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REPORTING FOR DUTY: A PRIMER ON RESEARCHING MILITARY LAW

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INTRODUCTION

Until recently, military law was often viewed as a specialized niche in legal research. However, the events of the past year or two have brought this topic more into the mainstream of legal research.¹ While many of us are aware that a separate body of law governs the military, we are less sure what comprises this body of law. This primer will briefly outline the basic documents and resources that are used in researching military law. Although this is far from a comprehensive treatment of this fascinating area, this article will attempt to cover many of the hardcopy and online resources that librarians and other researchers are likely to encounter.²

Before proceeding it is perhaps worth taking a moment to make special note of one indispensable resource, particularly for the researcher of the history of military law. The Law Library Microform Consortium (L.L.M.C.) has compiled a large number of key documents, both primary and secondary, in one microfiche set, *U.S. Military Law: History and Documents*.³ Many of the sources described in this article and listed in the accompanying bibliography are available as part of this invaluable resource.⁴

THE PRIMARY SOURCES

Military law is derived from the following primary sources:⁵

- The Constitution of the United States
- Uniform Code of Military Justice
- The Manual for Courts-Martial
- Department of Defense Issuances
- Regulations of the Armed Services
- Military Case Law

Researching the Constitution of the United States has been addressed in many other research guides, so instead I will focus on those

documents listed above that are particular to researching military law.

THE UNIFORM CODE OF MILITARY JUSTICE

The Uniform Code of Military Justice (U.C.M.J.) provides for a military legal system applied uniformly throughout the armed services. In the most basic sense, the U.C.M.J. serves as the controlling legal instrument for the armed services, and as such it is in turn controlled only by the Constitution of the United States.

Adopted in 1951, the U.C.M.J.'s origins can be traced back to the Articles of War employed by the English army in the 1100s. However, the American antecedents of the U.C.M.J. begin with the Articles of War adopted by the Continental Congress in 1775 and subsequently amended on many occasions.⁶ From 1775 until the Civil War there was little change in the body of law governing the armed forces, apart from the aforementioned periodic amendments to the Articles of War.⁷ The Civil War years saw the first attempt to codify military law with the April 24th, 1863 promulgation of General Order No. 100 "*Instructions for the Government of Armies of The United States in the Field*." Also known as the *Lieber Code* in honor of the drafter, Francis Lieber, the order consisted of 157 succinct paragraphs addressing a wide variety of topics, including martial law, flags of truce, and treason.⁸ The next key phase in the history of the U.C.M.J. occurred during World War I when a difference of opinion in how to amend the Articles of War created the basis for many of the revisions that appeared in the U.C.M.J. Often referred to as the "Ansell-Crowder Controversy," this dispute between the Judge Advocate General of the Army, Enoch Crow-

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EDITOR'S COLUMN

Matthew Mantel
*Reference/
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WELCOME TO THE FIRST LAW LIBRARY LIGHTS ISSUE OF 2005!

In keeping with our theme of no theme we are presenting an interesting and eclectic group of stories for your reading pleasure; along with the usual helpful and informative columns we are known for.

Frequent contributor Steve Young gives us a basic lesson on military law in his article, "Reporting for Duty: A Primer on Researching Military Law." With our country at war and the continuing courts martial of service personnel involved in the conduct at Abu Grahیب, this article could not be more timely.

On the topic of job sharing we have an article co-authored (of course) entitled "Tips for Job Sharing a Reference Librarian Position in a Law Firm Library" by Leslie Weston and Mary Bowen. Read this article to find out how the arrangement works, and how to lay the ground work for convincing your employer that this type of arrangement can work for them.

In an interesting article, David Koneiczko shows us how his old career as an archeologist

compares to his new career as a librarian. I think many of us (including yours truly) have experienced a career transition, but the transition from digging up old bones to digging up new information is certainly a new one.

And finally, we have a little old-fashioned news reporting by yours truly on the recent visit of American Association of Law Librarians President Tory Trotta to Washington DC which coincided with the LLSDC's 65th birthday. The story focuses on President Trotta's plan to create a new long-term strategy for AALL and how she is getting the membership involved. Special thanks to Steve Mellin for the excellent photos that accompany this story.

Once again, I encourage you to write in with your thoughts and ideas on *Law Library Lights*, LLSDC, or the profession in general. The expression of the moment is "interactive" and even old print media like *Law Library Lights* can be interactive, but not without your input.

With that I end this column and encourage you to see the Light, by reading the rest of this issue. ■

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der, and his assistant, Samuel Ansell, eventually resulted in a complete re-examination of the courts-martial procedure and appellate review of military cases.⁹ Ansell's forward-thinking proposals, although not adopted in the 1920 amendments to the Articles of War, were incorporated in the drafting of the U.C.M.J. some 30 years later.

Once again, it was the experiences of a major military campaign, in this instance World War II, which led to further changes in the military justice system. Following the war, and the often under reported large number of courts-martial that took place during and after this conflict,¹⁰ two major revisions to the military justice system occurred within a three year period. The first, the Elston Act,¹¹ was essentially a stopgap measure that amended the Articles of War and provided for better representation and greater legal protections for military personnel. The second, the Uniform Code of Military Justice, was to become the primary code of laws governing all military personnel for at least the next half century.

In 1948 the Secretary of Defense, James Forrestal, undertook the creation of the U.C.M.J. by appointing a committee charged with drafting a uniform criminal code for all the armed services.¹² Drafted in nine months by a committee chaired by Professor Edmund Morgan, the Department of Defense presented the Code to Congress at the beginning of 1949. The Code, although controversial and facing stiff opposition, made its way through Congress during 1949 and 1950, and was eventually passed into law on March 5th, 1950, becoming effective on May 31st, 1951.¹³

The major features of the U.C.M.J. included an expansion of the jurisdiction of courts-martial, an outline of the procedural structure of military justice, an extensive list of substantive criminal offenses, and even descriptions of a variety of civil actions. It was the culmination of almost two hundred years of military law in the United States.

RESEARCHING THE U.C.M.J.

The U.C.M.J. is codified at Title 10 U.S.C. §801-946, and can therefore be located in all the usual hardcopy and online sources for the United States Code.¹⁴ The U.C.M.J. is also published as a stand-alone document in paper and on the Internet.¹⁵ The most complete legislative history of the Code is "*Index and Leg-*

islative History, Uniform Code of Military Justice," originally published by the GPO in 1950, and reprinted on its 50th anniversary by Hein Publishing. Another useful historical reference is the symposium issue of *Military Law Review* published in April 1965. This issue focuses on the drafting of the Code, and includes a reprinted article by Professor Morgan on the background of the U.C.M.J.¹⁶

The U.C.M.J. has been amended a number of times since 1950, most notably the 1962 amendment to Article 15,¹⁷ the procedural amendments included in the 1968 Military Justice Act,¹⁸ the jurisdictional amendments in the Department of Defense Authorization Act of 1980,¹⁹ the post-trial and appellate review process amendments included in the Military Justice Act of 1983,²⁰ and the changes in the military court structure brought about by the Department of Defense Appropriations Act 1990.²¹

THE MANUAL FOR COURTS-MARTIAL

From a civilian viewpoint, the Manual for Courts-Martial (M.C.M.) can best be thought of as a merging of the Federal Rules of Procedure and the Federal Rules of Evidence with Wright & Miller's classic treatise, "*Federal Practice and Procedure*," in that it combines substantive law with explanatory text. Under Article 36 of the U.C.M.J. the M.C.M. is issued as an Executive Order by the President of the United States and has the force of law, even though certain articles within it are more illustrative than binding.

The M.C.M.'s origins lie in the military treatises of the late 19th Century. The classic texts on military law, William Winthrop's "*Military Law and Precedents*," and Arthur Murray's "*Instructions for Courts-Martial and Judge Advocates*" formed the basis for the initial issuance of the M.C.M. in 1895. Over the past 110 years the Manual has been revised a number of times, most notably in 1921, reflecting the adoption of the new Articles of War, in 1949, as a result of the Elston Act, in 1951, to incorporate the new U.C.M.J., and in 1969, reflecting the changes proscribed in the Military Justice Act of 1968, including the adoption of the Military Rules of Evidence. Today's Manual consists of the Rules for Courts-Martial (R.C.M.), the Military Rules of Evidence (M.R.E.), specifications for crimes outlined in the U.C.M.J., and analysis of the Code and rules.²²

The M.C.M. is published by the Department of Defense in hardcopy and electronically,²³ and is also available on LexisNexis in the

**THE UNIFORM
CODE OF MILITARY
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THROUGHOUT THE
ARMED SERVICES.**

“02MCM” file. New editions of the M.C.M. are published when amendments created by new Executive Orders need to be incorporated.

ISSUANCES & SERVICE REGULATIONS

Just as much of the law that governs civilian life is comprised of the rules and regulations issued by the various government agencies, a large component of the law governing military life is comprised of Department of Defense issuances and regulations promulgated by the individual services.

Department of Defense issuances are divided into three categories: directives, instructions, and publications.²⁴ Directives are broad policy documents that initiate, govern, or regulate actions by the Department or its components. Instructions implement the policy that is often contained in the directives. This may include prescribing the manner in which the service or the Department carries out the policy. A publication is the vehicle used to disseminate the instructions or administrative procedures necessary to implement the directive or instruction.

Locating Department issuances has been made considerably easier by their publication on the Internet. Today, the Washington Headquarters Services provides access to directives, instructions, and publications at <http://www.dtic.mil/whs/directives>. It should be noted that some Department of Defense issuances are also published in the *Federal Register*.

In addition to the Department of Defense issuances, the individual services have specific regulations governing military justice within each service. These include Army Reg. No. 27-10, “*Military Justice*,” Air Force Inst. 51-201, “*Law-Administration of Military Justice*,” Navy JAGINST 5800.7, “*Manual of the Judge Advocate General (JAGMAN)*,” and COMDTINST M5810.1D, “*Coast Guard Military Justice Manual*.”²⁵

MILITARY CASE LAW

The interpretation of the U.C.M.J., the M.C.M., and the various regulations and directives that comprise military law rests with the judges who sit on the military courts of law. At the military equivalent of the trial level court is the court-martial, which is convened by the commanding officer. Although not strictly speaking a judicial body it does handle the vast majority of criminal cases in the military justice system. There are three types of court-martial: the summary court-martial for minor violations of the U.C.M.J., the special court-mar-

tial for handling more serious crimes, and the general court-martial for the most serious crimes, including those punishable by death.

The current structure of military courts also includes three appellate levels: the Court of Criminal Appeals (CCA) for each of the services,²⁶ the United States Court of Appeals for the Armed Forces (USCAAF), and at the third level, the Supreme Court of the United States, which can review the decisions of the lower courts.²⁷

Decisions of the appellate level courts are reported in the following sets. The 50-volume *Court-Martial Reports* (1951-1975) published by Lawyer’s Co-Op,²⁸ contained the decisions of service Boards of Review²⁹ and the Court of Military Appeals.³⁰ Lawyer’s Co-Op also published a separate reporter, *Decisions of The United States Court of Military Appeals*, containing decisions just from that court.³¹ In 1975 West Publishing began publication of the *Military Justice Reporter*, which currently contains cases from the services’ Court of Criminal Appeals and the United States Court of Appeals for the Armed Forces.³² The *Military Justice Digest* is also published by West to accompany the reporter. Between 1973 and 1992 the Public Law Education Institute published a 20-volume loose-leaf set entitled *Military Law Reporter*. This set reported full-text decisions from a number of the military courts. Shepard’s provides a citator service for military decisions in the form of *Military Justice Citations*.

Researchers who need to locate decisions issued prior to 1951 are perhaps best referred to the afore-mentioned L.L.M.C. microfiche collection, “*U.S. Military Law: History & Documents*.”³³ This microfiche set contains, among many other resources, the Judge Advocate General of the Army Opinions from the various WWII theatres of war, the War Department’s Board of Contract Adjustment Decisions, and Court-Martial reports of the JAG Air Force.

Online availability of decisions from the military courts is provided by Westlaw’s MJ database and LexisNexis’ *Military Justice* files. Both services provide coverage for the appellate courts from 1951 to the present. In addition, recent opinions (generally post-1996) can be obtained on the individual courts’ Web sites listed at the end of this article. Mention should also be made of FLITE, the Department of Defense legal database. While generally not available to the public, FLITE does provide authorized users with access to a wide variety of reported and unreported military case law.



A NOTE ON MILITARY COMMISSIONS

Following the terrorist attacks on the United States in September of 2001, President George W. Bush signed a military order authorizing the use of military tribunals for trying non-citizens suspected of terrorist operations and attacks.³⁴ Military commissions, one form of military tribunal, were established as a result of this order. These commissions currently operate in Guantanamo Bay, Cuba, under rules and instructions issued by the Department of Defense in 2002 and 2003.³⁵

Those wishing to research these institutions might find the various reports of the Congressional Research Service to be particularly valuable.³⁶ In addition, I would also recommend consulting the “Military Commissions” website, maintained by the National Institute of Military Justice,³⁷ and the Pentagon Library’s “Military Tribunals” pathfinder³⁸ for the most up to date information on these controversial institutions.

CONCLUSION

Military law, while at first glance a confusing topic, essentially requires that the researcher understand the role played in the legal system by a few key documents, particularly the U.C.M.J. and the M.C.M. As I hope this article has shown, a wide variety of resources, both in hardcopy and online, are now available to assist the researcher in locating military law materials. ■

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- *Manual for Courts-Martial* (2002)
- Part I (General Provisions)
- Part II (Rules for Courts-Martial)
- Part III (Military Rules of Evidence)
- Part IV (Punitive Articles)
- Part V (Non-Judicial Punishment)

MILITARY ISSUANCES & REGULATIONS

- *Administration of Military Justice* [AFI 51-201]
- *Crimes and Defenses Handbook* [Army JAG School]
- *Jurisdiction* [DA Pam 174]
- *Manual of The Judge Advocate General* [JAG Inst. 5800.7D]
- *Military Judges Benchbook* [DA Pam 27-9]
- *Military Justice* [AR 27-10]

- *Military Justice Handbook: The Trial Counsel and The Defense Counsel* [DA Pam. 27-10]
- *Military Justice Manual* [COMDTINST M5810.1D]
- *Non-Judicial Punishment* [AFI 51-202]
- *Trial Procedure* [DA Pam 173]

MILITARY CASE LAW

- *Court-Martial Reports* (“The Redbooks”) (1951-1975)
- *Decisions of the United States Court of Military Appeals* (1951-1973)
- *West’s Military Justice Reporter* (1975-present)
- *West’s Military Justice Digest*

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- Joseph W. Bishop, *Justice Under Fire: A Study of Military Law* (1974)
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- *Army Lawyer* (1971-present)
- *JAG Journal* [Navy] (1947-1984)
- *Military Law Review* (1958-present)
- *Naval Law Review* (1985-present)

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- Alexander Macomb, *The Practice of Courts-Martial* (1841)
- Arthur Murray, *Instructions for Courts-Martial and Judge Advocates* (1889)
- William Winthrop, *Military Law and Precedents* (1896, reprint 1920)

ONLINE RESOURCES

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- Air Force Instruction 51-201 (Administration of Military Justice) <http://www.e-publishing.af.mil/pubfiles/af/51/afi51-201/afi51-201.pdf>
- Army Regulation 27-10 (Military Justice) http://www.apd.army.mil/pdf/af/27_10.pdf
- Articles of War (1775) <http://www.yale.edu/lawweb/avalon/contcong/06-30-75.htm>
- (1776) <http://www.yale.edu/lawweb/avalon/contcong/09-20-76.htm>
- The Lieber Code of 1863 (General Order No. 100) <http://www.au.af.mil/au/awc/awcgate/law/liebercode.htm>
- Manual of The Judge Advocate General (JAGMAN) (2004 ed.) <http://www.jag.navy.mil/documents/JAGMAN2004.pdf>
- Manual for Courts-Martial (2002 ed.) <http://www.usapa.army.mil/pdffiles/mcm2002.pdf>
- (2000 ed.) <http://www.jag.navy.mil/documents/mcm2000.pdf>
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- Military Judges Benchbook (DA Pam 27-9) http://www.army.mil/usapa/epubs/pdf/p27_9.pdf
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- Military Justice Manual (USCG) <http://www.uscg.mil/legal/mj/MJM.pdf>

- Operational Law Handbook (2004) [https://www.jagcnet.army.mil/jagcnet-intranet/databases/operational+law/clamo.nsf/\(JAGCNetDocID\)/85256DB7005CECA385256DA400507739/\\$FILE/OLH2004.pdf](https://www.jagcnet.army.mil/jagcnet-intranet/databases/operational+law/clamo.nsf/(JAGCNetDocID)/85256DB7005CECA385256DA400507739/$FILE/OLH2004.pdf)
- Rules of Practice and Procedure (USAFCCA) <https://afcca.law.af.mil/Rules2000.htm>
- Rules of Professional Conduct for Lawyers http://www.army.mil/usapa/epubs/pdf/r27_26.pdf
- Uniform Code of Military Justice http://www.militarynetwork.com/main_ucmj/main_ucmj.htm
<http://www4.law.cornell.edu/uscode/10/stApIIch47.html>
<http://www.jag.navy.mil/documents/UCMJ.pdf>
- Legislative History of U.C.M.J. http://www.loc.gov/rr/frd/Military_Law/UCMJ_LHP.html

THE JUDGE ADVOCATE GENERAL'S CORPS

- Air Force <http://hqja.jag.af.mil/>
- Air Force JAG School <http://www.au.af.mil/au/cpd/jagschool/>
- Army <http://www.jagcnet.army.mil/>
- Army Legal Center & School <http://www.jagcnet.army.mil/JAGCNETINTERNET/HOMEPAGES/AC/TJAGSAWEB.NSF/Main?OpenFrameset>
- Navy <http://www.jag.navy.mil/>
- Naval Justice School <http://www.jag.navy.mil/html/njs.htm>
- Judge Advocates Association <http://www.jaa.org/index.html>
- DoD General Counsel <http://www.defenselink.mil/dodgc/>

MILITARY COURTS

- Army Court of Criminal Appeals <http://www.jagcnet.army.mil/acca>
- ACCA Rules of Practice and Procedure <http://www.jagcnet.army.mil/acca>
- Air Force Court of Criminal Appeals <https://afcca.law.af.mil/>
- AFCCA Rules of Practice and Procedure https://afcca.law.af.mil/rules_guide.html
- Coast Guard Court of Criminal Appeals <http://www.uscg.mil/legal/cca/index.htm>
- Navy Marine Corps Court of Criminal Appeals <http://www.jag.navy.mil/html/nmccahome.htm>
- NMCCA Rules of Practice and Procedure <http://www.jag.navy.mil/documents/NMCCARules%20Draft%202002-14-2002.doc>
- United States Court of Appeals for the



- Armed Forces <http://www.armfor.uscourts.gov/>
 ■ USCAAF Rules of Practice and Procedure
<http://www.jag.navy.mil/html/nmccahome.htm>

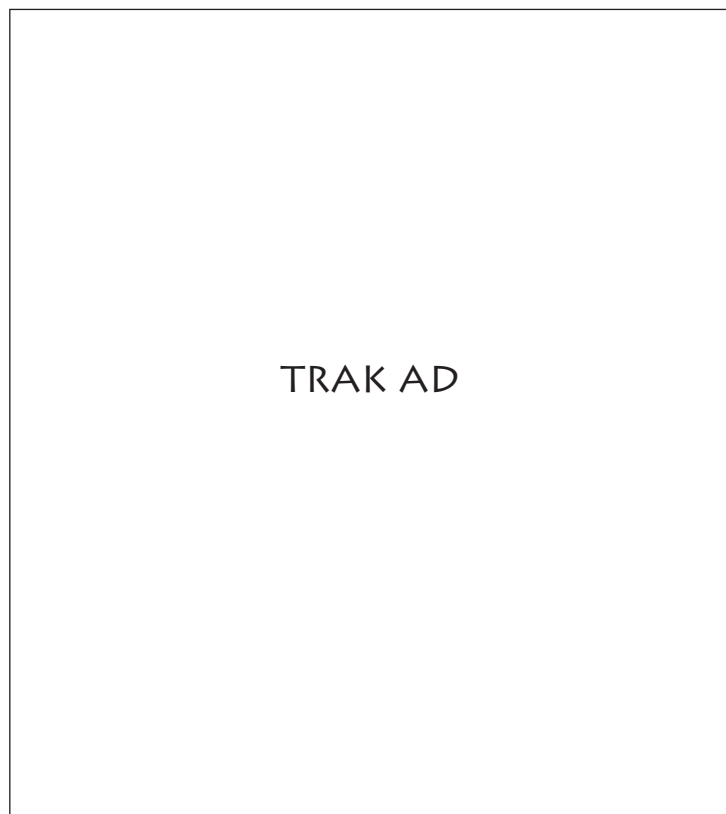
ADDITIONAL INTERNET RESOURCES

- Air Force Publications
<http://afpubs.hq.af.mil/>
- *Air Force Law Review*
<http://afsls14.jag.af.mil/dscgi/ds.py/View/Collection-1788>
- *Army Lawyer*
<http://www.jagcnet.army.mil/JAGCNET-Internet/Homepages/AC/ArmyLawyer.nsf/AL?OpenForm>
- Army Publishing Directorate
<http://www.usapa.army.mil/>
- Center for Law and Military Operations
[http://www.jagcnet.army.mil/laawssxi/jagcprofile.nsf/\(JAGCNetDocID\)/CLAMOWebSite](http://www.jagcnet.army.mil/laawssxi/jagcprofile.nsf/(JAGCNetDocID)/CLAMOWebSite)
- Combined Arms Research Library
<http://cgsc.leavenworth.army.mil/carl/resources/>
- Coast Guard (Legal)
<http://www.uscg.mil/legal/>
- Department of Defense Home Page
<http://www.defenselink.mil/>
- DoD Corrections and Discharge Review Boards <http://boards.law.af.mil/>
- DoD Directives and Related Materials
<http://www.dtic.mil/whs/directives/>
- DoD Standards of Conduct Office
http://www.defenselink.mil/dodgc/defense_ethics/
- JAG (Air Force) *Civil Law Deskbook*
<http://www.au.af.mil/au/cpd/jagschool/press/cldb/index.htm>
- JAG (Air Force) *Military Justice Deskbook*
<http://www.au.af.mil/au/cpd/jagschool/press/mjdb/index.htm>
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- Marine Corps Publications
<http://www.hqmc.usmc.mil/pubs.nsf>
- Military Education Research Network (MERLN) <http://merln.ndu.edu/>
- *Military Law Review*
<http://www.jagcnet.army.mil/JAGCNET-Internet/Homepages/AC/MilitaryLawReview.nsf/MLRDisplay?>
- SJA to the Commandant of the Marine Corps <http://sja.hqmc.usmc.mil/>
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 ■ Navy Directives/US Navy Regulations
<http://neds.nebt.daps.mil/>

ENDNOTES

- ¹ In particular the establishment of military commissions to try suspected terrorists in Guantanamo Bay, Cuba, and the courts-martial of servicemen and women for alleged prisoner abuse in Abu Ghraib prison, Iraq highlighted the importance of military law in today's legal world.
- ² A more complete treatment of researching military law is Leah Chanin, *Military and Veterans Law*, in *Specialized Legal Research* ch.9 (L. Chanin ed., 1987).
- ³ For a detailed listing of the contents of this microfiche set consult <http://www.llmc.com/catalog9-new.htm>. Libraries can purchase either individual components of this compilation or the entire set.
- ⁴ At the time of writing the set is not available as part of L.L.M.C.'s digital library.
- ⁵ A more complete discussion of the sources of military law is found in Francis Gilligan & Frederic Lederer, 1 *Court Martial Procedure* §1-50.00 (2nd ed., 1999).
- ⁶ Preface to *Index and Legislative History, Uniform Code of Military Justice 1950* (reprint 2000).
- ⁷ It should be noted that the Navy was governed by the "Articles for the Government of the Navy," not the "Articles of War."
- ⁸ A more complete discussion of the Lieber Code is provided in Charles Shanor & Lynn Hogue, *National Security and Military Law in a Nutshell* 214 (2003).
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- ¹¹ Elston Act, ch. 625, 62 Stat. 604 (1948).



TRAK AD



HEIN ONLINE AD

- ¹² Edmund M. Morgan, "The Background of the Uniform Code of Military Justice," 6 Vand. L. Rev. 169, 173 (1953).
- ¹³ Uniform Code of Military Justice, Pub. L. No. 81-506, 64 Stat. 107 (1950).
- ¹⁴ See, e.g., Bonnie Koneski-White, *Federal Legislation*, in *Fundamentals of Legal Research* (Roy Mersky & Donald Dunn eds., 8th ed., 2002).
- ¹⁵ Uniform Code of Military Justice, at <http://www.jag.navy.mil/documents/UCMJ.pdf>.
- ¹⁶ Edmund M. Morgan, "The Background of the Uniform Code of Military Justice," 6 Vand. L. Rev. 169 (1953), reprinted in 28 Mil. L. Rev. 17 (1965).
- ¹⁷ Pub. L. No. 87-648, 76 Stat. 447 (1962).
- ¹⁸ Military Justice Act of 1968, Pub. L. No. 90-632, 82 Stat. 1335 (1968).
- ¹⁹ Pub. L. No. 96-107, §801, 93 Stat. 803 (1979).
- ²⁰ Military Justice Act of 1983, Pub. L. No. 98-209, 97 Stat. 1393 (1983).
- ²¹ Pub. L. No. 101-165, 103 Stat. 1112 (1989).
- ²² The most recent edition of the *Manual for Courts-Martial* was issued in 2002.
- ²³ *Manual for Courts-Martial 2002*, <http://www.usapa.army.mil/pdf-files/mcm2002.pdf>
- ²⁴ A more complete description of these instruments is available at <http://www.dtic.mil/whs/directives/general.html>.
- ²⁵ These documents are available electronically through the links provided at the end of this article.
- ²⁶ The Navy and the Marine Corps share the same Court of Criminal Appeals (NMCCA).
- ²⁷ 28 U.S.C. §1259 (2000).
- ²⁸ Cited as C.M.R. and commonly referred to as the "red books."
- ²⁹ The service Boards of Review were renamed the Courts of Military Review and later the Court of Criminal Appeals for each branch of the armed services.
- ³⁰ In 1994 the Court of Military Appeals was renamed the United States Court of Appeals for the Armed Forces (108 Stat. 2663).
- ³¹ Cited as U.S.C.M.A., this set spanned 23 volumes for the years 1951-1975.
- ³² Cited as M.J., the *Military Justice Reporter* briefly overlapped with the CMR, however one point of confusion is that the table of cross references at the front of 1 M.J. includes cites to volumes of the C.M.R. and U.S.C.M.A. not published.
- ³³ *Supra*, note 3.
- ³⁴ Military Order, November 13, 2001, *Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism*, 66 Fed. Reg. 57,833 (Nov. 16, 2001).
- ³⁵ Department of Defense, Military Commission Instructions Nos. 1-8 and Military Commission Order No. 1 available at <http://www.dtic.mil/whs/directives/corres/mco.htm>
- ³⁶ The following examples of CRS reports are both timely and informative: RL31600, "Department of Defense Rules for Military Commissions: Analysis of Procedural Rules and Comparison with Proposed Legislation and the Uniform Code of Military Justice" (2004); RL32458, "Military Tribunals: Historical Patterns and Lessons" (2004); EBTER206, "Trying Terrorists Before Military Commissions" (2004).
- ³⁷ National Institute of Military Justice, *Military Commissions*, available at <http://www.nimj.com/grid.asp?full=False&base=MilitaryCommissions>.
- ³⁸ Pentagon Library, *Military Tribunals*, available at <http://www.hqda.army.mil/library/militarytribunals.htm>

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JOB SHARING IS AN ARRANGEMENT THAT ALLOWS EMPLOYEES TO STAY INVOLVED

in their careers while spending more time on personal interests and responsibilities. The duties, hours, salary, and even benefits of one full-time job are typically divided between two part-time employees. Arrangements, however, may vary. The job sharers or “partners” may be evaluated jointly as well as individually. Persons wishing to job share may include those needing to devote time to child or eldercare, employees who want to further their education, those nearing retirement, or anyone who just wants to spend fewer hours at work. Many jobs can be shared and some cannot. We have found that reference work, often handled by multiple staffers anyway, is amenable to job sharing and part-timing arrangements. Our arrangement has worked well for nearly four years and has evolved into two part-time positions. We have been able to bring two different skill sets to what used to be one job.

The firm’s administration, human resources, and library management must all be willing to let this happen. For our law firm, Wiley, Rein & Fielding LLP, this was a first in January of 2001. At that time Mary Bowen was hired as a part-time reference librarian, to share the reference position with Leslie Weston, who had been working full time.

In the January, 2004 issue of “LISjobs.com”, Susan Silver wrote in her article, “Alternative Work Arrangements: Exploring your Options and Making it Work,” the following item about job sharing:

Job sharing. This normally involves two colleagues dividing their responsibilities, workload, workweek, pay and benefits evenly to perform as a single employee. This is probably the most difficult arrangement to negotiate, as there must be two librarians at an equal level in rank and pay, who are able to do the same job and have compatible schedules.

In our case, our firm allowed a slightly unusual form of job sharing. Our library now has two part-time reference librarian positions rather than one job shared equally. We both receive pro-rated benefits. We both work three days (22.5 hours) per week. On the day we are both at work, Leslie works reference and Mary helps with technical services projects. Mary is a back-up reference librarian on that day, so if any of the other reference librarians are out for

any reason, she does reference work rather than technical services work.

Job share situations can be tailored to suit both the employer and the job share partners in many ways. When it is possible to transform a full-time position into two part-time jobs, how can it be done successfully?

1. Examine the job description and analyze the tasks involved. Determine if the two parties should divide responsibilities equally or if the tasks should be divided to suit the individual interests and strengths of each partner. In our case, both of us work at the reference desk and we share those duties equally, but Mary also spends time doing technical service projects.

2. Hash out a schedule that provides the most seamless coverage for the position, with at least some overlap time when both parties at work. Overlap time can be helpful in maintaining communication. After some experimentation and much discussion of various options, our managers determined that we would each work three days per week (Mon-Wed and Wed-Fri) with Wednesday as our overlap or transition day. However, if both employees work 2 days, overlap time can take place during lunch if necessary, however, job share hours need not be divided equally. One of the earlier options discussed for our arrangement was for Leslie to work three days a week and for Mary to work two days a week. In the current arrangement, we have more overlap time than most job sharers, but it has been helpful, especially during very busy times and vacations.

3. Set up a communication system. Job share partners must, in a sense, be in one another’s pockets. Privacy of telephone and e-mail messages is not possible. Whoever is at work must constantly check the phone, e-mail and business mail of the person not at work to see if there are any reference requests or other important messages. Be reachable when not at work. The partner in the office may have questions about an ongoing project. An exchange of home and cell telephone numbers, as well as home e-mail addresses, is essential. Normally we both leave work behind for each other with notes that are so complete that we rarely need to be contacted at home. We also have informal sessions on Wednesday mornings when we touch base.

Others involved in the research need to be informed of the job share arrangement. Individuals and organizations outside the firm should be given names of both librarians and told to contact either individual. For example,

TIPS FOR JOB SHARING A REFERENCE LIBRARIAN POSITION IN A LAW FIRM LIBRARY

Leslie Weston
Senior Reference Librarian Wiley, Rein & Fielding, LLP
and
Mary Bowen
Reference Librarian Wiley, Rein & Fielding LLP.

WE HAVE FOUND THAT REFERENCE WORK—OFTEN HANDLED BY MULTIPLE STAFFERS ANYWAY—IS AMENABLE TO JOB SHARING AND PART-TIME ARRANGEMENTS.

when Leslie and Mary place an interlibrary loan order, or an order with a document delivery organization, on the fax or form requesting the item, they always put: “Contact Leslie Weston or Mary Bowen at...” If reference questions are not finished by the time one of the job sharers ends her term, the attorneys and other recipients of the research must be warned that the person who is handling their request will not be there the next day, but the other librarian will be fully capable of finishing the request in a timely and accurate manner.

4. Agree upon a trial period for the arrangement, after which its success can be evaluated. The arrangement may be tweaked at this point, or discontinued if it is not working. Continue to review how things are going.

5. Determine how benefits will be divided—or if both employees will be eligible depending on the number of hours worked.

6. Agree on what will happen if one partner decides to leave. Will the remaining partner be invited to work full time or resign? Will another partner be recruited?

7. Be flexible. As the needs of the employer

change, the job share may evolve into something different.

Job sharing can be a great experience for the employee, giving him or her extra time away from the workplace to take care of important personal or family needs. It can also be extra work for the Human Resources department of the library’s parent organization. However, it can also help the organization’s bottom line. First, because the job sharer has time off during the work week, there is often less absenteeism. Although it may not be necessary, or required, individuals who job share frequently use their time off for scheduled medical appointments, home repair or other personal necessities. Second, because of more having time off, the job sharers are often more enthusiastic or energetic during the time they are at work and may suffer less “burn-out.” Third, because two individuals may work on the same reference requests, the problems involved in the research can have two minds working on them, so the result may be more and better research. In summary, job sharing can be of great benefit to the employees, the library, and the law firm. ■

CAPCON AD

IN JANUARY OF 2002 I CHANGED CAREERS, from archaeology to library science. I would like to think it was based on profound theoretical and professional discourse; unfortunately, I cannot. At the time, my decision came down to basic economics and air conditioning. The differences between the professions and those who practice them can be quiet striking. A trait of a good anthropologist (all archaeologists are anthropologists) is the ability to examine another group while stepping back from one's own basis and biases. Now looking back, I now see many similarities between the two fields that made the switch possible.

Archaeology and library science both can function much differently in practice than they do in theory. The things learned in graduate school do not always translate to real-world implementation. Both groups are aided by a structured order that forms their professional worlds.

Both fields have identity issues. Librarians are trying to overcome the image of the non-assuming bookish librarian keeping everyone quiet. Archaeology has a double image problem. The first is the big screen images such as Indiana Jones that we all must live down. The second is

the tie-dyed hippie fighting to save the historical fabric from development. Both groups must move past these perceptions. The change must occur first within their own profession before those on the outside will see the change.

Each field has distinct niches. Those who work in archaeological labs compare to catalogers. Specialties in distinct area or obscure knowledge bases develop over a career. Library technicians and archaeological technicians share a common bond both in the work they do, their relationships with degreed professionals, and in the place within the profession's hierarchy.

Both professions are often task-oriented. Answering a reference question or completing a shovel test pit can satisfy your sense of accomplishment even if there are piles of work waiting for you the next day.

For their similarities the two professions can be a world apart. A key difference can be noted in what constitutes as a bad day. In a library, you may be having a bad day if you are swamped at the desk. In archaeology, you have not had a bad day until you have been chased out of a swamp by a snake and experienced the local wildlife. ■

LIBRARY SCIENCE VS. ARCHAEOLOGY

*David Koneiczko,
Computer Services
Librarian, Venable LLP*

LIBRARY SCIENCE VS. ARCHAEOLOGY

LIBRARY SCIENCE

- **Controlled Climate**
Perform tasks under conditions to prevent conditions that may cause a book to rot.
- **"Bugs"**
Computer problems usually handled by the IT department.
- **Travel**
Go to professional conferences and meet like-minded colleagues and experience the locale's wildlife.

ARCHAEOLOGY

- **Uncontrolled Climate**
Perform tasks under conditions that may cause your foot to rot.
- **"Bugs"**
Little creatures that crawl all over you usually handled by "OFF!" with lots of deet.
- **Travel**
Go to a swamp and meet the locals, and the locale's wildlife.

LIGHTS DEADLINE

■ ■ ■ If you would like to write for *Lights*, please contact Matthew Mantel at mmantel@law.gwu.edu. For the most up-to-date information regarding the 2005-2006 submission deadlines and issue themes, check the LLSDC Web site at <http://www.llsdc.org>.

DATES TO REMEMBER

■ ■ ■ *Dates to Remember (DTR)* is a monthly (September – May) newsletter designed to keep the membership informed of current Society events. To clear your date and publicize the event, please contact Millie Gallahan at 703/619-5033 or management@llsdc.org.

AMERICAN ASSOCIATION OF LAW LIBRARIES' PRESIDENT VISITS WASHINGTON D.C.

Matthew Mantel
Reference/Government
Contracts Librarian,
Jacob Burns Law Library

ON OCTOBER 21, 2004 THE LAW LIBRARIANS' SOCIETY OF WASHINGTON, D.C. welcomed American Association of Law Libraries President Tory Trotta to Washington D.C. for a chapter visit. President Trotta's visit was at a propitious time: that evening the LLSDC celebrated its 65th anniversary, but more importantly, she took the opportunity to speak directly to Society members about the future of law librarianship and strategic planning for the American Association of Law Libraries.

Ms. Trotta held a "President's Forum" that afternoon at George Washington University Law School's Jacob Burns Law Library. Prior to the meeting, Tory distributed questions to guide the discussion. In her written statement, Ms. Trotta noted that:

"The AALL Executive Board is studying trends in the legal profession, in law librarianship and in libraries in general in preparation for the creation of a new Strategic Directions document this year. This exercise will be most successful if members contribute to the conversation. We are asking for our colleagues to talk to us about what professional challenges they face now, and what blend of services and products would be most useful for AALL to continue to provide, discontinue, or in the future."

Questions posed to the attendees included the following:

1. From your professional vantage point, what challenges/trends do you see your library grappling with that affect your professional role within your institution?
2. What do you see as the most challenging issues or professional trends facing you as a law librarian now or in the near term?
3. What are the issues that impact your ability to provide the services you wish to provide your patron group?
4. What existing AALL programs, services and products do you see as vital to our continued mission and therefore need to be continued into the future?
5. You've identified some challenges you face now or that you see coming down the pike in the near term. What new initiatives should AALL be undertaking to help you prepare to meet those challenges?
6. Just as most of us have a finite amount of resources, so does AALL. What activities



AALL President Tory Trotta speaks



Law Library Lights covers from the past



would you suggest AALL discontinue to make way for the new initiatives?

7. If money were no object, and AALL had unlimited resources, describe your vision of an ideal AALL.

Discussion at the forum was brisk, and answers were often unexpected. On the first question, the opinions of the academic librarians and the firm librarians diverged with the former discussing fears of becoming obsolete based upon an obligation to teach research methods to faculty and students who would then become less reliant on librarians (or even the library). Firm librarians, on the other hand, felt that attorneys were pushing more and more work onto them requiring that they expand their expertise into new areas. Interestingly enough, both groups pointed to technology as the root cause of the shift.

Another problem librarians shared was a sense of a lack of respect afforded to them. Firm librarians discussed having to bill their time like attorneys, yet having to compete with paralegals and legal secretaries for work that had traditionally been considered librarian work. The root problem identified here, and one familiar to all librarians, was that of valuing the work of librarians. The federal-state-county librarians viewed this question through the lense of funding. Funding is based upon statistically-driven budgeting measures and without adequate ways to derive statistical benchmarks of their work, they find themselves in danger of losing funding. Although our society measures worth in terms of dollars, the consensus seems to be that librarians must come up with a way to measure both their tangible and intangible value or they will continue to be undervalued as a profession.

Connected to the idea of respect (valued in dollars or otherwise) was the concept of marketing librarian services. One participant pointed out that increasing globalization of the law required librarians to develop new skills to meet the challenges of an internationalized legal profession. Another described the need to instruct attorneys about licensing and copyright issues and what they can and cannot do with information supplied to them on their desktop. Both comments spoke to librarians developing new skill sets, not only in new areas of research, but also in areas of substantive law, such as intellectual property in order to supply information to users more effectively. These observations tie into the theme of marketing



LLSDC V.P. Tonya Thomas and former LLSDC President Pam Gregory pose before the LLSDC's 65th birthday cake



LLSDC publications



LLSDC President Herb Somers gives a shout out to someone in attendance

the library and librarians by demonstrating the many tangible benefits they supply to the parent organization. Some argued that complaints of being devalued, attempting to justify ones existence, or winning respect in the organization come down to questions of effective marketing and outreach.

A good deal of the forum was spent discussing AALL programs and services. Participants grappled with identifying those programs that worked for members and those that did not. Everyone strongly agreed that the Washington Affairs Office and Mary Alice Baisch were doing an excellent job for the Association, and their services provided great value for the money. Ms. Trotta indicated that she was hoping to expand the Office's activities in the future. Forum participants also generally agreed that *Spectrum* was a valuable publication and they found other services such as the moderated list-serv to be helpful. *Spectrum* was not, however, without its detractors. While many agreed that the content of *Spectrum* was useful, especially news regarding chapter activities, some complained that they did not have time to read *Spectrum*

and that when they did, they were disappointed that it did not contain more practical information. The same objections were raised to *Law Library Journal* by some participants. One attendee suggested a "cafeteria" approach to membership and publications, one that would allow members to buy only the services they desired.

The Annual Meeting was another issue of discussion. Due to the fact that all AALL committees and Special Interest Sections are treated equally, annual meeting programs seem haphazard and unorganized and repetitive. Members of the Technical Services SIS complained that there are not enough programs for them; that public services programs dominated, or there are too many of the same kinds of programs which are recycled year after year. Some suggested remedies included longer program slots. Rather than the half-hour or 45-minute program, AALL should sponsor two hour to half-day, seminar-type programs which would allow the exploration of a topic in greater depth. Another suggestion was to have a mid-winter business meeting on the model of ALA so the annual meeting could be devoted exclusively to programming. One participant felt that the association should dispense with the annual meeting and instead have regional meetings with a larger annual meeting once every few years. Ms. Trotta pointed out that the size of the annual meeting has dictated that the meeting be held in larger convention centers which has to a certain extent limited the cities and venues the annual meeting could be held in.

One excellent idea not related to the annual meeting, but to marketing, was to expand marketing efforts of librarians to associations that are consumers of legal research expertise such as ABA and AALS. Having AALL members attend, and set up informational booths at meetings of the American Bar Association, for example, would serve to increase the law librarian's visibility to our core constituencies.

All in all, LLSDC members provided a number of provocative suggestions to President Trotta about the future of the profession and the Association. Ms. Trotta stated that for those unable to attend the session, there will be many future opportunities to participate in the dialogue. The Law Librarians' Society would like to thank Tory for the opportunity to voice our opinions about our profession and we look forward to assisting her and the Association in strengthening the profession in the future. ■

PUBLIC RECORD SOURCES AD



LEXIS NEXIS AD



THINGS ARE BIGGER IN TEXAS

*Monica Ortale
M.L.I.M., J.D.,
Faculty Services &
Reference Librarian,
Fred Parks Library,
South Texas
College of Law.*

"THINGS ARE BIGGER IN TEXAS!" Just take a look at the giant sized boots outside North Star Mall which stand as a tribute to just two of my not so secret vices; shopping and shoes! San Antonio has fabulous shopping, and right next to the Hilton is a perfect example; La Villita, a complex of 27 restored buildings on the site of a Coahuiltecan Indian Village. Each building showcases various artists who display their paintings, jewelry, pottery, and beautiful weavings, all unique to the region.

Just a short trolley ride down Commerce St. is El Mercado, a veritable warehouse of pottery, and nearby is the farmer's market. If you don't get enough to eat browsing the stalls, then head to the restaurants. La Margarita is my personal favorite. I can picture it now as the waiter brings me a sizzling fajita platter, the steam rising up from the tray. Oh the aroma!

But for those with a car, head north toward Austin on I-35 for about 30 minutes and be prepared to visit a shopping Mecca. The factory outlet stores of San Marcus are too numerous to mention. The short trip to San Marcus is definitely worth the trip when you consider how much you will save.

But I digress. For those who love shopping for footwear, and who doesn't, there are marvelous local boot-makers. I suggest trying Lucchese who have been making boots by hand since 1883. I would also suggest Crazy Horse Boots for that special pair of custom boots. Both are located in San Antonio.

If the outlet stores are not an option and you want something closer to the convention center, then Dillards and the shops in River-Center have a wonderful assortment. When you are all shopped out, there is nothing like relaxing at a table on the Riverwalk level, watching the tourists and the riverboats pass by while sipping a Starbucks coffee, knowing that the bags surrounding you are full of shoes just waiting for the right occasion; like the General Business meeting. ■

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OFFICE MOVERS AD



THE AALL GRANTS PROGRAM PROVIDES FINANCIAL ASSISTANCE to law librarians or graduate students who hold promise of future involvement in AALL and the law library profession. Funds are provided by vendors, AALL, and AALL individual members. Grants are awarded to cover the Annual Meeting registration fee or the registration fee for workshops presented at the Annual Meeting. Preference is given to applicants who are new to the profession and active in AALL or one of its chapters.

The AALL Grants Program began in 1952 and is one of the oldest and most successful AALL programs. More than 1,000 librarians have received funding to assist them in attending AALL educational activities. Many of those recipients are leaders in the profession today. For additional information, check out the appli-

cation on the Association's web site. <http://www.aallnet.org/committee/grants/grants.asp>

In 2001, the Minority Leadership Development Award was created to assure that AALL's leadership remains vital, relevant and representative of the Association's diverse membership. The Award provides up to \$1,500.00 toward the cost of attending the Annual Meeting, an experienced AALL leader to serve as the recipient's mentor, and an opportunity to serve on an AALL committee during the year following the monetary award. For additional information, check out the application on the Association's web site. http://www.aallnet.org/about/award_mlda.asp

Applications for both AALL Grants Programs must be received at the Association's headquarters by April 1, 2005. ■

SUPPORTING NEW PROFESSIONALS: THE AALL ANNUAL MEETING GRANTS

Paddy Satzer
AALL Grants
Committee Chair

AALL MENTOR PROJECT

ARE YOU NEW TO LAW LIBRARIANSHIP, LOOKING TO MOVE TO ANOTHER TYPE OF LAW LIBRARY, OR NEED ADVICE ADVANCING IN YOUR CAREER? Are you an experienced law librarian interested in meeting and advising those who are new to the profession? Then find a mentor or become a mentor through the AALL Mentoring Committee's Mentor Project!

The purpose of the Mentor Project is three-fold: to provide an informal, personal source of information for newer members; to provide an avenue by which experienced law librarians may meet promising new members of the profession; and to provide a network for members who are contemplating a move to another type of library.

If you previously participated in the Mentor Project and would like to be matched in a new mentoring relationship, you are encouraged to reapply; since it is up to the individuals to decide how long to continue their mentoring relationship, participants may reapply for a new match in subsequent years.

The Mentor Project is open to librarians from all types of libraries. Applications will be reviewed by a Mentoring Committee member and representatives from ALL, PLL, and SCCLL Special Interest Sections so that each participant will be assigned a member whose profile matches, as closely as possible, to his or her request.

Although attendance at the AALL Annual Meeting is not required for participation, those who apply by May 2, 2005 will be guaranteed a match in time for the Annual Meeting during which the Mentoring Committee will host a Mentor Project reception to provide a meeting place for the participants. Applications are available at: http://www.aallnet.org/committee/mentoring/mentor_project.html.

We look forward to hearing from you!

AALL MENTORING COMMITTEE Visit us at <http://www.aallnet.org/committee/mentoring/>

WESTLAW AD



AS THIS IS MY FIRST COLUMN OF THE NEW YEAR, I want to start by wishing everyone a happy New Year. I hope that 2005 proves to be both rewarding and professionally stimulating for all of you. The Society is always here to assist you in broadening your professional horizons, so please plan to attend the many educational and social events that the Society will sponsor in the coming year.

Perhaps the most interesting aspect of being President of LLSDC is the opportunity to get a “behind the scenes” look at the administration of the Society. As members, we tend to take for granted that a full year of professional development activities will be available to us, but we don’t really think about the considerable financial and personnel resources that go into this effort. It takes a host of Society volunteers, lawyers, accountants, and a management company to conduct Society business from year to year. To paraphrase the words of Senator Clinton, it does “take a village.”

To give you an idea of how much the Society spends on each member, below is a breakdown of administrative expenses for a typical year. (Thanks to Treasurer David Mao for putting this information together.) Please note that this does not include all possible administrative charges, but it is meant to serve as an illustrative sample of the major ones. The basic costs to service LLSDC’s membership include the charges for *Law Library Lights* and the Membership Directory; professional services; and miscellaneous costs such as printing, postage, supplies, telephone, and insurance. From the last treasurer’s report, the 2003-2004 cost for these categories were:

CATEGORY	COST
LAW LIBRARY LIGHTS	
DESIGN AND LAYOUT	\$2,758.00
PRINTING	\$6,962.85
POSTAGE	\$852.00
ADVERTISING REVENUE	(7,900.00)
MEMBERSHIP DIRECTORY	
LAYOUT	\$512.20
PRINTING AND POSTAGE	\$6,707.18
ADVERTISING REVENUE	(400.00)
PROFESSIONAL SERVICES	
MANAGEMENT COMPANY	\$30,000.00
ACCOUNTANT	\$6,370.00
LAWYER	\$322.50
MISCELLANEOUS COSTS	
OFFICE SUPPLIES	\$10,439.13
PHONE	\$292.78
INSURANCE	\$407.04
MESSENGER	\$1,004.00
	\$797.31
TOTAL:	\$59,124.99

As of May 20, 2004, LLSDC had 753 members. Thus, the approximate cost per member for the 2003-2004 year was \$78.52. Assuming the typical member paid on average \$50.00, the Society therefore shouldered the difference of \$28.52 per member. With a membership of 753, the cost to the Society was roughly \$21,475.56. Thus, as you can see, membership in the Society is an incredible bargain at the present dues level, given the large expenditures of resources necessary to run the Society.

Unfortunately, the past few years have seen the Society operating in the red. For example, last year the Society incurred a \$20,000 deficit. This can be explained by a number of factors, such as sluggishly performing investments, lower revenue from subscriptions to Society publications and increased costs for printing and postage. While at present LLSDC has sufficient resources to fund its activities in the short term, if LLSDC is to continue its role as one of the premier local chapters in the country, it is imperative that we maintain a more sustainable level of spending for the long term.

In this respect, the LLSDC Executive Board is committed to ensuring the financial future of the Society. We are looking at a number of initiatives to save on administrative costs and generate revenue for LLSDC. We are studying the feasibility of conducting electronic elections in the future; the Board passed a resolution at its January meeting to amend the Society’s bylaws to make this possible. By conducting electronic elections, a considerable amount of money spent on postage and printing will be saved. The proposed bylaws amendment will be put to your vote at our next election.

In addition, we are looking at innovative ways to raise revenues through vendor sponsorship and new products. We are sure that the creativity of our members will provide us with new ideas to help us in this goal. Finally, the Board has suggested that membership rates be raised by 25%, bringing the Regular/Institutional membership fee up to \$50.00. LLSDC last changed its membership rates in 1993, increasing them by 60%. Given our present fiscal situation, the Board feels that the increase is modest and is necessary to provide financial stability for the Society over the long run.

All of these proposals will be discussed at the Town Hall meeting to be held this Spring. Please keep an eye out for an announcement for this important meeting, and I hope that you will attend and provide us with your ideas and opinions. ■

PRESIDENT’S COLUMN - WINTER 2005

Herb Somers
Foreign/International Librarian, Jacob Burns Law Library

TECH TALK

Roger V. Skalbeck
Technology
Librarian, George
Mason School
of Law
(rskalbec@gmu.edu)

PDF IS NOT JUST FOR ADOBE ANYMORE

The latest version of Adobe Acrobat was released in late 2004, and the professional version is priced at \$450. Even their standard version is not much more affordable at \$300. I suppose it is reassuring to see that Adobe is continuing to add features to its product, especially since the company seems focused on improving productivity, security and workflow processes. However, I would venture a guess that a very small percentage of people reading this column truly need to “retain layers and object data in technical drawings” or “manage specialized content from AutoCAD®, Microsoft Visio, and Microsoft Project.” I know that I don’t need these! Nevertheless, they are two of the exclusive features of the top Acrobat software available today.

Being in an academic market, thankfully my institution doesn’t have to shoulder the high costs of Adobe Acrobat. Soon I’ll be getting a copy of the latest version through the universi-

ty discount rate. Since not everybody has this kind of luxury, I wanted to highlight some lower-cost alternatives for creating PDF documents. I think the odds are pretty good that a majority of people reading this could find many uses for a tool to produce documents in Adobe’s Portable Document Format (PDF), and there are probably a number of folks who can’t do so now. Thankfully, PDF is not just for Acrobat anymore.

Wanting to maintain the supremacy and ubiquity of the PDF document format, Adobe has chosen to license its PDF creation technology to various companies. There are arguably ways that you can create PDF documents for free, but I am choosing not to consider any programs that are either advertising-supported (e.g. www.pdf995.com) or those requiring sophisticated installation (e.g. www.ghostscript.com, which tangentially can create PDF files).

Following are four alternatives to Adobe Acrobat (production) Software which you can use to create PDF documents. The fourth one is an option through Adobe, so maybe that’s not a true “alternate.”

OPTION 1: WordPerfect. You read that correctly, WordPerfect. If you own a moderately new version of WordPerfect, there is already a PDF creation tool built into it. You simply select “Publish to PDF” under the File menu, and then you have options as to how you want your PDF document rendered. I don’t know why WordPerfect doesn’t tout this feature more, but it’s there if you want it.

OPTION 2: PDFFactory: (www.pdfactory.com). This program comes in a standard version for \$50 as well as a professional edition for \$100. If you simply want to create PDF documents from web pages or Word documents, go with the standard edition. On the other hand, if you want to compile documents that you can also navigate and control better, the professional version is more appropriate. There are trial versions of both programs on the website.

OPTION 3: Macromedia FlashPaper 2: \$79 (www.macromedia.com). This is a very simple program from Macromedia, the makers of Dreamweaver, Flash and other Web editing tools. Once installed, FlashPaper appears as an available printer within Windows and can also appear as a toolbar in common Microsoft Office programs (Word, Excel). To create simple PDF documents, you simply select the FlashPaper printer or toolbar and make PDFs from single documents at a time. FlashPaper

WASHINGTON
EXPRESS AD



also includes an option to convert documents to Macromedia Flash format, but I can see no reason why you would want to do this. People are familiar with the PDF format and they understand how to print them out.

Note: FlashPaper comes for free with any copy of Macromedia Contribute (a very simple web editing program). If you might need a new web editing tool as well as a PDF program, consider Contribute before you buy FlashPaper by itself.

Adobe Acrobat Elements – The final option for creating PDF documents comes from Adobe itself. A completist looking to evaluate PDF creation options for an entire organization should consider this. Adobe does not sell individual copies of this, so consider it only if a lot of people need to make PDF documents.

SOFTWARE CART DRIVING THE HARDWARE HORSE

In a small and probably unnoticed irony of the computing world, the proverbial software cart is now starting to drive the hypothetical hardware horse. If you were to walk in to your favorite computer store today, the full version of Microsoft Office could cost just under \$500 and Microsoft's XP operating system is probably between \$200 and \$300. The latest edition of the perennial design program Photoshop costs around \$650 and the Adobe "Creative Suite" which includes Acrobat, Photoshop and InDesign (successor to PageMaker) costs over \$1200! As noted above, the full version of Acrobat by itself costs \$450.

Compare these software costs to some recent hardware deals: You can get a Dell Dimension 3000 with a Pentium 4 Processor for under \$500. Dell, Gateway and others regularly offer bargain PCs in the \$400 range.

Why is it that this proverbial software cart has taken over in the driver's seat, steering the hardware horse wherever it is that we'll some day end up? In many respects, this doesn't seem right or fair. A stylish \$400 PC is something I can touch and feel. A software program is just a bunch of lines of code that exist on some arbitrary storage medium like a CD, DVD or downloaded from the Internet.

Regarding software that is only available for download, I find one thing quite humorous: "the virtual boxed product." Several companies that sell software that you can only download present it in stylish "virtual boxes" online. I guess the thought is that this makes the software concept easier to understand. Two exam-

ples are: Radio Userland, which sells annual service plans to host Blogs, and Interakt, a Romanian company that sells really cool extensions to Macromedia Dreamweaver, which can cost up to \$600.

Whether your hardware horse is out in front or being dragged around by that software cart, I guess we all just have to deal with this reality and decide what is truly important to get the job done at the end of the day. Until the next issue, Giddy-up! ■

WASHINGTON AREA LIBRARY DIRECTORY AD

ACADEMIC SIS PRESIDENT'S COLUMN

Matthew Mantel
Reference/Government
Contracts Librarian,
Jacob Burns Law Library

THE ACADEMIC SIS GOT OFF TO ITS USUAL START with its annual barbeque, this year held at George Washington University Law School on October 15, 2004. Food was provided by Rocklands Barbeque, and a good turnout was had. Of course there was more food than most people could eat, but it wouldn't have been much of a barbeque if we had run out of food, would it.

The Academic SIS in partnership with the Foreign/International SIS are proud to sponsor Law Librarians Day at the Bowie Baysox. On May 15th the Baysox are scheduled to play the Portland Sea Dogs and we have reserved 30 spaces at the Picnic Pavilion at Prince George's County Stadium. The event includes general admission to the game and an all-you-can-eat picnic buffet. Gates open at 12 noon and the game begins at 1:05, but the buffet begins at noon and closes at 2:00 pm. The cost is \$20.00

per person (parking is free). Tickets are available first come first served to all LLSDC members and their guests. Send checks payable to the Law Librarians Society of Washington, D.C. to Herb Somers at the Jacob Burns Law Library, George Washington University Law School, 716 20th St., NW; Washington, DC 20052. Checks must be received before a reservation can be accepted and the deadline for reservations is May 9, 2005. If you have any further questions contact Herb Somers at (202) 994-5177 or hsomers@law.gwu.edu.

As always if you have any ideas for programs, please do not hesitate to contact me with your ideas and suggestions. My email address is mmantel@law.gwu.edu.

The Academic SIS is also looking for candidates to run for the office for the 2005-2006 year. If you are interested in standing for office please contact me. ■

PRIVATE LAW LIBRARIES SIS NEWS

Jennifer Korpacz
Covington & Burling

LIBRARIANS GONE WILD...AGAIN...A wonderful time was had by all who attended the PLL annual holiday party on December 2nd. The yummy food and success of the party was thanks to the efforts of our party planner Keith Gabel, our host Nancy Ciliberti and the librarians at Willkie Farr, and Gallagher, and generous grants from TRAK Legal and Inside Washington Publishers.

Since We Like to Be Social...It was great to see you at the PLL evening of ice-skating, hot chocolate, and camaraderie last February 3, 2005 at the Sculpture Garden Ice-Skating Rink. If you can't make ice skating (or ice skating isn't your leisure sport), keep an eye out for the soon-to-be announced dates for the PLL

visit to the International Spy Museum and the next happy hour.

On the Education Front...Global Securities Information, Inc. gave a helpful presentation over lunch regarding new features and search tips at Howrey, Simon, Arnold & White on December 7, 2004. Also, planning is currently underway for a patent law research presentation in the spring. In addition, PLL is looking at possible sessions on tax research, medical research, and library week ideas. The education committee is still soliciting volunteers and program ideas - especially in the area of technical services. Please contact a PLL Board member, if you can volunteer on the education committee, or have an idea for a program. ■

SEE YOUR NAME IN "LIGHTS!"

■ ■ ■ *Law Library Lights* welcomes submissions of feature and hot topic articles for publication. Authors whose articles are selected for publication will receive a gift compliments of the *Lights* committee. Editorial inquiries or requests for additional information should be addressed to Matthew Mantel, Editor, at lights@llsdc.org or at 202-994-1022.

TELL US WHAT YOU THINK

■ ■ ■ How interesting did you find this issue of *Lights*? Were the articles informative and relevant to you or someone you know? What topics would you like to see *Lights* cover? Are there other new features that you would like to see in *Lights*? How can we improve future issues? Please send feedback and suggestions to lights@llsdc.org. We value your input.

IF YOURE A PUNCTUATION STICKLER chances are youre going to enjoy reading it even find it amusing Lynne Truss states in the first chapter that the book doesnt instruct about punctuation rather it is a self help book giving the stickler permission to love punctuation it also contains a rich history about punctuation the evolution development over the years and where it is today if you know me youre probably asking why are you reading it its not you well I heard it was funny then I started reading it and thought Im not a stickler is it too late to pick another book for this review yes

Lynne Truss, who lives in Brighton, England, is an editor, writer and journalist. In her book, *Eats, Shoots & Leaves*, Truss describes punctuation as “a courtesy designed to help readers to understand a story without stumbling.” She further explains that without punctuation, “there is no reliable way of communicating meaning. Punctuation herds words together, keeps other apart” (see paragraph above). At one point the author asks, “What happened to punctuation? Why is it so disregarded when it is self-evidently so useful in preventing enormous mix-ups?” She blames the education system between the late 60’s and early 70’s. She refers to it as the “dark-side-of-the-moon years in British education when teachers upheld the view that grammar and spelling got in the way of self-expression.” So that’s my excuse (except that we went to school on different continents). She uses stories (some humorous and some less so) as examples to make convincing arguments that correct punctuation is necessary, but goes overboard in delivering. It’s like killing a gnat with a sledgehammer.

The reader has to wade through 18 pages of Preface, Acknowledgments, and Frank McCourt’s nominating her for sainthood before the first chapter even begins. She explains what prompted her to write the book: “despair was the initial impetus.” Signs in store windows, for example, that read “come inside for CD’s, VIDEO’s, DVD’s, and BOOKS’s.” If you are not offended by this, then “congratulate yourself that you are not a pendant or even a stickler; that you are happily equipped to live in a world of plummeting punctuation standards...” ‘Offended’ would not describe my feelings about this, heck; I’m not even bothered by it. Okay it’s wrong but I don’t go through the stages of death thinking about it, like some people (...“book’s” with an apostrophe in it will trigger a ghastly private emotional process similar to the stages of bereavement...). Oh it’s “British Humour”

some would say; she’s being typically hyperbolic.

In Truss’s role as a self-identified “sensitive stickler” she conveys a valid argument. Take for example the same set of words punctuated differently:

A woman, without her man, is nothing.

A woman: without her, man is nothing.

The meaning clearly differs depending on the punctuation. The book is laden with examples of how the apostrophe, comma, dash, colon, italics and other road signs should be used and how they are often employed incorrectly. Some of her examples are taken from Old English and are a bit dense and inaccessible. This could be the anti-stickler in me – I just didn’t get some of this stuff. She also uses modern day examples, such as the correct usage of the beleaguered semicolon. Truss explains: the proper usage is between two related sentences where there’s no conjunction, as in “I loved Opal Fruits; they are now called Starburst, of course.” She also includes humor like the story about the e-mail hoax virus called ‘Strunkenwhite Virus’ that refused to deliver e-mails containing grammatical mistakes thus ending all e-mail communication. My opinion aside, this book would make a great gift idea for the grammarian in your life. ■

A BOOK REVIEW OF EATS, SHOOTS & LEAVES: THE ZERO TOLERANCE APPROACH TO PUNCTUATION BY LYNNE TRUSS

*Reviewed by
Karen W. Silber
Legal Reference Librarian
BNA, Inc.*

GALLERY WATCH AD

GSI AD

WHEN GOOD CATALOGING GOES BAD

I am a technical services librarian. Not only that, I am a cataloger to boot. As such, I am expected to see the “forest” of cataloging while being constantly inundated with the “trees” of minutiae that accompany the act of cataloging legal materials. As you may remember from library school, catalogers are governed by many rules (AACR2, Subject heading manual, MARC21, etc.) Sometimes in our zeal to abide by these rules, we lose our way in the forest. Such is the case with the MARC records for one of our locally published titles: the Catholic University Law Review.

For those of us who reviewed the OCLC records for Catholic University Law Review between Oct. 2001 and Nov. 2004, the title seemed to flip flop from Law Review (1950-1975) to Catholic University Law Review (1975-1995) and back to Law Review (hardly a descriptive title). When my astute serials librarian brought me the title change information in 2001, I muttered an expletive and went about the business of reworking the records, including all the local details that are involved with a title change in my library. Because GW follows the practice of classifying its law reviews by the latest title, I had to pull ALL the volumes and relabel everything to fall in K12 (Law review). Hence the expletive.

Imagine my surprise and chagrin when the head of collection services (the department that would have to shift the collection to allow for the shelving of the new call number) dared to question the logic behind the title change! She did not understand why the records (and call number) were changed, noting that the citation title was the same as the previous issues (Cath. U. L. Rev.). The subsequent investigation, which included contacting the law review staff, led to the discovery that the editors had merely altered the typography on the cover of two issues. This alteration was misinterpreted by a high level cataloger as a title change. After much hemming and hawing (and a number of years having passed), I finally recataloged the set yet again, pulled the volumes and relabeled them once again to K3 where they had originally rested. The OCLC record was corrected by LC in November of 2004.

What is the lesson to be learned here? Catalogers must be more forgiving of cosmetic changes in individual issues of a serial, particularly law reviews. We need to be more critical of what constitutes a major change in title and what is the intention of the publisher.

NEW TITLES

Indigenous Peoples' Journal of Law, Culture, & Resistance, 2004-

annual, UCLA School of Law

International Law Review, 2004-

semiannual, Loyola University Chicago School of Law

The Journal of World Investment & Trade, 2004-

bimonthly, Werner Publishing Co.

University of Ottawa Law & Technology Journal = Revue de droit & technologie de l'Universite d'Ottawa, 2004-

frequency unknown, Faculty of Law, University of Ottawa

TITLE CHANGES (OR ARE THEY?)

Georgetown Journal of International Law, 2003-

quarterly, Georgetown University Law Center continues: Law and Policy in International Business

Law, Science and Policy : an International Journal, 2004-

frequency unknown, A B Academic Publishers continues: International Journal of Biosciences and the Law

Loyola Law and Technology Annual, 2004-

frequency unknown, Loyola University School of Law

continues: Loyola University New Orleans School of Law Intellectual Property & High Technology Journal

Texas Journal on Civil Liberties & Civil Rights, 2003-

three times a year, University of Texas School of Law

continues: Texas Forum on Civil Liberties & Civil Rights

Widener Law Review, 2003-

semiannual, Widener University School of Law continues: Widener Law Symposium Journal ■

EYE ON SERIALS

Susan Chinoransky
Head of Serials and
Processing, Jacob Burns
Law Library

LIGHTS DEADLINE

■ ■ ■ If you would like to write for *Lights*, please contact Matthew Mantel at mmantel@law.gwu.edu. For the most up-to-date information regarding the 2005-2006 submission deadlines and issue themes, check the LLSDC Web site at <http://www.llsdc.org>.

BNA AD



WEDNESDAY, OCTOBER 13, 2004

AT GULC

Meeting called to order at 9:10 a.m. by President

IN ATTENDANCE: Linda Davis, Tanya Thomas, Keith Gabel, Diane Munoz, David Mao, Frances Brillantine, Tom Moore, Craig Klansky, Debbie Troochi

PRESIDENT: Reviewed minutes from last meeting

Motion approved

75 registered for opening reception on October 21, 2004.

TREASURER: Distributed Expenses and revenue spreadsheet for year-to-date.

Reviewed 2003-2004 budget which showed greater expenditure than revenue.

Issue raised of need to balance revenue and expenditure.

Asked that issue of increasing yearly dues be put on agenda for next meeting.

ASST. TREASURER: Deposited \$4890 since last meeting

Other board members did not have anything additional to report.

MGMT. GROUP REPORT: Reviewed new members and dates to remember. New Members approved.

COMMITTEES

MEMBERSHIP: Had new member breakfast, 27 people attended.

PUBLICATIONS: Will meet on Friday to discuss costs of new publication. Will also meet with Sima to discuss timeline for publication. Have tapes of previous edition from LLSDC archives and Sima will extract information at no cost.

FEDERAL SIS: Had a tour of Supreme Court Library.

ACADEMIC: Opening get together will be Friday from 4-6 at GW

FOREIGN & INT'L: October 26 program on a case involving indigenous peoples, a plant and the vagaries of patent law.

PLL: Putting together a program on archives

EDUCATION: Sent survey for ideas. Will have LRI in spring.

LIGHTS: Deadline is 11/1

PLACEMENT: Tanya updated the job line.

ILL: In process of revising ILL borrowing and listserv usage policies.

OLD BUSINESS

President appointed select Web committee: Chris Reed, Roger Skalback, Ann Green, Paul Weiss, and Herb Somers to serve ex officio. Will make recommendations by January.

NEW BUSINESS

ARCHIVES: Looked at guidelines for committee/individual submissions to archives. We need to do a better job at documenting information—especially photographs. CL will contact library schools to see if there is any interest in a student helping with archives organization.

Passed motion to adjourn at 9:50

WEDNESDAY, NOVEMBER 10, 2004

AT COVINGTON & BURLING

Meeting called to order at 9:10 a.m. by President

IN ATTENDANCE: Linda Davis, Tanya Thomas, Keith Gabel, Diane Munoz, David Mao, Frances Brillantine, Debbie Troochi, Herb Sommers, Tricia Peavler, Natalie Walter, Elizabeth LeDoux, Craig Lelansky, John Moore

PRESIDENT: Reviewed minutes from last meeting.

Motion approved

Excellent turn out for opening reception last week. It was very successful.

TREASURER: Distributed Expenses and revenue spreadsheet for year-to-date.

Transferred \$10,000 to checking to pay for Counsel publication.

LLSDC BOARD MEETING

Elizabeth LeDoux
LLSDC Recording Secretary, Research & Conflicts Librarian, Covington & Burling.

INFOCURRENT AD

ASST. TREASURER: Deposited \$4422.85 since last meeting

CORRESPONDING SECRETARY: Please let John know if you have any notes that need to be written to members, etc.

Other board member did not have anything additional to report.

MGMT. GROUP REPORT: Reviewed new members and dates to remember. New Members approved. We have 710 members. Summer issue of lights at the printer. Fall issue right behind. Reminded members to check with Millie at the Management Company to clear any scheduling in the master calendar so there is no overlap, and to get events included in Dates to Remember.

COMMITTEES

FEDERAL SIS: November 30 meeting at Venable. Michael Gollin will speak and lunch will be provided.

ARCHIVES: Committee has an updated from for submitting documents. It will be posted to the web site.

PLL: Holiday Party, December 2. Working on new programs for 2005.

PUBLICATION: Extension for submitting holdings from firms until December 2004.

OLD BUSINESS

Hein will digitize *Lights*. David Mao has a complete set and will send them to Hein.

NEW BUSINESS

ILL GUIDELINE REVISION: Committee deleted obsolete guidelines, added guidelines for using the listserv. Motion to approve in principle as amended passed.

COUNSEL/GLP: See attached. Motion to approve pricing schedule as proposed passed.

DUES INCREASE: Preliminary discussion on a dues increase of \$10.00/year. All at once, or phase it in? How much does it cost to service each member each year? What other services could we offer? It must be approved at the annual Town Meeting.

Adjourned at 10:05 a.m. ■

JULY 16-20, 2005 AALL COMES TO SAN ANTONIO, TEXAS! PRESIDENT TORY TROTTA'S THEME? STRATEGIZE: VALUES, VISIONS, VISTAS.

As CO-CHAIRS OF THE LOCAL ADVISORY COMMITTEE (LAC), you might say Mary Forman & I (a/k/a M&M) are already implementing Tory's theme as we "strategized" to gather chairs for the sub-committees. Well, we'll call it strategize, but others might say we got them at a weak moment! Either way we are now organizing for the first AALL annual meeting to visit Texas in 22 years!

Among the excellent programs and opportunities for networking, there will be time to discover the beautiful vistas of San Antonio and her surrounding areas, the ethnic diversity of the area, fabulous food and historically significant sites. "But," you say, "Texas, in July!" Well there's not much we can do about the thermometer, but hey, Texas has some of the most efficient air conditioning in the country. You might need short sleeves outside, but you'd better pack a jacket for the inside! In the coming months we'll be sending out some survival tips (like drink lots of water, or other cold beverage of your choice, wear a hat, carry a portable fan, walk slowly and enjoy the smell of some of the best food south of the Red River) and we'll highlight the multi-cultural experiences that make up San Antonio.

The Preliminary Program will be out soon, so look for the fascinating library tours (one of which is the very private library at The Alamo), the fun trips like tubing down the Guadalupe River, and information about a fantastic closing banquet. Come visit San Antonio, relax, and enjoy our Texas hospitality!

Monica M. Ortale
The Fred Parks Law Library
South Texas College of Law
Email: ortale@stcl.edu





JAMAIL CENTER FOR LEGAL RESEARCH
THE UNIVERSITY OF TEXAS AT AUSTIN

Tarlton Law Library • Office of the Director
727 East Dean Keeton Street • Austin, Texas 78705-3224 • (512) 471-7735 • FAX (512) 471-8398

February 8, 2005

University of Texas Law Library Announces Tarlton Fellowship

The Tarlton Law Library at the University of Texas School of Law has announced that the 2005 Tarlton Fellowship has been awarded to Mary Elizabeth Mackey, a 2004 graduate of the University of Minnesota School of Law. The Fellowship is funded by the Tarlton Law Library in cooperation with the University of Texas School of Information.

The Tarlton Fellowships were created to encourage scholars interested in law librarianship and legal informatics to pursue careers in law libraries. Recipients, who have earned their JD degrees, receive both a stipend and reduced tuition to the University of Texas graduate School of Information. Fellows work at the Law Library throughout the Fellowship and are expected to contribute to a number of Library projects, as well as to participate in reference and outreach services.

Professor Roy M. Mersky, Harry M. Reasoner Regents Chair in Law and Director of Research at the University of Texas School of Law, commented, "We are very pleased that the Tarlton Fellowship has been able to attract candidates of Mary's caliber and even more pleased to support her research and scholarship. Tarlton Law Library has a long tradition of mentoring and training individuals who have gone on to leadership positions in the profession." Past Fellows have entered careers in judicial, academic, and firm libraries. The last recipient of the Tarlton Fellowship is currently a reference librarian at the United States Supreme Court library.

GOVERNMENT RELATIONS COMMITTEE

Elizabeth LeDoux
Research & Conflicts
Librarian, Covington
& Burling

Submitted by Elizabeth LeDoux, Government Relations Committee. Compiled from the February 2005 Spectrum Washington Affairs Column by Mary Alice Baish.

COPYRIGHT AND DIGITAL RIGHTS MANAGEMENT

A. The *Digital Media Consumers' Rights Act of 2003* (H.R. 107) was introduced by Rep. Rick Boucher (D-VA) to restore the historic balance in U.S. copyright law that was eroded by certain provisions of the 1998 *Digital Millennium Copyright Act*. Under the Boucher bill, it would not be a crime for a lawful user to circumvent a technological protection measure to access or use a digital work **if** the circumvention does not result in an infringement of the copyright in the work.

B. S. 2560, the *Inducing Infringement of Copyrights Act* (the INDUCE Act), was introduced by Senators Hatch, Leahy, Frist, and Daschle in June 2004 to respond to the complaints by Hollywood and the recording industry that peer-to-peer technology is mainly used by consumers to illegally trade copyrighted materials. The INDUCE Act would make companies and Internet service providers liable if

their software or technology "induces" users to infringe copyrighted works. We successfully stopped its enactment this fall but INDUCE will be back early next year.

C. Because of the tireless efforts of our strong, diverse anti-database coalition, we killed a "bad" database bill, the *Database and Collections of Information Misappropriation Act* (H.R. 3261) by getting it referred from the House Judiciary to the House Energy and Commerce Committee where a "better" database bill was substituted. The dueling bills thankfully resulted in yet another impasse, but we do expect to see this issue reemerge next year.

THE USA PATRIOT ACT.

A. Many good bills were introduced in the 108th Congress to repeal various provisions of the *USA Patriot Act*. First among them was the *Freedom to Read Protection Act* (H.R.1157) introduced by Rep. Bernie Sanders (I-VT) to exempt libraries from the Sec. 215 provision that expanded the scope of materials that the FBI and other law enforcement agencies can access with a warrant from the FISA court to include library materials.

B. Sen. Kyl (R-AZ) introduced S. 2476 in May to repeal the *USA Patriot Act* sunsets. Part of the deal in getting this legislation enacted so quickly in October 2001 was that sixteen of the most controversial provisions, including sec. 215, are set to expire on December 31, 2005, unless Congress acts to renew them next year. These sunsets, as well as efforts to further expand surveillance powers, are likely to be important issues for us next year. During the Senate floor debate, Sen. Kyl tried to get S. 2476 attached as an amendment to the *National Intelligence Reform Act* (S. 2845) that implements the 9/11 Commission's recommendations. Fortunately, his amendment failed because it was ruled non-germane to the Commission's recommendations.

ACCESS TO GOVERNMENT INFORMATION AND THE BUSH ADMINISTRATION'S PEN- CHANT FOR SECRECY.

We continue to struggle with access to government information. Instances of the Bush administration making it more difficult to access government information, or making access impossible are well known and well documented. Below are some of the most egregious examples:

- The 2003 Memorandum from Chief of Staff Andrew Card to withhold "Information Regarding Weapons of Mass Destruction and

CAL INFO AD



Other Sensitive Documents Related to Homeland Security” without defining “sensitive” or providing any mechanism for review.

- The hundreds, perhaps thousands, of documents taken off agency web sites after 9/11 and never put back up even though they may not pose a threat to national security.
- An untold number of documents have been withheld from the public because they are deemed “sensitive but unclassified”—an as-yet undefined category of information.

It gets worse:

- E.O. 13233 strengthens the ability of former presidents—and their families—to exert executive privilege to withhold their records.
- In October of 2001 Attorney General John Ashcroft issues a memorandum on the Freedom of Information Act that presumes secrecy over disclosure.
- Vice-President Cheney has refused to disclose records of his Energy Policy Task Force.
- More documents have been classified during the past four years and more tax dollars have

been spent on maintaining the government’s secrets than ever before.

And, last but not least we ended the year on a positive note

Rep. Henry Waxman (D-CA), a strong advocate of open government and the right to know, has been the most outspoken member of Congress in his criticism of the Bush Administration’s penchant for secrecy and its lack of accountability to Congress and the public. In late September, he introduced the *Restore Open Government Act* (H.R. 5073) to reverse President Bush’s executive order on presidential records; revoke the Card and Ashcroft memos; make it clear that there is a presumption of disclosure over secrecy in all FOIA requests; and ensure openness when the president obtains advice through special committees, such as Vice-President Cheney’s Energy Policy Task Force. Expect to hear lots more about this bill because Waxman intends to reintroduce it early next year and it is important legislation that AALL strongly supports. ■

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