

ALA American Library Association

September 19, 2001

The Honorable Colin Powell
Secretary of State
United States Department of State
2201 C Street, NW
Washington, DC 20520

Dear Mr. Secretary:

I am pleased to forward to you a resolution passed by the Council of the American Library Association (ALA) at its 2001 annual meeting in San Francisco. The resolution states the concerns of America's libraries about the ongoing negotiations over the draft Hague Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Cases.

We wish to acknowledge the representatives from federal agencies, and in particular, the Head of the U.S. Delegation, Jeffrey Kovar from the Department of State, for their continuing willingness to discuss with us our concerns. Mr. Kovar and his colleagues have been unfailingly fair and open-minded in trying to understand our positions and helping us articulate them to the foreign national delegations.

This resolution commends this spirit of cooperation we have experienced to date. The resolution also sets out a set of concerns we continue to have with the Convention as it continues to be discussed and drafted. In sum, we are concerned that in the rush to develop an agreement that answers the needs of the private commercial sector, the negotiators could end up with a convention that holds significant unintended negative consequences for America's non-profit civic service sector, including libraries, educational institutions, museums and historical societies, and the like. This sector is turning the Internet into a new force for public service and education, and we must be careful to protect that public environment on the Internet as vigorously as we do the commercial sphere.

The library community has a huge stake in the outcome of the deliberations on jurisdictional matters, particularly those concerning contracts and intellectual property rights. We believe that our concerns are shared by many other educational, research, and

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cultural organizations with whom we collaborate regularly on information policy issues and that there is currently no other member of the U.S. delegation who can provide quite that perspective. Thus, we believe that, even at this stage of the treaty negotiations, the U.S. delegation would benefit from a representative of these public interest information institutions.

Accordingly, this letter formally conveys our association's request that, as negotiations on the latest draft of the Convention resume next year, a representative of our sector be included on the official U.S. delegation. Such a representative would be a very useful resource for U.S. negotiators in helping to achieve a balanced and mutually acceptable international agreement. Thank you for your careful consideration of this request.

Sincerely,

Emily Sheketoff

Executive Director

Cc: Attorney General of the United States

Legal Advisor, U.S. Department of State

Director, Bureau of Consumer Protection, Federal Trade Commission

Director, U.S. Patent and Trademark Office

Enclosure