

To: Ms. Paula Frederick, Chair, Committee on Rules and Calendar  
Cc: Ms. Rochelle Evans, Director, ABA Division for Policy Administration  
Cc: Mr. Timothy Stanley, Mr. Edward J. Walters  
Subj: Resolution 101 (“Works of the U.S. Government”)  
Date: August 6, 2017

Per the provisions of Rule 45.2(c) and on behalf of myself as presenter and Mr. Walters and Mr. Stanley as submitters, we request permission to withdraw Resolution 101 (“Works of the U.S. Government”) from consideration at this time for the purpose of further discussion and possible resubmission.

This request follows a discussion with representatives from the Section of Intellectual Property Law, joined by representatives from the Sections of Science & Technology, Administrative Law, and Antitrust Law. The representatives informed us of a number of objections to the Resolution, which we believe may have been based on a misreading of the report and were not reflected in the Resolution.

The representatives also informed us that considerable discussions had already occurred within a large number of Sections and committee, discussions in which we had not been involved nor consulted, and that a number of ABA entities had already instructed their delegates to oppose.

We recognize that our submission did not take place within the traditional institutional framework of sections or other formal ABA entities, and that these misunderstandings of the purpose of the Resolution may have resulted from our nontraditional submission. A Resolution and report drafted by an associate member with the active participation of law students is not the usual path to the floor of the House of Delegates and we understand the view of the Section of Intellectual Property Law that the more traditional process is what delegates are accustomed to seeing.

Given that much of the debate on Resolution 101 has already occurred within the Committee and Council structure and we were unable to participate in that process, we feel it doesn’t make sense to use valuable floor time in the House of Delegates, particularly in these times when so many important issues should be considered by that body. We hope you will allow us to resubmit the Resolution for possible consideration at a future date.

I’d like to thank the Committee on Rules and Calendar for your helpful guidance during the past few months, and in particular would like to thank Ms. Rochelle Evans and Ms. Adrienne Barney for their patience in explaining the process and helping me fix the many initial mistakes in our submission. I was very impressed with how helpful everybody was.

I would like, if I may, to mention that I was inspired to pursue the question of a Resolution by two events I observed in the ABA last year. The first was the State of the Association speech by General Jack L. Rives before the the House of Delegates in which he stressed the importance of opening the ABA to new kinds of members and to adopt and embrace technological change as a way become an organization of the 21st Century. Likewise, I have been extremely impressed by the strong and articulate stands that President Linda A. Klein has taken as she has fought for the preservation of legal services, judicial independence, the rights of immigrants, and the rule of law.

Both General Rives and President Klein gave me the hope that the ABA would be a welcome home for people such as myself who are not lawyers and work on issues such as technology policy and the operations of our government. I am hopeful that the ABA can become a forum that tackles these kinds of issues, both large and small, and will become a body that welcomes those of us who wish to participate.

Thank you again for your help.