

in §201(c) does not authorize publishers to display authors' contributions publicly, either in their original collective works or in any subsequent permitted versions. It refers only to "the privilege of reproducing and distributing the contribution." Thus, the plain language of the statute does not permit an interpretation that would permit a publisher to display or authorize the display of the contribution to the public.

The primary claim in Tasini involves the NEXIS database, an online database which gives subscribers access to articles from a vast number of periodicals. That access is obtained by displaying the articles over a computer network to subscribers who view them on computer monitors. NEXIS indisputably involves the public display of the authors' works. The other databases involved in the case, which are distributed on CD-ROMs, also (but not always) involve the public display of the works. Because the industry appears to be moving in the direction of a networked environment, CD-ROM distribution is likely to become a less significant means of disseminating information.

The Copyright Act defines "display" of a work as showing a copy of a work either directly or by means of "any other device or process." The databases involved in Tasini clearly involve the display of the authors' works, which are shown to subscribers by means of devices (computers and monitors).

To display a work "publicly" is to display "to the public, by means of any device or process, whether the members of the public capable of receiving the performance or display receive it in the same place or in separate places and at the same time or at different times." The NEXIS database permits individual users either to view the authors' works in different places at different times or simultaneously.

This conclusion is supported by the legislative history. The House Judiciary Committee Report at the time §203 was finalized referred to "sounds or images stored in an information system and capable of being performed or displayed at the initiative of individual members of the public" as being the type of "public" transmission Congress had in mind.

When Congress established the new public display right in the 1976 Act, it was aware that the display of works over information networks could displace traditional means of reproduction and delivery of copies. The 1965 Supplementary Report of the Register of Copyrights, a key part of the legislative history of the 1976 Act, reported on "the enormous potential importance of showing, rather than distributing copies as a means of disseminating an author's work" and "the implications of information storage and retrieval devices; when linked together by communications satellites or other means," they "could eventually provide libraries and individuals throughout the world with access to a single copy of a work by transmission of electronic images." It concluded that in certain areas at least, "'exhibition' may take over from 'reproduction' of 'copies' as the means of presenting authors' works to the public." The Report also stated that "in the future, textual or notated works (books, articles, the text of the dialogue and stage directions of a play or pantomime, the notated score of a musical or choreographic composition etc.) may well be given wide public dissemination by exhibition on mass communications devices."

When Congress followed the Register's advice and created a new display right, it specifically considered and rejected a proposal by publishers to merge the display right with the reproduction right, notwithstanding its recognition that "in the future electronic images may take the place of printed copies

in some situations." H.R. Rep. No. 89-2237, at 55 (1966).

Thus, §201(c) cannot be read as permitting publishers to make or authorize the making of public displays of contributions to collective works. Section 201(c) cannot be read as authorizing the conduct at the heart of Tasini.

The publishers in Tasini assert that because the copyright law is "media-neutral," the §201(c) privilege necessarily requires that they be permitted to disseminate the authors' articles in an electronic environment. This focus on the "media-neutrality" of the Act is misplaced. Although the Act is in many respects media-neutral, e.g., in its definition of "copies" in terms of "any method now known or later developed" and in §102's provision that copyright protection subsists in works of authorship fixed in "any tangible medium of expression," the fact remains that the Act enumerates several separate rights of copyright owners, and the public display right is independent of the reproduction and distribution rights. The media-neutral aspects of the Act do not somehow merge the separate exclusive rights of the author.

REVISIONS OF COLLECTIVE WORKS

Although §201(c) provides that publishers may reproduce and distribute a contribution to a collective work in three particular contexts, the publishers claim only that their databases are revisions of the original collective works.

Although "revision" is not defined in Title 17, both common sense and the dictionary tell us that a database such as NEXIS, which contains every article published in a multitude of periodicals over a long period of time, is not a revision of today's edition of *The New York Times* or last week's *Sports Illustrated*. A "revision" is "a revised version" and to "revise" is "to make a new, amended, improved, or up-to-date version of" a work. Although NEXIS may contain all of the articles from today's *New York Times*, they are merged into a vast database of unrelated individual articles. What makes today's edition of a newspaper or magazine or any other collective work a "work" under the copyright law—its selection, coordination and arrangement—is destroyed when its contents are disassembled and then merged into a database so gigantic that the original collective work is unrecognizable. As the court of appeals concluded, the resulting database is, at best, a "new anthology," and it was Congress's intent to exclude new anthologies from the scope of the §201(c) privilege. It is far more than a new, amended, improved or up-to-date version of the original collective work.

The legislative history of §201(c) supports this conclusion. It offers, as examples of a revision of a collective work, an evening edition of a newspaper or a later edition of an encyclopedia. These examples retain elements that are consistent and recognizable from the original collective work so that a relationship between the original and the revision is apparent. Unlike NEXIS, they are recognizable as revisions of the originals. But as the Second Circuit noted, all that is left of the original collective works in the databases involved in Tasini are the authors' contributions.

It is clear that the databases involved in Tasini constitute, in the words of the legislative history, "new," "entirely different" or "other" works. No elements of arrangement or coordination of the pre-existing materials contained in the databases provide evidence of any similarity or relationship to the original collective works to indicate they are revisions. Additionally, the sheer volume of articles from a multitude of publishers of dif-

ferent collective works obliterates the relationship, or selection, of any particular group of articles that were once published together in any original collective work.

REMEDIES

Although the publishers and their supporters have alleged that significant losses in our national historic record will occur if the Second Circuit's opinion is affirmed, an injunction to remove these contributions from electronic databases is by no means a required remedy in Tasini. Recognizing that freelance contributions have been infringed does not necessarily require that electronic databases be dismantled. Certainly future additions to those databases should be authorized, and many publishers had already started obtaining authorization even before the decision in Tasini.

It would be more difficult to obtain permission retroactively for past infringements, but the lack of permission should not require issuance of an injunction requiring deletion of the authors' articles. I share the concern that such an injunction would have an adverse impact on scholarship and research. However, the Supreme Court, in *Campbell versus Acuff-Rose Music, Inc.*, and other courts have recognized in the past that sometimes a remedy other than injunctive relief is preferable in copyright cases to protect the public interest. Recognizing authors' rights would not require the district court to issue an injunction when the case is remanded to determine a remedy, and I would hope that the Supreme Court will state that the remedy should be limited to a monetary award that would compensate the authors for the publishers' past and continuing unauthorized uses of their works. Ultimately, the Tasini case should be about how the authors should be compensated for the publishers' unauthorized use of their works, and not about whether the publishers must withdraw those works from their databases.

Sincerely,

MARYBETH PETERS,
Register of Copyrights.

HONORING REVEREND WENDY
WARD BILLINGSLEA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Ms. ROS-LEHTINEN. Mr. Speaker, I ask that my colleagues join me in extending deep gratitude to The Reverend Wendy Ward Billingslea for her many years of service to St. Thomas Episcopal Parish School and Church.

Mother Wendy has blessed South Florida with her tireless devotion as a preacher, pastoral counselor, and teacher. At St. Thomas Episcopal Parish, where Mother Wendy worked as an associate rector for the last five years, she demonstrated her strong dedication to the children of our community as she instilled within them her passion for academics and for traditional family values. Mother Wendy continues to be a positive role model for all present and former students at St. Thomas Episcopal School and she embodies community leadership as she ministers to a congregation of 1500 members.

The St. Thomas Episcopal family will suffer a great loss with Mother Wendy's departure, but we wish her well on her new calling as the spiritual leader at St. Andrew's Episcopal Church in Greensboro, North Carolina.

Mother Wendy and her family, Art, Lauren, Kristin and Katie, have all played an important role in the life and ministry of St. Thomas.

Mr. Speaker, I ask that my colleagues join me in extending best wishes to Mother Wendy and in thanking her for the many ways in which she has touched the lives of South Floridians.

HONORING THE CONTRIBUTIONS
OF ROBERTA CHEFF BROOKS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Ms. LEE. Mr. Speaker, I want to bring to the attention of my colleagues the contributions of a great public servant, Roberta Cheff Brooks, on the occasion of her retirement from service to the House of Representatives and to the constituents of the 9th District of California. On February 22nd, after more than 30 years in the United States Congress, Roberta will retire from her position as my District Director in our Oakland District office. She will be greatly missed.

Roberta, a native of Wilmington, Delaware received her Bachelor of Arts from Smith College in 1964. She moved to Berkeley, California in 1967 and became very active in local and anti-war politics.

She began her tenure with the House of Representatives in 1971 by working for my former boss, colleague and friend Congressman Ron Dellums. Roberta served as a liaison between the Berkeley Coalition and the Dellums for Congress campaign in 1970. Following that successful campaign, she was asked to work for the new Congressman Ron Dellums in his district office on constituent affairs.

Roberta was a strong voice in the anti-Vietnam War movement. While she worked hard to serve as an active voice for constituent's of the 9th District, she remained active in local politics through the April Coalition and later through Berkeley Citizens' Action.

Roberta's commitment to her community expanded as she became deeply involved with local boards and organizations, as well as, ad hoc groups that included the following: Oakland Perinatal Project (which was the precursor of the East Bay Perinatal Council) and the Coalition to Fight Infant Mortality. With these affiliations, she helped organize ad hoc hearings on infant mortality, which Congressman Dellums chaired as the Chairman of the D.C. Committee.

Roberta was a cofounder of the California Health Action Coalition which worked diligently on the bill Congressman Dellums introduced calling for a National Health Service. She was also part of a national coalition for a National Health Service and helped organize national groups working in several cities in the country to garner support for the bill.

She helped organize hearings on homelessness which Congressman Dellums chaired in Oakland. She served on the advisory board of Legal Assistance for Seniors for many years. She was also on the Board of the Coalition for the Medical Rights of Women and the Perinatal Health Rights Committee.

Roberta organized hearings chaired by Congressman LANTOS who came at the request of

Congressman Dellums to investigate labor and safety issues related to the protracted Summit Hospital strike. The hearings contributed to a resolution of the strike and led to a more responsive board which included additional community members.

Roberta's commitment to "free speech" and community supported radio led her to serve on the local advisory board of KPFA radio for a number of years and on the national Pacifica Board of Directors for nine years.

When the 1993 Base Realignment and Closure Commission slated Oak Knoll Naval Hospital, Alameda Naval Station and Naval Re-work facility, as well as, the Public Works Center located at Naval Supply Center, Oakland for closure, Roberta joined Sandre Swanson in establishing the East Bay Conversion and Reinvestment Commission. That Commission then proceeded to help establish the Alameda and Oakland Reuse authorities—public bodies on which Roberta served as an alternate and then later as a principal commissioner. These organizations focused on base conversions and provided oversight on reuse plans to convert the military bases to peacetime operations.

Throughout the base conversion process, Roberta's emphasis remained on the human resources component—job creation for workers; working to establish the homeless collaborative which worked with both reuse authorities to create a process which HUD has described as a model for accommodating the homeless in base closure; working hard with the community advisory groups; and working with public benefit conveyances. Roberta cites this as an extremely important part of her work especially since it was so creative, establishing policies and procedures for base closure. She assisted in developing a way to "sell" the federal worker to private industry, and other important projects.

Roberta has worked closely with all of the community health clinics in the district; Chabot Observatory; the Ed Roberts Campus at Ashby BART station; HIV/AIDS; Cuba; issues related to the elderly; and many others. She served on both Congressman Dellums' and Congresswoman BARBARA LEE'S political advisory boards throughout her career.

Her casework load has focused on Federal Workers compensation; Office of Personnel Management (which was known as the Civil Service Commission), and at other times, Social Security and EEOC. She has served thousands of constituents for Congressman Dellums and Congresswoman BARBARA LEE.

When Congressman Dellums retired in February of 1998, Roberta continued her Congressional career with me in April of that same year. She became my District Director and was the first female District Director in the history of the 9th Congressional District. Every member will attest that having a staff member with the ability to develop expertise quickly and thoroughly on a wide range of issues is extremely valuable. With Roberta on my team, I knew that I was getting the best political advice in order to make competent legislative and policy decisions.

Roberta represented me well on many issues and continued to handle some casework as well as extensive issues related to base closures, health, and homelessness. She helped coordinate a major Housing Summit which was sponsored by the Congressional Black Caucus Foundation in August 2000

which was attended by seventeen members of Congress and more than five hundred people.

Roberta is best known for her sound advice. Ron Dellums has said, 'the only reason I did anything was because Roberta Brooks told me to.' While her political judgement was always thorough and thoughtful, her message to young people was even more profound.

To young men and women she says, "work for someone whose politics you share because the work is very intense and it is very important that you believe in what you are doing." She tells them that she has been so blessed in her work life to have been able to go to work every day believing in what she is doing, believing she is making a difference and that her work is consistent with her own political beliefs. She says that is the best work a person can have.

Throughout Roberta's career, her professionalism was distinguished with honesty and integrity. I always knew that I could rely on her advice and suggestions because she used her mind, heart and soul in decision making. Because of this, the 9th Congressional District has been served with distinction and with grace. Roberta's forthrightness was appreciated by everyone. I particularly appreciated her tremendous clarity and directness.

Roberta is an American of the finest caliber and this institution will miss her greatly. As Roberta transitions onto new experiences and challenges, we all cheer for her future and success.

HONORING SCHOOL NURSES

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. UDALL of New Mexico. Mr. Speaker, today I share with my colleagues the deep respect and admiration that I have for our nation's school nurses. As you may know, January 6th was National School Nurse Day, and I used that opportunity to extend recognition to those who provide medical care for our children in New Mexico's schools.

As health care professionals, school nurses serve a unique role in our education system. They witness suffering and do their best to calm and help our students. Nurses bring their professional skills to bear, but they also bring their compassion and knowledge to help those at their most vulnerable. I believe that the contribution school nurses make to our students and schools is often overlooked.

Recently, I have been in touch with several school nurses, administrators, and others who have taken the time to inform me about the unique challenges that our rural health care school nurses face. Many of my colleagues would be surprised to learn that many schools in rural New Mexico do not have full-time nurses.

Mr. Speaker, I would like to honor the school nurses that serve McKinley County of my home state. These health care professionals deserved to be recognized for their contributions: Regina Belmont, E.J. Charles, Anna Chavez, Veronica Chavez, Lynne Dennison, Allison Kozeliski, Sara Landavazo, Barbara Lope, Phyllis Lynch, Esther Saucedo, Pam Smith, Camille Quest, and Nancy VanDipien. They have difficult jobs and I want to commend them for their service.