

**Minutes of Final Meeting
of the 2007-2008 ASA Council**

Monday, August 4, 2008
2:30 p.m. - 6:10 p.m.
Sheraton Boston
Gardner AB

Officers Present: Arne Kalleberg (President); Patricia Hill Collins (President-Elect); Donald Tomaskovic-Devey (Secretary); Douglas McAdam (Vice President); Frances Fox Piven (Immediate Past President); Bonnie Thornton Dill (Immediate Past Vice President); Margaret Andersen (Vice President-Elect).

Members-at-Large Present: Judith Auerbach, Dalton Conley, Marjorie DeVault, Evelyn Nakano Glenn, Michèle Lamont, Mary Pattillo, Clara Rodriguez, Mary Romero, Rubén Rumbaut, Marc Schneiberg, Gay Seidman, Robin Stryker.

Incoming 2008-2009 Council Members Present: Rosanna Hertz, Pierrette Hondagneu-Sotelo, John Logan, Debra Minkoff.

Staff Present: Janet Astner; Les Briggs; Karen Edwards; Lee Herring; Sally T. Hillsman; Kyle Murphy; Michael Murphy; Roberta Spalter-Roth; Daniel Spar; Margaret Vitullo.

1. Call to Order

President Kalleberg called the final meeting of the 2007-2008 Council to order at 2:35 pm on Monday, August 4, 2008, in the Gardner Room of the Sheraton Boston Hotel. A quorum of members was present for the conduct of business throughout the course of the meeting.

A. Introduction of New Members of the 2008-2009 Council

President Kalleberg welcomed the newly elected officers and Council members as observers at this meeting: President-Elect Evelyn Nakano Glenn, Vice President-Elect John Logan, and Council Members-at-Large Rosanna Hertz, Pierrette Hondagneu-Sotelo, and Debra Minkoff; Omar McRoberts was unable to attend the 2008 Annual Meeting.

B. Approval of the Agenda

Additions, deletions, and amendments to the agenda were invited. The Secretary noted that he would be reversing the order of two of his reports on the agenda. There were no additional changes proposed.

<p>Members of Council voted unanimously to accept the agenda as revised.</p>

C. Approval of the February 2-3, 2008 Minutes

Draft minutes of the February 2-3, 2008 Council meeting were presented for approval. There were no corrections or amendments to the minutes.

Council voted unanimously to approve the minutes of the February 2-3, 2008 Council meeting as presented.

D. Approval of the March 26, 2008 Minutes (Amicus Brief)

Draft minutes of the March 26, 2008 Council email vote were presented for approval. There were no corrections or amendments to the minutes.

Council voted unanimously to approve the minutes of the March 26, 2008 Council meeting as presented.

E. Approval of the June 5, 2008 Minutes (Copyright Change)

Draft minutes of the June 5, 2008 Council email vote were presented for approval. There were no corrections or amendments to the minutes.

Council voted unanimously to approve the minutes of the June 5, 2008 Council meeting as presented.

F. Approval of the June 27, 2008 Minutes (Annual Meeting Labor Issue)

Draft minutes of the June 27, 2008 Council email vote were presented for approval. There were no corrections or amendments to the minutes.

Council voted unanimously to approve the minutes of the June 27, 2008 Council meeting as presented.

2. Report of the President

President Kalleberg briefed Council on his Presidential year and the 2008 Annual Meeting. Kalleberg reported that his year as President had been a terrific experience. One of his primary initial goals had been to spread the word about the ASA and the Boston meeting by traveling to numerous regional and other sociology meetings and he felt this was well met. Because some sociologists do not have travel support to permit their participation in the ASA meeting, he and the Executive Officer have discussed ways to reach out to these individuals, including various uses of the Association website to get important resources to sociologists who cannot attend the Annual Meeting.

Kalleberg also reported that the ASA-sponsored trip to China earlier in the summer was a great success. That trip included meetings with sociologists in China and visits to significant cultural sites throughout the country. He expressed the view that the 2008 program had been a success and thanked the Program Committee. Sessions appeared both intellectually interesting and well-attended. Registration was 5,422,

making 2008 the third largest Annual Meeting in ASA history; 2007 in New York was the record, with San Francisco in 2004 second.

Kalleberg thanked Council for the opportunity to serve as Chair of Council and ASA President for the last year. Vice President McAdam commended Kalleberg for his effective leadership over the last event-filled year. Council thanked Kalleberg for a great meeting and a great year.

3. Report of the Secretary

A. 2008 Election Report

Secretary Tomaskovic-Devey reported that voting participation is strong in the ASA. There were 11,077 members eligible to vote in the 2008 election. While this was 136 members fewer than in 2007, a record 5,122 members (46.21%) cast votes, an increase of 281 voters (3%) over 2007 which were all time Association records.

There were 41 candidates for ASA-wide offices and 373 candidates for section offices, for a total of 414 candidates on the 2008 ballot, as well as 13 referenda/opinion polls. Forty two of the 44 sections conducted their annual election as part of the national ASA election. Section members participated in large numbers in the annual election of their officers: 29 sections had more than 50% of eligible voters participate and nine sections had more than 60% participation. Such strong levels of participation are rare of in scholarly organizations.

The majority of ASA members opted for online voting (92%); 421 voters used paper ballots. This is up from 82% in 2007, 79% in 2006, 67% in 2005 and 60% in 2004. After several years of participation around 30%, the increases in voter participation can be attributed not only to the introduction of electronic ballots but also to a new service: customized e-mail reminders for voters. In 2005, members received two e-mails, one mid-way through the election and one near the end of the election. Each e-mail contained information on where to go online to vote and how to log in to cast a vote. Spikes in member participation were directly related to those messages. Subsequently, the number of alerts was increased, including one five days before the close of voting sent only to members who had not yet cast a vote. 2008 marked the first time members received embedded login information within a clickable link in each personalized email so they were not required to manually enter any information logon to the voting system. The increase in voting suggests this new service is useful to members.

The Secretary reported that the 2008 cost to produce and mail paper ballots was \$20,868. This resulted in 402 valid paper ballots, or \$51.91 per print ballot cast. Several years ago, Council instructed the Executive Office to monitor participation and explore moving to a fully online voting system. Given how strongly ASA members have embraced online voting, EOB and the Executive Office believe ASA has reached that point. It also fits into the Association's attempt to reduce its environmental impact.

EOB recommends moving to a fully election voting system in the 2009 election, giving the Executive Office leeway to establish the best methods possible to ensure that members who do not use email or the web are not disenfranchised in 2009 and future elections.

Council voted unanimously to approve the move to a fully online voting system beginning with the 2009 annual election and authorized the Executive Office to use the best methods available to ensure members who do not use online communications are made aware of the election, know how to access a paper ballot, and receive a paper ballot.

B. New ASA Headquarters

The Secretary reported that the Association successfully moved into its new headquarters in March 2008, vacating the former rental space by March 31, 2008. This culminated a process that began in January 2005 when the first realtors were interviewed to discuss the Association's occupancy needs. Since that time EOB and the Executive Office have worked hard to review cost models and make the best financial projections while also striving for the most efficient use of Association resources.

The Secretary noted that 2008 operating budget includes increases for facility costs as a result of the Association having double costs for the first quarter of the year and higher costs related for purchased space. He expects the 2008 facility costs to be \$76,000 over budget as a result of both one-time and continuing facilities costs. However, condominium fees and interest expenses are expected to be \$109,000 below budget. Interest expenses are projected to be lower because the auditors required the Association to capitalize interest for the first three months of 2008 while the new space was under construction. The overall costs of occupancy during the Association's three months in the new space are tracking budget expectations.

C. 1307 New York Avenue Lease and Real Estate Taxes

The tenant-landlord litigation between the Association and its 1307 New York Avenue landlords unfortunately remains unresolved. The owners (landlords) continue to insist that the ASA owes a large proportion of the District of Columbia real estate tax bill on their building, and ASA has consistently maintained that we are not liable for this expense under the lease. The Association recently participated in non-binding mediation in an attempt to resolve the lawsuit brought by the landlords as well as issues that remain regarding ASA's early lease termination that is not part of the lawsuit.

Secretary Tomaskovic-Devey reviewed with Council the financial risks to ASA from this situation that include the real estate taxes, the cost of early lease termination and legal fees. He indicated that the EOB is watching the Executive Office negotiations carefully and supports their current efforts at settlement. EOB agrees with the Executive Office position on how to bring this case to closure, preferably with a

settlement, but through the litigation if necessary. He noted that the Association's reserves are healthy and have been set aside precisely for situations such as this dispute.

D. Report on ASA Investments and Reserves

The Secretary asked ASA Director of Finance Les Briggs to review the Association's long-term investments and reserves. Briggs reminded Council that ASA defines "reserves" as the unrestricted long-term investments of the Association, also referred to as the "General Fund Investment Account." As of May 31, 2008 the reserve amount was \$3,681,485, or 57.0% of the 2008 operating budget. He reported that the EOB has taken the position that the reserve level should average half or more of the current operating expenses, preferable 60% or above. The reserve grows from both market gains and additional investments and it decreases from market declines and withdrawals to cover expenses. The reserves as a proportion of the operating budget have been well above the EOB target, and are now at 57% even with market declines and the withdrawal of \$355,723 authorized by Council to be used with the Building Fund for the \$2 million down payment for the building purchase.

The Secretary told Council that EOB has discussed that the additional costs associated with the overlapping occupancy and other costs related to the move and the litigation may require the use of some reserves during the transitions years of 2008 and 2009.

4. Report of the Audit Committee

A. Year-End (2007) and Current (2008) Financials

The Secretary reported that the budget for 2007 anticipated a net excess of \$55,800. Audited revenues for 2007, however, were higher by \$434,100 and expenses were lower by \$93,700 resulting in net revenues of \$583,600 for the year. In anticipation of the move to new offices, the Executive Office has been attempting to keep expenses as low as possible.

Revenues for the five months ending May 31 are down from expected levels in the 2008 operating budget for member dues and member journals. Expenses are on track with the budget in most areas except for higher health insurance costs, legal costs associated with the ongoing lawsuit, and the journal RFP consultant costs.

B. Approval of the 2007 Audit

The 2007 Independent Audit Report consists of the "Financial Report" and the separate "OMB Circular A-133 Supplementary Financial Report") as well as the June 27, 2008 letter from the auditors. The auditors found the financial statements of the Association to be in conformity with generally accepted accounting principles and that the Association is in compliance, in all material respects, with the requirements applicable to its federal grant programs. The A-133 report points out an immaterial instance of noncompliance. At the conclusion of each year's audit the audit firm provides an informational form that the Association submits to the Single Audit Clearinghouse. For the 2006 audit this form was inadvertently filed away with the

audit booklets. The Executive Office has since filed the form and established a calendar reminder system to ensure the timely filing of this annual form.

Council voted unanimously to approve the 2007 audit as presented.

5. Reports of Council Subcommittees

A. International Outreach

Immediate Past President Piven presented the report of the subcommittee established by Council last year "to develop proposals for the American Sociological Association to facilitate the closer integration of American sociology and sociologists with sociologists throughout the world." The Association has had numerous efforts over its history to engage as an association of scholars with other associations of sociologists and scholars such as ISA and IIS and with world policy bodies. The Association has also made efforts to encourage the inclusion of more international material in the sociology curricula of American institutions of higher education and to assist individual US and international scholars attend sociological meetings to share their work and perspectives.

These efforts on the part of the Association have occurred within the context of substantial and growing international exchange and collaboration with international scholars by individual American sociologists and some US departments of sociology and research institutes.

While ASA's efforts have had many sustained successes (e.g., growing international participation in ASA Annual Meetings and support of US sociologists to attend the ISA congresses), the Association continues to consider a framework for better understanding, and acting upon, what the ASA's organization mission should be at the international level.

Piven reported the meetings of the subcommittee, noting that many of the initiatives discussed would be very costly and would require an endowment for ASA to sustain them for any period of time. She suggested that the subcommittee is likely to propose more modest international efforts for Council's future consideration. Council members discussed whether the Fund for the Advancement of the Discipline (FAD) could be used immediately as a competitive funding mechanism to provide limited support for some international activities. There was some concern that FAD funding was probably insufficient for such efforts and that Council did not want to interfere with the important role FAD was designed to have for the membership. There was consensus, however, that FAD might be able to play a part in supporting cross-national partnerships without undermining its current activities, and Council recommended the idea for consideration by the FAD Advisory Committee and the Executive Office program director, Roberta Spalter-Roth.

Council also discussed that many sociologists and universities are already engaged in vigorous international efforts. The subcommittee will attempt to develop a better understanding of the roles sociological organizations and U.S. sociologists are currently playing internationally as a context for considering future ASA activities.

B. Member Giving

As background for the Subcommittee on Member Giving, Director of Finance Briggs reported on contributions made by members as part of the annual membership renewal process. Members are offered the opportunity to contribute to several ASA programs including the American Sociological Fund, Congressional Fellowship Fund, FAD, Minority Fellowship Program, Soft Currency Fund and the Teaching Enhancement Fund.

Briggs said that contributions to these funds and the programs they support come from a small proportion of members and have never been a large source of revenue. Through June 24, 2008 of the current membership year, contributions totaled \$31,088. There were 950 contributions to date from 696 individual contributors. The Minority Fellowship Program (MFP) has long been the fund to which most contributing members give. It received \$18,221 to date in 2008 from 460 contributors. The number of overall members giving has seen a slight decline over the past few years, although the dollar amount contributed has increased somewhat.

Vice President-Elect Margaret Andersen then reported on the Subcommittee on Member Giving Council established in February 2008. The subcommittee believes that most of the programs currently supported in part by individual member contributions are in need of further resources. However, the MPF has the most immediate need because the largest funding source for this important fellowship program (the National Institute of Mental Health with National Institute on Drug Abuse for a total of \$500,000 per year) ends in 2010. The celebration of the 35th anniversary of the MFP begun in Boston during the Annual presents an opportunity for the Association to think about how best to move the MFP program forward.

Andersen reported that the subcommittee anticipates bringing suggestions to Council at its Winter 2009 meeting for a fund-raising campaign for major, sustained financial support of the MFP by private organizations and ASA members. She indicated that the subcommittees work is being done in consultation with the Council subcommittee charged with reviewing the structure of the MFP and the broader ASA Minority Affairs Program of which is the core.

C. Federal Data Production and Uses of Federal Social Science Data

Roberta Spalter-Roth, Director of Research and development, reported on the recent efforts of the Subcommittee on the Production and Uses of Federal Social Science Data. Initiated by Frances Fox Piven, outgoing Council Member Judy Auerbach has also been a participant in this effort. Spalter-Roth discussed a meeting of federal researchers held at the ASA under the auspices of the subcommittee. The federal participants discussed experiences reflecting significant problems in conducting studies to provide data relevant to public policy; getting policymakers to use the data when studies are done; and in getting the research findings out to non-government scientists, policymakers and the public. There was also discussion of clear instances of federal researchers encountering the suppression of data.

President Kalleberg noted that both Piven and Auerbach are rotating off Council and asked for volunteers from Council for this subcommittee. Piven also expressed willingness to continue serving as a member of the committee.

D. Kluge Award Nomination Subcommittee

In follow-up to Council action from the February 2008 meeting, a subcommittee of Council was formed to identify sociologists the Association might consider nominating for the Library of Congress' Kluge Award. Margaret Andersen reported that this list was prepared from a review of winners of major ASA awards. It was circulated to Council via e-mail. Based on Council decision, she prepared a nomination letter submitting the name of William Julius Wilson for consideration for the Kluge Award. The winner will be announced December 10, 2008.

6. Report of Committee on Awards

Michèle Lamont, chair of the Committee on Awards, reported to Council on the committee meeting held the previous day. Lamont presented a request from the Awards Committee and the Cox-Johnson-Frazier Award Selection Committee that Council formally approve a revised statement of criteria for this award that had been prepared six months earlier by a committee appointed by Council. Council delayed action in February 2008 pending solicitation of input from additional organizations. Staff reported that the revised statement had been circulated as requested but that responses were rather limited.

Council voted to approve the following criteria for nominations for the Cox-Johnson-Frazier Award: The Cox-Johnson-Frazier Award is given to an individual or individuals for their work in the intellectual traditions of the work of these three African American scholars. Cox, Johnson, and Frazier placed their scholarship in service to social justice, with an eye toward advancing the status of disadvantaged populations. Their scholarship was not limited to just the gathering of more data, but was rather scholarship that was attempting to better conditions globally. Cox, Johnson, and Frazier worked to broaden the thinking of society and to broaden what the mainstream included. In the spirit of the lifetime efforts of Cox, Johnson, and Frazier, the committee invites nominations of individuals or institutions with a record of outstanding work, such as, but not limited to: Work on social justice issues, Work on human rights, activism, community efforts, the building of institutions, or sustaining programs, emphasis on African American or similarly disadvantaged racial/ethnic populations that have experienced historical racial discrimination. Occasionally institutional commitment to social justice, to broadening the tradition to including and empowering marginalized scholars and marginalized peoples, is so compelling that this award can recognize a communal institutional effort. Nominations should include a one to two-page cover letter that explains why the individual or institution fits the criteria, a CV, and possibly one or two additional letters of recommendation. (1 opposed)

Lamont also reported that some ASA members appear confused about whether the selection criteria for the ASA Career Award were changed when the award was renamed for W.E.B. DuBois. Council had made it clear at the time the name was changed that the award was changed *in name only* and not its selection criteria. It reiterated that policy decision.

Lamont suggested that Council consider adding additional information during the 2009 awards ceremony to what had been done for the 2008 ceremony to explain this move and the importance of DuBois to the discipline. Others suggested that it would be more effective to present this information in *Footnotes* where there would be more room for a fuller explanation of the importance of DuBois. Another Council member suggested expanding this idea to a series of articles in *Footnotes* about each of the named awards, noting that there are an increasing number of members who have little idea who, for example, Jessie Bernard is and why a major award is named for her. Council asked the Executive Officer as Editor of *Footnotes*, to consider such an article series.

Lamont also reported that the Awards Committee remains concerned about the limited number of nominations received by some of the selection committees. The Committee has asked staff to gather data on the number of submissions for each award over the last decade. She suggested that Council reserve time in February to consider these data and discuss if further action was needed.

The Committee on Awards also wants all selection committees to adhere to the same standard in identifying what constitutes a conflict of interest requiring committee members to recuse themselves. There appears to be no consistency in setting conflict of interest boundaries, so the Committee is working on a standard for all award selection committees to use.

Lamont's final issue was a request for Council to review the criteria for appointing the chair of the Committee on Awards. The committee is currently composed of six members, three appointed from the general membership and three appointed by the President from among the Council members-at-large. Terms are staggered so that two people (one from each category) rotate off the committee at the end of each year. It has been the tradition for more than a decade that the Council Member-at-Large in his/her third year of membership on this committee is appointed chair and, as such, presides over the annual awards ceremony. Council unanimously agreed to make this formal policy.

<p>Council voted unanimously that the Committee on Awards is chaired by the Council Member-at-Large serving in his or her third and final year as member of the committee.</p>

7. Report of the Executive Officer

A. Executive Office Staffing

Executive Officer Hillsman reported that the Director of Publications and Membership has reconfigured the work of the Publications Department and filled a vacancy with a Publications and Journal Manager to increase Executive Office support of the Editorial Offices and the journals. She also reported that the Association had filled the Media Relations Officer position vacancy with an experienced person and that both members and journalist have provided positive feedback on ASA efforts to get sociological information into the media. Kyle Murphy is leaving his position in the Academic and Public Affairs Program to enter the sociology doctoral program at the Graduate Center of the City University of New York, and has been replaced by Edward "Jay" Matchett, a recent sociology baccalaureate graduate who already has a co-authored research publication to his credit.

B. Update on ASA et al. v. Chertoff & Rice

Hillsman updated Council on the case of ASA v. Chertoff and Rice. As previously reported, ASA entered into a suit against the United States Departments of State and Homeland Security claiming an abridgment of ASA members' First Amendment rights to hear Professor Adam Habib in person at the 2007 Annual Meeting in New York City. The American Civil Liberties Union (ACLU) is representing the ASA and several other organizations who also had invited Professor Habib to speak. She had hoped that this case would reach resolution before the 2008 Annual Meeting in Boston where Professor Habib was also invited to speak, but that did not happen.

The case was argued before Judge George O'Toole, Jr. in the U.S. District Court for the District of Massachusetts on Wednesday, 25, 2008. The Executive Officer was present. The government argued that the court did not have jurisdiction to hear the case; courts typically defer to government decisions about immigration and national security; even if the court decides it does have the power to hear the case, the court should find that Professor Habib's exclusion does not violate the First Amendment because the government has provided a sufficient reason for excluding him merely by pointing to the statute under which it excluded Habib; and that no other explanation or facts are required to support the government's decision. The judge asked some pointed questions of the government and seemed skeptical of its argument that the federal courts have no power to question these decisions in the face of First Amendment claims by American citizens. The judge referenced the U.S. Supreme Court's recent decision about prisoners at Guantanamo, suggesting that the trend in Supreme Court decisions undermines the idea that courts must defer to the Executive Branch even when it asserts a terrorism rationale.

ASA's attorney from the ACLU argued that the history of cases in this area demonstrates that courts do have jurisdiction in visa denial cases when the First Amendment rights of US organizations and citizens are implicated by an exclusion; the law makes clear that the government must to provide a concrete explanation for its accusation against the excluded; and the government must prove it has facts to back up its claim.

Hillsman reported that the judge appeared highly engaged in the arguments. Despite the attempt of the government to assert that this was merely a visa case in which the Executive Branch had sole authority, the judge appeared to understand that this was a First Amendment case about the right to hear and discuss ideas. That is important in the ASA's case because the ASA's standing to challenge the visa denial rests solely on asserting our members' Constitutional rights.

The judge provided no indication about when he might issue a ruling. He had not done so in time for Professor Habib to attend the Boston meeting.

C. Update on ASA Amicus Brief in Varnum et al. v. Brien

Hillsman reported on the status of the amicus brief Council approved in the case of Varnum et al. v. Brien that focuses on social science expert witnesses. She said that in addition to ASA, several other organizations and numerous individual sociologists also signed the brief which was filed with the Supreme Court of Iowa on May 30, 2008. The timeframe for oral arguments and a decision by the court is not yet known.

D. Update on ASA Amicus Brief in Cook v. Rumsfeld

Hillsman also reported on the 2006 amicus brief filed by the law firm of Covington & Burling on behalf of five leading social scientists (two of which were sociologists) in the matter of Cook v. Rumsfeld (now Cook v. Gates) that is on appeal to the United States Court of Appeals for the First Circuit. This case involves the government's policy of "Don't Ask, Don't Tell" regarding gay and lesbian members of the United States Military. The amicus brief asserts that social science research, much of it by sociologists, does not support the contention of the government that allowing gays and lesbians to serve openly in the military undermines unit cohesion and therefore impairs military performance.

The First Circuit issued its opinion on June 9, 2008, affirming the district court dismissal of the challenge to the "Don't Ask, Don't Tell" policy. The appeals court stated that that while some level of heightened judicial scrutiny applied, its ruling followed the long-standing deference federal courts have given to the judgment of Congress and the Executive Branch in military affairs. The sole dissenting opinion noted that "the plaintiffs' burden is a tough one in light of the strong deference owed to Congress and the military seeking to protect unit cohesion. Yet, when all reasonable inferences are drawn in their favor, plaintiffs have made sufficient allegations that the burden that the statement presumption places on speech is greater than essential, particularly in nonmilitary settings off base and off duty."

Hillsman indicated that it was likely that Congress will address the "Don't ask, Don't tell" policy again, perhaps during the next term, and that social science evidence on unit cohesion may have an impact on legislative debate.

E. Update on ASA/JSTOR Amicus Brief in Greenberg v. National Geographic

Finally, Hillsman reported on the two amicus briefs written by JSTOR that ASA has joined. She reminded Council that in June 2004, ASA joined a successful amicus brief prepared by

JSTOR for the Second Circuit supporting the decision of the Southern District of New York in the case of *Faulkner v. National Geographic Society*. The decision and opinion of the Second Circuit were favorable for journal publishers such as ASA and journal archives such as JSTOR. As with the United States Supreme Court's decision in *New York Times Co., Inc. v. Tasini*, this decision supports scholarly publishers revision of print publications using other formats (e.g., electronic) under the terms of the initial copyright agreement rather than requiring a second transfer of copyright for conversion of the copyrighted material into digital format using software for indexing and searching.

Success in the *Faulkner* case was particularly important because in a previous case (*Greenberg v. National Geographic*), a federal trial court had ruled that such revision was not permissible under section 201(c) of the Copyright Act. This decision, however, was made prior to the Supreme Court's *Tasini* decision on which the Southern District Court relied heavily in finding that such revisions *were* permissible under the Copyright Act. With the successful appeal of *Faulkner*, publishers now have a strong ruling in one of the major Circuits, especially one (New York City) in which publishing is a major industry.

ASA Council agreed in 2007 to sign a second JSTOR amicus brief on this issue in the appeal of the *Greenberg* decision to the Eleventh Circuit. This was an effort get the trial court decision reversed so that there would be a consistent legal position in the federal courts if other cases arise that challenge publishers' rights to convert print into electronic, searchable formats without securing a second transfer of copyright from all authors.

As hoped for, the appeals court overturned the trial court in *Greenberg v. National Geographic Society* on June 30, 2008, issuing a ruling in line with the Second Circuit's decision in *Faulkner*, and further clarifying the U.S. Supreme Court's ruling in *Tasini* upholding the "long embraced doctrine of media neutrality" that the "transfer of a work between media does not alter the character of that work for copyright purposes."

8. Adjournment

The meeting was adjourned at 5:54 pm. That evening, Council was invited to join members of the Northeastern University sociology faculty at dinner at the Northeastern University Alumni Center.