

SAFE Act introduced

Senators Larry Craig (R-ID) and Richard Durbin (D-IL), along with Senators Michael Crapo (R-ID), Russell Feingold (D-WI), John Sununu (R-NH), Ron Wyden (D-OR), and Jeff Bingaman (D-NM), have introduced S. 1709, the Security and Freedom Ensured Act of 2003 (the SAFE Act).

This bill would curb the overly broad powers allowed to law enforcement by the USA PATRIOT Act. The legislation has bipartisan support, including the support of some conservative Republicans as well as Democrats and moderates. This important piece of legislation would amend the USA PATRIOT Act in the following ways:

- restore privacy protections for library and bookseller records, allowing law enforcement to obtain the records of individuals only when “there are specific and articulable facts giving reason to believe that the person to whom the records pertain is a foreign power or an agent of a foreign power”;
- exempt libraries from “national security letters,” which are nonjudicial subpoenas issued internally in the FBI that allow the FBI to get e-mail and Internet “transactional records”;
- add oversight provisions to the Justice Department’s request for records from libraries and bookstores;
- extend the sunset provision of the USA PATRIOT Act; and
- provide other civil liberties protections.

Your action is needed

The SAFE Act is the latest in several bills that addresses library concerns. To see the others, go to www.ala.org/patriotfix. Please contact your senators, by calling the Capitol Switchboard at (202) 224-3121, to garner as much support as possible for the SAFE Act and the other bills. It is especially important that we continue to gather the support of Republican Senators.

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MGM Studios, Inc. v. Grokster, Ltd.— Libraries join amicus brief

ALA and the other four major U.S. library associations joined in filing an *amicus curiae* (friends of the court) brief on September 26 in the case of *MGM Studios, Inc. v. Grokster, Ltd.*, which is on appeal in the U.S. Court of Appeals for the Ninth Circuit. The ACLU took the lead in writing the brief in support of the defendants, the companies Grokster and Morpheus, which offer peer-to-peer file-trading software.

The record companies and movie studios sued the companies for contributory infringement and vicarious liability. A U.S. district court in California applied the Ninth Circuit’s holdings in its decision in the Napster case to the facts here, and concluded that Grokster and Morpheus could not be held secondarily liable for the infringements of users of their software.

The district court also relied on the ruling of the U.S. Supreme Court in the Sony/Betamax case in 1984, when it held that the makers of the VCR should not be held liable for copyright infringement simply because the device could be used for infringing purposes. The district court found that it was undisputed that there are substantial noninfringing uses for the file-sharing software, such as to share public domain materials and government documents.

The brief pointed out that the *amici* do not support the wrongful sharing of copyrighted materials. Instead, they believe the Supreme Court ruled correctly in the Sony/Betamax case. The court in that case created fair and practical rules which, if overturned would, as a practical matter, give the entertainment industry a veto power over the development of innovative products and services. ALA and the other library associations argue that free speech and the public interest are best served by rules that allow new and innovative mediums of communication to develop and flourish.

The lower court decision and all the briefs that have been filed to date can be found at the Electronic Frontier Foundation Web site: www.eff.org/IP/P2P/MGM_v_Grokster/. ■

Overjoyed at finding such rare photos of Iroquois longhouses, Eva momentarily forgot there were 6,487 images to sift through, that they couldn't leave the building, and that the library closed in 2 hours.



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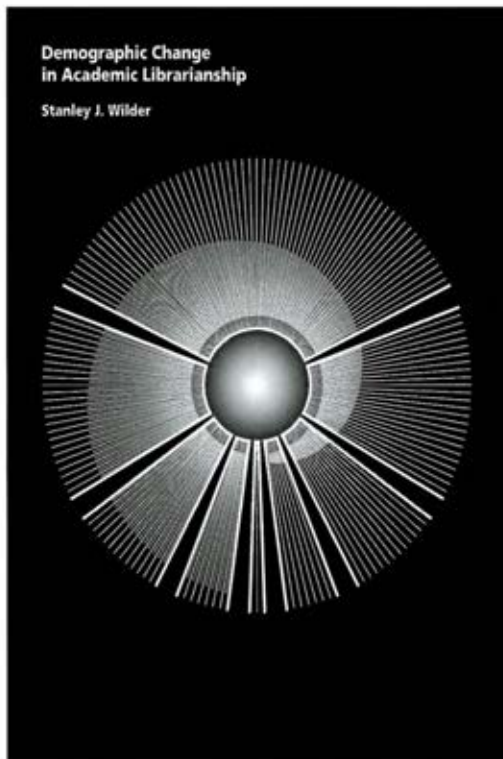
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Demographic Change in Academic Librarianship

by Stanley J. Wilder



ISBN 0-918006-97-X \$45 pb
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Workforce planning is constructed on the collection and evaluation of accurate demographic data and the consideration of critical economic and social trends. Wilder, mining in innovative ways the annual ARL statistics reports, as well as national census data, investigates across all of these arenas and concludes that the rampant aging of academic research librarians presents a replacement and succession opportunity that could revolutionize the profession.

—James G. Neal, Columbia University

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