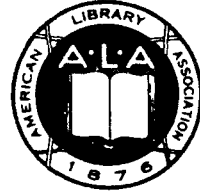


AMERICAN LIBRARY ASSOCIATION

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RESOLUTION ON "FAIR USE" OF UNPUBLISHED SOURCES

- WHEREAS, Libraries and their users are beneficiaries of the scholarship of biographers, literary critics, historians and others; and
- WHEREAS, The canons of scholarly research require that serious and responsible researchers draw upon and quote from unpublished primary source materials; and
- WHEREAS, The constitutional mandate to create copyright laws represents a careful balance between the rights of authors, publishers, and the public; and
- WHEREAS, That mandate and those laws encourage free and open expression and the fullest possible public access to that expression; and
- WHEREAS, The freedom of scholars to use quotations from unpublished primary sources is in serious jeopardy; and
- WHEREAS, Recent rulings of the U. S. Second Circuit Court have had an inhibiting effect on many forms of research which are of ultimate benefit to libraries and their patrons and have made it legally difficult to quote even limited amounts of unpublished materials without obtaining authorization or consent; and
- WHEREAS, A "fair use" doctrine for unpublished materials is needed to balance both the protection of copyright for authors and the encouragement of research by scholars; and
- WHEREAS, Representative Robert Kastenmeier and Senator Paul Simon have introduced legislation (HR 4263 and S. 2370) that would clarify the "fair use" of quotations of unpublished materials; now, therefore, be it
- RESOLVED, That the American Library Association express its support and urge Congress to enact legislation which would eliminate the distinction between published and unpublished materials with regard to the fair use of quotations; and, be it further
- RESOLVED, That copies of this resolution be transmitted to the Judiciary Committee of both houses of Congress.

Adopted by the Council of the  
American Library Association  
Chicago, Illinois  
June 26, 1990  
(Council Document #93)