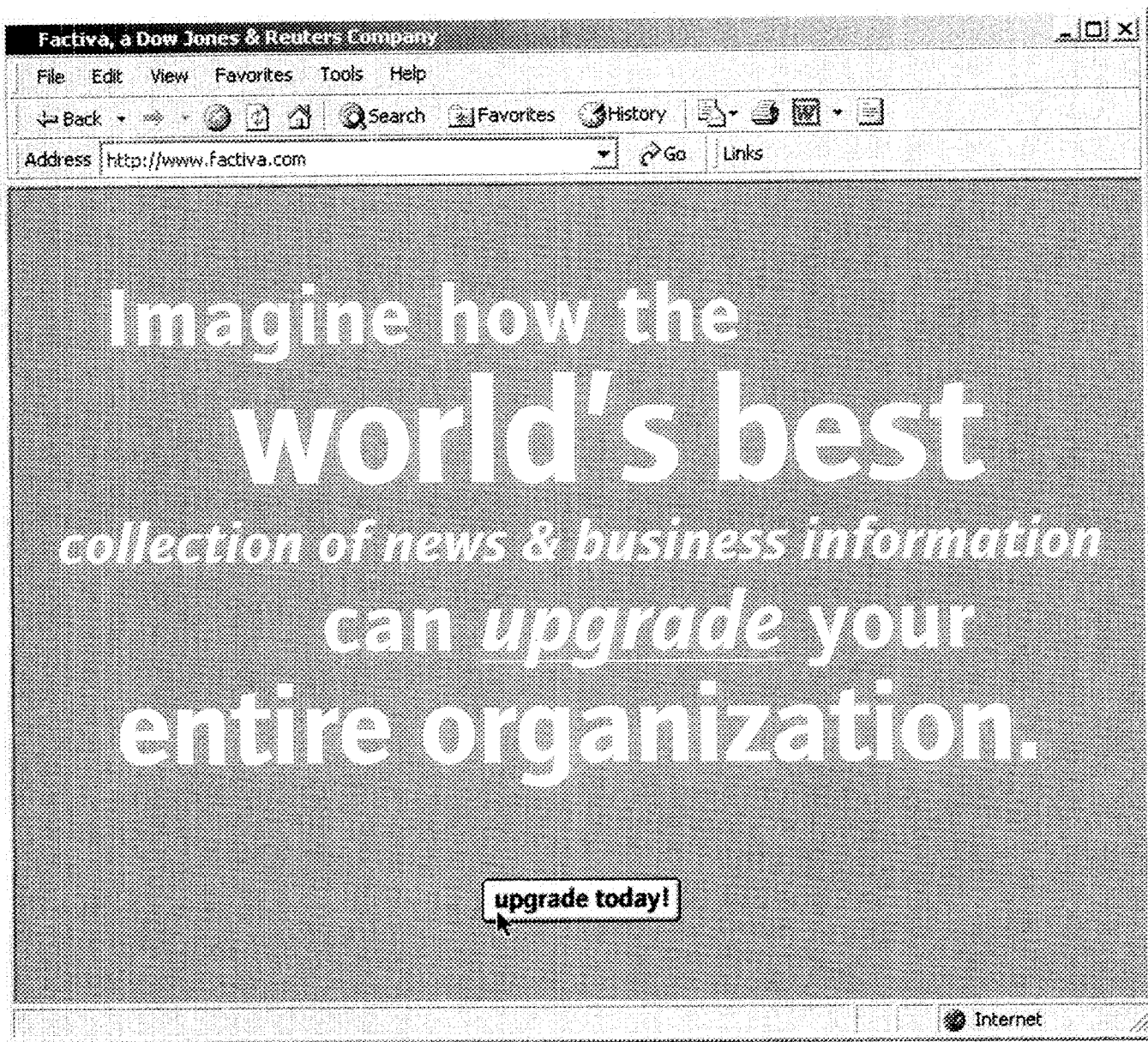
though Texaco employed hundreds of research scientists (all or most of whom presumably photocopied scientific journal articles to support Texaco research), the trial would focus on activities of one scientist, Dr. Donald H. Chickering II, who photocopied eight articles from the *Journal of Catalysis* and placed them in his files. In 1992 a federal district court held that Texaco's routing journals to Dr. Chickering, and his subsequent copying articles and filing them away, was not a fair use⁵. Two years later the U.S. Court of Appeals for the Second Circuit upheld the district court decision⁶.

The district court judge spent considerable time examining the first fair use factor—the purpose and character of the use. As for the *purpose* of the use, the judge wrote that because the defendant was a for-profit company, its copying was “commercial.” As for the *character* of the use, the judge wrote that the copying was not transformative; Dr. Chickering simply made mechanical photocopies of complete articles for his convenience and there was little evidence that he relied on the articles in conducting later research.

Texaco appealed the lower court decision to the U.S. Court of Appeals. In its examination of the first fair use factor, the appeals court used as guidance a case recently decided by the U.S. Supreme Court, *Campbell v. Acuff-Rose Music*⁷. In *Campbell*, the Supreme Court wrote that when a court looks at the *purpose* of the use, it must determine whether the use is nonprofit educational, for-profit commercial or something else. As for the *character* of the use, a court must determine “whether and to what extent it is ‘transformative,’ altering the original with new expression, meaning, or message. The more transformative the new work, the less will be the significance of other factors, like commercialism, that may weigh against a finding of fair use”⁸.

The appellate court in *Texaco* struggled with the first fair use factor, trying to determine if Dr. Chickering's copying was, as the district court concluded, commercial copying. Unlike the district court, the appeals court noted that Texaco did not directly profit from the copying. It concluded that the purpose was neither “for profit” nor “nonprofit educational,” calling it instead an “intermediate” use⁹. As in the district court, the appellate court concluded that the copying was not transformative.

The appellate court also called Texaco's activities “archival—i.e., done for the primary purpose of providing numerous Texaco scientists with his or her own personal copy of each article without Texaco having to purchase another original journal”¹⁰. Although the court wrote that it did not intend to suggest that *all* archival copying is infringing, it concluded that the first factor tilted against Texaco because “the making of copies to be placed on the shelf in Chickering's office is part of a systematic process



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of encouraging employee researchers to copy articles so as to multiply available copies while avoiding payment"¹¹. The appeals court concluded its discussion of the first factor by writing:

*"On balance, we agree with the district court that the first factor favors the publishers, primarily because the dominant purpose of the use is a systematic institutional policy of multiplying the available number of copies of pertinent copyrighted articles by circulating the journals among employed scientists for them to make copies, thereby serving the same purpose for which additional subscriptions are normally sold, or, as will be discussed, for which photocopying licenses may be obtained"*¹².

The second fair use factor examines the nature of the work copied. Copying informational, scientific or factual works is more favored than copying more creative (or expressive) works such as fiction or poetry. Because the purpose of copyright is to promote the progress of science and the useful arts (in today's terms, "knowledge"), copying factual, scientific or other scholarly works is more likely to achieve this overarching goal. Both the district and appeals courts characterized the articles in *Catalysis* as factual in nature and concluded that the second factor favored Texaco.

Texaco lost the third factor in the fair use analysis—the amount copied—in both courts. As a general matter, the more of a work that is copied, the less likely it is that the defendant in a copyright suit will win this factor. We must remember there are two copyrights involved in journal publications. First, the issue of the journal may be copyrighted as a compilation. Second, each journal article is, in itself, a complete copyrightable work. Copying entire articles, as was done by Dr. Chickering, invariably results in the defendant losing this third factor.

The fourth fair use factor examines the effect of the use on the potential market for or value of the copyrighted work. Simply put, courts are more likely to find an infringement when the copyright owner incurs financial harm due to unauthorized (or uncompensated) copying. The fourth factor has an interesting and somewhat complex history, and deserves more comment.

In 1985 the Supreme Court called the fourth factor "undoubtedly the single most important element of fair use"¹³. A decade later in *Campbell*, the Court wrote that no factor has primacy over any other.

The *Campbell* Court said much more about the fourth factor that does not bode well for fair use. It wrote that when examining harm to the copyright owner, a court should consider whether the market lost was one contemplated by the copyright owner. This may include the impact on the market for derivative works, such as the

market for reprints of a journal article or book chapter and royalty or licensing fees. The Court also wrote that courts should examine more than the market impact of the individual defendant's copying. Rather, they should also consider "whether unrestricted and widespread conduct of the sort engaged in by the defendant... would result in a substantially adverse impact on the potential market for the original"¹⁴. Both the district and appellate courts in *Texaco* noted: the publishers lost sales of additional journal subscriptions, back issues and back volumes, as well as licensing revenue and fees; the Copyright Clearance Center makes it easy to pay royalties; and the fourth factor favored the publishers¹⁵.

The fourth factor also presents another element—which party has the burden of proving that the plaintiff was harmed? One might think that a plaintiff in a copyright suit must carry this burden, but that is not always the case. Recall the first fair use factor—the purpose and character of the use. In *Campbell*, the Supreme Court wrote that a court should presume harm—and thereby require the defendant to demonstrate that the market for the work copied was *not* harmed—when there has been verbatim (non-transforming) copying for commercial purposes. In other words, when both the "purpose" and "character" portions of the first factor are held against the defendant—when the copying is both commercial *and* non-transformative—a court will presume that the plaintiff was harmed by the use. In such cases, the burden shifts to the defendant to prove that the plaintiff was not harmed, a difficult (and probably insurmountable) challenge.

Texaco instructs us that large scale routing of journals to researchers in a for-profit company, and subsequent copying of articles by researchers who filed the copies away (often without even reading them) to create their own personal mini-libraries, is not a fair use. The appeals court concluded that systematic routing of journal articles to company employees, with knowledge that the employees would then copy articles and create personal "libraries," was beyond that which is permitted under section 107.

So where does this leave us? Remember that fair use is an equitable rule of reason. Whether a particular use is fair, or instead infringing, depends on the particular facts of the case. Failure to purchase as many subscriptions a company really needs—if large-scale copying either by the library or by end users substitutes for subscriptions—is problematic not only in a for-profit company such as *Texaco*, but also in nonprofit educational institutions.

But the Second Circuit did not say that *all* copying in for-profit companies is infringing. Although organizations such as the Association of American Publishers and the Copyright Clearance Center might like businesses to think that the holding in *Texaco* applies to *every* instance of

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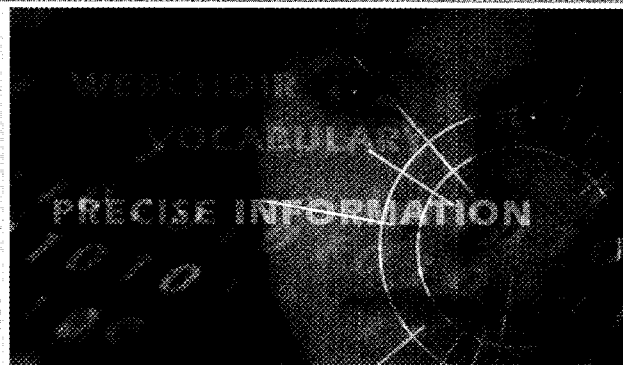
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commercial copying, that's simply not the case. The court confined its ruling "to the institutional, systematic, archival multiplication of copies revealed by the record—the precise copying that the parties stipulated should be the basis for the District Court's decision now on appeal and for which licenses are in fact available"¹⁶. But the analysis does not end with section 107; we also must consider the section 108 library exemption.

The Section 108 Library Exemption

Section 108 of the Copyright Act permits libraries to make copies for their patrons under certain circumstances. The legislative history of the Act indicates that the library exemption applies to both the for- and nonprofit sectors¹⁷. In addition to permitting some level of in-house copying, section 108 also permits libraries to engage in interlibrary transactions to acquire a copy of a journal article or an excerpt from a book for their institutional patrons, such as students and faculty in a university, corporate researchers or law firm attorneys.

Section 108(d) permits making copies of articles and excerpts from copyrighted works, but there are some basic requirements for qualifying for the section 108 exemption:

- The library may only make or acquire a single copy of an article or excerpt for the patron who requests it; multiple copies are prohibited.
- The copy must become the property of the requestor; the library may not add it to the collection.
- The library must not profit directly or indirectly from the copy; it cannot charge clients more than the copy cost, nor profit in any way from making such copies.
- The copy must include the notice of copyright from the copy reproduced, or if it is not available, a legend that reads that the material copied is subject to the United States copyright law and that further reproduction in violation of that law is prohibited.
- The library must include on its order form, and at the place where orders are accepted, a warning of copyright as specified by the Copyright Office.
- The library must be open to the public or to researchers in a specialized field. A library may meet this last requirement if it participates in reciprocal interlibrary lending/document delivery.

Section 108 rights are not unlimited; sections 108(g)(1) and (2) include important restrictions. Subsection (g)(1) provides that a library may not engage in related or concerted reproduction or distribution of multiple copies of the same material, whether made at one time or over a period of time and whether intended for aggregate use

by one or more individuals or by individual members of a group. Subsection (g)(2) prohibits a library from engaging in the systematic reproduction or distribution of single or multiple copies.

As noted earlier, *Texaco* was not decided under section 108; the parties agreed it would be decided on fair use alone. But one thing appears clear: although the library apparently was routing journals to *Texaco* researchers, it was not making copies for them. Had the library been making multiple copies of the same article for different researchers throughout the corporation, a court might have concluded that the copying was prohibited by the subsection (g)(1) prohibition against "related or concerted" copying. And if the library was making copies of *different* articles from the same journal title in such quantity that photocopying substitutes for additional subscriptions, the subsection (g)(2) prohibition against systematic copying kicks in.

Whether the nature and level of copying in *Texaco* would have violated 108(g)(1) or (g)(2) is a matter of speculation. Significantly, the appeals court decision did not emphasize, as did District Court Judge Pierre Leval, the for-profit nature of *Texaco*. Nor did it make overbroad statements that corporate libraries have few rights under the library exemption. Because *Texaco* was not a section 108 case, Judge Leval's statements are dictum—not germane to the issues before the court and not necessary to the holding of the case.

The library exemption permits a library to engage in interlibrary arrangements, but not when the effect is that the library receiving such copies "does so in such aggregate quantities as to substitute for a subscription to or purchase of such work." The Copyright Act does not specify when a library might be using document delivery as a substitute for a purchase or subscription. For this, the Guidelines for the Proviso of Subsection 108(g)(2), more commonly called the CONTU Guidelines, must be consulted.

In a single year a library should not acquire through interlibrary loan/document delivery (for any article published within five years of the date of the request) more than five such articles from the same journal title. The "Suggestion of 5" does not apply if the library has entered a new subscription to the journal or if it already subscribes to the journal but the requested issue is missing from the collection. Remember that this is a guideline, not an absolute rule. One could certainly reason that more than five copies are permissible when a researcher is working on a short-term, one-time project.

Conclusion

The primary purpose of copyright law, as the U.S. Supreme Court has written, is not to reward creators, but rather to promote the spread of knowledge¹⁸. Fair use

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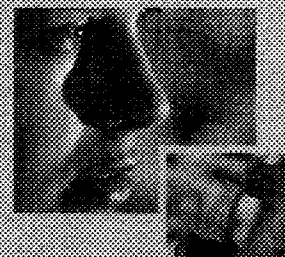


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decisions are fact-specific. If you have a factual situation *just like* those in *Texaco*—large scale systematic copying to create individual research collections for corporate researchers who often do not even use the articles copied—permission or payment of royalties is necessary. But the appeals court did *not* say that a researcher in a for-profit company could not occasionally copy articles or short excerpts from books. Librarians should not expand the holding in *Texaco* beyond the facts of that case.

The same is true when the library is making copies under the section 108 library exemption. An institution need not acquire a journal subscription for every employee who might read it. (Most publishers already price institutional library subscriptions considerably higher than individual subscriptions). A library that qualifies for the library exemption—whether in a nonprofit academic institution or a for-profit company—may, under 108(d), make single copies for employees if it meets the requirements of sec-

tion 108 and if it does not engage in activities proscribed by subsections 108(g)(1) and (g)(2).

Sections 107 and 108 are for the most part format neutral. If the library can make a photocopy of an article from its collection for a researcher, it should be able to send the partner a digital copy. In an interlibrary transaction, one also should be able to receive a digital copy from another library¹⁹. Because the copy must become the property of the individual requestor, a library should not retain the digital version in *any* computer after delivery to the user. Everyone should be aware that licenses to electronic publications have the potential to limit, if not eliminate, section 107 and 108 rights. Therefore, carefully read proposed licensing agreements, and do not agree to terms you cannot live with. Remember that in the print world, fair use and the library exemption remain alive and, although not as hardy as they might have been a generation ago, still kicking. ●

Footnotes

¹ *Basic Books, Inc. v. Kinko's Graphics Corp.*, 758 F.Supp 1522 (S.D.N.Y. 1991).

² *Princeton University Press v. Michigan Document Service*, 99 F.3d 1381 (6th Cir. 1996).

³ In *Addison-Wesley Publishing Co. v. New York University*, 1983 Copy.L.Dec. (BNA) para 25,544 NYU, several faculty and a private copyshop were sued for creating coursepacks. The parties settled, with NYU agreeing to inform their faculty of NYU's photocopying policies and to encourage them to comply with the "Classroom Guidelines" that are part of the legislative history of the 1976 Copyright Act.

⁴ Both for-profit and nonprofit organizations should subscribe for as many copies of a newsletter as needed. Although a library may route newsletters, make sure that recipients are not making cover-to-cover copies.

⁵ *American Geophysical Union v. Texaco, Inc.*, 802 F. Supp 1 (S.D.N.Y. 1992).

⁶ *American Geophysical Union v. Texaco, Inc.*, 60 F.3d 913 (2nd Cir. 1994).

⁷ *Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569 (1994).

⁸ *Id.*

⁹ The court pointedly distinguished copying at *Texaco* from copyshop copying. It wrote ". . . our concern here is that the court let the for-profit nature of *Texaco's* activity weigh against *Texaco* without differentiating between a direct commercial use and the more indirect relation to commercial activity that occurred here. *Texaco* was not gaining direct or immediate commercial advantage from the photocopying at issue in this case. . . . Rather, *Texaco's* photocopying served, at most, to facilitate Chickering's research, which in turn might have led to the development of new products and technology that could have improved *Texaco's* commercial performance."

¹⁰ 60 F.3d 913, 919.

¹¹ 60 F.3d. 913, 920 .

¹² 60 F.3d 913, 924.

¹³ *Harper & Row, Publishers v. Nation Enterprises*, 471 U.S. 539, 566 (1985).

¹⁴ *Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569, 590 (1994).

¹⁵ "Despite *Texaco's* claims to the contrary, it is not unsound to conclude that the right to seek payment for a particular use tends to become legally cognizable under the fourth fair use factor when the means for paying for such a use is made easier." 60 F.3d 913, 930-31.

¹⁶ 60 F.3d 913, 931.

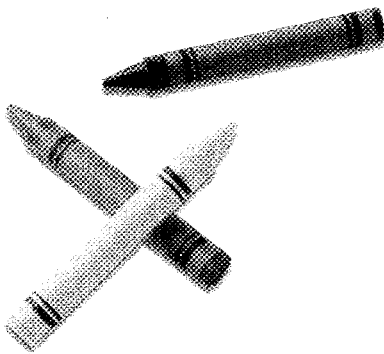
¹⁷ "Isolated, spontaneous making of single photocopies by a library in a for-profit organization, without any systematic effort to substitute for photocopying for subscriptions or purchases, would be covered by section 108, even though the copies are furnished to the employees of the organization for use in their work. Similarly, for-profit libraries could participate in interlibrary arrangements for exchanges of photocopies, as long as the production or distribution was not 'systematic.' These activities, by themselves, would ordinarily not be considered 'for direct or indirect commercial advantages,' since the 'advantage' referred to in this clause must attach to the immediate commercial motivation behind the reproduction or distribution, rather than to the ultimate profit-making motivation behind the enterprise in which the library is located. On the other hand, section 108 would not excuse reproduction or distribution if there were a commercial motive behind the actual making or distributing of the copies, if multiple copies were made or distributed, or if the photocopying activities were 'systematic' in the sense that their aim was to substitute for subscriptions or purchases." H.Rep. 94-1476, at 75 (1976).

¹⁸ *United States v. Paramount Pictures*, 334 U.S. 131, 158 (1948).

¹⁹ Section 108(c) and (e), as amended by the Digital Millennium Copyright Act, prohibit distribution of digital copies outside a library under certain circumstances. These sections rarely come into play with regard to document delivery for company employees.

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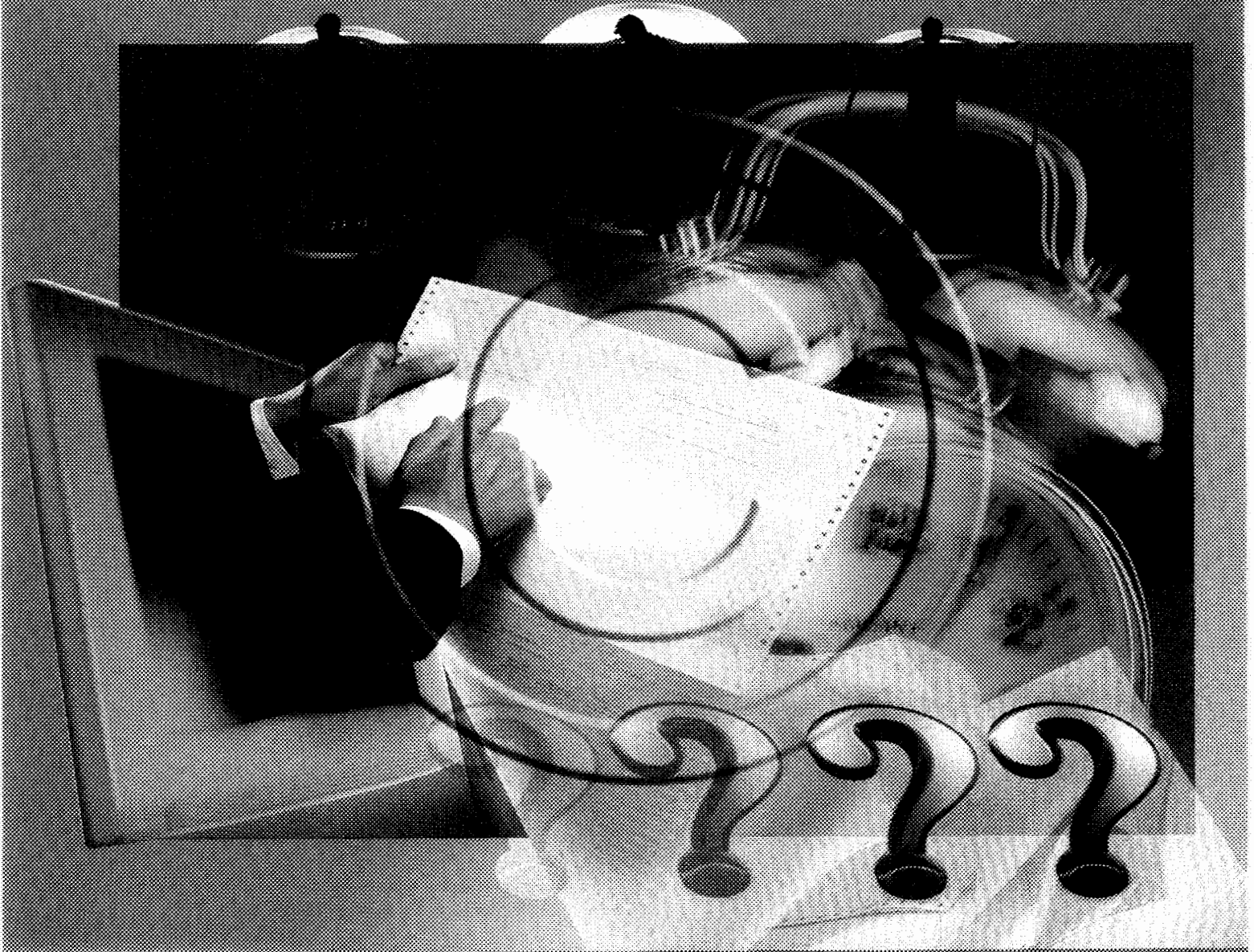
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What's Happened to Copyright?



by Laura Gasaway

Laura Gasaway is the director of the law library and a professor at the University of North Carolina. She also writes "Copyright Corner," a monthly column featured in Information Outlook.

••• Copyright and the Digital Age

THE DIGITAL WORLD HAS CONFOUNDED BOTH COPYRIGHT HOLDERS and the users of copyrighted works. Early in the development of the Internet, there were many who predicted the death of copyright¹. Some believed that everything on the Internet should be free. Others believed that a system of micropayments would make paying for the use of copyrighted works so cheap that everyone would do so and give up any fair use claims. None of this has come to pass.

Instead of working together to embrace this new world and meet the needs of both owners and users, it often appears the owners of copyrights and users of these works are engaged in increasingly bitter disputes that engender negative feelings.

Copyright holders have some hesitation about making their works available on the Internet, a medium that permits easy copying. The user community has demanded works in electronic form. Of course, publishers and producers want to satisfy this need, but will not do so without controls to protect their works from unauthorized reproduction and distribution. Through statutory amendments, Copyright Office hearings, subsequent reports and court decisions, copyright holders have strengthened their ownership rights. On the other hand, some of the antics of copyright owners have angered users as never before and users are demanding change. It appears some members of Congress have recognized that perhaps the balance has swung too far in the direction of copyright owners. These legislators appear willing to buck the well-financed copyright holder community and amend the law.

At the same time, owners are concerned about loss of control over the works they develop and market since the exchange of digital copies among users is so easily accomplished. Powerful trade groups such as the Association of American Publishers, the Motion Picture Association of America and the Recording Industry Association of America have taken aggressive stances in lobbying before Congress to strengthen copyright protection for digital works. They have succeeded in convincing Congress that copyright—a form of intellectual property—has the same attributes as real property, thus increasing their rights to control access to works as never before.

Certainly, the danger of wide reproduction and distribution of their digital works is a serious issue, but many copyright owners seem to argue that the rights they were given in the 1976 Act are not sufficient. They continue to

push Congress for more and more protection. Sometimes the arguments they raise are the very arguments copyright holders made unsuccessfully in 1976, but now Congress seems inclined to undo much of the balance between owners and users that the Copyright Act has historically provided.

Users of copyrighted works, libraries and educational institutions have also been at fault for failing to recognize and credit the fact that the Internet does provide increased risks for copyright holders. Moreover, some representatives of these groups appear to seek greater fair use rights than existed in the analog environment.

Thus, the overall environment has become increasingly negative, and it seems unlikely that the users, publishers and producers will come together and reach an agreement on many of these issues. Since January 2000 there has only been one amendment to the Copyright Act—The Works Made for Hire and Copyright Corrections Act of 2000². This amendment removed the recently added sound recording category from the definition of works for hire. In addition to Copyright Office recommendations to amend the statute, there are also pending amendments, a couple of serious proposals and a number of cases that are very important to special librarians — all of which will be discussed below.

Statutory Proposals

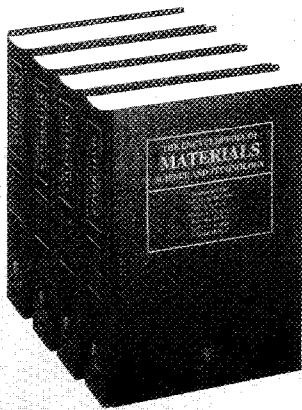
The most important pending amendment for libraries is the TEACH Act³. TEACH would amend § 110(2) by broadening the exemption as to the types of works that may be performed by nonprofit educational institutions or government bodies. It would also relax the limitations on the place of reception. But there are restrictions and new requirements that must be met in order to take advantage of the expansion it offers. All categories of works could be performed with two exceptions: (1) works “produced or marketed primarily for performance or display as a part of mediated instructional activities transmitted

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via digital networks" and (2) performances or displays that use a copy or phonorecord that the institution knew or had reason to believe was not lawfully made or acquired.

Except for nondramatic literary and musical works, performances of other works are limited to "reasonable and limited portions," but less than the entire work. Displays are limited to an amount comparable to that typically displayed in the traditional classroom, except for nondramatic literary and musical works, on which there is no limit on the amount. Additionally, the performances and displays must be an integral part of the class session and must be comparable to ones that occur in the physical classroom. In the place of the existing classroom restriction, TEACH imposes a requirement that the transmission be made solely to students officially enrolled in the course or to government employees who receive the transmission as a part of his or her official duties.

The amendment introduces some new safeguards to protect copyright owners because digital transmission creates greater risks for copyright holders. Institutions must implement copyright policies, provide accurate copyright information to members of the university community, promote compliance with the law and provide notice to recipients that materials used in the course may be subject to copyright. For digital transmissions, the institution must apply technological measures that prevent: (1) the retention of the copyrighted work in an accessible form by recipients for longer than the class session and (2) further unauthorized dissemination of the work in accessible form. If there is no digital version available to the institution or if the available digital version is subject to technological measures that prevent its use for the distance education course, the institution may digitize the analog version. This is not a blanket right to digitize analog works, but it is subject to the limitation that such digitization may be only for the portion of such works authorized to be performed under § 110(2).

TEACH has passed the Senate. Despite the negotiated revision being agreed to by educational and library associations and the publisher and producer communities, the House of Representatives has taken no further action to revise the distance education provision of the Act. This pending amendment offers balance between the needs of copyright holders and the distance education community.

Database Legislation

For several years, bills have been introduced to provide protection for databases outside the copyright law. Although Congress has yet to pass such legislation, there is continuing interest on the part of database producers to enact a statute to protect databases as staple items of commerce. Following the Feist⁴ decision (which held that in

order to qualify for copyright protection, factual compilations had to meet the originality requirement grounded in the U.S. Constitution), database publishers began to lobby for a new form of protection for their products. Based on the investment and effort of the database producer, compilations that are not original would be protectable under a non-copyright statute. The proposed amendment would offer 15 years of protection but would be renewable whenever the producer updates or expands the material. This is a matter of continuing concern on the part of library, education, research and scientific communities because of the need to have unfettered access to facts that are the building blocks of science and research. It is likely that a new database bill will be introduced this session.

Copyright Regulations and Reports

During the past two years, the U.S. Copyright Office has produced two significant reports as required by the Digital Millennium Copyright Act. The first deals with anti-circumvention⁵; the second addresses the first sale doctrine⁶ and backup and temporary copies⁷. The anti-circumvention provision of the DMCA supports copyright holders who use devices such as encryption or other methods to control access to their works. The provisions were immediately effective in 1998 against anyone who manufactured, distributed or trafficked in an anti-circumvention device, but not against anyone who used such a device.

In the DMCA, the Copyright Office was directed to conduct a study two years after the effective date of the amendment and produce a report that would determine "whether persons who are users of a copyrighted work are, or are likely to be in the succeeding 3-year period, adversely affected by the prohibition... in their ability to make noninfringing uses... of a particular class of copyrighted work." The study was to consider the availability of copyrighted works for use, their availability for use for nonprofit archival, preservation and educational purposes, and the impact that circumvention technologies will have on fair use and on the market value of such works⁸. The result of hearings and the report⁹ was a rule that made the provisions effective against an individual user of an anti-circumvention device.

The announced rule details only two classes of works that are exempted from the anti-circumvention prohibition: "Compilations consisting of lists of Web sites blocked by filtering software applications and literary works, including computer programs and databases, protected by access control mechanisms that fail to permit access because of malfunction, damage or obsolescence." The first exemption applies only to users who want to evaluate Web sites for purposes of criticizing them. Access controls have an adverse affect on the ability to do this. The purpose of the second exemption is to permit users, in-

cluding libraries, to have access to the works for which they have paid but for which some malfunction interferes with this use. The narrowness of these two classes makes them almost meaningless in practical terms.

Libraries and researchers had hoped that the more recent § 104 (DMCA) report¹⁰ would reaffirm that the first sale doctrine still had relevance in the digital environment and that it applied specifically to digital works. Instead, the report found that transmissions over the Internet reproduce a copy on the recipient's computer to which the first sale doctrine does not apply. Library associations made the argument that transmission followed by the immediate deletion of the original file from the transmitter's computer is the equivalent of the transfer of a physical copy. The report rejected this argument primarily because physical copies degrade over time while digital copies do not. Apparently, copy quality controlled whether the first sale doctrine had any application to digital works, rather than the social policies of the first sale doctrine. This disappointing holding segregates digital works from analog ones, even though Congress repeatedly said that the 1976 Copyright Act was technology neutral. Clearly, this is no longer the case.

The same study also dealt with buffer copies and backup copies of digital works. The very operation of a computer means that a copy of a work is reproduced and stored in random access memory (RAM), also referred to as buffer copies. The Register's § 104 report considered whether these sometimes called "effervescent" copies violate the copyright holder's exclusive right of reproduction. Buffer copies are a necessary incident of audio streaming on the Internet. The Register's Report recognized that a strong fair use case could be made for buffer copies that result from streaming. For clarity and predictability, the report recommended the Act be amended to preclude liability for temporary buffer copies, but only for those copies that are incidental to a licensed digital transmission of a public performance of a sound recording and any underlying musical work.

Backup copies of computer programs are permitted under § 117 of the Act for the owner of a computer program. He or she is permitted to make another copy of a program in two instances: when it is an essential step to utilize that program in conjunction with a machine, such as by loading the program onto the computer's hard drive and as an archival copy. The Register's Report clarifies that the archival exemption for computer programs does not permit making backup copies of other types of digital works and recommends an amendment to specify that the right to make an archival copy does not permit redistribution of these legally made backup copies.

Cases—DMCA

There have been a number of important cases over the

past two years that have interpreted the DMCA. The *Napster*¹¹ litigation continues even as the judge has required Napster to shut down its Web site and negotiate with copyright holders for a license to reproduce the sound recordings. The 9th Circuit U.S. Court of Appeals found Napster to be a contributory infringer because it knowingly encouraged and assisted in the infringement of the copyrights in sound recordings. In January 2002, the Napster judge announced that she would allow discovery to go forward on the copyright misuse issue raised by Napster, which had argued that the record companies misused their copyrights by imposing restrictive terms on licensing their music in violation of antitrust rules. The Justice Department is also conducting an antitrust inquiry into recording companies and has been doing so since the middle of 2000 because of the danger that the two powerful multinational rivals, EMI, BMG and AOL Time Warner (MusicNet) and Sony and Vivendi Int'l (Pressplay) could control pricing and eliminate competition from smaller independent record companies and online music providers.

The appeal of the DVD decryption case was decided by the 2d District Circuit Court recently¹². It is being appealed to the U.S. Supreme Court, but there is no indication yet whether the Court will agree to hear the case. The DVD encryption code (called CSS) was originally broken by a 15-year-old Norwegian boy who made the DeCSS decryption program available for free on a Web site. The boy could not be sued in the United States; however, U.S. citizen Eric Corley, among many others, was sued for putting DeCSS on the *2600 Magazine* Web site and for providing links where it could be found elsewhere on the Web. Corley claimed that the inability to put the DeCSS decryption code on his Web site abridged his rights of free speech. The court disagreed and held that the anti-circumvention provision is a permissible content-neutral restriction on free speech. However, for the first time a court did recognize that computer code was speech, much like any other publication. Corley also claimed that the DMCA was unconstitutional because it eliminated fair use, a right rooted in and required by the Constitution and the First Amendment. Again, the court disagreed. Bowing to pressure from the United States, the Norwegian government recently announced that it would prosecute the now 18-year-old developer of the DeCSS program for this circumvention activity.

Other Cases

The two most important copyright cases for libraries over the past two years are not DMCA cases. Both are U.S. Supreme Court cases: *Tasini*¹³, which was decided in June 2001 and *Eldred v. Ashcroft*¹⁴, which the Court has just agreed to hear next term.

Tasini held that when freelance writers transferred the copyright in their articles to publishers prior to 1995, the

transfer did not include the electronic rights¹⁵. Thus, publishers of electronic databases must compensate authors if their compilations are to include these freelance authors without a specific transfer of the electronic rights to the publisher.

Eldred challenges the Copyright Term Extension Act¹⁶. This 1998 statute extended the term of copyright by an additional 20 years – from life of the author plus 50 years, to life plus 70 years. The D.C. Circuit upheld the district court's decision that term extension was constitutional. Library associations had opposed term extension before Congress and the fact that the U.S. Supreme Court will now hear this case is encouraging.

What Lies Ahead?

Special librarians should monitor Congress to watch for passage of the TEACH Act, database legislation and for the proposal movie studios are making to Congress to include a device in each personal computer sold that will prevent the reproduction of copyrighted digital works. Representative Rick Boucher of Virginia announced earlier this year that it was time to amend the Copyright Act to restore the balance that the DMCA had tilted too far toward copyright owners. He lamented the fact that the balance had moved toward protection and away from the public availability of works¹⁷. He promises to introduce legislation to restore the balance in the Copyright. ●

Footnotes

- ¹ See "Copyright Corner," *Information Outlook*, March 2001.
- ² Pub. L. 106-397 (2000).
- ³ See "Copyright Corner," *Information Outlook*, March - April 2002.
- ⁴ *Feist v. Rural Telephone*, 499 U.S. 340 (1991).
- ⁵ See "Copyright Corner," *Information Outlook*, January 2001.
- ⁶ See "Copyright Corner," *Information Outlook*, January 2002.
- ⁷ See "Copyright Corner," *Information Outlook*, February 2002.
- ⁸ 17 U.S.C. § 1201(1)(C) 2000.
- ⁹ U.S. Copyright Office, Exemption to Prohibition on Circumvention Controls for Access Control Technologies, <http://www.loc.gov/copyright/fedreg/65fr64555.pdf>.
- ¹⁰ U.S. Copyright Office, DMCA Section 104 Report, August 2001. <http://www.loc.gov/copyright/reports/studies/dmca/sec-104-report-vol-1.pdf>.
- ¹¹ *A&M Records v. Napster*, 239 F.3d 1004 (9th Cir. 2001) and see "Copyright Corner," *Information Outlook*, April 2000.
- ¹² *Universal Studios v. Corley*, 273 F.3d 429 (2d Cir. 2001) and see "Copyright Corner," *Information Outlook*, July 2000.
- ¹³ 121 S.Ct. 2381 (2001).
- ¹⁴ 255 F.3d 849 (D.C.C. 2001); cert. granted 2002 U.S. LEXIS 640.
- ¹⁵ See "Copyright Corner," *Information Outlook*, September 1999, February 2000, September-October 2001.
- ¹⁶ See "Copyright Corner," *Information Outlook*, January 1999.
- ¹⁷ Rick Boucher, *Time to Rewrite the DMCA*, C/net News.com, January 29, 2002. <http://news.com.com/2010-1078-825335.html>.

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No Ordinary
Historian: An
Interview with
Doris Kearns
Goodwin

INTERVIEW

by Leslie Shaver

Leslie Shaver is the editor of Information Outlook.

••• A Sense of History

IT HAS BEEN ALMOST 40 YEARS SINCE DORIS KEARNS GOODWIN WAS A GRADUATE student spending the summer in the House of Representatives. During that summer of 1965, Goodwin had the opportunity to see Lyndon Johnson's administration at its highest point as a flurry of historical social legislation went from the president's desk through Congress. Little did Goodwin know at the time that she would also be there during Johnson's lowest point—when the public outcry about his decision to escalate the conflict in Vietnam grew so loud that he was forced to drop out of the 1968 presidential race. But Goodwin, an opponent of Johnson's Vietnam policy, was with him during his final days at the White House and his retirement to his ranch in Texas.

This experience gave Goodwin an insight few would have into Johnson—a colorful figure, who rose from meager beginnings in the desert of West Texas to the height of world power. Goodwin turned this experience into a New York Times bestseller called *Lyndon Johnson and The American Dream*. After this smashing success, she moved onto other major 21st century American figures—the Fitzgerald and Kennedy families and Franklin and Eleanor Roosevelt. She won a Pulitzer for *No Ordinary Time: Franklin and Eleanor Roosevelt: The American Home During World War II* and spent five months on the New York Times bestseller list for *The Fitzgeralds and The Kennedys*. She also has appeared regularly as a commentator on NBC, written about her beloved Brooklyn Dodgers in *Wait Till Next Year: A Memoir* (another bestseller) and became the first female journalist to enter the Boston Red Sox locker room.

Yet, even one of America's most-respected historians has not been able to avoid controversy. It recently came to light that Goodwin did not properly attribute quotes in *The Fitzgeralds and The Kennedys*. These revelations and the resulting controversy has forced her publisher, Simon and Schuster, to destroy unsold copies of the book and the University of Delaware to cancel a speaking engagement.

Throughout the ordeal, Goodwin, the closing speaker at SLA's 2002 Annual Conference, has admitted she made mistakes and fought to maintain her integrity. In this month's *Information Outlook*, Goodwin speaks with Editor Leslie Shaver about this recent controversy, her experiences with Johnson and how she became interested in history.

Leslie Shaver: *What sparked your initial interest in government?*

Doris Kearns Goodwin: History was my first love. I think

back to childhood when I kept scores of baseball games and recorded the history of those games. I also listened with great interest to my mother's stories of the days when she was young. The past always had a hold on me.

But what happened to me is what often happens with many young people—there was a fabulous teacher in the government department at Colby College. We [the students] gravitated toward him. He was magical. I went on to get my Ph.D. in government, but it was still political history that absorbed me.

LS: *How did you end up working for LBJ?*

BKE: I had an active desire to have some experience in government during school so I worked in the House of Representatives for one summer during graduate school. That was the fabulous summer of 1965 when most of the Great Society legislation was passed. While I was still in college I interned in the State Department.

But my biggest experience in government was when I became a White House Fellow in the spring of 1967. That was the program started under Lyndon Johnson by John Garner, who just recently died. It was a fabulous program. Colin Powell was a White House Fellow. So was Tom Johnson from CNN. You go down for a year and you are assigned to a Cabinet member or White House staff.

It was funny how I began working for LBJ. There was a dance at the White House on the night we were selected and I danced with President Johnson several times. That was not so unusual because there were only three women there. During the course of dancing, he told me he wanted me to work directly for him in the White House. But it was not that simple. In the months before my selection, as a graduate student at Harvard, I had been active in the

anti-war movement. I had written an article against him, which came out days after this dance at the White House. I was certain he would kick me out of the program, but surprisingly, he said, 'Oh, bring her down here for a year and, if I can't win her over, no one can.'

LS: There are all these great stories about Johnson being this guy who was, for lack of a better description, rough around the edges. How true were these?

DKG: He was the most colorful political figure I have ever encountered. He was a great storyteller even if half of his stories were not true.

When I worked for him, I was young—24 or 25—and in some ways he just wanted someone to listen to him. And I would listen avidly to these great stories. It was such a luxury to spend so many hours with him. I was not doing critical stuff during those days.

Johnson brought me to the White House right after he withdrew from the presidential race in 1968. I spent the last few months of my fellowship in the White House. He asked me to stay on for six more months until he left the presidency and to accompany him to his ranch to help with his memoirs. I went down to the ranch part time while I was teaching at Harvard. It meant walking with him up and down a dirt road that went to his ranch and talking with him early in the morning when he was in his pool.

I realize now even more than I did at the time what an extraordinary experience it was to spend so many hours with him. I feel privileged to have listened to that large character, especially in those days when he was still absorbing the potential loss of his legacy and feeling anxious about the future. He probably opened up to me in a way that he would not have if I had known him at the height of his power.

LS: What kind of toll did Vietnam take on him?

DKG: There is no question it cut his presidency in half. But in some ways it also cut his life in half. [During retirement] it was very hard for him to leave the ranch, knowing if he went out to give speeches, there would be protests.

Now historians are giving him credit for his accomplishments with civil rights, voting rights, Medicare and aid

for education, but at the time all the discussion centered on Vietnam. He had no assurance that his legacy would see through. To live those last few years of your life and to feel that it could have been different was so hard for him. It was hard on his health. He had a heart attack early on during the retirement years. He still was smoking and not taking care of himself. Somehow, I have a feeling some of that will to live had been lost. If it was not for his family, I think it would have been totally lost.

LS: Did he change your mind on Vietnam?

DKG: Not really. He changed the empathy I felt toward him. He made me understand the pressures he was under and how much he wanted to get involved in the war. He thought we had to fight because we could lose all these other countries in Southeast Asia. That did not convince me that it was the time to fight the war, but the conversations certainly made me understand where he was coming from. I felt enormous empathy for his early desires to avoid confronting the war because he wanted to end poverty, accomplish things in civil rights and provide people with a greater chance in life. That's where his passion was. It certainly made me feel sadder and more empathetic toward him.

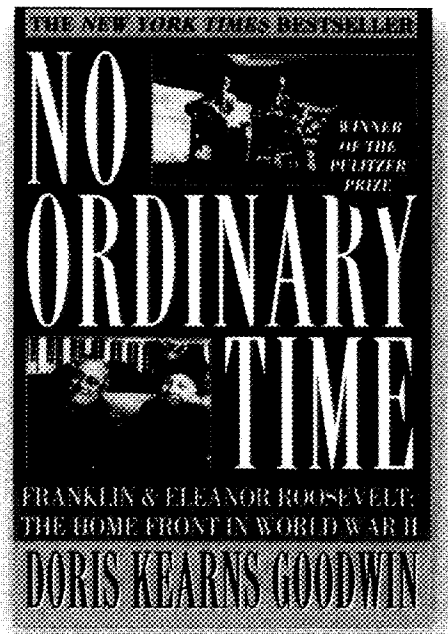
LS: What spawned your interest in the Fitzgerald and Kennedy families?

DKG: The most important thing was that my husband, Richard Goodwin, was a young aide in the Kennedy campaign of 1960 and worked on his White House staff. Because my husband knew the family well, I had met many of the family members.

Equally important was that we lived in Boston. The story of the Fitzgeralds and Kennedys was as much the history of Boston as it was the saga of a family—starting with the immigrant roots of John Fitzgerald going up to the inauguration of John F. Kennedy, Jr. It had to do with that whole cycle of Boston history as well as the story of the family.

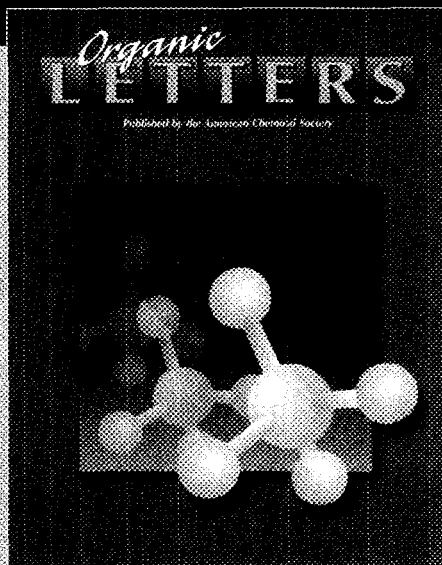
LS: How would you contrast that with the Johnson upbringing, which was Western Texas and not very wealthy?

DKG: The interesting thing, when you look at the history of the Kennedys, is that they started out in immigrant



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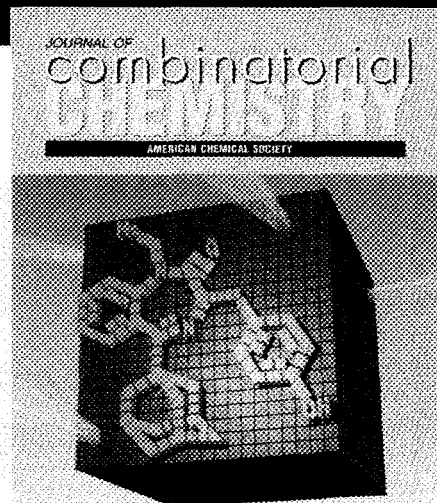


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slums. John Fitzgerald was the one out of his nine brothers that made it up from poverty to become the mayor of Boston. Each generation moved higher on the ladder—both economically and politically.

I started the story with the baptism of John Fitzgerald as he was carried through the slums and tenements of Boston. I ended it as they carried the records of baptisms through the generations. The records stopped when John Kennedy was assassinated.

What you realize is that despite all of the wealth and power, the arbitrariness was such that in the last generation—when they should have enjoyed the benefits of the wealth and power—four out of the nine kids died young. It seemed in some way an odd arch to the story, showing that nothing insulates one from the arbitrariness of life and death.

Rose Kennedy would always say that if her children who died young could come back, they would still choose the lives they had been given to lead because they had been chosen to have so much excitement and adventure that it would have made up for the shortness of those years. It made me think about that a lot, especially having young children at the time. If you would have the chance for a larger public life but never see your kids graduate grammar school and fall in love and get married, would it be worth it?

LS: *As we talk about this book and your research, we do have to address some of the recent plagiarism allegations. What problems occurred as you were researching and writing the Fitzgeralds and The Kennedys?*

DKG: What happened is a lot simpler than what was made out to have happened. There never was a question of my having lifted passages from anybody else. As this has happened, things were told differently from what actually happened.

There were attributions to the sources in one book in particular. These were just minor things that probably would not have been a problem if they had stood on their own, but in the one book with Lynne McTaggart there was simply a question of having taken notes on the book and not checking the book at the end against my notes. It was something I should have done and it was simply a problem of not doing that.

LS: *How have you changed your research process since then?*

DKG: Now that I am on a computer, the process has changed. Any notes or reactions from the book I keep separate from the source itself so that I know they are my thoughts on the book, rather than the book itself. I have

the book in front of me when I do the footnotes because I can do the footnotes at the exact moment I write, which is very different from the process before when I had more papers and stuff scattered around. Then sometimes I would be waiting until the chapter was done or I would be finishing the footnotes later. Attribution is just much easier to do when you have the computer there and the process to do it right in front of you.

What also makes it easier is that you can scan notes on books. You don't have to deal with the volume of the book. If you were writing a section and you would have had 15 books in front of you, it sometimes is hard to draft if each of these books have to be open to something. But now that you can just scan the pages all you have to do is fold them. Modern technology has helped and it will never happen again.

LS: *Was The Fitzgeralds and The Kennedys the only book you can safely say this happened with?*

DKG: There is no question about that. The problem with *The Fitzgeralds* and *The Kennedys* was unique to the process that I used.

LS: *Which was?*

DKG: Not having the source as I took the attribution. The footnote always said cited to "X." It was simply a question of picking up some phrases or some fragments that should have been paraphrased. That's all it was. There has never been a question of trying to hide someone else's work. Nobody has argued that. The idea that plagiarism was involved was absolutely wrong.

LS: *What were your first reactions when this became public? Do you feel like you have been betrayed by anyone since this happened?*

DKG: Most people that I know and the people that I lecture to have not only been very loyal but also incredibly supportive. I have given a couple of lectures since this has happened—one in Springfield, Ohio, and one in St. Paul, MN—where I have gotten standing ovations at the end. It meant a lot to get this applause knowing that the people still felt a sense of connection to the person that you are. I think what people respond to in a book is not simply the mechanical process in the end, but rather laying bare to the characters you are writing about, the research quality and how you deal with the strengths and weaknesses of the characters and how you bring the characters to light. There are so many other aspects of what make a book matter to a reader.

The one thing I guess I did not realize during this is when you are a public figure, you are open to this kind of criti-

cism. I have never really experienced this before. But in the end, the things that matter to you before—the family that stands behind you, your colleagues that have been supportive and your great friends—are still the things that matter to you. You take that for granted a lot of times but when you are going through one of these things... that is what... gives you strength.

LS: Looking at the complete other extreme, what was it like to win the Pulitzer?

DKG: The most wonderful thing about it is the knowledge that it has been given to you by colleagues in your profession and that it is something that will stay with you for the rest of your life.

I loved working on that book. It was my favorite book to work on. If any one were going to have won the Pulitzer Prize, I am happy that it was that one

LS: What made that your favorite book?

DKG: At a time when less serious issues were at the surface (O.J. Simpson and Monica Lewinsky), I felt enlarged to be able to relive an era where the country was united by a common cause against a common enemy.

Also, for me as a woman, it was such a great luxury to write about a great woman like Eleanor Roosevelt. It was also important because it was in the homefront. I probably would not be well equipped to write about battles abroad, but I could understand the dynamics of what happened at home, which has so much relevance to what is happening today in a way that I would have never guessed at the time.

LS: Do you see this country united in such a way that it has not been since the 1940s?

DKG: In the aftermath of September 11 it was. That attack was so stunning to the people. In some ways it was even more rupturing than Pearl Harbor. It happened in New York City as ordinary people were going about their daily lives, not on a military base somewhere far away. I suspect it mobilized sentiment and emotion even deeper than Pearl Harbor. The consequences of Pearl Harbor and the overarching effects of World War II are so enormous that we don't yet know if the effects on the war on terror will match it.

World War II changed the world. It ended Hitler and the worst massacre in the Western Civilization. It changed our country. At the beginning, our country was rather economically divided with very few middle class people. By the end, between the G.I. Bill, the progressive tax system and the expanded opportunities for work, the country was

not only more powerful, but less discriminatory. The country was a much better place at the end of the war. Only time will tell whether or not those changes occur here, but the initial act of September 11 did produce that widespread unity. The question then becomes if we start moving into other countries, does President Bush have to renegotiate that consensus? I think everyone understood why we had to go into Afghanistan.

LS: As someone who has studied and seen some of the most extraordinary presidencies of the 20th century, how do you rate President Bush's performance so far?

DKG: I think there is no question that right after September 11 he found the exact right tone and the voice that the country needed. I thought in some ways his most interesting moment was that one in New York when he was with the firefighters and the police and they said, 'We can't hear you.'

He said, 'That does not matter. We can hear you and the whole world can hear you.'

That was a spontaneous thing where you somehow get the feeling that a leader is absorbing energy from the people and I think that's what happened. He had already shown some signs of strength by surrounding himself with a strong Cabinet. In the beginning he was criticized for getting people so much more experienced than him. People wondered if he would really be in charge. Yet, when a crisis like this occurs, I think everyone is glad that he is surrounded by strong people.

Roosevelt was able to make the homefront and the warfront one. They were not two separate fronts. So every decision that he made was to protect us for the war effort as a whole. I think of both sides now, people are altogether on the war but are arguing about domestic policies. The debate is very good. But I think the debate has to be in terms of what resources we need if we are going to have a long-term war. And how do you judge everything against that possibility?

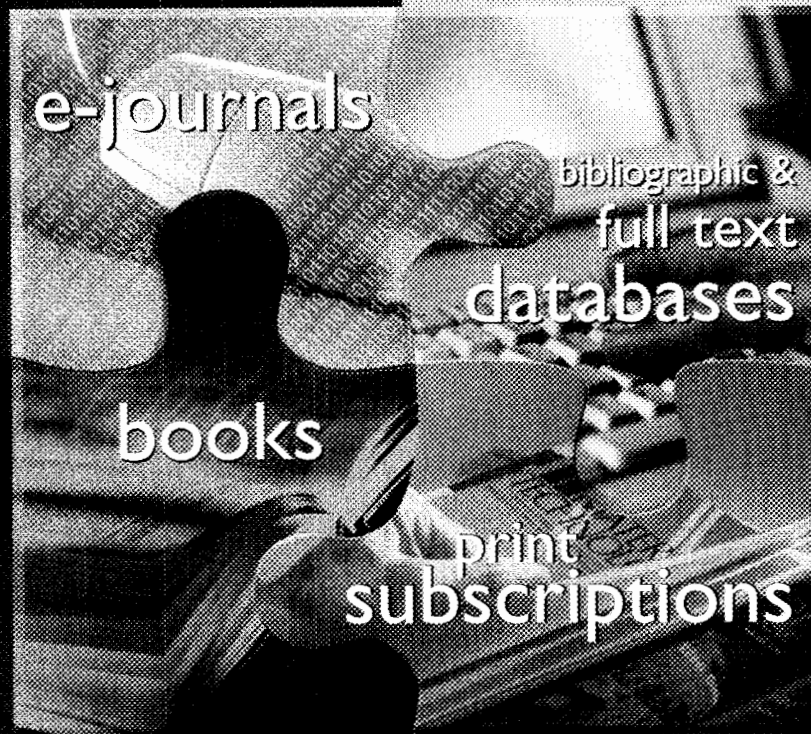
Government and business had a great partnership during World War II that produced tens of thousands of ships and tanks. No one imagined that could have been done in such a short period of time. That's an urgency that is still needed here.

LS: Looking into the future, who are some figures you are targeting for books?

DKG: I am working on a book about Lincoln now and that will take awhile. He is such a large figure and the war is so central; it will probably be done in two parts because it was getting very fat.

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The first one will be called *A Team of Rivals: Making Lincoln's White House*. It will focus particularly on this great tumultuous group that surrounded him in his circle. All of whom were his rivals originally. What's so great about this focus is that they all kept diaries and they wrote intimate, emotional letters to each other. This allows you to recreate their private lives as well as their public lives. Lincoln somehow becomes the master of this extraordinary circle, though in the beginning they all think they should be president instead of him.

If William Manchester had not written so greatly about Winston Churchill, I would have loved to written about him. He is a great 20th century figure. When I thought about how firefighters and police and ordinary people reacted after September 11, it was so reminiscent of the blitz when the Londoners were under siege for 57 straight days, but refused to give in and let their spirits be broken. When the windows were shattered in restaurants after a heavy bombing, the storeowners would put signs saying, "More open than usual." Churchill was right; it was their finest hour.

LS: While we all talk about September 11, another huge news event in recent memory was the 2000 elections. What do you think this did to the country?

DKG: One positive thing it did was rivet people's attention to public life and the important questions in public life. What was hopeful during the never-ending election was that real questions were raised about the way we vote and the fact that some machines are older than others or more prone to error than others. It was almost like the

foundation in our voting system was shaky in some ways, but you never knew until this strange hurricane occurred where everything was so close that it brought all these problems to light. One had hoped that this would change these problems somehow. Some of this is still going on in little ways, but the attention that would have been given to the election had September 11 not occurred would have been much greater.

LS: I know you wrote a book about the Brooklyn Dodgers and you were a huge Dodgers fan growing up. Did you follow them to LA?

DKG: I did not follow them to LA. In fact for seven years, I just did not follow baseball at all until I moved to Boston to go to Harvard and went to Fenway Park. When I went to Fenway Park, the fans in Boston were so reminiscent of the old Brooklyn Dodger fans that I became a Red Sox fan. My father went through a similar transition. He did not follow baseball either because he was so saddened by it all, but eventually he became a Mets fan.

People went different ways afterward, but it took awhile. You just did not move from one thing you loved to another thing. Unfortunately, as much as I love the Red Sox they are like the Brooklyn Dodgers—they do so well until the very end and something always happens.

LS: So who is your pick for the American League East this year?

DKG: You have to go with your hopes. If you don't start out spring thinking your team is going to win, then you have no hope for the rest of the year. I am picking the Red Sox! ☺

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SLA Announces Changes to the 2002 Annual Conference Schedule



LA Conference Update

by Nikki Poling

Nikki Poling is the assistant editor of Information Outlook.

••• LA Update

SLA'S 2002 ANNUAL CONFERENCE IN LOS ANGELES IS JUST AROUND THE CORNER and the association has announced a number of last minute events. With June rapidly approaching, *Information Outlook* brings you the following updates and sneak peeks of scheduled events.

Hot Topic Series

Alison J. Head to Speak About Usability Study of Corporate Intranets

Are corporate intranets providing the information users are seeking? Alison J. Head has conducted a study to answer this query. "On-the-Job Research: How Usable are Corporate Intranets?" by Head (with Shannon Staley) presents 32 findings and makes 24 recommendations as to how companies can construct their intranets with a more "usable design." Head conducted her study in the summer of 2001 amongst seven different companies: Bechtel, Chevron, Fireman's Fund Insurance Company, Gale Group, Gilead Sciences, Sun Microsystems and Synopsys.

She was curious to know, "What do people need in their everyday job—and is it available, or can they find it?"

When the results were in, she found that more than half of the study participants could not find information on their corporate intranets, as assigned to them in their hypothetical "tasks." Head explained that although contact information ranked as the most sought after item on a company's intranet, often that information was spread out—with a user having to search for the name of the contact in one place and number or address in another.

During the Hot Topic presentation, Head will discuss the study, in which managers, administrative assistants, librarians and market researchers were monitored to document how well corporate intranets function to answer frequently asked research questions.

"Intranets are evolved, but not as evolved as we think," said Head.

Head is the founder and principal of Alison J. Head & Associates, a usability consulting firm in Sonoma, California. Her clients include Hewlett Packard and Sun Microsystems. She is the former director of information management for the *Press Democrat* and has taught at San Jose State University's School of Library and Information Studies for nine years. Head has a Ph.D. and a

MLS from U.C. Berkeley and was a visiting scholar at Stanford University, where she studied human-computer interaction. She is also the author of *Design Wise: A Guide for Evaluating the Interface Design of Information Resources*.

Hot Topic Series

Life After Enron: Lessons Librarians Can Apply to Survive in Today's Turbulent Workplace, a presentation by Morris Blatt

Recent corporate accounting and financial reporting developments (e.g., Enron, Suprema Specialties) necessitate a pressing need for data gatherers to read between the lines (in order to evaluate the information provided versus their true value) and insure their clients get correct information in response to their requests. Regardless of what you think you know, retrieved information can be deceiving and/or misleading. Data that is gathered and passed on to clients cannot be blindly accepted as being accurate. It needs to be questioned, evaluated and validated. An information professional's integrity and image are based upon answering client's requests correctly and in a timely manner.

The information professional's role is of the utmost importance to their organization (be it academia, government or private sector). Potentially incorrect, non-evaluated and non-validated data can lead to an information professional's downfall.

This Hot Topic session will cover data sources, potential data pitfalls, data interpretation and ways of recognizing and resolving the problems they pose. Attending this session will improve the information professional's data integrity and analysis, thereby increasing their credibility, performance, image and client satisfaction.

This event is a follow-up to Morris Blatt's, "Accuracy vs. Precision in Secondary Data Sourcing," a presentation at last year's SLA conference in San Antonio.

Morris Blatt is president of On Trac Solutions, a training

and consulting company specializing in competitive intelligence, data acquisition and strategic planning. He has 30 years experience and his clients include everything from start-up businesses to \$40 billion companies. Blatt served for two years as the strategic planning officer for SLA's New Jersey Chapter, as well as serving on the steering committee for SLA's Northeast Regional Meeting. Currently he is an editorial review board member for *Competitive Intelligence Review* and an advisory board member of Frost & Sullivan's Competitive Intelligence Conferences. He was a review committee member of the 2001 National Online Meeting.

Virtual Association Series

Due to budget cuts, a lack of free time or travel restrictions, SLA understands that not all members can make the hike to LA. And since users are becoming more comfortable with learning at their desktops, it seems the perfect time for the association to engage their latest learning tool—the Virtual Association Series. Created to meet the changing needs of SLA members, the series also delegates more freedom to the presenters.

There will be three virtual presentations taking place in LA this June, all of which will be available throughout the United States and Canada. Each seminar can be viewed from a desktop or a pre-selected site within the Los Angeles Convention Center. The presentations utilize BrainShark, a system that incorporates audio conferencing and PowerPoint technology. The Virtual Association Series will include the following scheduled presentations:

Return on Information Investment: Quantifying Your Value in the Organization

(tentative title)

Speaker: *Jan Sykes, Information Management Services*
Time: Monday, June 10, 11:30 a.m. – 1:00 p.m. (PST)

Technology Disaster Recovery

Invited Speaker: *David Ives, NELINET, Inc.*

Time: Tuesday, June 11, 9:30 a.m. – 11:00 a.m. (PST)

Information Audit

(tentative title)

Speaker: *Sue Henczel, CAVAL Collaborative Solutions, CAVAL Limited*

Time: Wednesday, June 12, 12:00 p.m. – 1:30 p.m. (PST)

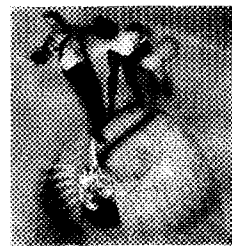
If you are unable to attend any of these live sessions, a V-Pak can be purchased within two weeks of any live session. The V-Pak includes an instruction sheet to access the PowerPoint slides, a hard copy of the handouts and an audiotape of the session. Attendees planning to participate in virtual presentations on-site in Los Angeles will not be charged; however, if you are logging on to see a presentation off-site, you will be charged in accordance to rates used for the SLA Strategic Learning Team's "Virtual Seminars." For more information, contact the Strategic Learning Team at (202) 939-3679 or SLA's Knowledge Exchange at (202) 939-3639. You'll be glad you did!

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Strategic Learning Career Connection

Looking for a new job? Are you an employer searching for new talent? Consider dropping by SLA's Career Connection (formerly Employment Clearinghouse) during the 2002 annual conference in Los Angeles. Career Connections links employers to talented professionals, by providing live interviews at the conference. You can conduct job interviews in Los Angeles from Sunday, June 9, through Wednesday, June 12. To learn more about the available opportunities through Career Connection, visit www.sla.org/content/jobs/connection.cfm or call the Strategic Learning Team at 202-939-3627.

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NOTE: In reference to the April *Information Outlook* feature, "Organizing Corporate Knowledge: The Ever-Changing Role of Cataloging and Classification," a corresponding seminar about cataloging will be featured at SLA's 2002 Annual Conference in Los Angeles. The program, which will be held Monday, June 10 from 1:30 p.m. to 3 p.m., is titled "Changes to AACR2 and Their Impacts on Cataloging."

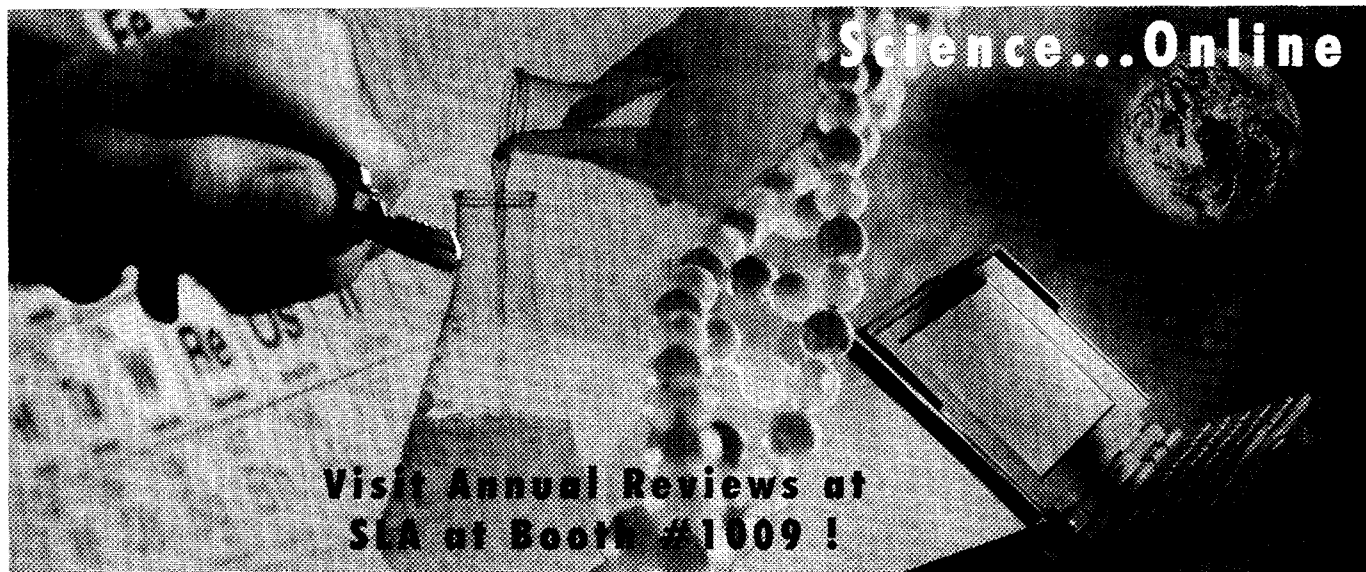
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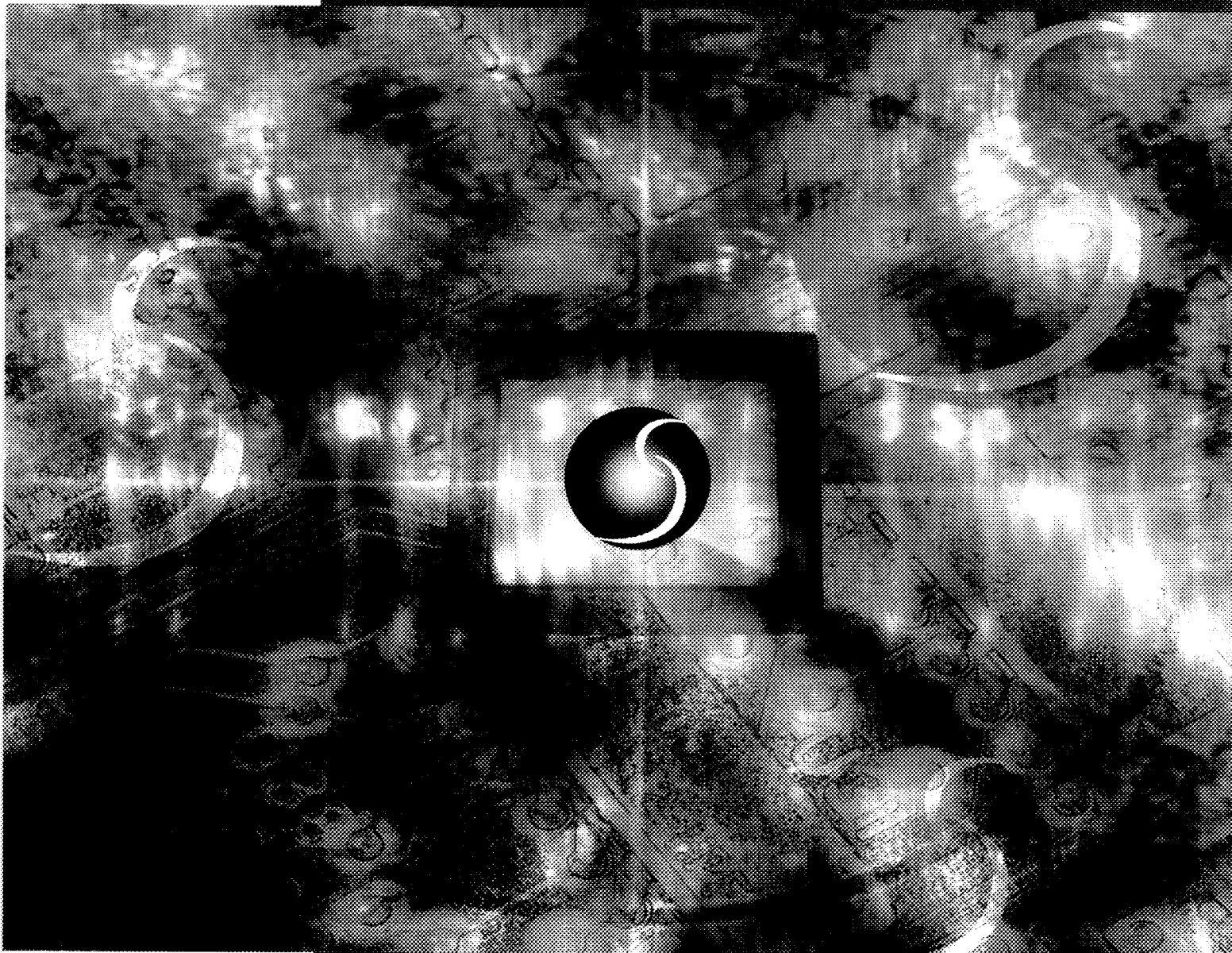
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Getting to 100: Managing Change at the Special Libraries Association



by Guy St. Clair

Guy St. Clair is the consulting specialist for Knowledge Management and Learning at SMR International in New York City. St. Clair is scheduled to author the association's centenary history, to be published in 2009. He is a past-president of the association and can be contacted at GuyStClair@cs.com.

••• The Spirit of Change

THERE ARE THOSE WHO ASSERT (CORRECTLY IN MY OPINION) THAT SLA'S strength in managing change is one of the association's critical assets. In fact, it was at a program at an SLA conference that the theme of change management was so forcefully stated that, for some practitioners, it became something of an operational mantra. David S. Ferriero and Thomas L. Wilding, speaking in San Antonio in 1991, recognized that "change is both inevitable and desirable" in information management (Ferriero and Wilding, 1991). If change is both inevitable and desirable in our work, it can be safely said, without fear of contradiction, that change is equally inevitable and desirable in our professional association. In that context, Past-President Donna Scheeder said it best and repeatedly during her presidency: "In SLA, change is our tradition."

One of SLA's best-loved and most influential management leaders was Rosabeth Moss Kanter, who at SLA's 1986 Conference in Boston had more than 1,000 specialist librarians standing and cheering. Her book on how innovation and entrepreneurship could bring about change in the American corporation had just been published and, as she described how specialist librarians could become "change masters" in their own organizations, everyone jumped with joy. Librarians finally felt a connection with the practice of management that few had ever felt before; Kanter's inspiration and drive pushed everyone forward.

Kanter's inspirations didn't stop with 1986, though. In fact, she has continued to publish and speak about the subject of change. In a 1998 interview she defined what she calls "the change-adept organization" as an organization which is constantly investing in three things:

- innovation;
- learning and professionalism;
- collaboration (Kanter, 1998).

Sound familiar? Kanter could almost be describing SLA. If you think about the changes that have taken place in the association within the past decade—the creation of new divisions and chapters; the establishment of caucuses as association subunits; the identification of core competencies for information professionals; the work of the five task forces and similar activities—you have to accept that Kanter's three criteria converged as these changes were undertaken. SLA embodies innovation, learning and professionalism and collaboration unlike any other professional association affiliated with librarianship, information management or knowledge services.

But SLA's application of these criteria can be taken back much further than the past decade, to long before they

were articulated by Kanter. For example, SLA's very inception began with a need for change. The question of *whether* to change was not even a consideration. Major change was required and it had even been anticipated before John Cotton Dana and F. B. Deberard called a group of 20 specialist librarians together on the veranda of the Mt. Washington Hotel in Bretton Woods, New Hampshire.

The participants in the "Veranda Conference," as it has come to be known, decided that the demands of their jobs had actually created a new kind of librarianship—that of library service geared to meet the needs of specialized situations. These librarians were breaking completely new ground. There were no patterns to follow. They felt that they had everything to gain by forming their own working group to tackle their problems cooperatively (Elizabeth Ferguson, in Mitchell, 1959).

An early change built on this cooperative focus. The inclusiveness and diversity of SLA's membership was established as a singular characteristic of the association, as is demonstrated in the association's constitution (Adopted at Bretton Woods, New Hampshire, July 2, 1909):

The object of the association is to promote the interests of the commercial, industrial, technical, civic, municipal and legislative reference libraries, the special departments of the public libraries, universities, welfare associations, and business organizations (Mitchell, 1959).

Diversity among the types of organizations represented in SLA was not the only thing that made members unique. Early on it became clear that "library" wasn't always the word to describe where they worked and what they did. In 1941, newspaper reporter Leland R. Smith noted:

These librarians often don't even call their place of business a library... their libraries are "information centers," the librarians are fact finders. And they have their fingers in a lot of queer pies (Smith, 1941).

Those queer pies provided opportunities, of course, and SLA's membership and its leaders were quick to undertake activities of the kind that would later be described by Peter F. Drucker when he advised nonprofit organizations about change management. These organizations must be organized to "perceive opportunities" and "to systematically look both outside and inside for clues to innovative opportunities." One strategy, according to Drucker, is "practically infallible" – to "refocus and change the organization *when you are successful*." Responsibility for change lies "at the top, as in everything that has to do with the *spirit* of the organization... Executives who run innovative organizations must train themselves to look out the window, to look for change... The first requirement for successful innovation is to look at a change as a potential opportunity instead of [as] a threat..." (Drucker, 1990).

The opportunities were there from the beginning, of course, and it soon became apparent to librarians working in specialized libraries that there could be strength in numbers. So they began to affiliate by subject interest or business, forming their first group (later division) in 1916. Other groups were formed in quick succession. The idea of local gatherings became popular as well, and within a few years of the association's founding, "Responsibility Districts" were created, later to evolve into the association's chapters (Mitchell, 1959).

As an example of how to apply Drucker's "practically infallible" recommendation, SLA's leaders eventually realized that much of the association's success was linked to the strengths of the membership, as represented in the divisions and chapters. Considered by many to be the memberships' direct connection to the SLA Board of Directors, the leaders of these two subunits (then called "liaison officers") were invited to attend board meetings, but they were not entitled to vote. This changed in 1974, when the success of those liaison officers in representing their respective constituencies led to a major structural initiative and association members approved a bylaws change to create the Chapter and Division Cabinet Chairs and Chairs-Elect as directors, replacing the Chapter and Division Liaison Officers. The first such directors were elected in 1974-1975.

Were these changes "smooth," simply and elegantly resolved with the ladies and gentlemen of the profession always marching along in step with one another? Of course not, but they were undertaken and achieved successfully simply because the association's leaders recog-

nized collaboration as a major management principle. They may or may not have realized that by the turn of the 21st century, collaboration would be considered a critical management attribute. In his work on the subject, Edward Marshall has gone so far as to assert that "collaboration is the premier candidate to replace hierarchy as the organizing principle for leading and managing the 21st-century workplace" (Marshall, 1995). If that is the case, then SLA is primed to continue its strength as change is required.

But collaboration was only part of the picture, as was certainly evident in other changes which required an attention to innovation and a focus on learning and professionalism. For example, the move toward becoming a global association was, quite literally, out of our hands. As society in general and the business and research communities in particular, moved to an international focus, our association could not simply stand by and "let it happen." And we were anticipating this change anyway, even if not in any formal way. As early as the end of World War II, Walter Hausdorfer (SLA president in 1944-1945) described in a newspaper interview the association's international relations committee as working with something called "the joint committee for aid to devastated libraries," with plans to "extend [SLA's] sphere beyond our shores" ("Special library's..." 1945). Two other former presidents, Elizabeth W. Owens (1950-1951) and Vivian D. Hewitt (1978-1979), made serious moves toward internationalism during their respective terms of office. By the last decade of the last century, of course, SLA had no choice but to become an international association. If it was to play a viable role in information management and in the support of information professionals working in the field, SLA had to do so with a global reach.

Similarly, the move toward establishing SLA as a virtual association was driven not so much by the natural inclinations of the association's leaders and staff, but simply because SLA *had* to do it if it was to function for the benefit of its members. Establishing SLA as a virtual association was not easy. A collaboration of the highest order was required, as were establishing an innovative ambience and excelling at learning and professionalism. Throughout this effort, the association's members were exposed to the virtues of the virtual association and made aware of how it would be used to enhance their individual professionalism. This particular activity was done so well that today most of us can't even imagine SLA without recognizing its role as a virtual association.

Of course there were changes that did not go smoothly, and some of these efforts can only be characterized as unpleasant. The members of the association and its leadership could not collaborate in some areas and sometimes an organizational version of "bad blood" resulted. The

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infamous dues increase of 1995 was preceded by several years of dissention and debate, including (because a by-laws change is required to change the dues) a "stand-up" vote at the 1991 Annual Meeting in San Antonio. During this meeting, a motion to send the change to the membership in a mail ballot was defeated. It was not until 1995 that the dues increase made it through the process and no amount of strength in being change-adept could have made it happen any faster.

Other changes have been suggested and have not come to fruition, despite the best intentions and sincerity of those proposing the change. Certainly one of the hottest issues has been, for many years, the name of the association. SLA, as a professional association, has its strength in the diversity of its membership, as was clearly spelled out in the SLA Constitution of 1909. In the intervening 93 years, however, that diversity has brought to SLA many interested parties who are not librarians, and while networking with information and knowledge services professionals from beyond librarianship continues to be one of the association's great goals, some have sought a more direct path to these people. James B. Dodd (SLA president, 1980-1981) drew his line in the sand in his final address in June, 1981, referring to the association's name as a "handicap" and stating his opinion that "the word 'library' is an albatross around our necks from which we should cut ourselves free." Eleven years later, in my own final address as SLA's president, I also proposed a name change as a means of better expressing who we are and what we do. Since then, there has been much conversation and debate about the name of the association, but, in this instance, the change has not happened.

The future of the association is in the hands of its members. Mechanisms exist for moving the association into new—and, yes, perhaps threatening or different—directions. We have a structure that will permit change, and indeed, will even permit change to that structure. Simply put, the association came into being as a change agent, and it will only continue to exist if it can continue as a change agent. Where the association will go and the kind of association it will be when it reaches its centenary can't be predicted today. But wherever SLA is going, our members, leaders and staff will do well to pay attention to some thoughts from Stephen Abram (paraphrased here with permission):

"The strategic window of opportunity for specialist librarians and SLA is huge, but keep in mind that it won't be open long. We're about to enter the boomer-retirement era. It will be the largest flight of knowledge capital from the open market—and from SLA—in history. Knowledge—tacit, explicit and cultural—will need to be transferred. The gauntlet has been thrown down for specialized librarianship and for SLA: use the technology, use our

professional skills, learn from others and we will be so stupendously successful that the world will beat a path to our door" (Abram, 2002, paraphrased).

SLA can be the means through which the world reaches that door, if we are willing to accept that change. Fortunately, change management and change implementation are our great strengths. And change is our tradition. ●

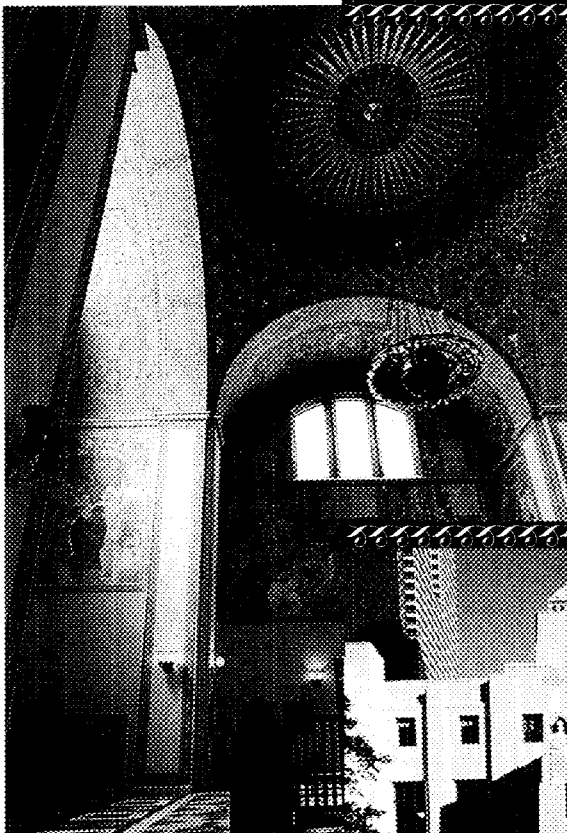
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The Process of Self Development

by Bruce Rosenstein

Peter Drucker is his own best advertisement for self-development and self-management.

At 92, he has done more major work in recent months than most of us can comprehend. He wrote a 19-page feature for *The Economist* last November and an article in the *Harvard Business Review* this February. And he will be the keynote speaker at the 2002 Special Libraries Association Annual Conference in Los Angeles this June.

"Managing Oneself" is one of the largest chapters in his 1999 book, *Management Challenges for the 21st Century*. He addresses the topic in articles and speeches, and in the lesser-known but fascinating 1997 book, *Drucker on Asia: A Dialogue Between Peter Drucker and Isao Nakauchi*. He also provides some excellent tips on the subject in his February 2002 interview with *Information Outlook*.

Changes in communications, technology and society in general have made our work considerably different from what it was only a decade ago. But Drucker provides us with ideas for managing our careers no matter what curves technology or other forces throw at us.

Managing yourself, in Drucker's world, revolves around some basic principles. It is up to you to ask yourself questions about how you think and work — and then seek answers. You must then act on these an-

swers—Drucker has found people rarely do.

Identify your strengths and weaknesses. Identify areas where you can improve, to make new contributions to your organization. Figure out what size institution best fits your talents. Learn to take responsibility for the quality of your relationships with your boss and others in your organization. Determine whether your learning and working styles revolve around listening or reading. Drucker says the failure to do these things leads to ineffectiveness.

Have a strong set of values and a sense of ethics. The latter need not be a complex concept. He simply proposes the "mirror test." What sort of person do you look at in the mirror when you awake each day?

Don't underestimate the power of manners. SLA members know the workplace can be a harsh and cold climate. Drucker says we'd be surprised how far a genuine "please" and "thank you" will take you.

He also advocates a "feedback analysis." When you make a major decision or start on a new course of action, write down what you think the effects will be. Nine months later, compare what happened to what you thought would happen.

In *Drucker on Asia*, there is a revealing section about his own development from a young European law student into a renowned management authority. As he relates in the *Information Outlook* interview, he spent much of his time in the City Library of Hamburg, Germany. But he also attended the opera weekly and a performance of Verdi's *Falstaff* changed his thinking and his life.

"When I made a study," he writes, "I found, to my great surprise, that this opera, with its gaiety, its zest for life, and its incredible vitality, was written by a man aged 80!" Drucker discovers why the famous composer felt the need to write a demanding new opera when he was already elderly and famous. Drucker quotes him: "All my life as a musician, I have striven for perfection. It has always eluded me. I surely had an obligation to make one more try."

The effect on Drucker was profound: "I have never forgotten these words—they made an indelible impression on me...I then resolved that, whatever my life's work would be, Verdi's words would be my lodestar. I then resolved that if I ever reached an advanced age, I would not give up, but would keep on. In the meantime, I would strive for perfection even though, as I well knew, it would surely, always elude me."

Bruce Rosenstein is a librarian at USA TODAY and an adjunct professor at the Catholic University School of Library and Information Science in Washington, D.C. He can be reached at brosenstein@usatoday.com. ☉

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public policy

The National ID Controversy

by Tamara Theiler

On September 11, terrorists forever altered the complexion of American society. Since then, new policies have been implemented, even more have been debated and still others remain on the table. One such issue is the necessity for national identification (ID) cards.

The United States has previously considered standardizing ID cards. Until recently, debates centered on helping employers determine an applicant's eligibility to work in the United States. The debate now focuses on preventing identity theft, terrorism and illegal immigration.

The current discussion started because several of the hijackers carried IDs from multiple states under multiple names. This led to a proposal by the American Association of Motor Vehicle Administrators (AAMVA). They advocate a federal law to establish nationwide standards for ID cards and stricter standards for verifying a person's identity prior to issuing an ID. The association has asked Congress to appropriate \$100 million for the program. They also requested funding for a database to be linked across federal agencies.

Under AAMVA's program, states could still determine the appearance of a driver's license. However, common features would be mandated. Specifically, IDs nationwide would hold a computer chip containing a biometric identifier—such as a fingerprint. These IDs would use existing smart card technology to hold all of a person's

information. The information in the documents would then be compared to a national database to verify a person's identity.

Senator Richard Durbin (D-IL) proposed legislation establishing federal standards for driver's licenses. Like other proposals, each license would contain a biometric identifier and state motor vehicle administrators could search federal databases to verify the person's identity before issuing an ID. It also proposes harsher criminal penalties for people with multiple licenses, counterfeit licenses and for those who facilitate getting these licenses.

The creation of this type of database is highly controversial. It has been suggested that private companies could supply the data because they are not constrained by the 1974 Privacy Act. Not only is the federal government constrained when accessing data, there is difficulty sharing it across agencies. However, the USA Patriot Act (which was approved by Congress in an amazingly short time) attempts to correct these technical problems.

The main argument of supporters is that a uniform ID card would help law enforcement apprehend criminals and illegal aliens. Supporters recommend driver's licenses because they are established in all 50 states and are sufficient to verify identity. In addition, supporters contend that a standardized ID isn't a national ID because it only modifies an existing ID card. Likewise, most of the required information has

already been collected. According to supporters, these ID cards will prevent people from abusing currently lax laws for issuing licenses in some states or counterfeiting them.

Opponents say that standardized licenses have the potential of becoming national ID cards—an "internal passport"—that will be misused by government and law enforcement. They assert that officials could obtain information without going through proper legal channels and request to see a person's card without provocation.

Opponents feel that commercial data companies currently gather too much information and fear what would happen if the federal government used such companies to build an ID database. This is an invasion of privacy, opponents say, because every time an ID is shown information will be added to the database turning very personal information into public knowledge. Related to this is a concern over the difficulty of correcting mistakes in the data, and that large databases, such as the one required by a national ID system, are especially prone to errors. Opponents also conclude that hackers will circumvent the database, steal personal information and create a new identity limiting the national security benefits of a universal ID.

Will such a proposal become law? The Bush Administration has expressed opposition to developing a national ID card. As noted, that opposition didn't dampen the efforts of some lawmakers, using what they see as Americans' increased support for a national ID program since the 9/11 terrorist attacks. Some polls suggest they are right. However, those polls also show that support is declining. At this point it is hard to determine the outcome. The legislation is still awaiting action.



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KEx corner

What's Going on in the Knowledge Exchange?

by John Latham

Research

Since the last "KEx Corner" was published Cathy Mahe has joined the Knowledge Exchange as the information integrator. Cathy has gained professional experience both in industry (MCI Worldcom) and the association world (American Trucking Association) and will be a great asset to the Knowledge Exchange. She will be concentrating on research and competitive intelligence for the association. Cathy is currently working on an environmental scanning project to identify, gather and analyze information about associations and other professional groups. The goal of this project is to identify which groups intersect with SLA now (or in the future) and how these groups will benefit SLA's evolution in some way.

In my new role as staff liaison to SLA's Research Committee, I attended their meeting in Chicago. We have some exciting ideas for developing the role of research in special librarianship. Initially we will be promoting SLA's Research Statement of June 2001 (<http://www.sla.org/researchstatement/>) with a feature article in the September issue of *Information Outlook*. This statement, "Putting OUR Knowledge to Work," summarizes the role of research in special librarianship, the current state of our knowledge base, the building of a evidence-based practice (EBP) culture, what special librarians can do, what researchers

can do and what SLA can do by putting our knowledge to work—together. We are also preparing a proposal for the board on setting up a database of EBP, which hopefully will lead to publishing an annual peer-reviewed e-journal.

On Wednesday, June 12, from 2:00-3:30 p.m., at SLA's Annual Conference in Los Angeles, a seminar titled, "Beyond How I Done it Good" has been organized to provide practitioners with examples of how to implement EBP in the workplace. The program will focus on how to conduct meaningful research on the job, and in turn, use the research to make better decisions. The seminar will include discussion on why EBP is important to the information professional; how to locate appropriate and applicable studies; and the experiences of special librarians who have conducted studies and used EBP research to make decisions. See the SLA 2002 Conference Planner for details about the participants.

Changing Role of the Information Professional

Last year, in response to ongoing requests from SLA members for benchmarks regarding such topics as budgeting and staffing, SLA participated in Outsell, Inc.'s annual study on the changing role of the information professional in the corporate environment.

The executive summary of this report can be found under Recent Industry Reports in SLA's InfoStore, which can be accessed from the Knowledge Exchange link on SLA's home page. We have also participated in the 2002 survey, which was sent to members in April. The executive summary will be added to

Recent Industry Reports as soon as it becomes available, which is expected to be in June.

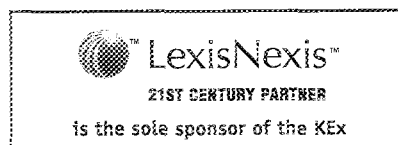
Career Seeking Projects

Following a local D.C. chapter meeting, "What Went Right: Notes on Library Closings and Other Life Lessons Learned," we discovered that the Illinois chapter has already been active in helping unemployed members. In light of the many recent association library closings, the D.C. chapter asked its employment committee to set up a Career Seeking Project. So far we are providing access to a group of people who have experienced a career disruption to be mentors on a one-on-one basis; a group breakfast or evening meeting to discuss and share experiences; and presentations by career employment and outplacement firms. I am sure that many other chapters have organized similar projects. With so many members losing their jobs, I should be most grateful if these projects could be shared with me (john@sla.org) so that we can set up a portal on SLA's Web site for their benefit.

New Portals

We are preparing new information portals to cover scholarships and grants offered by SLA's chapters and divisions, mentoring and the value of the information professional. There are many resources available within SLA and its units, but they need to be brought together for easy access. We will be sending out surveys shortly and adding them to other resources on the topics.

The mission of the KEx is to facilitate the exchange of knowledge within SLA's global community, so please let me know if you have any great ideas or needs.



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money matters

The Move to an Online *Who's Who*

by Richard Geiger

There have been many rumors about the discontinuation of *Who's Who in Special Libraries* and I want to take an opportunity to address these in this edition of *Money Matters*.

Two of the most frequent questions we have recently heard are "Why aren't we printing the *Who's Who* anymore?" and "Why are you taking away a valuable member benefit?" There are indeed some changes coming forth in relation to *Who's Who* but it is important to note that we are not taking away the *Who's Who*. We are simply changing the delivery mechanism.

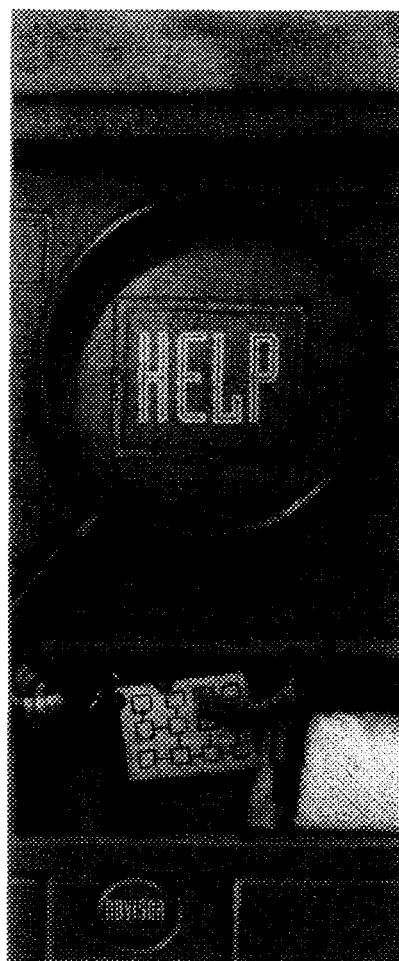
The move to an online *Who's Who* has been in the works since 1999. In 2000, the board of directors approved this change as part of the association's long-range financial plan. This is just one small part of a plan that will ensure the association's overall health in the future. When factoring in all of the resources devoted to the print directory, including staff time, overhead, production costs, postage, etc., the program cost just shy of \$200,000 to produce in 2001. While this may not seem like much, when calculated on a per member cost it is quite expensive—13 percent of your dues went to this publication. In addition to the financial considerations, the *Who's Who* was substantially incorrect before it ever left the printer. To put this in perspective, with nearly 13,000 members, substantial numbers of changes happen every day to the membership database. With the hundreds of changes that take place during an average month, the *Who's Who* that was

printed in October using September data was terribly out of date by the time it reached the members.

The finance committee, board and staff realize that in order to provide superior service to the membership, the association needs to provide current information that is available upon demand, in a usable format and at no extra cost to members. Thus the *Who's Who* online was developed. In our conversations with the membership, we have come to realize that the online version, if it were to replace the printed version, needed to have improved functionality. That is what we are providing.

A newly revised online version has been developed by staff and consultants and tested by members. This improved version provides all the functionality currently available in the print version as well as the following added capabilities: (1) improved speed when performing searches; (2) advanced search capabilities by various fields (name, company, location, unit, leadership position, etc.); and (3) multiple print and export features in user-friendly formats (PDF, Excel and CSV). These features enable members to create and utilize directories that are relevant to their individual preferences.

I ask for your indulgence in giving the online *Who's Who* a try and I suspect that you will be pleasantly surprised with the outcome. For those members who cannot or will not take advantage of the *Who's Who* online, a spiral-bound publication will be produced once a year for purchase.



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Cynthia V. Hill is New President-Elect for SLA

Cynthia V. Hill is the new president-elect of the Special Libraries Association (SLA). Hill is a manager at SunLibrary, Sun Microsystems, Inc. Palo Alto, California, USA, and also serves on the adjunct faculty at the San Jose State University School of Library and Information Science. Hill and the newly elected members of SLA's Board of Directors will be installed June 13, 2002 at SLA's 93rd Annual Conference in Los Angeles, California. At this time Bill Fisher, professor at the San Jose State University School of Library and Information Science in San Jose, California, will also be sworn in as the 83rd president of SLA. Hill will serve as president-elect of SLA until June 2003, when her one-year term as SLA president begins.

Others elected to the SLA Board of Directors for the 2002-2003 Association include: Chapter Cabinet Chair-Elect Davenport "Dav" Robertson, chief, Library and Information Services Branch, National Institute of Environment Health Sciences/ National Institute of Health, Research Triangle Park, North Carolina, USA; Division Cabinet Chair-Elect Pam Rollo, director, Information Resources for Credit Suisse First Boston, New York, New York, USA; At-Large Directors Jesus Lau, dean of Information Services and Accreditation, Universidad Autonoma de Cuidad Juarez, Mexico; and Barbara M. Spiegelman, president, Spiegelman Group, Pittsburgh, Pennsylvania, USA. Dee Magnoni, president of Magnoni Group in Portland, Oregon, USA, will fill the vacant director position.

Several current SLA officers will assume new positions for 2002-2003: Hope N. Tillman, past-president; Stephanie Tolson, chapter cabinet chair; and Karen Kreizman-Reczek, division cabinet chair. Continuing to serve on the board of directors: Marjorie M.K. Hlava, director; David Stern, director; Christine De Bow Klein, director; and Richard Geiger, treasurer.

NRL Librarian Receives Navy Meritorious Civilian Service Award

SLA member Laurie Stackpole, chief librarian of the Navy Research Laboratory (NRL), is the recipient of a Navy Meritorious Civilian Service Award.

Stackpole directs the Ruth H. Hooker Research Library, a specialized scientific and technical information resource servicing NRL and the Office of Naval Research (ONR). In this capacity, she plans, develops and implements a broad program of information services, giving oversight to and participating in the design and development of systems that provide NRL and ONR researchers with around-the-clock access to scientific and technical information.

A partial excerpt from the award citation reads: "For meritorious achievement and service to the United States Navy and the Naval Research Laboratory for her pioneering work in developing and applying digital library technologies... Ms. Stackpole is especially commended for her role as a founding member of the Consortium of Naval Libraries, in helping to develop an electronic licensing program that has saved \$5 million over the past three years and provided critical information resources at the desktops of 90,000 users..."

Stackpole received an M.L.S. at the Catholic University of America, in Washington, D.C. She also holds an M.A. in physics from Smith College (Northampton, MA) and an A.B. in physics from Trinity College in Washington, D.C.

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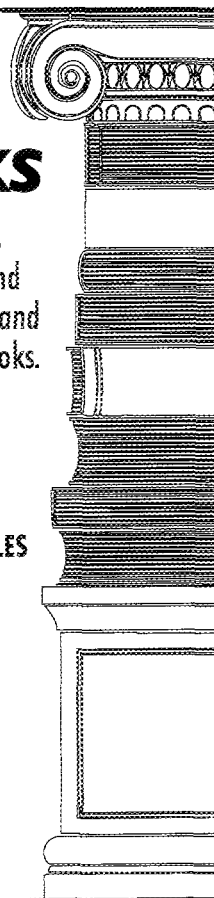
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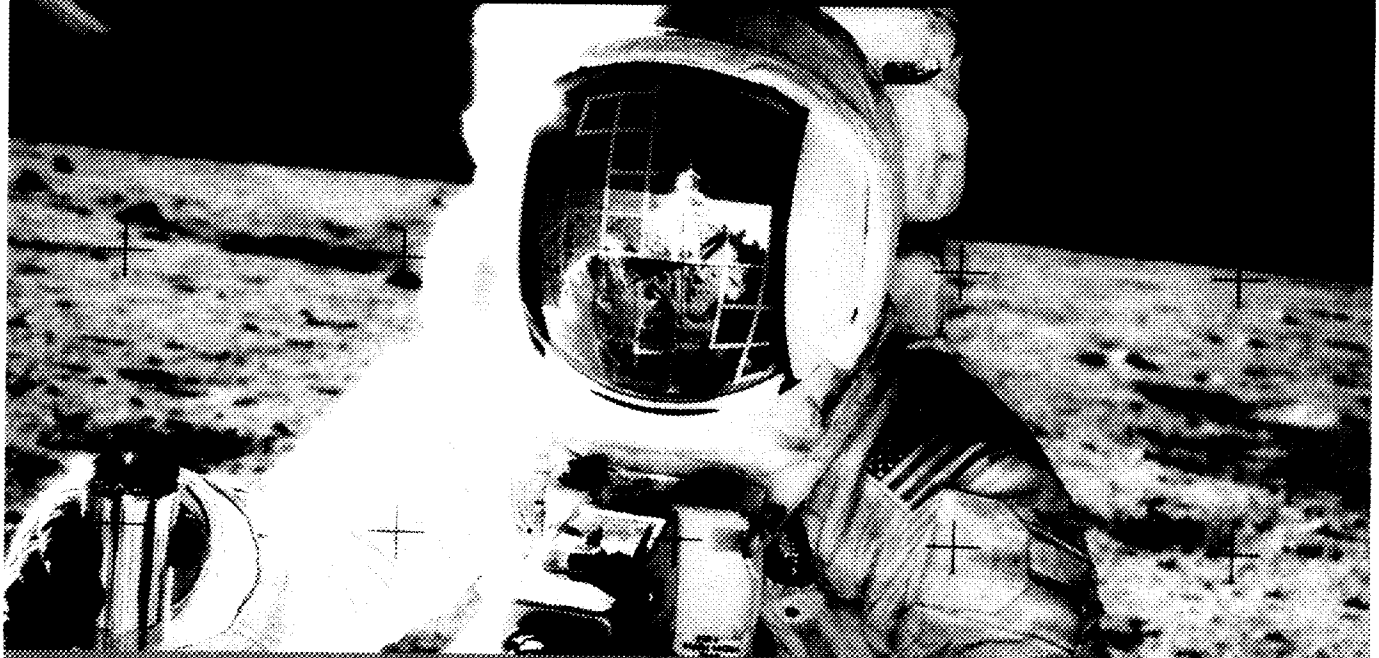


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WebChoir www.webchoir.com	11
West Group www.westgroup.com	Inside Front Cover

coming
events

May 2002

School Tech Expo
May 8-11
New York, NY, USA
www.schooltechexpo.com

InfoToday 2002

May 14-16
New York, NY, USA
www.infotoday.com

American Society of Indexers (ASI)

34th Annual Conference
May 16-19
Galveston, TX, USA
www.asindexing.org/site/

Medical Library Association
Annual Conference

May 17-23
Dallas, TX, USA
mlanet.org/am/index.html

31st Annual Educational
Conference and Exposition

May 21-24
San Antonio, TX, USA
www.alanet.org/conf/
index.html

June 2002

● SLA 93rd Annual Conference
Putting Knowledge to Work
June 8-13
Los Angeles, CA, USA
www.sla.org/content/Events/
conference/2002annual/
index.cfm

American Libraries Association
(ALA)

Annual Conference
June 13-19
Atlanta, GA, USA
www.ala.org/events

SLA's Virtual Seminar

June 26
2:00 p.m. – 3:00 p.m.
www.sla.org/content/
Events/distance/
virtsem2002/index.cfm

July 2002

**Society of Indexers
Conference 2002**
July 16-18
Cheiltenham, UK
www.socind.demon.co.uk

**American Association of
Law Libraries
Annual Meeting**
July 20-24
Orlando, FL, USA
aallhq.org

August 2002

**The International
Federation of Library
Associations
and Institutions (IFLA)
General Conference and
Council**
August 18-24
Glasgow, Scotland
www.ifa.org

**The Society of American
Archivists**
2002 Annual Meeting
August 19-25
Birmingham, AL, USA
www.archivists.org/
conference/index.html

September 2002

● 2nd South Atlantic
Regional Conference
September 22-24
Asheville, NC, USA
www.sia.org/calendar

Power Searching with Pros
September 23-24
Arlington, VA, USA
www.websearchu.com/
scheduledc.html

SLA's Virtual Seminar

September 25
2:00 p.m. – 3:00 p.m.
www.sla.org/content/Events/
distance/virtsem2002/
index.cfm

October 2002

XM World 2002
October 29-31
Santa Clara, CA, USA
www.infotoday.com

SLA's Virtual Seminar

October 30
2:00 p.m. – 3:00 p.m.
www.sla.org/content/Events/
distance/virtsem2002/
index.cfm

November 2002

**American Society For
Information Science &
Technology (ASIST)**
November 18-21
Philadelphia, PA, USA
www.asis.org

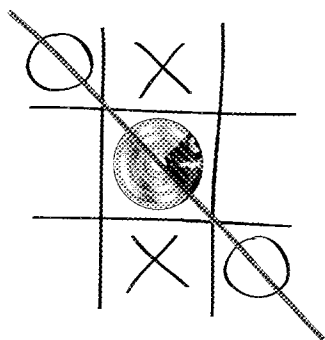
December 2002

SLA's Virtual Seminar
December 4
2:00 p.m. – 3:00 p.m.
www.sla.org/content/Events/
distance/virtsem2002/
index.cfm

● SLA-Hosted Conferences

* Conference at which SLA will be exhibiting

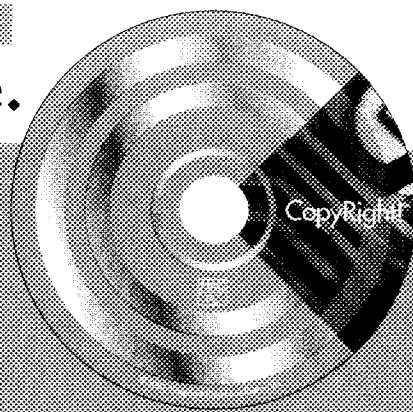
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