

*Excerpt from the Newsletter of the State, Court, and County Law Libraries Special Interest Section of the American Association of Law Libraries, v. 30, #3, Fall 2004:*

## **Charley's Corner: Law Librarians Must Vote for a President**

by Charles R. Dyer, Director of Libraries, San Diego County Public Law Library  
*Nothing in this column represents the view of my Library or its Board of Trustees. Believe me. This time I really mean it. These are just my personal opinions.*

The upcoming presidential election is seen by many to be an extremely critical one that will determine just what the United States is over the coming years. More than most elections, it is seen as a real choice in different value systems. Many conservative political supporters believe the re-election of George W. Bush would be a vindication of his policies and a final coming to an end of the more liberal times that were fostered by the New Deal and subsequent civil rights awarded by both Congress and the courts. They see the country taking a tack toward more conservative values as they see them and a strong stance toward protecting the "American way of life." Many liberal political supporters see the election of John Kerry as a necessity for the United States to move in directions they perceive that other liberal democracies have already gone, such as national health care and greater deference to multi-national organizations when conducting foreign affairs. They see the country as in need of "catching up," if you will.

You have undoubtedly also heard of the many legislative matters that have greatly affected librarians and their work. So as to complicate your decision-making just a bit further, I thought I'd give a scorecard to you about some of these matters:

- The USA PATRIOT Act has been roundly criticized by most professional library organizations as an intrusion on people's freedom and potentially damaging to libraries and librarians as they go about their work. The essential provisions are that police officers may now gather information from library records without a court order, whereas before a court order was required, in order to investigate matters of national security. Also, such investigations are to be done in secret, such that librarians are gagged from even discussing an investigation with her own lawyer. Does this extra power improve the security of the country? Or does the potential for abuse or simply gross mistake outweigh the supposed gains? You make the call.
- The Children's Internet Protection Act (CIPA) and a few others of its ilk have created considerable havoc for libraries. The requirement that any library accepting funds for computers or telecommunications to filter computers so as to prevent a child's access to pornography seems reasonable enough, but in practice the filtering software is very difficult to use without eliminating much of the adequacy of web searches. Most such software is also very inadequate for the purpose it is intended. Some of the software was written for other political motives, such as prevention of information about abortion rights, etc. And they add considerable expense to libraries. These acts are the result of Republican control of Congress (the original was signed by Clinton), but Democrats have gone along with them to avoid backlash in their own districts. Since the Congress is

unwilling to listen to testimony as to the failures of this software, we have had to rely on the courts. The most recent Supreme Court decisions have made factual errors, presuming that the software can be turned off with ease for those (such as adults) who want broad searches. Whether later cases will get anywhere will depend in part on who is appointed to replace our Supreme Court justices who will retire next term.

- The Library Services and Technology Act, which adds considerable largesse to the pool of funds available to public libraries (and in some states public law libraries) has actually been reasonably adequately supported during the Bush Administration. Federal money for the telecommunications discounts has dropped slightly, but all in all, has not been written off altogether. (I never expected that program to last as long as it has. It always seemed to me as being meant to help ease libraries' budgets into the modern telecommunications age.) I believe that this may be in part due to the influence of Laura Bush. The First Lady is a former school librarian. It may also be that Congress has seen fit to allow this funding so long as things like the CIPA are in place.
- Funding for scholarships to library schools has actually been increased significantly during the Bush Administration. Here, Laura Bush has definitely had an affect. The amount of overall money is not large, compared to, say, increases in the Defense Budget, but it is going in the right direction. I hope that whoever is elected will continue this trend.
- The several bills that have been aimed at Internet piracy, i.e., large-scale copying of copyrighted works through electronic means, have, for the most part, been written with a very heavy hand. They would enable producers of "soft" material, i.e., electronic copies of copyrighted works, to include technological measures that would eliminate fair use of their products alongside making piracy harder. In truth, these acts would not prevent piracy, as determined computer experts can bypass any security measures if the price is right. Mostly, the acts will enable creators of materials that would never be pirated, such as scholarly materials, to use the measures unfairly against libraries and educators. Unfortunately, these acts appeal to both Republicans and Democrats. Republicans like the self-policing aspects and freedom to allow businesses to conduct such measures. Democrats, especially at the national level, receive a significant amount of funding from the producers of the works most susceptible to pirating, i.e., Hollywood, and they support these measures as well. This issue may well be the one that calls out for the reforms that Ralph Nader wants, i.e., to remove the power of the large corporations to infiltrate our politics so badly.

Those are the most obvious aspects of the elections with regard to libraries. Now for some other thoughts:

In recent decades, the Republican Party has adopted a more conservative stance on family values. Much of this is due to the influence of the Christian right, which became mobilized during the Reagan years. In so doing, the Republican Party was able to pick up much of the South, wherein conservative Democrats became Republicans. The main thrust of this movement was to create a political party that could offer a more structuralist, Platonic idealist

notion of social values. Traditional values, wherein people were defined according to the values' system and their place in society was so determined, would give peace of mind ("clarity" if you will) to the population. The conceptual framework was established. God has spoken. Thy Will be done.

In contrast, the Democratic Party became a conglomeration of various groups who do not share in the power given to the segments of society that the traditional values extolled. Inner city politics meshed with various sub-cultures to try to get out the vote to cure the ills of modern society. In this sense, the Democratic Party appealed to those who hold a more Aristotelian realist view of the world. The essential starting point for them are the facts, the aspects of existence that cry for help, rather than the value concepts extolled by the Christian right. That the Democratic Party should have a tough time in national elections only makes sense. It is local elections, with relatively homogenous groups seeking power, that Democrats can win. Blacks in Chicago; gays in San Francisco. At the national level, they do not have a common theme, but many themes. The biggest rallying cry for the Democrats seems to be, "Anybody but Bush!" i.e., anybody who might be more willing to listen to their individual issues.

There are librarians in all the political parties. Indeed, there are probably a larger percentage of librarians in third parties than from the population as a whole. Librarians usually do more thinking than other folks, on average. But there is a tendency among librarians to sympathize with their clientele. A larger portion of the clientele that goes to public libraries are from the various groups who gravitate toward the Democratic Party. Among law librarians, it varies. The public law librarians would see these Democratic groups even more than the public librarians. The law firm librarians would tend to work for large defense firms, so they might well feel more obliged to support big business. The academic law librarians would likely take their cue from their faculties, which tend to be more liberal than the population as a whole.

But deep down, librarians, and I mean law librarians as well, would be the type to examine the facts and come to their own conclusions. Some might well opt for the traditional values and support the Republicans, but do so with a different conviction than those within that party who "follow like sheep" their ministers. These librarians know the sense of maintaining an orderly system.

Some librarians and law librarians, and I am among them, allow their search for facts to be the more overwhelmingly aspect of their decision-making process. In that sense, we refuse to deny what we see simply to maintain an orderly system. We may well be the ones who try to make order out of lots of things, who catalog things and place them into groups, but we also recognize that such arrangements are human processes made for the convenience of the next user. No classification system is the final answer. Times change; people change; and sometimes values must change, too.

As librarians we are more informed than most Americans. It is especially important that we vote.