

Letter to Congressman Hatch

July 27, 1998

The Honorable Orrin G. Hatch
131 RSOB
United State Senate
Washington, DC 20510

Dear Senator Hatch:

The American Statistical Association (ASA) joins the mainstream of the U. S. scientific, educational, and library communities in urging you not to proceed with a Senate vote on S. 2291, the Collections of Information Antipiracy Act, until Senate hearings demonstrate the full range of dangers it poses to the United States. This is a companion bill to H.R. 2652 of the same name. Our review of both bills convinces us that they pose unacceptable dangers to U. S. science, education, libraries, and the public interest. The most active proponents of these bills are foreign-owned corporations.

Some people have claimed the bills are noncontroversial. Nothing could be farther from reality. The Presidents of the National Academies of Science and Engineering and the Institute of Medicine (NAS/NAE/IOM), as well as the American Association for the Advancement of Science (AAAS) have written to you similarly insisting that hearings on the bill are essential to avoid preemptory harm to U. S. interests. A much wider base of U. S. education, libraries, and commercial firms, including such major database firms as Dun and Bradstreet, opposes these bills as drafted while supporting the concept of suppressing database piracy. Many, many more organizations commented in opposition to such legislation than the six who advocated it at a series of information meetings hosted in 1997 by the Register of the Copyrights.

Proponents have claimed that the needs of these U. S. communities have been met by markups to H.R. 2652 and other language added to S. 2291. If that were true, the leaders of U. S. science would not be urging you to listen to them before acting on the bill. Some have claimed that the United States must act rapidly to avoid a suspension of protection for U. S. databases in Europe. That argument is also untrue in that most databases are protected by copyright, which is well covered by treaties that include Europe. Also, U. S. companies doing database business in Europe have established or can establish European subsidiaries to gain protection under the European Commission database directive. Some prominent European scientists have recently become convinced that the directive effectively shoots European science in the foot. The U. S. ought not rush to do likewise here.

At the ASA, we feel it poses particular dangers to the practice of statistics in research and policy analysis. We will be happy to detail those concerns at the appropriate time. After the hearings, if

additional legislation is still seen to be needed, a more narrowly drawn bill will better protect the vital interests of all concerned parties. All of this can wait until a later session.

The ASA is the largest statistical association in the world with approximately 18,000 members. Our members are leading professionals in statistical analysis throughout the sciences, in policy analysis, economics, sports statistics, public health, and marketing. In short, there is no aspect of American life, business, or governance that does not benefit from the high quality of statistical professionalism promoted by ASA. ASA is affiliated with the American Association for the Advancement of Science (AAAS) and has close ties with many other organizations with interests in statistical research and practice.

Sincerely,

David S. Moore, Ph.D.

President
American Statistical Association

cc:

The Honorable Albert Gore, Jr.
Vice President of the United States

United States Senate

Dr. Kerri-Ann Jones, Acting Director
Office of Science and Technology Policy

Marybeth Peters, Register of Copyrights
and Associate Librarian of Congress
for Copyright Services, Library of Congress

M.R.C. Greenwood, President
American Association for the Advancement of Science

Bruce Alberts, Ph.D., President, National Academy of Science

William Wulf, Ph.D., President, National Academy of Engineering

Kenneth I. Shine, M.D., President, Institute of Medicine

Jean Cantrell, Director of Government Affairs

Dun and Bradstreet, Inc.