Legislative Day – Major Success

Accolades to the hardworking members of the Legislative Committee and to all of you who joined us at the Capitol February 12 to make Legislative Day 2002 enormously successful. Over 180 library supporters attended to hear the legislative update and visit with legislators. Fully aware of Oklahoma’s budget deficit, attendees reminded legislators of the economic and educational value of libraries and asked for their support for the Oklahoma Department of Libraries’ budget. The 180 participants represent the largest number of people ever attending OLA’s Legislative Day. Most reported that they were able to have some quality time with their legislators.

One of the highlights of the day was the recognition of Representative Barbara Staggs for receiving the Legislative Leadership Award for 2001 from the Mountain Plains Library Association (MPLA). Marilyn Hinshaw, Eastern Oklahoma Library System Director, congratulated Representative Staggs with a framed photographic memory of the MPLA award presentation in December in Phoenix. Susan McVey, ODL Director, and Wayne Hanway, OLA President also conveyed congratulations. Representative Staggs spoke about the importance of community libraries and the impact that they have had on her life. She is Chairman of the Career and Technology Education Committee for the House of Representatives and the author of House Bill 1221 which created the Local Library Capital Revolving Fund for new construction and renovation. Also joining the orientation session to congratulate Staggs was Representative Jack Bonny, Vice Chairman of the Appropriations and Budget Committee for the House of Representatives. He spoke about the value and significance of libraries for Oklahoma citizens.

Legislative Day at the Capitol concluded with lunch at The National Cowboy and Western Heritage Museum hosted by the Friends of Libraries in Oklahoma. The Legislative Committee is already evaluating this important annual event and developing ideas on how to make it even better next year. But the committee encourages each of you to stay in touch with your legislators. The Legislative Session is not over and there are many issues that may impact libraries. Oklahoma legislators want to hear from us, especially from our Friends and Trustees!

Lynn McIntosh

Representatives from the Chickasaw Regional Library System visit with Senator Johnnie Crutchfield in his Capitol office.
Northwestern First Timers

Legislative Day 2002 was a first-time event for the staff at the Woodward Public Library. Like many others, we had been to the State Capitol building on other occasions, but not while the legislators were in session. Terry Bussinger-our children's librarian, special thanks to Lily Kendall who went with us on our first-time visits with our legislators.

What a great way to thank your legislators for their library support and to make your library concerns known. After all where would the citizens of Oklahoma be without the use of public libraries? An event that cannot be missed!

Connie Terry, Woodward

The morning of February 12th started early in northwest Oklahoma as we headed for the State Capitol in Oklahoma City for Oklahoma Library Association's Legislative Day. Although I have been to many workshops at ODL, I had not taken the opportunity to visit the State Capitol, so this was going to be a new experience.

After signing in, we went to an orientation ses-sion. The room was full; I think about 180 people were there.

Introductions and welcomes were made and a presentation of appreciation was given to Representative Barbara Staggs. She was responsible for last year's construction grant. We received a packet with 15 different color-coded sheets in it and each one was explained. Tips were given on "How to Talk to Your Legislator, " "How to Call Your Legislator off the Floor," "How to Get a Picture with Your Legislator" and "How to Be Recognized in the House or Senate Chamber." Additionally we were given a legislative update.

Now it was time to visit our representatives. As I was walking around I saw a familiar face, Ernesteine and others from the Fairview Library, and I asked if I could go with her and the ladies with her since I was new at this. We headed upstairs to the offices of our representatives. Our first visit was with Owen Laughlin, although he needed to be somewhere else he asked us to be seated and we talked about the importance of libraries in small communities. We told him we appreciated his continuing support for libraries. Clay Pope also invited us into his office and we talked about how important libraries are and we thanked him for his support.

Both Mr. Pope and Mr. Laughlin mentioned the time that they were in Shattuck with Governor and Mrs. Keating when she presented our library with her book entitled "Our Governors Mansions." Later in the afternoon I had a chance to speak to Purcy Walker and asked him to remember the libraries.

FOLIO sponsored lunch at the National Cowboy and Western Heritage Museum for those who wanted to attend and I found that it was a good time to visit and learn what is going on in other libraries. After lunch, I went back to the Capitol and watched as the Senators discussed some bills. We were shown the House Chamber and I found it to be a very beautiful room. Our Capitol building is a very pretty building and the dome will really put the finishing touch on it.

What an interesting day! I will go back again.

Judy Abbott, Shattuck
Thoughts on the Conference

The highlight of the year for the Oklahoma Library Association is undoubtedly the annual conference. Hundreds of librarians, plus friends, trustees, vendors, and others come together for three days of workshops, programs, speeches, meetings, product demonstrations, networking, and celebration of Oklahoma libraries and librarians.

Unlike business conventions, which have earned a reputation as excuses for lots of partying, OLA's annual conference is first and foremost our biggest continuing education event of the year. Nearly every section of OLA plans and presents one or more programs or events during the conference, and there are usually three or four full-day or half-day pre-conference workshops.

The fact that we librarians actually treat our conferences as serious learning events sets us apart, and I have had real difficulties in the past trying to explain to skeptical board members and city officials that library conferences are not simply vacations at the taxpayers' expense.

Our difference from other conventions creates another kind of difficulty for us. Very few hotels or conference centers have the facilities to fully meet our needs. This is because we need more than just a large space for exhibitors and a couple of large rooms that can be set up either theater-style for speeches and membership meetings, or for banquet-style meal functions.

We need a bunch of smaller rooms where programs and workshops can be presented simultaneously. OLA's conference may have as many as seven or eight programs and other activities going on at the same time.

Another challenge for conference facilities is that we are very technology-oriented in both our exhibits and our programs and workshops, but at the same time, we are cost-conscious. Oklahoma has very few facilities that can meet our telecommunications and space needs, and even fewer that are willing to work with us on keeping costs down. (Hats off to OLA's Executive Director Kay Boies, who over the years has developed invaluable expertise in negotiating these issues).

Last year, as President-elect and chair of the Long Range Planning Committee, I asked the committee to explore the possibility of merging OLA's conference with the State Department of Education's late September Encyclo-Media conference, which gets a much bigger attendance of school library media specialists. A merged (or separate but co-located and concurrent) conference would be much bigger and have more money and clout to draw big-name speakers, it would draw more exhibitors than the two separate conferences, and it would have the advantage of being early in the fiscal year, when librarians are more ready to spend money on new materials and there are no conflicts with the approaching end of the school year and beginning of summer reading programs. It would be an ideal way to involve more school library media specialists in OLA.

Like many appealing ideas, this one had a fast reality check. First, there is only one facility in the state (the Myriad, in Oklahoma City) that can handle the Encyclo-Media conference, and adding OLA would force the conference to spread into other buildings as well. Site logistics headaches, including parking hassles, would be multiplied. Second, Encyclo-Media has become much more than just a school library media conference. It includes counselors, reading teachers, and administrators. So a merged (or concurrent) conference would not be an ideal fit. In fact, OLA might find itself somewhat swallowed up as the smaller event. But it remains an appealing idea.

If you have ever wondered how conference sites are chosen, some of the mystery has now been taken out of the process, thanks to good work by Marilyn Hinshaw and members of the Sites Committee. They wrote and brought to the February Executive Board meeting a set of Site Selection Guidelines, which the Board approved. By the time you read this, OLA's annual conference and 95th birthday celebration in Tulsa will be past, but I trust you will have new ideas and good memories that will stay with you. Please remember to thank Program Committee chair Anne Prestamo, Local Arrangements chairs Carol Fox and Barbara Ray, and all the committee members who have shared their time, talents, and enthusiasm to bring you another successful conference.

Hope it was a good one,

Wayne Hanway
OLA President

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AND OTHERS TOO NUMEROUS TO MENTION

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print the form and mail it today!
Tuning in to African-American History

From rap to reggae to rhythm and blues, contemporary black music has its roots in music dating back to Africa before the slave trade. Tulsa City-County Library's African-American Resource Center plans to educate the community about the history of today's favorite tunes by filling a new Wurlitzer jukebox with musical selections spanning half a millennium.

The jukebox was recently donated to the library system and holds up to 100 compact discs. When full, the jukebox will feature selections showing the progression of black music-from the chants and drumbeats of the 1500s to the syncopated rhythm of ragtime a century ago.

"Music is as important to African-American culture today as it was 500 years ago," said Kimberly Johnson, coordinator of the African-American Resource Center. "The jukebox will allow the library to present music programs showcasing the musical history of African-Americans and to educate listeners of all ages on the different styles of a musical period as well as the social beliefs of the time."

Library customers may listen to selections on the jukebox for free anytime the library is open. To help fill the jukebox and offset costs of purchasing new music, the library is asking for donations from the public.

For more details about the African-American Resource Center, call Kimberly Johnson at 918-596-7280 or visit its web site at www.tulsalibrary.org/aarc.

Jackie Hill-TCCL

Look Outside the Box

We've all heard that there is this impending shortage of librarians: First Lady Laura Bush has proposed an initiative to recruit a new generation of librarians and Library Journal's May 2000 issue reported, "the supply of new librarians is woefully inadequate to handle the number of job openings, or demand". But what can you do as Oklahoma librarians? For those responsible for hiring paraprofessional staff: look outside the box and cultivate your own librarian. Take a chance on someone who has never worked in a library before; it may just pay off!

That's just what my former supervisor, Sandy Wickberg did—she hired me at the OSU-Tulsa library as the circulation/reserves paraprofessional. I had never worked in a library before and certainly couldn't have told you what an OPAC or MARC record was, let alone reserves or interlibrary loan. What I did have was an extensive business background (seven years) and an unbridled desire to work in a library. Thanks to Sandy, I was given the opportunity to explore the possibilities of a career in librarianship, even though my resume gave her no impression of library skills.

Since being hired at the OSU-Tulsa library, each of the librarians has provided unbelievable mentoring. After having worked at the library for six months and with much prodding and encouragement, I started library school at OU. With every new semester, I never hesitate to ask for advice—when taking reference -- Dona Davidson; collection development -- Mary Hujsak; management -- Beth Freeman; search strategies -- R.D. Bell; systems and cataloging -- Robin Leech, and for research and general all around "you can do it" mentoring — Sandy's successor Tom Thorisch.

The more classes I complete, the more the staff shows their confidence in me by pouring on more responsibilities, which I crave and ask for. I've been given the opportunity to help manage, collect materials, assist with reference, head-up library committees, make important access policies, and most recently implement electronic reserves. By putting forth the effort to mentor, encourage, and assist, they are growing their own librarian. Whether I will eventually have a professional position at OSU-Tulsa or will need to move on after graduation, I am lucky to get this experience; and it's all because they broke the mold to hire a non-experienced worker.

So what's the message here? Why tell you my story? Because with the current shortage of librarians, the next time you have the opportunity to hire a paraprofessional don't discount those without library experience who may have transferable skills. This could be the best way for you to grow your own librarian. It's time to look outside the box to the education community, the business community, the technical community, and the service community to find and cultivate the next generation. The value that you provide as a mentor far outweighs the extra initial training effort, and you may be surprised by the outcome.

Lynn Wallace

Spaces to Stimulate Learning

Universities and colleges are investing in their future by funding new library buildings and library projects, expansions and renovations. More than 50 building projects have been completed in the last two years, reflecting an investment of about $500 million. As they build new physical and virtual spaces for students and faculty, libraries are finding new roles and opportunities on campus.

"While there are still plenty of books, we are creating spaces more inviting to study, group work and student-faculty interactions," said Mary Reichel, president of the Association of College and Research Libraries (ACRL), a division of the American Library Association (ALA).

The University of Nevada, Las Vegas, is one of many academic libraries using words like "information commons" and "collaborative learning center" to describe new environments that allow students, faculty and librarians to connect in new ways. Through hundreds of computer workstations and even more data ports scattered throughout the library, UNLV merges physical community and the latest technology.

Next year, Ft. Lauderdale (Fla.)-based Nova Southeastern University will open the state's largest library, which will house 20 electronic classrooms with workstations equipped with Dell computers, ISDN lines for compressed video and large overhead monitors.

Denver's Regis University recently renovated its library to include individualized study spaces, small group study areas and a parent-child room, all wired for the Internet. And Indiana's Valparaiso University has begun a $75 million campaign, of which $30 million will be used to construct a new library and information resources center. The projected 100,000-square-foot facility would nearly double the size of the 40-year-old library.

"In my own part of the world, North Carolina and Tennessee schools have just built or renovated at least six academic libraries," said Reichel, who is the library director at Appalachian State University in Boone, North Carolina. "Libraries are being used heavily - in person and online. Breakthroughs in research happen when scholars collaborate at the library."

Collaboration also is key for librarians carving out new and expanded roles in their academic communities. The volume of information available on the web has led some students to believe that if a resource can't be found online, it doesn't exist. This mistaken idea, coupled with concerns about the reliability of information on the net, and the potential for plagiarism from online sources, has lead faculty and librarians to team up to teach information literacy skills.

"Information literacy is critical if students are to prosper in today's global information society," Reichel said. "Librarians are essential for teaching students how to be information smart and find quality information that will help them through school, work and life."

At Kentucky's University of Louisville (UL), librarians provide about 500 sessions of curriculum-integrated information literacy instruction each year to more than 8,000 undergraduate and graduate students.

Librarians are strengthening distance-learning options for students of all ages by making information resources available online and providing services such as online tutorials, 24/7 reference, virtual tours and cyber assignments. New technologies and collaborations are key in the library beyond their four walls to serve students, faculty and researchers at large.

ALA News Release

HANDLING CONFLICTS

On February 5, the Ethics Committee hosted the workshop, Handling Conflicts with Patrons and Public Groups, at Rose State College in Midwest City. Even with snow flying, attendance was good. Various issues were discussed: handling challenges to your collection, controversial reference questions, patron record confidentiality, safeguards for minors, use of meeting rooms, and negative media coverage.

Ethics Committee skits were revived and performed to demonstrate some of the conflicts that libraries have had, or very likely will have, to deal with in those areas. Attendees then broke into groups to discuss how best to handle the conflicts.

Attorney General Drew Edmondson spoke on the legal and ethical issues in libraries especially in light of 9/11. He provided copies of Oklahoma Statute 65 Section 1-105 (2000) regarding the disclosure of records. Donna Morris Deputy Director of the Metropolitan Library Systems spoke about public relations including what they did right, and what they did wrong, during "The Tin Drum" controversy; and how to do it better now.

The day concluded with a panel discussing all the issues. The panel was comprised of Dr. Danny Wallace of OU SLIS, Ann Blakely, Univ. of Tulsa, Jan. Bryant, Muskogee Public Library, and Dr. Pat Patterson of UCO. The main item they each stressed (and was stressed throughout the day) was how necessary it is to have written policies in place, and to educate the entire staff, administrators, and boards of the policies and where copies are located. Copies should be located at each "desk" where the "public" would interact with any member of the library's personnel. The second item stressed was the need to not be defensive since the conflict is usually between value systems rather than being personal.

The day was cut short due to the weather but everyone felt the topic was covered well and we all came away with a lot to think about.

BJ Vinson
ALAI MIDWINTER, JANUARY, 2002

At this ALA Midwinter in New Orleans, approximately 7,600 people paid to attend, down about 800 from the same period a year ago in Washington. Since attendance was the same as it was two years ago in San Antonio this enrollment is seen as close to predictions. Undoubtedly, 9/11 and the economic downturn were contributing factors but the number of vendors was in line with predictions as well. So, all in all, ALA Midwinter was considered a success. This attendance figure, along with about a five percent increase in membership, means that ALA is relatively healthy financially but many headquarters staff were told to stay home in Chicago to save money. There are also rumors of financial concerns at ALA because of the national economy but no real verification as yet. We will have to see what happens in the next six months until the Atlanta conference.

The biggest news from ALA Council was the approval to establish a 501(c)6 organization entitled Allied Professional Association within ALA’s existing 501(c)3 tax exempt structure. The APA would exist as a non-tax exempt unit that could advocate for improved salaries and benefits for librarians, lobby and give campaign contributions, and deal more effectively with librarian certification and accreditation activities. The ALA Treasurer, Executive Board, and legal counsel all strongly recommended the APA. They are concerned with IRS regulations and the possible use of tax dollars by ALA for advocacy purposes. Of immediate concern, for example, is the possibility of some sort of retaliation by the federal government because of ALA’s challenge to the Children’s Internet Protection Act. While Council approved the recommended APA bylaws, many implementation details will be presented at the annual meeting for further action. This change is controversial and has been debated for some time. It is still being debated on the Council listserve.

Related to the APA issue, President-Elect Maurice Freedman has initiated a vigorous effort to improve salaries and benefits for librarians. His “Better Salaries Task Force” is well underway and is, in fact, expanding its role from his original charge. His Task Force’s recommendations promise to be interesting and exciting. A number of other items considered by Council reflect the national mood post-September. Several resolutions passed urging greater openness of public access to government information and registered formal opposition to some of the more severe restrictions imposed following the events of 9/11. I continue to be involved with ALA’s Joint Task Force on UCITA which we still oppose vigorously. A status report on UCITA will be filed separately for your information.

All things considered this was a productive Council session and it set the stage for some important decisions next summer.

Ed Johnson, ALA Chapter Councilor

OLA Board Actions
December 2001

- Approval of Intellectual Freedom Committee workshop “Preparing to Face Challenges” held on March 8, 2002 with a $50 registration fee.
- Waiver of conference registration for LAMA grant recipients through OLAs Navigating the Information Future’s Ad Hoc Committee
- Accepted Encyclopedia’s offer to cover bookmark printing expenses for this year and will explore options for next year’s Encyclo Media budget funding

January 2002

- Signature of Memorandum of Understanding to continue support in the Oklahoma Partnership for Public Deliberation
- Approved $750 for the Centennial Committee to cover postage costs and duplicating of a survey of Oklahoma libraries’ collections of materials on Oklahoma history and to gage interest in the Oklahoma Centennial. Survey results are to be reported at conference and will serve as a basis for determining funding for the Centennial.
- Budget and Finance Committee proposed Bylaws changes dealing with institutional membership increases.

February 2002

- Legislative Committee recommends going forward with currently proposed institutional dues increase. Committee will review impact of this increase in the coming year.
- Sites Committee Guidelines were approved and are to be included in the OLA Handbook
- Accepted the Long Range Plan.
- Approved purchase of merchandise for Sequoyah to sell at OLA conference and Encyclo-Media.

And the winner is...

2001-2002 Sequoyah Award winners:
Young Adult Book Award: Speak by Laurie Halse Anderson
Children’s Book Award: Dork in Disguise by Carol Gorman

2002 Caldecott Award winner:
The Three Pigs by David Wiesner

2002 Caldecott Honor winners:
Dinosaurs of Waterhouse Hawkins illustrated by Brian Selznick
Martin’s Big Words: The Life of Dr. Martin Luther King, Jr. illustrated by Bryan Collier with text by Barbara Kerley
The Stray Dog by Marc Simont

2002 Newbery Award winner:
A Single Shard by Linda Sue Park

2002 Newbery Honor winners:
Everything a Waffle by Polly Horvath
Carver: A Life in Poems by Marilyn Nelson

2002 Coretta Scott King Award winner:
The Land by Mildred D. Taylor

2002 Coretta Scott King Honor winners:
Money-Hungry by Sharon G. Flake
Carver: A Life in Poems by Marilyn Nelson

2002 Coretta Scott King Illustrator winner:
Goin’ Someplace Special illustrated by Jerry Pinkney with text by Patrick McKissack

2002 Coretta Scott King Illustrator Honor winner:
Martin’s Big Words: The Life of Martin Luther King, Jr. illustrated by Bryan Collier with text by Doreen Rappaport
Celebrating the Web!

On July 30 and 31, 2002, the Oklahoma Library Association will "celebrate the Web" by offering a day and a half workshop (more of a mini-conference) on Internet and technology issues relevant to libraries. The workshop is co-sponsored by five groups within OLA: the Library Education Division, the University and College Division, the Public Library Division, the Ethics Committee, and the Technology and Electronic Services Roundtable. The workshop will be held at the Tom Steed Center at Rose State College in Midwest City.

The purpose of the workshop is to bring together librarians in the state who are using the Web to deliver library services in unique, innovative, or "cutting edge" ways and allow them to present their experiences to others who may wish to add to or upgrade their own online services. The workshop opens on Tuesday morning, July 30, with a keynote address by Dr. Bob Swisher of the University of Oklahoma School of Library and Information Studies. This will be followed by a panel discussion on technology trends in libraries. Tuesday afternoon and Wednesday morning will feature breakout sessions divided into five distinct tracks: Technology & Training, Electronic Collection Development, Website Design/Redesign, Ethical Issues, and a "hands-on" track devoted to Web software and utilities. This will give workshop attendees a choice of over 20 separate programs and over 25 speakers. Some specific topics to be covered include:

Digital Video  
Wireless Networks  
Accessibility Issues  
Designing Web pages for kids  
Website Maintenance Issues  
Managing Electronic Collections  
Online Exhibits  
Security and Privacy  
Proxy servers and other access issues  
Online Statistics  
... and more

The workshop will end at noon on Wednesday, following a talk for the whole conference by Dr. Phil Moss of the Oklahoma State Regents for Higher Education on the topic of Internet II and libraries.

This workshop represents an important opportunity for librarians in Oklahoma to "upgrade" their Web skills in an affordable manner and share their ideas and experiences with technologically experienced colleagues. More information about the workshop is available on the Oklahoma Library Association website: www.oklibs.org.

Charles Brooks

Web Fast Facts

- The US Dept. of Labor lists information literacy as one of the five essential competencies necessary for solid job performance.
- About one fifth of all Americans—or some 40 million adults—have difficulty with the basic reading, writing and math skills needed to function in everyday life.
- The world's total yearly production of print, film, optical and magnetic content would require roughly 1.5 billion gigabytes of storage—the equivalent of 250 megabytes per person for each man, woman and child on earth.
- There are more than 27 million web sites.
- In October 2000, the web consisted of some 2.7 billion web pages for the public. The number is expected to double each year.
- Every 24 hours, approximately 4.3 million new pages are added to the World Wide Web.
- The average life span of a web page is about 44 days.
- About 83% of web sites contain commercial content; 6% contain scientific or educational content; 1.5% of sites contain pornographic content.
- The best search engines can track only 16% of web pages, and the top 11 web search tools only index 40% of the web.
- Urban household with incomes of $75,000 or higher are more than 20 times likely to have Internet connections than low-income rural households and more than nine times as likely to have a computer at home.
- White Americans are more likely to have home Internet access than Black Americans or Hispanic Americans regardless of location.
- According to studies conducted in 1999 by Johns Hopkins and Ohio State universities, 70% of health and medical information on the web is wrong or misleading.

ALA-Library Advocacy Now!
WHAT’S HAPPENING WITH UCITA?

By now most librarians know that the controversial Uniform Computer Information Transactions Act (UCITA) was introduced by the National Council of Commissioners of Uniform State Laws (NCCUSL) two years ago. Also, by now, most librarians know that if enacted UCITA would create many serious problems for libraries and their users. In its first year UCITA was enacted in Maryland and Virginia. It died in committee in the Oklahoma Legislature that same year.

Since then, UCITA has not been passed in a single state. Widespread opposition by librarians and a coalition of industry groups banded together in AFFECT (Americans for Fair Electronic Commerce Transactions) are credited with stalling UCITA’s passage. The purpose of this short piece is to give Oklahoma librarians an update on current developments.

Because of continued extensive opposition and deep-seated concern around the country over UCITA’s far-reaching provisions and an announcement that the American Bar Association was appointing a Working Group to study it, NCCUSL reluctantly convened hearings last November. During 20 hours of hearings many amendments were proposed by a number of organizations, including 30 suggested amendments from AFFECT (of which ALA is a member.)

In December NCCUSL announced it had approved 19 amendments but explicitly rejected the suggested library amendments. In a press release NCCUSL asserted that librarians “believe they should not be subject to contract terms with copyright owners.” That charge is, of course, patently untrue. As if that were not insulting enough, NCCUSL went on to accuse librarians of expecting UCITA to “bar parties from contracting about copyrightable works” and “to solve the library problems in the Digital Age.”

The American Library Association, in response, issued a press release which says that NCCUSL based its “comments on an egregious misrepresentation of the library arguments, attributing to libraries positions that they not only never advocated but which are contrary to library practices and ethics.” ALA went on to state “we believe that it is appropriate to ask state legislators to exercise good public policy by preventing the far-reaching and damaging effects that UCITA would inflict on the institutions in their states.”

In January the ABA Working Group released its eagerly awaited review and analysis of UCITA. This 23-page report goes next to ABA’s Board of Governors for consideration. Like everything associated with UCITA, the ABA report is too lengthy and complex to summarize briefly. But its fundamental position is “that UCITA, as presently drafted, would not achieve the principal objective that a uniform law is expected to achieve, namely, the establishment of a high level of clarity and certainty in a particular area of the law. To the contrary, the Working Group is concerned that if UCITA, in its present form, goes forward, there would be considerable controversy and litigation over what its various ‘rules’ really mean.”

As if anticipating this analysis, the National Association of Attorneys General informed NCCUSL in November “we continue to oppose UCITA,” because “it would displace important provisions of existing consumer law and is therefore contrary to the best interests of consumers. We also believe... UCITA is fundamentally flawed in its scope and approach, and that the need for such sweeping changes to the law governing numerous consumer and business transactions has not been demonstrated.”

Thirty three states Attorneys General thus went on record as opposed to UCITA because its “scope and applicability” “as well as its general approach to regulating ‘computer information transactions,’ would have potentially devastating effects on consumers.” Finally, in support of the library position the NAAG also concluded “UCITA provisions purportedly drafted to protect rights under copyright law...either supplement or are coterminal with already existing copyright law. If they supplement them, they are arguably preempted by federal copyright law, and thus unenforceable. If they simply parallel rights under copyright law, then they are superfluous. In either case, they are likely to lead to unnecessary litigation and confusion.”

Despite all these efforts, UCITA, unfortunately, is not dead. It may be introduced in several state legislatures this year. It was not introduced in Oklahoma by the legislative deadline for this year’s session but it still has its advocates in our state. UCITA’s computer industry and software proponents will continue to ignore librarians’ legitimate concerns and to follow a strategy of obfuscation and misrepresentation to persuade state legislators to pass it as law.

Librarians in Oklahoma and throughout the United States need to remain vigilant and steadfast in opposition because the battle lines have been clearly drawn. UCITA’s proponents want to restrict the ability of libraries to offer computerized information services. In the words of the Attorneys General, “UCITA appears to go much farther than necessary to meet legitimate needs of the information age.” On behalf of our users, public, faculty, and students, we must not let them prevail. The alternative is, at best, extensive litigation with computer and software vendors and, at worst, greatly decreased levels of library service.

Ed Johnson,
Member, ALA Joint UCITA Task Force

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