

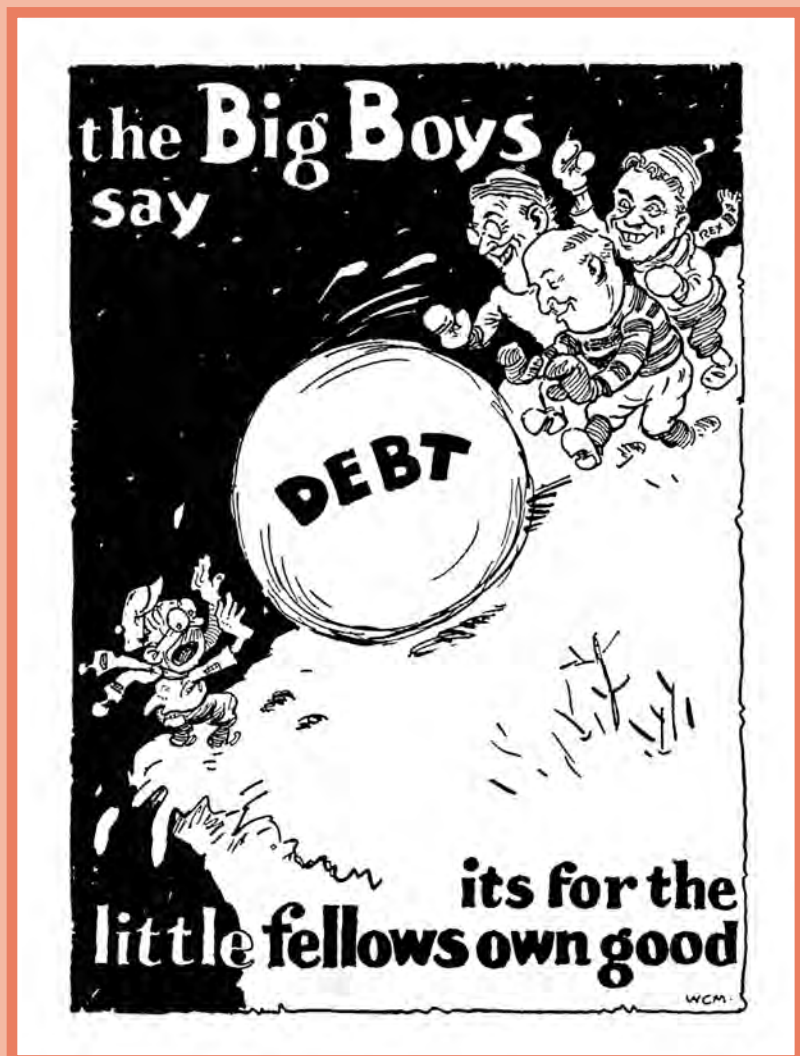
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- Layers of Protection:
Beans, Biopiracy, and
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- The Makah Whaling Saga
- The National Archives
and Private Partnerships

DttP

Documents to the People

Winter 2008 | Volume 36, No. 4 | ISSN 0091-2085





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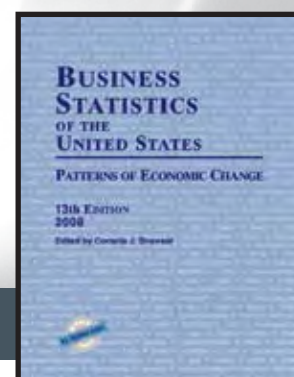
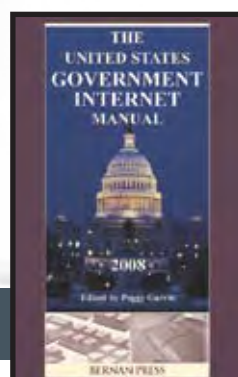
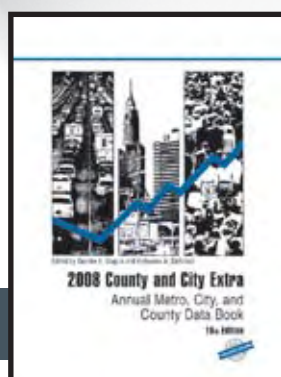
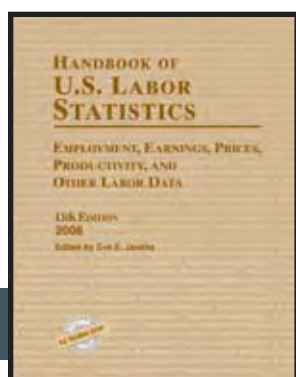
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DtP

Documents to the People

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Editor's Corner

Ode to Conference Roommates

Andrea Sevetson

I think every division and round table has tips for newcomers to ALA Annual Conference on how to get through the conference and maximize your time and effort. In all of the advice, I've yet to see anyone who talks about the value of a roommate. One would think the value might be purely social—especially for newcomers, and certainly that aspect shouldn't be undervalued—but an alert roommate can add inestimable value to your conference experience. I have attended many conferences where there were four of us in a room, and, lest you think it was a four-day pajama party, there was a lot of good conversation and useful information exchanged. To the best of my memory, no pillows have been sacrificed.

On the professional side, roommates often alert you to programs you hadn't noticed in the (massive) ALA program. If you attend different sessions, a roommate can be an additional set of ears as she can relay valuable information about the different programs or meetings she attended. If you're both new, you can double the networking as you each introduce the other to new contacts. Roommates may invite you to dinner with friends, colleagues, or new contacts—and you get to meet a whole new group of people. A roommate from a different institution can bring you a whole new perspective, and can assist you in ways you've never imagined (tenure, anyone?).

On the practical side, roommates make coffee for each other in the morning to help each other get moving and out the door (I actually had one roommate who claimed she made the coffee so I'd stay in bed and out of the way in the morning. She also said she snored, but I never heard a peep). Roommates go to the drugstore or hotel gift shop to get meds for a roommate suffering from various maladies and make sure the sick one's needs are taken care of. I had one roommate who managed to slice her hand on something in her toiletry kit. She had

a meeting to go to, so the others in the room made a run to the store and delivered a small first aid kit to her. A roommate will also accompany you to the drugstore after dark in a strange city when your own suitcase still hasn't arrived—after her own suitcase has been reviewed for “loaners.” Roommates leave the light on for your late arrival, and may be there to talk to at 5 a.m. when you're suffering from jetlag.

A roommate can laugh with you about odd or hilarious things one of you has seen, and shares your irritation when things don't go quite the way you've planned. A truly great roommate will attend a dreaded meeting with you to give you moral support.

If you're going to Annual, or any other professional conference, and you haven't attended one before, get over your shyness and get yourself a roommate (advertising on Govdoc-1 seems to work quite well)—you'll never be sorry you did.

In This Issue: Student Papers

This is *DttP*'s third issue of student papers. I'm pleased to say, this issue contains a higher level of both writing and research than the previous issues, and I know that is in part because they look at the previous issues to see what other students have written about (see the description of the assignments from Amy and Cass) and draw inspiration there. I always enjoy reading the submitted articles, and this was no exception, and I look forward to sharing the best with you all and hearing you talk about them at conferences. In fact, I think I hear more about the student papers issue than any other (though that doesn't mean that people don't discuss the other content!).

The wide variety of topics addressed serves as a great reminder that, yes, government *does* produce material on every subject. Enjoy your issue of *DttP*!

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Check out the new and the old! The digital archive, hosted by Stanford University Libraries & Academic Information Resources, contains all issues of the journal published from its inception in 1972 through 2002 (volumes 1–30). The contemporary material, 2003 (volume 31) to present, is hosted on the ALA/GODORT server.

From the Chair



Looking Back on California, Onward to Colorado

Cass Hartnett

What a pleasure it is to be writing a column again and to have the bright, airy feeling of the Anaheim conference to look back on. Both of our pre-conferences, on elections data and Web 2.0 applications, were resounding successes,

as was our program on local government resources for business and our GODORT Update. Speakers contributed their expertise and eloquence, and attendees walked away better educated and ready to try out new tricks when they returned home to tend their libraries and websites. Certain speakers have stayed in my mind, and I don't even need to consult my notes: Rhodes Cook, an elections expert who provided insight into the past and present process; John Wonderlich, who is busy reinventing access to contemporary congressional materials through the OpenHouse Project; and a charged-up Tim Byrne, who educated us about the impressive tools at Science.gov. Two former Superintendents of Documents, Francis Buckley and Judy Russell, circulated through our gatherings, willing to share their well-informed perspectives.

The conference center is the second most beautiful I have seen (I make no secret of my partiality to the Washington State Convention Center in Seattle). The Anaheim facility is ringed by a grove of palm trees welcoming visitors, and features an interior space that is a snap to navigate. The GODORT hotel worked out well (thank you, Conference Committee and Yvonne Wilson) and our reception in front of Chapman University's Leatherby Libraries was as fine a California night as one could imagine. Award recipients and those introducing them expressed gratitude for life itself and for the passion and inspiration of GODORT members. The setting that night was unique, an amphitheater-style seating arrangement that forced us to look out at each other. Of course, those attending represented only a fraction of our total membership, but I felt pride and satisfaction looking around that group. There were graduate school students, retirees, and everyone in between. The young members do a fine job of making us feel old, with their sharp brains, flexibility, and energy. Our corporate sponsors, whose advertisements grace this magazine, are full of individuals sharing our love of government literature, many of whom have worked in the trenches as librarians, some of whom have led GODORT.

Just weeks before Anaheim, the Government Printing Office (GPO) released *Regional Depository Libraries in the 21st Century: A Time for Change? A Report to the Joint Committee on*

Printing. GODORT leadership responded to the draft outline of the report (after consulting you, our membership), but then the timing of the full report's release happened to be hilariously bad for ALA conference-goers. (With a sigh we acknowledge that the world does not revolve around us.) The weeks immediately before the Annual Conference always see an exponential increase in e-mail communications, and most of us are able to do little more than tie up our local commitments before leaving town. We praise GPO for releasing its report in a timely fashion as required by the congressional Joint Committee on Printing, and for extending the deadline for comment, albeit to a day when many librarians would be returning home from the Annual Conference. Many GODORT members *did* respond to the report as individuals, and its theme was discussed in many meetings conference-wide.

But I am left with a peculiar feeling that, as a community, not enough of us have read this vital report—carefully, slowly, and thoughtfully—as this situation requires. Although the comment period has long passed, this will be one of the defining reports of our era, so we need to discuss it in our state groups this fall and come to Midwinter having reflected on it some more. Certainly, the plight of regional federal depositories, or large collections of last resort of any kind, will be a central theme in designing depository systems and user services of the future. Here's an example close to home: I almost didn't finish this column in time because of an all-consuming work project. My library is involved in accepting a very large set of Canadian, federal, and state materials from a neighboring depository with a mandate to downsize its collection. The care we put into these collections, and the relationship of the collections to our cataloging, preservation, and reference work, is incredible.

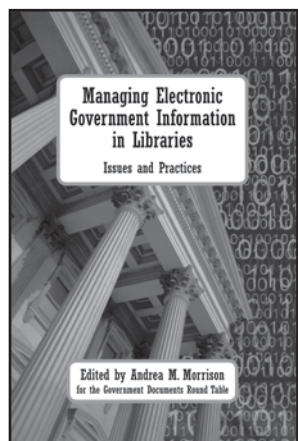
So Anaheim is already a distant memory and we turn our sights to Denver for the 2009 Midwinter Meeting. We now need to jump with both feet into our strategic planning process. Where do we see ourselves, even in a short-term future beyond our easy imagining? I started out this chair year drawing parallels between the kind of organization needed to keep GODORT running and that needed to run a neighborhood church. In both cases, if an individual member is inspired, moved, and nourished by a community, that spark will have a chance of turning into a sustaining flame. In both cases, the institution needs a message—something about which members evangelize (no need to be afraid of the word in this context). Some of the deepest evangelizing in GODORT comes on a

personal level, when individuals find our preferences, programs, updates, online resources, and published materials of high value and spread the word. Our message has to be something about which we can freely say that we think it, we speak it, and we hold it dear. What's our GODORT message? Is it our Bylaws? Our Procedures Manual?

No, our message, which we will refine together in our strategic planning process, comes from our very existence, the need that led to our founding nearly forty years ago. We are a part of the American Library Association. Our focus is libraries. We are more than an affinity group for those with a fetish for yellowing microfiche and dusty pamphlets. We are more than a loose affiliation of people who value cataloging, accurate record-keeping, and blogging. We are more than quaint types who believe that the most profound American literature comes

from the *Serial Set* and congressional hearings. Sure, it is fun to look at ourselves, but as Bernadine Abbott-Hoduski and others have pointed out, we are not the American Librarians's Association. We represent our libraries when we participate in ALA and in GODORT. So GODORT's special spark—the flame we get to guard together—is the intersection of government information and libraries. Ten years ago, we would have said “government information *in* libraries.” But because the government information we steward, preserve, describe, teach about, and provide access to cannot and will not be contained within any library's four walls, we have got to state it as the *crossroads of government information and libraries*. We've got other flames we like to keep an eye on, but that's our special, GODORT-guarded flame. And when you're a flame-guarder, the idea is to keep the light shining. Let's do just that.

Managing Electronic Government Information in Libraries: Issues and Practices



Edited by Andrea M. Morrison, for the ALA Government Documents Round Table (GODORT)

Written by government information practitioners, this practical guide to managing electronic government information is a must-have for librarians, library administrators, scholars, students, researchers, and other information professionals. This volume details the benefits, challenges, and best practices of managing digital government information for librarians in academic, public, special, and school libraries.

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Washington Report

Kirsten Clark

As I put the final touches on this column, the Democratic and Republican National Conventions have just finished. Regardless of your political inclinations, the information policies of candidates on the federal, state, and even local levels deserve our attention and questioning. In July ALA sent letters to both national committees outlining important library issues that should be taken into consideration in forming their platforms.¹ Key to each of the letters is the importance of access to information for all, regardless of age, education, ethnicity, language, income, physical limitations, or geographic barriers. In addition, “public access to key segments of information (e.g., federal government) should be made available to the general public at no cost.”² The letters also focus on widespread and affordable broadband for libraries, the library patron’s right to privacy, the school library’s vital role in education, and Internet safety education.

The saga of the Environmental Protection Agency’s (EPA) libraries continued this summer and provides a potentially happier ending than first believed. The EPA’s initial plan to close some of its libraries in 2006 would have eliminated library services in twenty-three states and permanently removed key scientific data from both the public and the scientists within the EPA’s own workforce. The agency’s decision was reversed by Congress when funding was provided by the *Consolidated Appropriations Act of 2008* (P.L. 110-161), supporting the restoration of library services. Key action this spring centered on the American Federation of Government Employees (AFGE) Council 238’s grievances filed on behalf of all affected agency employees. A Memorandum of Agreement was reached between AFGE and the EPA on July 10 and stipulates the following:³

- The EPA will reopen closed libraries (Headquarters, Chemical, Region 5, Region 6, and Region 7 libraries) on or before September 30, 2008, or as soon as possible thereafter.
- The libraries will maintain on-site libraries in all EPA regional offices and headquarters offices with adequate space and resources and provide access for at least four days per week at a minimum of twenty-four hours per week.
- Professional librarians with an MLS degree will provide on-site support to EPA staff and the public.
- A union-management advisory board will review, evaluate,

and make recommendations regarding operation of EPA libraries.

On July 31, 2008, Congress passed the *Higher Education Opportunity Act of 2008* (H.R. 4137, P.L. 110-315). For many years, loan forgiveness had been offered to educators who work in high poverty areas. With the passing of this bill, it extends Perkins loan forgiveness (\$2,000 a year, up to \$10,000 total) to additional categories of borrowers, including librarians with a master’s degree working in an elementary or secondary school eligible for assistance under Title I of the *Elementary and Secondary Education Act*, or a public library serving an area containing said elementary or secondary school. The bill authorizes loan forgiveness for service in “areas of national need” and specifically includes librarians who are employed full-time in a high poverty area for five consecutive years.

Senators Arlen Specter (R-PA) and Joseph Lieberman (I-CT), and Representative Peter King (R-NY) introduced the *Free Speech Protection Act of 2008* (S.2977, H.R.5814) in early May. The bill provides for creation of “a Federal cause of action to determine whether defamation exists under United States law in cases in which defamation actions have been brought in foreign courts against United States persons on the basis of publications or speech in the United States.” According to Senator Lieberman’s press release regarding the legislation, the bill was in reaction to a British libel suit filed against Dr. Rachel Ehrenfeld for her United States-published book *Funding Evil: How Terrorism is Financed and How to Stop It*.⁴ Although only twenty-three copies of the book were sold in Great Britain, the courts ordered the copies destroyed and Ehrenfeld to pay damages. The current legislation seeks to protect the American freedom of speech guaranteed in the U.S. Constitution when that speech is published, uttered, or otherwise disseminated in the United States, but prosecuted in another country.

One piece of legislation to keep an eye on is the *Electronic Message Preservation Act* (H.R. 5811), which passed in the House and now sits with the Senate Committee on Homeland Security and Governmental Affairs. H.R. 5811 provides amendments to Title 44 to require preservation of certain agency electronic records and to require certification and reports related to the preservation of electronic presidential records. In addition, it provides that the archivist of the United States shall report to Congress on the status of this certification.

As election day draws near, now is the time to look at not only the current Congress but also those potential new members. There are issues coming forward in the next Congress that

may determine the future of libraries, specifically the depository libraries. With the new Congress there will come a new Joint Committee on Printing. The recent activity within the depository library community and at ALA Annual Conference regarding shared regionals and whether or not to change Title 44 will make the coming year an exciting time to be working with government information.

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News from the North

New and Noteworthy Search Tools and Guides

Mike McCaffrey

With Parliament dissolved and the Canadian election over the government itself has been somewhat quiet over the summer. Nevertheless, there have been a few initiatives of interest to the documents community that deserve mention. In this column, I will discuss certain useful new tools brought out in the last few months by Government of Canada Publications and Statistics Canada.

Government of Canada Publications and the Depository Services Programme

In June, Government of Canada Publications began adding permanent URLs (PURLs) to their bibliographic records. Though called PURLs, they are not permanent URLs

per se but rather links within the Government of Canada Publications database to abbreviated records containing a brief bibliographical record, distribution source, *Weekly Checklist* issue number and a URL to the electronic version of the publication. Serial issue entries also contain links to a master record for the serial from which one can browse available issues, eventually arriving at URLs for all individual issues. Users simply go to the publications website (publications.gc.ca) and search or browse the catalogue as they would normally. In each record the permanent link is directly beneath the title and is followed by a link to the aforementioned master record. This new feature, while by no means as robust or seamless as the PURL services provided by OCLC or the GPO, nevertheless streamlines the process of tracking links to electronic publications and of integrating them into library catalogues.

The initiative is part of a two-phase project to integrate the Depository Services Programme (DSP) and Publications websites. Phase 1 consists of adding PURLs to records and creating a browsable list of serial titles including those issued by active and inactive departments. Phase 2, to be completed by late fall 2008, involves a complete integration of the two sites.

Statistics Canada

Statistics Canada is gradually modifying and improving its website to meet the *Common Look and Feel for the Internet 2.0* guidelines established by the Treasury Board Secretariat. Though promising to result in easier navigation by including, for instance, common menu bars throughout the entire site, it is to be hoped that the initiatives do not take away from what is already a robust and highly useful reference tool.

The release of the 2006 census continues apace and a number of important resources have been introduced in recent months. Highlights include releases of a data search feature, curricular materials, and a number of topical reference guides.

March 28 saw the launch of the *Census Data Search Tool* (phase 1), found at www12.statcan.ca/english/Search/secondary_search_index.cfm. The tool functions as an intelligent search engine, employing semantical context, automated stemming of words, and use of synonyms. The results are sorted in order of relevance and the user may further narrow the search by selecting options loosely classed into three categories: topic (age and sex, language, population and dwelling, and so on); product (community profile, highlight tables, topic-based cross-tabulations); and geography (Canada, provinces and territories, Census Divisions, Census Metropolitan Areas and Census Agglomerations, and so on).

In August, Statistics Canada made available the first five of a planned eight modules of the *2006 Census Results Teacher's*

Kit. The *Kit* is being developed by the Critical Thinking Consortium (www.tc2.ca), a non-governmental organization comprised of boards of education, professional associations, and universities. Each module contains lesson materials, classroom activities, links to articles, photographs, graphs, and data and is aimed at the intermediate and secondary (grades seven to twelve) level. The first five modules focus on population change, aging, the family, immigration, and the native population. The remaining modules will cover work, employment and education, ethnic origins and visible minorities, and earnings and income. Each module is available in HTML or PDF and all may be found from the main page (www12.statcan.ca/english/census06/teacherskit/index.cfm). A number of other lesson kits and lesson plans are also available covering such topics as the environment, social trends, and agriculture (www.statcan.ca/english/kits/kits.htm). They are targeted toward the elementary, intermediate, and secondary school levels.

Over the summer, the final versions of a number of 2006 Census *Reference Guides* were released. The guides contain definitions and explanations on census concepts, data quality, and importantly, historical comparability. Eleven such reports have been released to date, starting with the *Families Reference Guide* released in October 2007. The most recent, the *Education Reference Guide*, came out in August 2008.

On a related note, mention should be made of one highly useful resource. Constructing time series of truly comparable statistics can, at times, be a difficult task. Apart from methodology and concepts, there remains the question of whether or not the numbers actually exist. Simply put, if the question was not asked, the numbers will not be there. Laine Ruus, data librarian at the University of Toronto, maintains a highly useful guide to Canadian census questions asked since Confederation, which contains, in tabular format, a list of all questions asked since 1951 (www.chass.utoronto.ca/datalib/censusq.htm). The table indicates the censuses in which they were asked and when they were *first* asked going back to 1871, thus providing users with quick and easy access to the contents of censuses over a period of time.

In March, Statistics Canada launched the *Canada Yearbook Historical Collection* making available, free of charge, yearbooks published between 1867 and 1967. Historical texts, tables, charts, and maps are included and the collection is supplemented by learning resources for students and teachers. The individual yearbooks are available in PDF and the collection includes the eighty-seven English and seventy-two French editions issued over the one hundred years since the Confederation. Separate gateways exist for the English and French collections (www65.statcan.gc.ca/acyb_r000-eng.htm

and www65.statcan.gc.ca/acyb_r000-fra.htm, respectively).

Web Guides

There is at present no comprehensive guide to Canadian government information similar to those provided for Americans at institutions such as the University of Michigan or by professional associations such as GODORT's Federal Documents Task Force. However, many specialized guides do exist that, if taken together, might serve the same purpose as their more comprehensive counterparts south of the border. Sherry Smugler of the University of Toronto has produced an excellent resource entitled *Canadian Parliamentary Publications: A Research Guide* (link.library.utoronto.ca/MyUTL/guides/index.cfm?guide=parl). Though not a guide to the workings of Parliament as such, it does enumerate Parliamentary publications and places them in a context that makes it easy to understand the legislative process. To my mind, it is at present the best such guide and would be useful to bookmark. A more process-oriented guide, taking the form of a tutorial, is being revised for the government information students at the University of Toronto's Faculty of Information. It will be featured and discussed in the next column.

State and Local Documents Roundup

Bountiful Harvest: Batch Searching and Distribution of Electronic State Document MARC Records

Rebecca Culbertson, Annelise Sklar, and Donal O'Sullivan

Time wasted is time lost. What better way to make use of a document cataloger's time than to automate the searching process in OCLC? This is what we are doing at the University of California (UC) San Diego. The key component of this strategy is the *up:* search command in OCLC. This command only became available to OCLC Connexion users in April 2008 and has remained largely undiscovered.

Until July 2008, the UC Shared Cataloging Program (SCP) cataloged online California state documents for all ten UC campuses. While most of the cataloging was value-added copy cataloging, it still required a significant amount of time to find new documents on each website on the government information librarians's list of priority agencies. Some of this time

has been put to better use by subscribing to agency RSS feeds and e-mail lists.

Another solution developed by SCP staff involves batch searching OCLC Connexion for MARC records, downloading to a local save file, and then exporting to the library catalog. While the process does not retrieve every online state document cataloged in OCLC in a given time period, it does allow a library to capture a good portion of very current online state documents cataloging with minimal effort—assuming that someone out there is doing the original cataloging.

In this algorithm, two searches are performed: one for records cataloged by the California State Library, and one for records cataloged by all other libraries. Each search looks for records with specific attributes (for example, material type online and material type state government publication) that have been updated in a particular month. Once the records are downloaded to local Connexion files libraries might choose to add permanent URLs, harvest the documents for an online archive, or send the list to the appropriate bibliographer for review. The records can then be batch-exported to the integrated library system using a combination of macros. OCLC has a number of such macros; optionally, it is very helpful to use a repeat-loop macro program.

The following procedure was tailor-made to search for California state document MARC records but it is easily adaptable to other states by replacing state-specific information. Smaller states could possibly do one search that would get everything at once. Public services librarians take note; it is time to pass this article to your cataloger.

1. Preparation

- a. In OCLC Connexion, create two local save files—one for newly created records and the other for updated records. The updated records may be handled a little differently than the new.
- b. Create Connexion macros that will not only apply the constant data used by your institution but will also allow for certain cataloging inconsistencies. For example, some records have a 007 field and some do not. It is possible to do this work using constant data records alone, but this does have the potential of adding unnecessary duplicate fields (and creating more work for the cataloger). For UC, SCP developed macros to add the appropriate 793 0 local title fields, 949 fields for item and bibliographic records, and a 936 field for tracking purposes (e.g. 936 CalDocs 200807).

- c. Optionally, create separate repeat-loop macros (UC San Diego uses MacroExpress) to enable the cataloger to input how many times they want the Connexion macros to repeat.

2. Searching

- a. There are two searches to be done in Connexion. The first gathers all records that have either been newly input or updated by the California State Library; the second gathers records from all other cataloging institutions during the same time period.

i. **mt:url and cs=cax and mt:sgp and up:200807??**

This search string retrieves records that contain a URL, were cataloged by the California State Library (040 CAX), have a GPub code “s” and were entered or updated during July 2008.

ii. **mt:url not cs=cax and mt:sgp and pl:Sacramento and ll:eng and up:200807??**

This search string is a bit more complex but retrieves records of online state documents published in Sacramento and not cataloged by the California State Library. Limiting to documents published in Sacramento eliminates documents published by other states. Additional searches can be done on other common cities of publication within a state. The ll:eng code limits the catalog record language to English (i.e., excludes parallel records), though the document itself could be in any language.

- b. The resulting records from both of these searches are initially saved to the **new** save file.

3. New records

- a. In the **new** save file, sort the records by OCLC number so that the records are listed in ascending order, i.e., the lowest OCLC number is first.
- b. Starting from the top of the list and moving downwards, identify the first OCLC record where the ENTERED date matches the month that you are searching. Every record prior to this on the list should then be moved to the **updated** save file.
- c. Sort results by **title**, giving a cursory glance to make sure there are no records that should not be there. If you find differing format records with the same 856 field, delete one of the records (for UC, priority order is: online, print, CD-ROM).

- d. Sort results by **format** and highlight all books.
- e. Apply the repeat-loop macro which in turn applies the Connexion macro adding whatever local information is required.
- f. Batch export the records to the local ILS using another MacroExpress macro.

It should be noted that after a detailed examination of the updated records from July 2008, we judged the changes in the monographic records to be reasonably innocuous and as such could be included in the batch process. Records that have appeared before will show up with the “held” symbol if you have attached your library holdings to the records as you go along. Serials and databases, on the other hand, as is their nature, remain problematic and will have to be dealt with on a one-by-one basis.

As mentioned previously, before loading records into the catalog, some libraries might want to add persistent URLs (BibPURLs) or deposit copies into an online archive and use those links. In some cases, government information bibliographers might want to take a look at the records and select only those that meet their collection criteria. Once items have been exported into the local ILS, post-cataloging processing can be completed as usual.

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Tech Watch

Twittering Away the Day

Amy West

Twitter is an account-based microblogging service. You publish updates of 140 characters or fewer and find others to follow as well as having them follow you. Updates are public unless you use a specific command, although a public update can be directed at another user.

You send an update that will show up in the Twitter view

of anyone who follows you and any public searches of Twitter. As you begin to follow other Twitter users, you will see their general updates and their updates directed at specific users. To direct an update to specific user, type “@username” in your post (figure 1).

These screenshots were taken from Twitter on the web, but you can interact with Twitter from a variety of other tools. Twirl is a very powerful and popular desktop client for Twitter and Twitterfox is a popular Firefox browser plugin for viewing Twitter activity. For an extensive list of links to the Twitter applications mentioned in this column, see mashable.com/2008/05/24/14-more-twitter-tools.

Twitter can also be used to broadcast RSS feeds, making it an effective mechanism for keeping up-to-date. Free Government Information (FGI) uses it to share feeds (see figure 2).

What’s nice about Twitter is that even though I haven’t directly participated in any of these instances, I can still benefit from my colleagues’s conversations, as well the feeds they share. That one can get something out of Twitter without having



Figure 1. Directing an Update

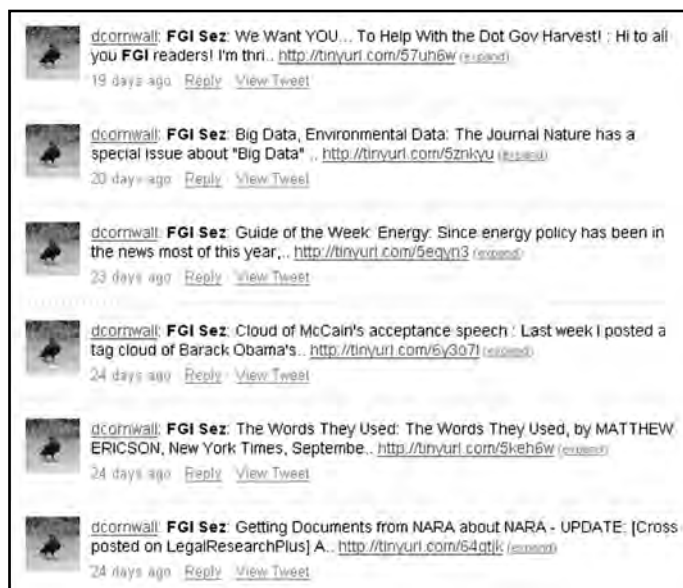


Figure 2. Sharing Feeds

to be active is one of its most powerful features. Yes, it's true that one gets these same benefits from lurking on Govdoc-l, but as we know, messages to lists take longer to write and have to meet certain formatting criteria. There's a much lower barrier to participation and reception with Twitter than for a traditional discussion list. Twitter lends itself to informality and brevity, both of which can be helpful when a discussion touches on topics about which emotions may be strong. For example, figure 3 shows an exchange between Jennie Burroughs and Daniel Cornwall regarding Title 44 from early June 2008 (see figure 3).

Note also that Twitter isn't functioning as a substitute for the listserv, as both Jennie and Daniel reference messages on Govdoc-l. However, their conversation builds on the Govdoc-l messages and keeps the conversation going. They could have had this talk by instant messaging, but to the benefit of all who follow them, they talked to each other in a forum in which the rest of us could listen in—thus expanding the conversation in a way unique to Twitter.

Twitter can also be used to share information within a single library. The University of Minnesota's Wilson Library Reference Desk has been experimenting with summaries of questions at the reference desk as a way of keeping other desk staff up-to-date on what's been happening (see figure 4).

One weakness of Twitter is its lack of search capabilities. You can scroll back through your updates, but that quickly gets annoying. A better idea is to use the "favorites" function or Twitter Search at search.twitter.com. The little grey stars in all the figures are what one would click to mark a message as a "favorite." Later on, when you need them, you can refer to them directly. Of course, once you have lots of those, you'll be back where you started. That's one of many occasions for which Twitter Search is handy. For example, you can keep up on current events by searching posts that feature the likely keywords or look for "hashtags." Hashtags are terms preceded by a "#." To see what's being said about the Republican National Convention, you can look for #rnc08 to get search.twitter.com/search?q=%23rnc08. Similarly, if you're unable to attend a conference, you can follow messages about that conference by looking for its hashtag. That was handy for me with respect to the 2008 Digital Library Federation conference.

Twitter's social aspect is also important. Yes, trading remarks about *Project Runway* and deep-fried cheese curds is frivolous. What's not frivolous is the camaraderie that can, and is beginning to, lead to more substantive discussions. In the day and a half I've been writing this column, I've seen a multi-

person consultation on depository issues, a request for help on a reference question, and a job posting. The play-by-play of the premiere of *America's Next Top Model* is purely a bonus.

Right now Twitter is most accurately described as "useful, but not necessary," but only because of the still limited numbers of government publications librarians using it. As the numbers increase, I think it may well move into the "absolutely critical for work" category.

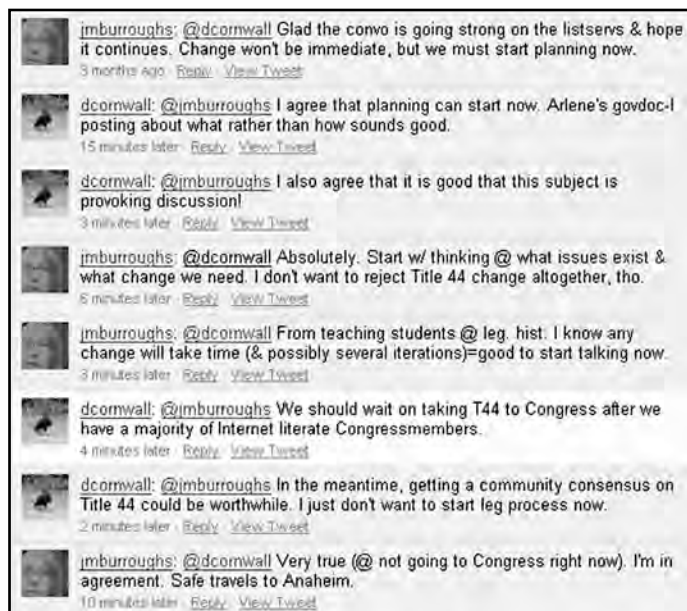


Figure 3. Exchange about Title 44



Figure 4. Summaries of Reference Questions

Student Papers: The Assignment

Cass Hartnett and Amy Stewart-Mailhiot

What I Ask of Students in LIS 526: Government Publications Analytical Overview of a “Government Documents Story”

Throughout my thirteen years of combined teaching at the University of Michigan and the University of Washington, this final project has evolved. Initially, I asked students to compile a legislative history, then the task changed to a group project on a government topic. Finally, I arrived at a formula I love: students may work in pairs, but are allowed to work independently as well. I love the synergy and accountability of two students working together. I have found that groups of three get dicey, and foursomes turn into horrible Lord of the Flies experiments. I strongly urge my fellow instructors to stick with pairs or singles!

The assignment is to write a sample article for *DttP!* Students are asked to prepare a focused overview of a *contemporary or historical factual story* told from a government documents perspective. As we follow their story, we will be following a trail of documents. Papers may be on federal, state/provincial, local, or international government information issues. The objectives are: to get experience in professional writing, to understand the complexity of government functions and information flow, to gain hands-on experience with a wide variety of documents and resources, and to sharpen critical skills by interacting with fellow scholars in a poster session. I schedule the poster session for two weeks before the final paper is due, and it is meant as a “work in progress” in which students gain experience explaining the “story” of their project seven or eight times in a class period. I find that this leads to better-formulated final projects.

I have been so pleased with the topics that students choose for themselves, and this year’s selections are wonderful examples.—*Cass Hartnett*

Distance LIS 526

As an alumna of Cass’s LIS 526 course at the University of Washington, I can attest to the strength of this type of assign-

ment for establishing a relevant connection between the content covered in the course and context of everyday life. When I began teaching the distance LIS 526 course at the University of Washington two years ago, I drew upon my experience as a student, as well as the work of Lorri Mon, who had taught the course the previous year.

Because my version of the course is taught using an asynchronous format, some of the specifics have been modified. The students are still allowed to pick their own topic and are required to “tell the story” through the lens of government documents, but the assignment is a solo endeavor. To replicate the type of feedback that Cass’s students receive during the poster session, the distance students are required to review two of their classmates’ papers. This provides students the chance to share the project they have worked on, as well as gain experience constructively evaluating a colleague’s work.

As background, I provide them with the link to the “Instructions to Authors” page on the *DttP* website during the first week of classes. Throughout the course, the practical exercises allow them an opportunity to test possible topics. In addition, copies of earlier articles from the student issue available via e-reserve, as well as a list of topics submitted from previous semesters, help them with topic selection. Like Cass, I have been impressed by the variety of subjects the students have covered. Not surprisingly, this assignment works best when the student selects a topic of personal interest.

In an effort to provide multiple options to address the various strengths of the students, this year I offered a final project alternative. Students could either write the *DttP* article or create an eight to twelve minute PowerPoint lecture using Pointecast software. Like the papers I received, a number of these presentations were of such high quality that I wished there was a way to share them with the documents community. My thanks to *DttP* for continuing to support the future of documents librarianship by highlighting the work of the next generation of our colleagues.—*Amy Stewart-Mailhiot*

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“Official English” Legislation and Its Effects on Limited English Proficient People

Catherine McMullen

Between 1980 and 2000 the number of Limited English Proficient (LEP) people in the United States (those who indicated they spoke English less than “very well” on the Census) grew from 4.8 percent in 1980 to 6.1 percent in 1990, and then to 8.1 percent (21.4 million) in 2000.¹ Of the 28.1 million people who spoke Spanish at home in 2000, 13.8 million (49 percent) were LEP.² A May 2008 U.S. Census Bureau press release states that the “nation’s Hispanic population increased 1.4 million to reach 45.5 million on July 1, 2007, or 15.1 percent of the estimated total U.S. population of 301.6 million.”³ Hispanics continue to be the fastest growing minority group in the United States.

This shift over increasing numbers of Hispanics, increasing numbers of LEP individuals, and increasing numbers of LEP Hispanics is a trend that can be seen throughout the country. The number of people that speak Spanish in the home increased 62 percent nationwide between 1990 and 2000, with the most dramatic growth in the Midwest (87.3 percent) and the South (70.4 percent). California, Texas, and Florida still have the largest Hispanic populations and the largest numerical increases.⁴ Overall growth in these states with well-established Hispanic and Spanish speaking populations has not been as dramatic or perhaps as unexpected as other areas.

In this time of demographic shift, LEP people, Hispanics, and Spanish-speakers have not always been welcomed into communities and areas of the country unaccustomed to linguistic, cultural, and ethnic diversity. Nor have they been welcome in states and areas with an already-established LEP or Hispanic population. Thomas Ricento of the University of Texas, San Antonio writes:

The sounds of Spanish, Korean, Chinese, Arabic, and many other languages were heard with increas-

ing frequency in American towns and cities; the American border in the southwest was too porous; projections of demographic patterns showed that the older immigrant populations were not replacing themselves as quickly as were the newer, non-European groups. Amidst this uncertainty and relatively rapid increase in immigrant populations, English became a symbol, and its protection a cause around which disgruntled citizens could rally.⁵

So began the modern drive to declare English the official language of the United States. Today, while no federal Official English (OE) legislation has passed (such as the *English Language Empowerment Act of 1996*, *English Language Unity Act of 2003*, and the *National Language Act of 2006*), there are OE laws in thirty states as well as OE legislation on the municipal and county levels throughout the country.⁶ Twenty-five states have passed OE laws since 1980, and five states have passed OE laws since 2000.⁷ According to U.S. English, the “nation’s oldest and largest non-partisan citizens’ action group dedicated to preserving the unifying role of the English language in the United States,” as recently as May 2008 the Ohio House of Representatives voted to make English the official language of the state, passing H.B. 477.⁸ U.S. English indicates that in addition to OE laws in thirty states, OE legislation has been approved by one part of the legislature in seven other states.⁹ OE advocacy groups such as U.S. English and ProEnglish claim there is a “need to protect English as our common language and to make it the official language of the United States.”¹⁰

Other groups such as the English Plus movement believe that OE legislation does more harm than good by limiting bilingual and English as a Second Language (ESL) education,

giving employers permission to discriminate against LEP workers, restricting LEP access to public services such as health care and drivers licenses, discouraging LEP and minority voting, and cutting off LEP participation in government and access to government information.¹¹ While some state or local OE laws simply declare English as the official language, others are much more prescriptive in their implementation.

What are the effects of state and local OE legislation on LEP individuals? At first look, OE legislation seems to be fairly harmless. The U.S. government is run in English and most residents (91 percent) are either native English speakers or speak English very well so it seems natural that English would be the official language of the country.¹² Unfortunately those that pass OE legislation often include restrictive clauses or couple it with more direct anti-immigrant legislation. U.S. English's goals include repealing laws mandating multilingual ballots and restricting funds for bilingual education.¹³ OE legislation is seen by many activists and scholars as a "back lash against People of Color masquerading as linguistic patriotism" in response to the growing number of minorities and LEP people in the U.S.¹⁴

An economic study found that while Asian immigrants and "tenured Hispanic immigrants" were more likely to learn English if they stayed in states that had passed OE legislation, it also found that Hispanic and Asian immigrants were less likely to live in those states.¹⁵ Many Hispanic and Asian immigrants, unable to learn English or feeling unwelcome in OE states, moved to states that were more linguistically tolerant. Another study came to the conclusion that LEP male workers suffered a loss in wages, loss in the number of hours worked, and loss in the ability to stay employed throughout the year after passage of state OE laws and workplace English-only rules.¹⁶ This study found the effects were the largest in the states that had the most restrictive OE laws. What the study was unsure of was if negative attitudes toward Hispanics and Asians might have caused both a decline in the demographic group's ability to find work and the adoption of an OE law. The OE law may not be the cause of the loss of work and money itself, but instead a symptom of discriminatory attitudes toward LEP people and minorities in general. OE laws may also act as a catalyst for discrimination. People may feel they now have a justification or obligation to discriminate against LEP individuals once an OE law has been passed in their state or community.

A recent example of OE legislation used as a tool to discriminate against LEP people and Hispanics is occurring in Beaufort County, North Carolina. Between 1990 and 2000 North Carolina experienced a 150.6 percent increase in the population that speaks a language other than English at home

(from 3.9 percent to 8.0 percent).¹⁷ County commissioners are working to make Beaufort County "the toughest place in the country for illegal immigrants."¹⁸ In February 2006 the Board of County Commissioners adopted a resolution to "make 'English' the official language of Beaufort County."¹⁹ In February 2007 the board "voted to remove all signs that are written in a foreign language posted on Beaufort County property unless the signs are posted as a part of a state or federal mandate." In support of the action, Commissioner Richardson cited a North Carolina Sheriff's Association resolution about illegal aliens in the state.²⁰ In November 2007 the commissioners approved a request for proposals from lawyers to tell the board how it "can legally determine citizenship status of people when they come into the health department" or the school system and then legally deny them services or an education if they cannot be proven to be citizens.²¹ In March 2008 the commissioners went so far as to vote to "remove all automated phone system services in all Beaufort County Departments and service providers" because just removing the Spanish options from the existing automated phone systems was against federal and state regulations.²² In April 2008 one of the commissioners asked the county health and social services departments to "determine the number of illegal immigrant clients by counting Spanish surnames."²³ Fortunately this idea was heavily protested, especially by the many legal residents of the county with Spanish surnames. The county will not count Spanish surnames but "will continue to target illegal immigrants" (read LEP people and Hispanics), and may end some federal programs altogether, such as prenatal care for poor women, in order to deny services to possible illegal immigrants.²⁴ The Beaufort County Board of Commissioners's resolution to make English the official language of the county in 2006 appears to be the initiation of a serious effort to deny government services, education, and information to possible illegal immigrants. The Beaufort County OE legislation and all of the subsequent restrictions and hindrances are an attempt to chase LEP and Hispanic people out of the county regardless of citizenship status.

The library profession is not immune to the "Official English" controversy. In the November 2007 issue of *American Libraries*, Todd Douglas Quesada and Julia Stephens faced off on the issue of Spanish-language collections in America's public libraries.²⁵ Quesada debates the reasoning behind eliminating Spanish-language fiction materials to avoid serving illegal immigrants and asks if "deliberately denying a Latino community access to Spanish-language materials constitute[s] a subtle form of discrimination against the millions of citizens and legal residents of this nation who speak and read Spanish."²⁶

Stephens counters that “libraries help maintain our American identity and unity as a nation when they stock books in our common language: Standard English.”²⁷ Stephens falls into the Official English rhetoric of claiming that Spanish is replacing and threatening English. “Librarians need to become aware of local and state laws regarding providing services to illegal immigrants,” she writes, and “libraries should not be weeding out books in English simply because multicultural or Hispanic groups request that they buy Spanish-language books.”²⁸ REFORMA (National Association to Promote Library and Information Services to Latinos and the Spanish Speaking), an affiliate of the American Library Association, takes a strong stance against all OE legislation by listing the dangers, such as “condescension to, racial profiling and victimization of the Spanish speaking and other non-English speaking peoples, and the eventual disconnecting of non-English speaking peoples from their native language and their respective cultures.”²⁹ REFORMA wants all people in the United States to have equal access to information regardless of their language or ethnicity. OE legislation can only hinder access to services and information for LEP people. REFORMA states that it “encourages the provision of library services, collections, and programming in the language(s) reflective of the communities served.”³⁰

To that end not all recent language legislation that responds to shifts in linguistic demographics is restrictive. In August 2000, President Clinton signed Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, which clearly states that “the Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English.”³¹ This order states that not taking “reasonable steps to ensure meaningful access to their [recipients of Federal financial assistance] programs and activities by LEP persons” is discrimination “on the basis of national origin in violation of Title VI of the Civil Rights Act of 1964.” This act states that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”³² These regulations are exactly why Beaufort County cannot discriminate against LEP people who use their federally funded services such as schools and county health services, and also why Beaufort county commissioners are looking to end some services altogether (such as health care for the poor) to avoid having to provide services to LEP persons.³³

In Arizona, an amendment declaring English the offi-

cial language was incorporated into the state constitution in 2006.³⁴ An earlier version of this amendment was previously repealed in 1998 because it was found to be unconstitutional, restricting the rights of LEP persons to access their government.³⁵ Arizona Congressman Raúl M. Grijalva is working to increase opportunities for families to learn English together. He introduced H.R. 1794, the *Families Learning and Understanding English Together (FLUEnT) Act of 2007*. This act would aim to improve the literacy and English skills of LEP people through grants to small literacy and ESL programs to respond more adequately to the growing number of LEP people in their communities. *FLUEnT* was referred to the Subcommittee on Healthy Families and Communities in July 2007 and no further action has been taken. The state of Arizona has experienced a 75.7 percent change (from 20.8 percent to 25.9 percent) in the number of people who spoke a language other than English at home from 1990 to 2000. In 2000, 11.4 percent of the population spoke English less than “very well” (LEP).³⁶

In Texas, the border town El Cenizo made news in 1999 when it passed the Predominant Language Ordinance, declaring the predominant language (spoken by most residents) to be Spanish. To allow the Spanish-speaking majority to fully take part in local government the ordinance declared that “All City functions and meetings and notices thereof shall be conducted and posted in the predominant language of the community.”³⁷ Unlike OE legislation where often the point is to restrict government communications to only the English language, El Cenizo’s Predominant Language Ordinance does not restrict communication to only Spanish, but in fact safeguards the role of English in government and provides for translation for those members of the community who do not speak Spanish. Sections 5, 6, and 7 of the ordinance state:

Translation into English, as practicable, shall be provided at all City functions and meetings for those people who do not speak the predominant language of the community. . .

In order to better conform with County, State, and Federal regulations, all ordinances and resolutions written by and for the City shall be created in English. However, translations for these ordinances into the predominant language of the community shall be provided by the City upon request. . .

Translation, from English into the predominant language or from the predominant language into English, of all official documents and notices

shall be provided to any person so requesting that information.³⁸

The El Cenizo City Commission did not pass the Predominant Language Ordinance to chase out English speakers or suggest that its citizens did not need to learn English to be successful. Commissioner Romo stated, “we did this for one reason and for one reason only: to make it convenient for the majority of the residents to know how we are trying to serve them.”³⁹ María Pabón López writes about the Predominant Language Ordinance from a legal and cultural perspective:

The Predominant Language Ordinance affirms the community’s Mexican heritage. Its enactment affirms the cultural identity and makes a statement as to how this community wishes their assimilation to occur within the larger English-speaking polity . . . El Cenizo is looking for a way to coexist within the English speaking polity, while at the same time preserving its Mexican heritage. This is not melting pot assimilation but acculturation on this community’s terms.⁴⁰

By holding city commission meetings in the common language of the people, El Cenizo is encouraging citizen involvement in their own government. El Cenizo citizens, the majority of whom speak only Spanish, can now understand the actions of the municipal government and can become informed and active citizens.

At the same city commission meeting that El Cenizo declared Spanish the predominant language of the city, the Safe Haven Ordinance was also passed, which prohibits “all City employees and elected officials from requesting or disseminating information concerning the citizenship or immigration status of any City resident.”⁴¹ This ordinance was in response to what the city felt was special harassment from the Immigration and Naturalization Service to its citizens that were there legally but were targeted because of language and ethnicity.⁴² The Safe Haven Ordinance was also intended to make citizens of El Cenizo feel safe in their town and in city hall.⁴³ Both ordinances were passed to better serve and protect the residents of El Cenizo, without intent to make political statements or change things on a federal level. In a 2007 interview with El Cenizo mayor Raul Reyes, he reports that “we feel we have created a place where people can raise their families in a better place than they had before. I think we’ve done that gracefully by listening to what people want. We are very fortunate to have undergone some change in the city’s infrastructure and

in the way we do things here at City Hall, and it’s because we are getting the support of the community.”⁴⁴ On the city of El Cenizo’s website Mayor Reyes talks about recent accomplishments such as computers and broadband Internet service for city hall, a new phone system, a technology lab, paved streets, and a volunteer fire department.⁴⁵ These developments are partly because Spanish speakers were able to understand and get involved in their local government. It has even been reported that the city is making a move to English because the town was able to organize effective English classes.⁴⁶

English is unarguably the predominant language of the people and government of the United States. The question of whether or not it should be declared the “official language” of the country may be less crucial than deciphering what the goals are for the organization or people that wish to declare it so. One must look very carefully into what English as “official language” means in that particular legislation. The movement to make English the “official language” has often coincided with an increase in immigration, minority growth, or LEP population in an area. OE legislation is often coupled with other legislation and policies that are unfriendly toward minorities or LEP people, as is the case in Beaufort County, North Carolina. REFORMA is wise to oppose all OE legislation because of the possible adverse effects to minorities (Hispanics in particular), LEP persons, and the American people in general. Official English legislation should continue to be countered with LEP-friendly legislation that encourages English-language learning and acceptance of different cultures and languages such as the *FLUEnT Act* introduced by Arizona congressman Raúl M. Grijalva and the Predominant Language Ordinance adopted by the city of El Cenizo. Writing tolerance and open-mindedness into legislation and policy on all levels (local, state, and federal) would do much to address ignorance about America’s ever more culturally, racially, and linguistically diverse population.

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Layers of Protection

Beans, Biopiracy, and Patents

Rebecca Z. Kuglitsch

In 1994, Larry Proctor went to Mexico and found some remarkably attractive multicolored beans bundled together in a sack. As any good horticulturally or culinarily inclined visitor would, he purchased some. Finding some of them to be a uniquely appealing yellow color, he sifted them out and later that year planted them in Montrose, Colorado. That first generation was allowed to self-pollinate as beans do naturally, and the resulting seeds of good quality were collected again. Seed was selected from plants that had small leaves and pods that stuck firmly to the plant without shattering or bursting prematurely. In 1995, this generation was again allowed to self-pollinate and seeds were selected based on the prior criteria from plants that gave a high yield. Again in 1996 the seeds were planted and the selection procedure implemented. So far, as recounted by Proctor, there was no controversy.¹ This would change, however, because of the very document recording the story above: Proctor filed for utility patent application number 5,749,449 on November 15, 1996.²

Controversy exploded between Proctor, the United States Patent and Trademark Office (USPTO), and challengers when U.S. Patent No. 5,894,079 was granted, giving Proctor a utility patent on the “Field Bean Cultivar Named Enola”.³ This patent raises numerous questions about where lines should be drawn regarding the patenting of living organisms, particularly in an international context, and how living intellectual property might be controlled. The more practical of these questions were answered on April 29, 2008, when Proctor’s patent was withdrawn, but the more abstract remain. Using the Enola bean situation to focus allows us to see how layers of protection are rooted in particular historical moments and how those protections have subsequently shifted with changes in our attitudes toward biological intellectual property.

Intellectual Property Protections for Plants: An Overview

Intellectual property protections are mandated in the U.S.

Constitution, where Congress is given the right “to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.”⁴ From the eighteenth century on, this was carried out, eventually taking the shape of the modern USPTO. Current patents fall into three formal categories, two of which are relevant in this case. Design patents apply solely to aesthetic forms of inventions, and are irrelevant to our story. The other two forms, however, are pertinent. The first, utility patents, apply to any new and useful improvement on an object or process. The second, plant patents, were enacted into a formal protection in 1930 and apply only to new and asexually reproduced varieties of plants.⁵ Initially, the protections available from the USPTO were applied to inanimate inventions only, but in the twentieth century the application of intellectual property protections to living organisms began. Additional protections to botanical material outside the scope of the USPTO became available in 1970 under the *Plant Variety Protection Act* (PVPA, P.L. 91–577), which is administered by the U.S. Department of Agriculture. The application of utility patents to plants began fifteen years later in 1985.

These modes of protection initially targeted particular situations closely; their expansion, overlap, and confusion mirrors our attitude toward ownership of living material. We have moved from a situation where plant patents were applicable in very limited situations to one where utility patents are granted for minimally modified organisms—and this raises the question of whether protections will continue to expand or turn back toward their earlier narrow applications. Following the Enola bean case through these levels of protection can give us a sense of how they function and where their limits have shifted.

Plant Patents

We see interest for plant patents, the classical form of protection, arising in the late nineteenth century. At that point, improvements in corn, cotton, livestock, and other carefully

bred living organisms began to grow in potential economic importance and as a result, curiosity grew about the possibility of applying intellectual property protections. However, most plant modification technology involved sexually reproduced plants and at the time it was difficult to guarantee seeds that sprouted offspring true to type. Moreover, home seed collection was a traditional method of restocking supplies, and public opinion would have easily undercut any sort of protections in this limited arena—particularly as the U.S. government, including the USPTO, was active in free seed distribution programs.⁶

By the final years of the nineteenth century, however, improved varieties of asexually reproduced plants were developed. These varieties had no traditional gathering and storing cycle to undermine protections yet were often still easy to pirate via cuttings or grafts. Thus, through the 1890s, nurseries sought and were denied protections under conventional patent law.⁷ By 1930, however, with the lobbying of Luther Burbank, the Stark nurseries, and the American Association of Nurserymen, Congress passed Public Law 71-245, the *Plant Patent Act* (PPA), the first statute to apply patent law to plants.⁸ Indeed, “The PPA was the first and remains the only law passed by Congress specifically providing patent protection for living matter.”⁹

However groundbreaking this first application of patent law to living organisms was, it was still quite restrictive—too restrictive to allow Proctor’s beans to be protected. Limits for situations allowing plant patents are quite tight, and closely tied to the situation that engendered them. Even now that sexually reproduced plants can be manipulated so that they are reliably true to seed, plant patents have not shifted their protections. Asexual reproduction is an absolute requirement, and one that is not met by the Enola bean, or for that matter, nearly any other plant.¹⁰ Several other restrictions hark back to the initial climate: the plant to be patented cannot be reproduced by tuber and must not be uncultivated.

Even when conditions for the granting of a plant patent *are* met, this protection is still somewhat limited. Terms for plant patents are twenty years from date of application, as they are for other patents, but the patent is granted for the plant as a whole and it “therefore follows that only one claim is necessary and only one is permitted.”¹¹ This is in contrast to utility patents, where one patent can contain as many claims as are judged reasonable by the patent examiner; indeed, they must contain as many claims as possible, because any unclaimed novelty can be claimed elsewhere. Clearly, then, while plant patents were groundbreaking, they are strictly limited in application and their protections are insufficient for Proctor’s purposes. Moreover, the structure of the plant patent makes it less

easy to apply to traditional knowledge and varieties of plants since few of those rely on the technologies required to satisfy plant patent requirements.

The Plant Variety Protection Act

Another more easily obtained protection is available under the *Plant Variety Protection Act* (PVPA), under which Larry Proctor claimed protections for the Enola bean. The PVPA opens protections to sexually reproduced plants. Once some plants were protected as intellectual property, breeders began to lobby for the protection of other types of plants such as seed-propagated sexually reproduced plants. Forty years after the Plant Patent Act, the PVPA, Public Law 91-577, was approved in 1970.

Using the USDA database *Germplasm Resources Information Network* (GRIN), we can see that Proctor applied for protection on November 5, 1996, and was granted Certificate of Protection Number 970027, extending twenty years from June 30, 1999 (www.ars-grin.gov). As part of the Plant Variety Protection Certificate process, deposits must be made to a germplasm bank, and these are shown as duly made at the National Germplasm Resources Laboratory as part of the backup.¹² As a seed-generated plant, then, at least one portion of Proctor’s assets were thus protected and publicly noted with this certificate.

Though it was more feasible for Proctor to obtain this, the extent of this particular protection is also rather limited. These limitations are detailed on the website of the USDA’s Plant Variety Protection page. For example, under the PVPA, other breeders are allowed to use the seeds protected to develop new varieties. “If you have access to seeds, and use the seeds for research, you are exempt from infringement charges,” the USDA notes.¹³ Additionally, though it is clearly laid out that one may not produce a simple hybrid using the seed, one could develop a more complex new hybrid and produce that hybrid.¹⁴ Thus, though the seed itself is protected by Proctor’s certificate, he would not be able to control the use of his bean to produce what might become competitors to his variety. Moreover, like the plant patent, the Plant Variety Protection Certificate allows coverage only for the plant, rather than its component parts.¹⁵ Although situational protection has been extended with the PVPA, little change in the kind of protection that is granted occurred.

Utility Patents Applied to Plants

So, because Larry Proctor sought extensive protections for his uniquely yellow bean, he needed to find it elsewhere. In this case, the application of a utility patent fit the requirements; a utility patent provides still more protection of biological mate-

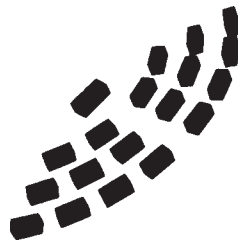
rial. The most familiar and common type of patent, the utility patent only began to be applied to plants in the 1980s, but once it was, it had the advantage of flexible application and strong protection. Whatever a utility patent is applied to, it is required to meet the same three criteria—novelty, nonobviousness, and utility. While the limitations are immovable, they are in no way so precise nor are they so limiting as the limitations imposed by plant patents. Thus, it is a tempting place to begin seeking further expansion of intellectual property rights on botanical materials, as Proctor did indeed begin to do.

Filing ten days after his application for a Plant Variety Protection Certificate, Proctor submitted paperwork for a utility patent on a “Field Bean Cultivar Named Enola,” which was granted on April 13, 1999. In this case, there is no limit on the number of claims a patent seeker may make, unlike the plant patent or Plant Variety Protection Certificate, and Proctor made fifteen different claims.¹⁶ Claims range from the beans themselves, to the pollen of the specific beans, to the methods of breeding, to the variety of the bean based on color, and to propagation material from the bean.¹⁷ Due to the structure of the utility patent application, the protections granted can easily

encompass more than the single bean plant, extending down to details and germplasm of the plant.

Additionally, a utility patent is appealing to those seeking to limit access because there are far stricter limits on use by non-licensed persons than is available in other protections. Two areas in particular are limited by utility patents, as the explanatory U.S. government document *Patenting Life* advises in detail.¹⁸ In the first case, a utility patent may be advantageous because, “There are no statutory exemptions from infringement for a plant utility patent—in contrast to PVPA the holder of a plant utility patent can exclude others from using the patented variety to develop new varieties.”¹⁹ This limitation is significantly stricter than any earlier limitation, and raises questions about continuing interest in stimulating innovation; by blocking inventors and breeders from using germplasm to develop new strains it stifles innovation in a way that is not, in my opinion, analogous to other categories covered under patent law. However, the protection was valuable to Proctor because if he decided to allow anyone to license the material for development, he would then receive royalties on any organism developed from his bean.

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Other quite significant protections are granted when an inventor receives a utility patent on a plant, as well. The Office of Technology Assessment notes that “to circumvent the difficulties seed companies perceive about the farmer’s exemption, increased protection through utility patents could be sought.”²⁰ Under traditional Plant Variety Protection Certificate protection, farmers are allotted a certain portion of seed to save from their crops and sell, so long as the sold portion does not exceed 50 percent of the production—but not in the case of a utility patented plant. This means that unofficial bartering in rural economies is simply illegal, a blow to monetized and developed farming, but a still stronger one to developing nations such as Mexico, from whence the bean was taken.

Challenges

These changes in level of protection reflect a major shift in our perceptions about the world. In the beginning of the twentieth century the prospect of owning any intellectual property rights over living material was dim, and, when granted, limited. By the end of the twentieth century, shifts occurred that made intellectual property protection of plants far easier and exemptions to those protections still harder. It has been difficult to examine what these shifts mean in a context where many utility patented plants have been genetically modified, distancing them from our normal perceptions. However, U.S. Patent No. 5,894,079 is a questionable patent in its reliance on a minimally modified organism that meets the criteria for utility patents somewhat questionably. The three key requirements of novelty, utility, and nonobviousness are not as clearly met here as in most cases, and this weakness is precisely what allows us to reexamine what it means to own living organisms. The patenting of a small, slightly modified bean is an accessible question and demonstrates the potential impact of such ownership vividly. Now that the final rejection of Proctor’s patent has been handed down, we will find some precedent for the future limits or lack thereof for owners of living things. Rejected partly on the basis of genetic evidence and analysis that determine that the patented bean is not distinct from commonly cultivated varieties, this patent case shows biological science taking a new role in intellectual property protections.²¹

Formerly, science served mainly to inspire new protections; here, it has come full circle and begins to limit those protections. In the past, scientific descriptions of the foreign natural world tended to exoticize nature, but now the global reach of science means that we cannot simply exoticize the rest of the world so that their nature becomes our new innovation.

Rebecca Z. Kuglitsch (rkuglits@ups.edu) graduated from the University of Washington Information School in June 2008.

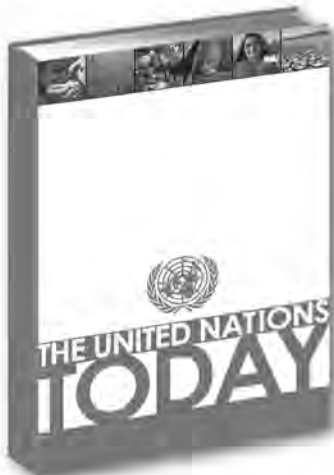
This paper was written for LIS 526: Government Publications, taught by Cass Hartnett. Kuglitsch is Science Liaison Librarian at University of Puget Sound.

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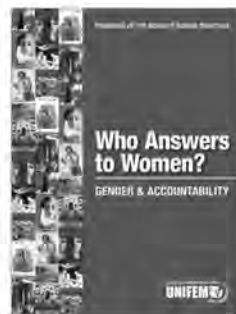
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J. M. Rohan

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In 1855, the U.S. government entered into a treaty with the Makah people. In the Treaty of Neah Bay it was agreed among other conditions that “the said tribe hereby cedes, relinquishes, and conveys to the United States all their right, title, and interest in and to the lands and country occupied by it . . . In consideration of the above cession the United States agrees to pay to the said tribe the sum of thirty thousand dollars” which assured that “the right of taking fish and of whaling or sealing at usual and accustomed grounds and stations is further secured to said Indians in common with all citizens of the United States.”² This is the only U.S. treaty with a Native American tribe that guarantees whaling rights.³

In the 1920s the Makah people ceased whaling after the animals became scarce due to commercial whaling of the eastern North Pacific gray whale population.⁴ Due to declining whale populations, many nations came together in 1946 to sign the International Convention for the Regulation of Whaling, which formally established the International Whaling Commission (IWC) in order to provide regulation of whale stocks for the future of the whaling industry.⁵ The United States then adopted the *Whaling Convention Act* of 1949 to implement the regulations of the IWC domestically.⁶

In 1969, the very gray whales that the Makah had originally hunted were listed as endangered in the U.S. Endangered Species Conservation Act, which was later strengthened and made more publicly visible in the 1973 *Endangered Species Act*.⁷ In 1972 the *Marine Mammal Protection Act* (MMPA, P.L. 92-522) gave whales and other marine mammals protection from U.S. citizens’s ability to “take” marine mammals, i.e., “harass, hunt, capture, kill or collect, or attempt to harass,

hunt, capture, kill or collect,” though special exception was given to subsistence hunting by Alaskan native tribes.⁸ In 1994 the MMPA was amended and included a clause acknowledging the preservation of treaty rights above the jurisdiction of the MMPA: “This order does not diminish, affect, or abrogate Indian treaty rights or United States trust responsibilities to Indian tribes.”⁹

By 1994, the gray whale population had finally recovered and were taken off the endangered species list.¹⁰ Thus, in May 1995 the Makah, knowing that gray whales were now plentiful and hoping to revive their whaling tradition that had been put on hold for nearly seventy years, and to return cultural pride to their people, notified the U.S. government that they were interested in resuming their treaty rights for a subsistence harvest of gray whales and would seek approval from the IWC for an annual quota.¹¹

In 1997 the IWC, in a joint quota statement, approved a quota of gray whales for the Chukotkan natives of the Russian Federation as well as the Makah tribe of the United States. Since U.S. participation in the IWC and management of whaling activities under U.S. jurisdiction are governed by the *Whaling Convention Act* of 1949, the National Marine Fisheries Service division of the National Oceanic and Atmospheric Administration (NOAA) issued a domestic regulation in 1998 entitled “*Whaling Provisions: Aboriginal Subsistence Whaling Quotas*.”¹² It stated, “NOAA therefore concludes that the gray whale quota set by the IWC is available for use . . . The Tribe’s subsistence and cultural needs have been recognized by the IWC’s setting of a quota for gray whales based on the documentation of those needs.” This quota specified that the Makah tribe take no more than twenty whales in the coming five years at a rate of four whales per year, but no more than five whales in any given year. Limitations were that no calves or whales accompanied by calves were permitted to be taken. In addition, only adequately prepared and licensed Native whaling captains and crews could participate in the hunt; they could not receive

money for their efforts; nor could any person sell whale products (such as meat, oil, bones, and so on) from taken whales except for “authentic articles of Native handicrafts.”

With their treaty rights still in effect, their quota allotted by the IWC and officially regulated by NOAA, the Makah set out to prepare their whaling crew for the hunt. However, they immediately faced opposition from anti-whaling groups such as the Sea Shepherd Conservation Society and, as a result, the U.S. Coast Guard law enforcement began to plan strategies to protect civil liberties and to guard human lives on both sides of the issue for whenever the Makah undertook the hunt.¹³

On May 17, 1999, amid a flurry of protests by animal activists and worldwide media attention, the tribe harpooned and killed its first whale in over seventy years. Whaling crew members paddled out to sea in a traditional cedar-bark canoe and harpooned the whale in the traditional manner of their elders. Immediately after, the whale was dispatched with two shots from a powerful .50-caliber rifle fired from a motorized chase boat. The whalers towed the animal back to Neah Bay where nearly the entire tribe had gathered to conduct ancient ceremonial rituals for butchering the whale and distributing its meat and oil to the people.¹⁴

A court battle promptly ensued. In a lawsuit filed by Representative Jack Metcalf of Washington, the 9th District Court ruled that that National Marine Fisheries Service violated NEPA (*National Environmental Policy Act*) by allowing the agreement with the Makah to resume whaling *before* it had properly considered the environmental consequences of the act through its 1997 environmental assessment.¹⁵ Thus, in *Metcalf v. Daley*, the court concluded that a new environmental assessment needed to be prepared.¹⁶

So, on July 12, 2001, NOAA and the National Marine Fisheries Service released a second, very detailed environmental assessment considering impacts on the geographic marine coastline of the Olympic peninsula; the gray whale population; other marine mammals and birds; and the public health and safety of the Makah, other Native tribes, and those in the whale watching industry. In addition, the assessment considered legal issues such as the *Treaty of Neah Bay*, International Whaling Commission regulations, and the *Marine Mammal Protection Act* (MMPA). Addressing the allegations of anti-whaling protestors that a Makah hunt signaled a subtle opening for other groups to assert whaling rights, the assessment acknowledged, “concerns have been expressed that Makah whaling would lead to additional takes of gray whales by other native groups,” though it concluded “the proposed action is unlikely to establish a precedent for future actions with significant effects, nor does it represent a decision in principle about future considerations.”¹⁷ In response

to concerns that the hunt would harm the future of the gray whale species, the assessment stated, “The proposed action will not significantly affect the eastern North Pacific gray whale population. The numbers of gray whales that may be involved in Makah whaling is extremely small in comparison to the overall gray whale population.”¹⁸ Ultimately the assessment found a FONSI (Finding of No Significant Impact) and concluded, “The environmental review process allowed us to conclude that this action will not have a significant effect on the human environment. Therefore, an environmental impact statement will not be prepared.”¹⁹

However, the litigation battle waged on. In 2004 the 9th Court ruled in the case of *Anderson v. Evans* that the Makah tribe must obtain a permit to whale in light of the regulations of 1972 MMPA before the National Marine Fisheries Service was legally able to authorize a hunt.²⁰ It further concluded that *not* an environmental assessment, but rather an environmental impact statement was required to satisfy NEPA.

So, in 2005 the Makah tribe officially applied to the National Marine Fisheries Service for a waiver of the MMPA’s take moratorium, restating their belief that their whaling rights under the *Treaty of Neah Bay* were secure and were not subject to the MMPA. However, in applying for the waiver, they nonetheless agreed to wait for the issuance of the court’s prescribed environmental impact statement before they resumed whaling, a process that could take several years to complete.²¹

While awaiting the environmental impact statement, the Makah have continued to comply with international whaling regulations, submitting documents such as “A Review on the Technique Employed by the Makah Tribe to Harvest Gray Whales” to the International Whaling Commission in order to detail that that Makah hunters were well-prepared to harvest whales (“the Tribe’s current harvest methods retain all of the ceremonial aspects of the spiritual, physical, and mental preparations required for a traditional Makah whale hunt”) and a detailed analysis of the humane manner of dispatch and the equipment used to do so (“the substitution of a high caliber rifle over the traditional killing lance is necessary to ensure a safe and humane harvest and eliminates a prolonged pursuit”).²²

On September 8, 2007, five Makah members, possibly frustrated with endless litigation and red tape over what they deemed as their legal treaty right, shot and killed a gray whale without authorization of the Tribal Council. They were arrested by the U.S. Coast Guard, and the Makah Council publicly condemned the hunt.²³ As of February 19, 2008, they are awaiting charges both in federal court and in Makah tribal court as a result of their actions.²⁴

Meanwhile, the tribe is still awaiting release of the environmental impact statement that will (supposedly) clear the way for them to continue whaling. In the ten years since they were granted their quota, only two whales have been harvested, the one legally in 1999 and the one “illegally” in 2007 (though “legality,” as has been shown in the long road since 1855, is in the judgment of the beholder).

The Makah whaling saga, now more than eighty years in the making, continues . . .

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The National Archives and Private Partnerships

A New Trend for the Digital Age?

Esther E. Benson

With the explosion of the Internet age, we have access to a dizzying amount of information. Sites such as Google, YouTube, and MySpace have made the most of this new technology, delivering immediate access to content, and simultaneously realigning user expectations. Meanwhile, cultural institutions such as the National Archives and Records Administration (NARA) have struggled to make their holdings available online. NARA has recently begun addressing this problem in a number of ways. One strategy is to establish partnerships with companies who can digitize and host NARA's holdings. The company then typically charges a fee for access to the content, thus recouping their initial investment. Many laud such public/private partnerships as an innovative solution to increase access to historical materials and meet user expectations for access. For others such partnerships set a dangerous precedent of commercializing our cultural heritage.

NARA is an independent executive agency that preserves and provides access to materials created by the U.S. government. In addition, NARA's mission is to ensure that the American public can access, understand, and use those documents. In the course of fulfilling this mission, NARA has accumulated approximately 1 million cubic feet of records including more than 93 thousand motion picture films; more than 5.5 million maps, charts, and architectural drawings; and almost 35 million still pictures and posters, and their holdings increase every year.¹

Due to the size of NARA's holdings, any kind of large-scale reformatting, including microfilming or digitization, has been impossible. As a result, 99.98 percent of the holdings can only be accessed in the facility in which they are housed. Even so, patrons increasingly expect digitized content, delivered online.² Yet despite the huge and growing volume of NARA's holdings, and increasing public expectations for online access, NARA's funding has remained stagnant for several years.³

NARA has experimented with digital delivery of archival content in the past; the largest project to date was the Electronic Access Project (EAP), completed in the late 1990s through a special appropriation from Congress. As a result of the project, 124,000 archival records were digitized. This and other projects have enabled NARA to make more of its holdings available online. Even so, the size of the task at hand is huge. Currently, only five million of the nine billion text records housed in NARA's main facility are digitized and available online. This amounts to one in 1,800 records. Similarly, only one in 172 of NARA's still images are available online.⁴

Despite these difficulties, NARA has come up with an aggressive plan to make more of its holdings available online. In its draft *Plan for Digitizing Archival Materials for Public Access* it lists several rationales for digitization including providing access to more of its holdings, reducing wear and tear on original materials, providing access to materials no longer accessible in their original format due to poor condition or other issues, meeting customer expectations, and promoting equitable access to government information.⁵

NARA appears committed to the goal of digitizing a larger percentage of its archival holdings. However despite its best intentions, their chief limitation remains lack of funding. In order to address the need for additional funds, NARA has recently established a number of partnerships with other organizations to digitize its most popular holdings. These partnerships include both nonprofit organizations and private companies, though this paper focuses on a small selection of private companies.⁶ These public/private partnerships will ideally make more of NARA's holdings available online, while allowing private companies to turn a profit selling digital copies. These sorts of partnerships have a fairly long history; the American Antiquarian Society and the Library of Congress have both

engaged in partnerships with private companies for over fifty years, and they are hardly unique cases.⁷

Clearly then, such partnerships have worked in the past, and commercial companies have much to gain by partnering with cultural institutions. As the Internet makes distributing text, image, and video content ever easier, private companies are looking to cultural institutions as potential sources for media content, upon which they build value-added services. Cultural institutions represent a huge pool of untapped content that until this point has had only very limited availability online.⁸

In order to keep such partnerships in line with government regulations and its own mission to provide access to all citizens, NARA has developed ten “Principles for Partnerships” to serve as a guide when forging these agreements. The principles include:

- Partnerships with private companies will be non-exclusive. That is, NARA will remain free to partner with multiple companies to digitize multiple collections.
- Partnerships must support NARA’s mission of increased access and preservation of archival materials.
- Generally, partners must digitize full series or file segments of records rather than single items.
- Partnering companies may charge a fee for value-added services; access to digital copies must remain free.
- The preservation and accessibility of the original documents must be protected at all times.
- NARA will protect its own institutional interests while also respecting the commercial interests of its partners.⁹

The principles focus on protecting patron access to government materials, as well as protecting the documents themselves. Additionally, NARA seems committed to respecting the commercial interests of its partners. However, they also specify that the digitizing partner will cover all costs including document selection, digitization, and project management.

Perhaps the highest profile partnership to come out of this effort exists between NARA and Google. According to the terms of their agreement, Google will digitize 103 of NARA’s historic films and make them available free of charge on Google Video.¹⁰ Included in the 101 films currently available online is the earliest recorded film held by NARA, *Carmencita—Spanish Dance*, made in 1894 by Thomas Armat, and a selection of newsreels documenting World War II. Google hopes to eventually digitize as many of NARA’s 114,000 films and 37,000 videos as possible.¹¹ This partnership fits well into the partnership framework described above; as a result of their cooperation, NARA will be able to distribute its

films to a wider audience and increase its online profile, while Google is able to add unique video content to its library.

A somewhat different partnership exists between NARA and Footnote.com (also known as iArchives). Footnote.com is a subscription-based site that provides digitized, searchable copies of documents. According to the agreement, Footnote.com will digitize selected records from NARA, starting with materials on microfilm, which will be available at Footnote.com on a subscription basis. The digitized materials will also be available free of charge in NARA research rooms in Washington, DC and at regional facilities all over the country. After five years, all materials digitized by Footnote.com will be available at no charge through the NARA website.¹² This partnership is well underway; according to NARA’s fiscal year 2007 *Performance and Accountability Report* Footnote.com has already created more than 15 million digital images of NARA’s holdings.¹³

Similarly, NARA has entered into a nonexclusive partnership with CreateSpace (formerly known as CustomFlix Labs), an Amazon.com subsidiary, which specializes in producing on-demand media. Through the agreement, CreateSpace will make thousands of historic films held by NARA available for purchase on demand through Amazon.com. CreateSpace will begin by making NARA’s collection of newsreels dating from 1929 to 1967 available on DVD. The original films will still be available free of charge in the NARA research room at College Park, Maryland.¹⁴ CreateSpace will digitize around two hundred films per month, covering all costs, and NARA will receive a small royalty for each DVD sold.¹⁵

Such public/private partnerships are not new but the explosion of new technologies has made negotiating partnerships more complex. These new challenges were addressed in *Good Terms—Improving Commercial-Noncommercial Partnerships for Mass Digitization*, a report prepared for RLG Programs, OCLC Programs and Research.¹⁶ Authors Peter Kaufman and Jeff Ubois attempt to clarify some of the issues at stake. The authors emphasize that institutions need to develop a clear view of their goals for the partnership before even beginning the process of negotiation. And for a partnership to be successful, any agreement reached must address both the business needs of the commercial partner and the mission of the cultural institution.

When evaluating public/private partnerships, Kaufman and Ubois suggest several important aspects to consider. Many large-scale digitization partnerships begin with a nondisclosure agreement (NDA) that specifies that the cultural institution in question may not speak about the terms of the potential agreement. This has the unfortunate effect of limiting the

potential for public comment on pending partnerships, as well as preventing other institutions from having other agreements to look to for future reference. The authors also point out that in many partnership agreements, the cultural institution does not necessarily receive a free and complete copy of the digital files. Because the institution has supplied the original content, and typically has as part of its mission providing access to our cultural heritage, it is important to stipulate receiving a copy of the resulting files. The authors also point out the importance of protecting patron privacy throughout the course of a partnership. The concept of patron privacy may be alien to commercial partners, who routinely make use of information gleaned from their customers.¹⁷

Lastly, Kaufman and Ubois state that it is important to consider the duration and termination of the partnership agreement. Private partners will often stipulate a period of exclusivity, during which time they will have the exclusive right to distribute digital copies of the file for a fee. However, institutions must consider their ultimate mission when negotiating exclusivity rights and prevent such exclusivity rights from becoming indefinite. Likewise, institutions must consider the length of the partnership agreement. In some agreements, certain provisions may even survive termination, thus giving the private partner indefinite rights over the digital content. Similarly, it is important to consider what happens if a partner defaults. What will happen if the digitizing partner goes out of business, or fails to make the digital content available at all?¹⁸

Because there are so many issues to consider, it is important for cultural institutions considering partnerships with private companies to develop some expertise in the matter. Some larger institutions have already done just that; the Smithsonian Institution, for example, has established Smithsonian Business Ventures, which oversees any number of commercial ventures, from museum stores to a catalog business and licensing agreements.¹⁹ Also important is the development of a knowledge base for institutions considering partnerships. Unfortunately many partnership agreements come with NDAs, which prevent institutions from sharing their experiences with others. Likewise, many institutions have expressed a need for more business acumen when dealing with private companies. Those working in cultural institutions do not necessarily have the business training to negotiate commercial agreements and would benefit from a larger base of shared knowledge.²⁰

Given these recommendations for public/private partnerships, how do NARA's agreements stack up? First, NARA has established a very clear set of objectives and principles (previously described) to guide all negotiations with potential partners; thus they meet Kaufman and Ubois's requirement to

have a clear view of their goals prior to negotiation. Similarly, NARA has made its draft *Plan for Digitizing Archival Materials* publicly available through its website, and has invited feedback from the public on the plan. NARA has also made many of its partnership agreements available for inspection through the archives.gov site; this article would have been nearly impossible to write without reference to these texts. Thus, there has been no shortage of openness throughout the process.

Furthermore, all of NARA's partnerships to date have been nonexclusive in nature and of limited duration. For example, in its agreement with Footnote.com, all materials digitized will still be available in NARA research rooms. At the end of five years, NARA will receive a free copy of all digital files, which it will then have the right to make freely available on its website. Lastly, NARA is a leader in American archival practice, and by making its objectives, principles, and partnership agreements freely available online, perhaps it can provide some guidance for smaller institutions when negotiating their own partnerships.

Of course, none of this is to say that NARA's partnerships have not generated controversy. For example, on the Free Government Information blog Jim Jacobs criticizes a partnership between NARA and The Generations Network (a company that runs sites such as ancestry.com and myfamily.com), claiming that while the agreement may provide a short-term gain in access for the public, it will result in a net loss of our rights to free access to government information by commercializing that which we as citizens are freely entitled to.²¹

Other institutions have also generated controversy by entering into partnerships with private companies. In March 2006 the Smithsonian announced that it had reached a thirty-year, semiexclusive agreement with Showtime television network to create an on-demand television channel. The announcement generated controversy among various stakeholders, including members of Congress, in no small part due to the secrecy surrounding the terms of the agreement, the relative exclusivity of the agreement, and the lack of input from stakeholders during the negotiation process.²²

Perhaps the question to consider is whether there is, in fact, a right and a wrong way for cultural institutions to negotiate private partnerships, or whether such arrangements are inherently problematic. It is clear that NARA has exercised a fair amount of caution and foresight as it negotiates its agreements, and has invited public comment as it pursues these partnerships. It has thus avoided some of the pitfalls encountered by the Smithsonian. If however, Jacobs is correct in condemning any public/private partnership that commercializes public information, then we must instead consider the implications for NARA as an institution. It is unlikely that NARA will

receive sufficient funding from the federal government to even begin digitizing any significant portion of its holdings, and yet users clamor for more digital content. In the end, public/private partnerships are not ideal, but they may be NARA's only viable option.

The Internet has transformed our relationship with information. It provides seemingly endless access to information of all kinds, on all subjects. NARA is the recordkeeper of our nation and holder of primary documents of our history. With such an important role to play, NARA should be a part of this revolution in information, and yet less than 1 percent of its holdings are available online. Given its consistent lack of funding from the federal government, NARA has sought out partnerships with private companies in an effort to make its holdings more widely available. NARA has been careful to protect its interests when negotiating these partnerships, and has given the public ample opportunities to respond to these developments. In the end though, it is difficult to predict the long-term impact such partnerships will have on the public's free access to government information.

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George W. Bordner and Pennsylvania Documents

A Remembrance

Mary Spila

George W. Bordner, who compiled the *Classification Scheme for Pennsylvania State Publications* during his tenure as head of technical services at the State Library of Pennsylvania from 1961 to 1980, died at Hershey (Pa.) Medical Center on January 23, 2008.¹ Bordner was born on April 1, 1918, in Kutztown, Pennsylvania, and grew up near the campus of what was then known as Kutztown State Normal School, where his father was a mathematics professor. He graduated from Kutztown and was stationed in Hawaii where he lived through the attack on Pearl Harbor during his service in the U.S. Army from 1941 to 1945.

Under the G.I. Bill, Bordner received his master's degree from the school of library service at Columbia University in June 1949 and earned a salary of \$4,000 for a nine-month term in his first professional position at Mansfield State Teachers College. He also worked in library positions at Mechanicsburg High School, the Army War College, and Franklin & Marshall, where he assisted with the publication of R.R. Bowker's *Books-in-Print*.

Bordner worked at the State Library under the leadership of State Librarian Ralph Blasingame, who later became dean of the library school at Rutgers. Bordner guided the State Library in the transition to automated cataloging as it was one of the first libraries in the Commonwealth of Pennsylvania to become a member of the Ohio College Library Center, now OCLC. In the fall of 1963, he was appointed chair of the Pennsylvania Library Association Documents Committee. His work with Pennsylvania documents led him to the conclusion that the organization of these important works was slipshod, so he devised a new classification system, which was published by the State Library in 1975. His work resulted in a certificate of appreciation award from the Pennsylvania Library Association during its 1978 conference in Lancaster.



George W. Bordner, center, with longtime State Library of Pennsylvania staff members Randall Tenor and Linda Cline.

The legacy of Bordner is that his classification scheme is still in use. I am the current editor. The biggest change that has occurred in my two years as editor is that the publication is now available in electronic format only on the State Library website (www.statelibrary.state.pa.us/libraries/lib/libraries/10-2008_revised_classification_scheme_for_padocs.pdf).

Unlike the two major library classification schemes that group documents by subject, Library of Congress and the Dewey Decimal System, Bordner's scheme groups documents by provenance. It is similar to the Superintendent of Documents classification except that Bordner's scheme is less strict in formatting the classification numbers and flexible enough to be expanded to include publications from any and all states simultaneously. At the State Library, I do not use the

scheme to its fullest because the collection development policy excludes the acquisition of documents from other states.

The introduction to the *Revised Classification Scheme for Pennsylvania State Publications* discusses the formation of the classification numbers.² There are three basic classification number styles in the Bordner scheme. The first is used for publications produced by cabinet-level agencies, the second for publications produced by independent agencies, and the third for interstate agencies. There is a difference in the way the numbers are formed for monographic titles and serial titles. Monographic titles are not listed individually in the classification scheme. Serial titles are listed individually in the classification scheme as are title changes and title variations. This makes the serial titles easier to track.

In the twenty-first century, Pennsylvania documents are produced in both print and electronic formats. The classification scheme has been expanded to allow for specific numbers to reflect these additional types and formats. As these titles are cataloged, I add the web address to the catalog record. This allows users the option of examining the document right away in the digital format instead of making the trip to the library. There is also a trend for other kinds of government information to be accessed on the Internet. For example, several agen-

cies have their statistical information in a database that allows users to produce custom reports. I classify these sites and add them to the catalog.

Bordner's classification scheme is a living entity. It was created with enough flexibility to grow and change to encompass changes in the way that the state disseminates information to the public. I am very proud to be its current conservator, and will be honored to pass on this remarkable work to my successor.

Mary Spila, Pennsylvania State Documents Cataloger,
State Library of Pennsylvania, mspila@state.pa.us.

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39. Quoted in López, 1029.
40. Ibid., 1024.
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Tips from Tim

A Real Life Search String

Tim Byrne

One of the challenges of doing effective library instruction is coming up with relevant examples to use when demonstrating resources and databases. Getting the attention of the people you are presenting to is not always easy, especially if they are students at eight in the morning or anybody right after lunch. It is always nice when you can find a topic that is relevant to the group to which you are speaking. Usually, something ripped from the headlines will make the group sit up and take notice. It is good to use real-life examples when instructing college students because they don't really live in the real world.

So let's say that you are instructing a class in the use of a database that covers a wide array of news sources. As you discuss the many ways you can use the database, you might toss in that it is a good place to find personal information on people that you could then use to make hiring decisions. If you are speaking to a class of college students, you can assume that at least some of them will eventually be looking for employment and might perk up. So you show them how to compose a search that looks for a personal name linked with stuff like political party, religious beliefs, whether they have been arrested or involved in a sex scandal, their views on the Iraq War, or NAFTA or endangered species, or race or abortion or gays or even whether they might have said something about our president, good or bad. It is really amazing the sorts of information we can find on people in news sources and they don't even have to be anybody. Of course, some of this information is not really legal to use when making decisions on whether to hire someone, so you might want to mention this briefly. Soon the whole class will be merrily searching away, looking for interesting dirt on friends, teachers, ministers, government leaders, and so on.

For those of you out there who are questioning whether this is really appropriate, I should explain that I recently ran across a government publication containing just such an example. A news database (which shall remain nameless*) had

been used to assist in one government agency's hiring decisions. Indeed, some of the information sought was not legal to use in the hiring process. This didn't seem to bother the people involved; however, it did eventually come to the attention of some people in Congress and they were able to get the attention of the Department of Justice, which conducted an investigation. The investigation report is *An Investigation of Allegations of Politicized Hiring by Monica Goodling and Other Staff in the Office of the Attorney General* (www.usdoj.gov/oig/special/s0807/final.pdf).

Some of you may recall that Goodling was the Office of the Attorney General's (AG) White House liaison with primary responsibilities for screening candidates for political positions. Now, to be fair, much of the information that we had said might be illegal to use when making hiring decisions is actually quite all right to use when filling political positions. However, Goodling also screened candidates for a variety of career positions, including assistant U.S. attorneys, Department of Justice career attorneys, and candidates for immigration judges and Board of Immigration Appeals positions. Sadly, it appears that Goodling began using the political criteria when making decisions on career positions. When asked in her congressional testimony whether she "may have gone too far in asking political questions of applicants for career positions," she agreed that she had done so.

Now all this is very political and it really isn't what I want to write about. I want to write about how Goodling and her coworkers searched a well-known news database to find information on job candidates. When Goodling started her position as White House liaison, her predecessor in the position, Jan Williams, sent her an e-mail with a "LexisNexis search string" that she had used for AG appointments. Goodling began using the search string in her own review of candidates, plus or minus a few terms depending on the individual. It was this search string that really caught my attention. Reproduced here is the actual search string:

[First name of a candidate]! and pre/2 [last name of a candidate] w/7 bush or gore or republican! or democrat! or charg! or accus! or criticiz! or blam! or defend! or iran contra or clinton or spotted owl or florida recount or sex! or controvers! or racis! or fraud! or investigat! or bankrupt! Or layoff! or downsiz! or PNTR or NAFTA or outsourc! or indict! or enron or kerry or iraq or wmd! or arrest! or intox! or fired or sex! or racis! or intox! or slur! or arrest! or fired or controvers! or abortion! or gay! or homosexual! or gun! or firearm!

Now you have to admit that this is a pretty impressive search string that really covers a lot of bases. When I read it, I thought, "Wow, this would make a great example of how a database is used in real life." In fact, I was so impressed with this search string that I decided to write this column so all of you out there could see it and possibly use it for a demo in a library instruction session.

Of course, I realize that I am opening myself up to criticism. Experienced database searchers will probably point out better ways to search personal names, or question whether w/7 is too many or too few, or point out logical flaws in the string. Others will probably point out synonyms that should have been included or terms that were overlooked. Still others may question why the terms *arrest!*, *controvers!*, *fired*, *intox!*, *racis!*, and *sex!* appear twice in the string. (Does it mean that these terms are more important than *abortion!* *gay!* *outsourc!*

or *spotted owl?*) Because I don't have access to the same database used in the attorney general's office, I can't really test this search string to make sure it does what it is supposed to do. But Goodling and her coworkers seemed happy with it. And from what I have read about appointments at the Department of Justice and the still vacant immigration judges and Board of Immigration Appeals positions, it would appear that Goodling and crew did a pretty good job screening out undesirables.

If you do use this search string in a library instruction session, remember, as I said, to point out that using *polit!* or *relig!* or *sex!* in hiring decisions is probably illegal. However, it appears that the worst thing that can happen is that you might lose your job. But if you are a good soldier, you will probably move on to a better position before stuff hits the fan. Actually, the worst thing that can happen is that you might lose your job and have to appear before a congressional committee. Before we start to feel too bad for Goodling, rest assured that things will begin to pick up for her. In fact, one totally unsubstantiated rumor about her post-Department of Justice employment options is that she was given very strong consideration as John McCain's vice-presidential running mate.

*Mention of this unnamed news source does not constitute an endorsement of the product, even if it is LexisNexis, regardless of the affiliation of our fearless editor.

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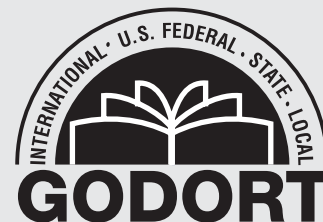
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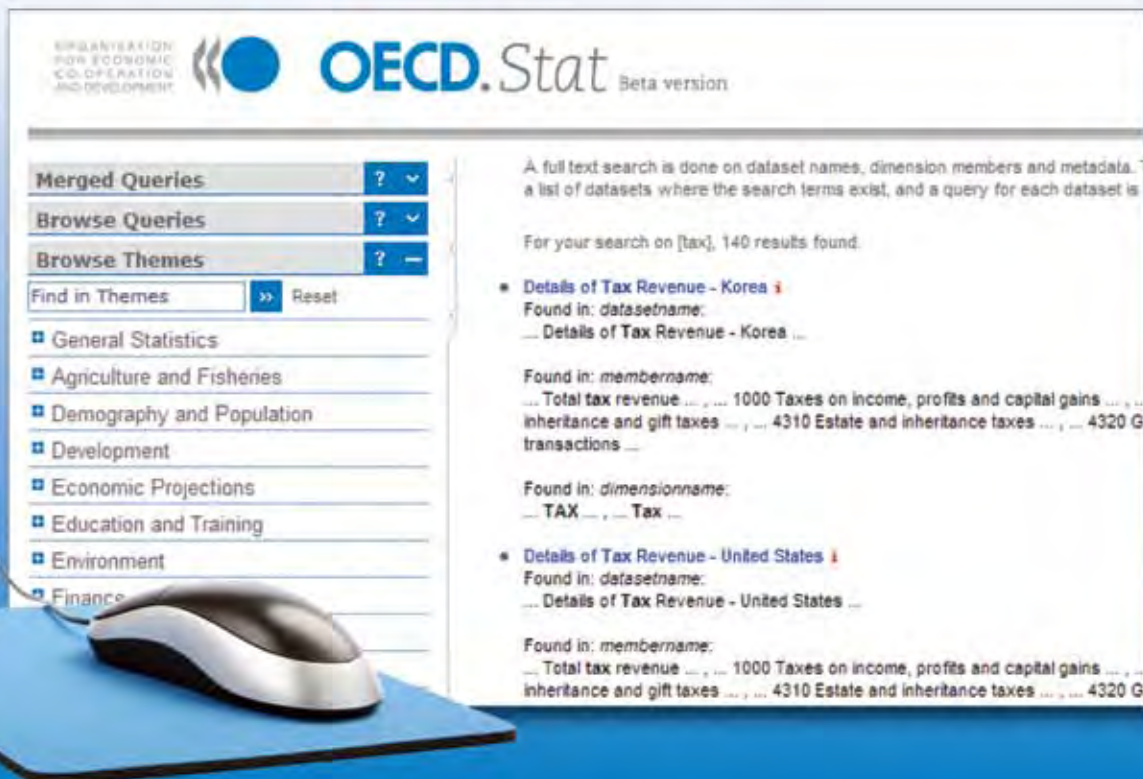
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Review

Managing Electronic Government Information in Libraries: Issues and Practices. Edited by Andrea M. Morrison. Chicago: American Library Association, 2008. \$55 (\$49.50 for ALA members). ISBN-10: 0-8389-0954-X.

The subject of digital information has been part of the library conversations for over a decade now, and never more so than in discussions surrounding electronic government information. These discussions include not only the information resources themselves, but how to most effectively manage an entity that changes in both content and access on a regular, and in some cases daily, basis. *Managing Electronic Government Information in Libraries* takes current knowledge about electronic government information and provides a source of reference for anybody, in any type of library, to learn more about the topic. In looking at this compilation of essays, one sentence in the preface provides insight in to the book as a whole. It states, "To meet these demands [for e-government information], libraries and librarians must continually design and implement new methods for managing e-government information and incorporating new technologies in the identification, acquisition, access, and preservation of digital government information" (v).

The book is divided into two sections, issues related to managing electronic government information and examples of these issues in practice. However, the sections are not mutually exclusive. The complexity of the issues, in many ways, can only be shown in

practice and the practical nature of some chapters's examples provide additional information about the overall issue. To truly understand the topic, the publication should be read in its entirety.

The initial chapter provides a look at the development of government information policy and how it has become so complex in structure, in the number and types of stakeholders, and in technological dependence. The technology theme continues into the next chapters that focus on the history of government information and technology from microform to the web, issues and examples related to digital preservation, and challenges and opportunities related to digital spatial data. The rest of this section explores changing information service models and outreach to diverse populations and a chapter exploring outreach to youth.

The second section is more diverse in its coverage. It starts out focusing on traditional library management tools such as collection development and cataloging, but acknowledging the need for a shift in how these resources are viewed. The next chapters move on to practical examples related to some of the issue chapters from the first section such as reference services, outreach, information literacy, and digital preservation. The remaining chapters focus in on managing specific levels of government information including local, state, international, and foreign countries.

Overall this book strives to meet both the needs of a reader with documents experience, as well as those with periphery government information

knowledge, and it succeeds in meeting this goal. It is a good source for particular information focus such as developing a digital information project, but also provides a good introduction to understanding the complexity of issues. It would also provide an excellent source for librarians when working with administrators to show the complexity of online government information. Its strength is in providing specific issues and examples to fit many circumstances. If there was one downside to this publication, it would be that some chapters are more in-depth than others. A reader looking at one chapter may expect the same level of detail in another. However, this also could be seen as a sign of the complexity of the topic and different ways the chapter authors look at electronic information.

Anybody involved or interested in electronic government information will find something new or useful in *Managing Electronic Government Information in Libraries*. It is a snapshot of the current electronic government information field, showing how much has been accomplished in the last decade. However, it also shows how much farther the field of electronic government information can and will go. In the end the reader might have more questions than answers, but that only primes them for the sequel, which is sure to come.—Kirsten Clark, *Government Information and Regional Depository Librarian, University of Minnesota–Twin Cities; clark881@umn.edu*

Report from the World Library and Information Congress

74th IFLA General Conference and Council in Québec

Jackie Druery, Queen's University, Canada (GIOPS Standing Committee, 2005–2009)

Marcy Allen, Pennsylvania State University (GIOPS Standing Committee, 2007–2012)

The 74th World Library and Information Congress was held in Québec, Canada from August 10–14. It was an excellent opportunity for Canada to hold the conference and Québec was a wonderful host. Its celebration of the four hundredth anniversary of the founding of the city meant that there was no end of fascinating performances, events, and historical happenings on almost every street corner!

The Government Information and Official Publications Section (GIOPS) had a very busy conference, cosponsoring a satellite conference in Montréal, holding two Standing Committee meetings, sponsoring a program, cosponsoring a second, and unveiling two new publications.

Four papers were presented at the GIOPS program, which was well-attended and well-received. The program was titled “Globalisation of Government Information: Creating Digital Archives for Increased Access.” Gillian Cantello and John Stegenga, Library and Archives Canada (LAC), outlined how LAC is working toward its mandate to archive government publications and websites in Canada in their paper, *Government Web Content in Canada: A National Library Web Archive Perspective*. Andrea Singer, Indiana University Libraries, then broadened the perspective to the global stage in her paper *Archiving Foreign Government Statistical Websites for all at Indiana University Library*. This was followed by a fascinating paper titled

La documentation juridique au Rwanda: l'accessibilité par le biais du numérique given by Anne-Marie Auger and Jonast Mutwaza, Tribunal penal international pour le Rwanda. Starr Hoffman, University of North Texas, presented the last paper on *Preserving Access to Government Websites: Development and Practice in the Cybercemetery*. Taken together, the papers were excellent examples of how organizations are taking on and meeting the challenges of providing access to government information in electronic formats. The session was very lively, there was no lack of questions during the question period, and several audience participants came to talk to the speakers following the presentations. The full papers can be viewed at www.ifla.org/IV/ifla74/Programme2008.htm. The Auger and Mutwaza paper has been recommended by GIOPS for publication in the *IFLA Journal*.

Three sections—GIOPS, Law Libraries, and Library and Research Services for Parliaments—cosponsored a program on “The Seal of Approval: Official and Authentic Law in Digital Form” in which Mary Alice Baish, American Association of Law Libraries; Pascal Petitcollot, general secretariat of the French government; and Sasha Skenderija and Claire Germaine, Cornell University Law Library explored the issues surrounding digital delivery of legal documents. The papers are available at www.ifla.org/IV/ifla74/Programme2008.htm.

GIOPS hosted a satellite conference, “Science Policies and Science Portals,” in collaboration with the Science and Technology Libraries section at the Polytechnique Montréal prior to the main Québec meeting. We were very fortunate to have Dr. Howard Alper, chair, Canada Science, Technology and Innovation Council as the keynote speaker. Alper gave an overview of the work of the council and the opportunities and challenges that Canada faces in developing and implementing science policy and in disseminating research results. The morning session looked at national policies that promote scientific information production and the role of librarians in disseminating that information, while the afternoon session focused on the recent developments of science portals including global efforts such as WorldWideScience.org and other national initiatives. Speakers included Liu Xiwen, National Science Library, China; Sohair F. Wastawy, The Library of Alexandria, Egypt; Thomas Lahr, USGS Biological Informatics Office and cochair, Science.gov Alliance; Elizabeth Newbold, British Library; Ho Nam Choi, Korea Institute of Science and Technology Information; Herbert Gruttemeier, Institute for Scientific and Technical Information, France; and the wrap-up was ably given by Richard Akerman, Canada Institute for Scientific and Technical Information. The papers are available at lib.tkk.fi/ifla/

IFLA_Science_Portals. The program was followed by a cocktail reception and an interesting tour of the library at the Polytechnique Montréal—a very modern, exciting, and welcoming place! GIOPS extends its thanks to Marc Hiller, library acting director and all the staff for expertly ensuring that all the logistics were in place and that the program ran seamlessly throughout the day.

Two new publications of interest related to government information were unveiled at the conference. The IFLA/GIOPS publication edited by Jane Wu and Irina Lynden, *Best Practices in Government Information: a Global Perspective*, is a compilation of papers originally presented at seminars and open sessions of IFLA over the past five years. The papers are an opportunity to discover international trends and developments in access to government information and include papers from Africa, the Americas, Asia, Europe, the Middle East, Oceania, and Russia. Ordering information can be found at www.ifla.org/VII/s17/pubs/lynden_wu.htm. The second publication, *Guidelines for libraries of government departments* (IFLA Professional Report, no. 106), edited by Nancy Bolt and Suzanne Burge, is a col-

laboration of the Government Libraries Section and GIOPS. The guidelines—freely available at www.ifla.org/VII/s9/nd1/Profrep106.pdf—serve as guidance to governments about best practices for government libraries, are a tool for outlining the organization and responsibilities of government libraries, and support advocacy for their development and improvement.

The Freedom of Access to Information and Freedom of Expression Committee (FAIFE) took on the issues surrounding crown copyright at its program, “Barriers of Access to Government Information.” Crown copyright was defined as a form of copyright held by governments in some countries (for example, Canada, New Zealand, South Africa, Uganda) that gives the government the exclusive right to control and disseminate all or some government information, data, and publications. Democracy depends on the right to share and access information, especially that which is produced by the government, but crown copyright restricts this flow of government information. The papers from the session are available at www.ifla.org/IV/ifla74/Programme2008.htm. FAIFE plans to develop regional

workshops and educational materials to promote the understanding of the issues surrounding crown copyright and to promote advocacy for changes in policies and laws.

The GIOPS Standing Committee held two business meetings. Topics discussed included the new organizational structure of IFLA, which when it is implemented in 2009 will reduce the number of IFLA divisions from eight to five; the nominations process for the Standing Committee for the 2009–2013 term; plans for the 2009 conference; possibilities for hosting a satellite conference in Brisbane in 2010; and strategies for increasing GIOPS membership.

The 75th World Library and Information Congress will be held in Milan, Italy from August 23–27, 2009, and will address the theme “Libraries Create Futures: Building on Cultural Heritage.” Milan will be an exciting destination, renowned for libraries both modern and ancient, art, music, design, and food, not to mention the fashion and shopping! We highly recommend a trip to the conference; for more information see www.ifla.org/IV/ifla75/index.htm.

ALA GODORT Councilor's Report

2008 ALA Annual Conference

June 26–July 2, 2008, Anaheim, California

During ALA Council and related meetings, one highly significant resolution on the *E-Government Reauthorization Act of 2007* was discussed and passed unanimously, another important resolution was passed related to Council transparency, and revised guidelines on Council resolutions were submitted and accepted. ALA Council and ALA-APA Council meetings occurred as follows: Council I, Sunday, June 29, 2008, 10:45 a.m. to 12:15 p.m., ALA-APA Council, Monday, June 30, 2008, 10:15 to 11:15 a.m., ALA Council II, Tuesday, July 1, 2008, 9:15 to 12:45 p.m., and Council III, Wednesday, July 2, 2008, 8 a.m. to 12:30 p.m. as scheduled (approximate ending time, 10:30 a.m.). ALA Council Forums were held Monday, June 30, 2008, 8 to 9:30 p.m., and Tuesday, July 1, 2008, 4:30 to 6 p.m.

The resolution on the *E-Government Reauthorization Act of 2007* (S.2321), 2007-2008 CD #20.9, had five resolves, two of which are excerpted below.

“RESOLVED, that the American Library Association urge Congress to re-emphasize its commitment to support the role of libraries in the delivery of E-Government services . . .”

“RESOLVED, that the American Library Association support the measures outlined in the *E-Government Reauthorization Act of 2007*

(S.2321) for the Director of the OMB to provide guidance and best practices to ensure availability of public on-line federal government information and services.”

Additional resolves highlighted the critical role that public libraries have in e-government services, urged Congress to authorize sufficient funding, and asked that the law ensure federal agencies' compliance with the OMB guidelines as outlined.

Additional Council business of interest to GODORT was the presentation of a *Resolution on Improving the Federal Depository Library Program and Public Access to Government Information*, moved by Larry Romans, Executive Board member, and seconded by Francis Buckley, also Executive Board, and Kevin Reynolds, Tennessee Chapter Councilor, at the initial ALA Membership Meeting, where it passed unanimously. Prior to and following the presentation, the draft was reviewed by the GODORT Legislative Committee, chaired by Kevin McClure; the ALA Committee on Legislation's Government Information Subcommittee (COL-GIS), chaired by Michele McKnelly; and COL, chaired by Camilla Alire. As a result, Larry Romans formally requested that this resolution be referred back to COL for further study and input before and during Midwinter 2009. The status of this resolution was discussed briefly at the GODORT Membership Meeting. Although at least one reference in *American Libraries* 39(7), August 2008:

76, to the *Resolution on Improving the Federal Depository Library Program and Public Access to Government Information*, MMD #6, indicated it was passed by Council, this was not the case.

COL brought forward three resolutions, and all were passed. The first was a resolution in support of the National Agricultural Library, CD #20.8. The second, CD #20.9, supported the *E-Government Reauthorization Act of 2007* (S. 2321). The resolution was drafted by the ALA Committee on Legislation's Ad Hoc Subcommittee on E-Government Services with the GODORT Legislation Committee, which endorsed it, June 29, 2008. The third resolution on *Preservation and Access to the Audio Heritage of the United States*, CD #20.10, urges Congress to formally investigate bringing pre-1972 sound recordings under federal jurisdiction. Further information is available at the Ad Hoc Subcommittee's wiki, www.wo.ala.org/egovservices/index.php?title=Main_Page.

Although indirectly related to GODORT's primary concerns, several other resolutions of note were approved, such as the *Resolution on Support for Funding for Cataloging and Bibliographic Control at the Library of Congress*, CD #56; the adoption of ALCTS's definitions of digital preservation and the revised *ALA Preservation Policy*, CD #55; and agreement on a clarification of a 2008 Council resolution on the confiscation of Iraqi documents from the Iraq National Library and Archives, which was initiated by the International Relations Committee, CD #18.1. An

anticipated resolution on Cuba was not brought before Council, and the International Relations Committee is apparently looking into the topic and related issues. Also, the ALA-APA *Resolution on a Living Wage for Library Workers*, APACD #8.2, and the *Resolution on Support for Employment Non-Discrimination Act (ENDA)*, CD #57, both passed.

Council unanimously passed six Library Bill of Rights interpretation revisions, CD #91.2-19.7. These changes pertained to 1) Access to Library Resources and Services Regardless of Sex, Gender Identity, Gender Expression, or Sexual Orientation; 2) Access to Resources and Services in the School Library Media Program; 3) Diversity in Collection Development; 4) Evaluating Library Collections; 5) Expurgation of Library Materials; and

6) Free Access to Libraries for Minors. The Intellectual Freedom Committee is preparing for the release of the eighth edition of the Intellectual Freedom Manual.

Pertaining to Council business, a resolution on Council transparency, CD #59, and additional revised guidelines for Council resolution preparation, which were offered by the Council Resolutions Committee, CD #6.2, were approved. Memorial resolutions and tributes were given, one for ALA's Library Support Staff Interests Round Table in honor of its fifteenth anniversary, and Council Secretariat Lois Ann Gregory-Wood was feted for her forty years of extraordinary service as an ALA staff member.

Discussion at ALA Membership Meetings I and II focused on association e-participation. The Task Force

on Electronic Member Participation reviewed its charge, presented the possible purposes and levels of participation, and discussed the relevant policies, for example, the *Open Meetings, Policy 7.44*. The task force will report its findings to Council at the 2009 ALA Midwinter Meeting in Denver.

As one Council member, James B. Casey, expressed, "This conference was highly effective in terms of relevance and performance by ALA Governance," (July 2, 2008). I encourage each of you to take an hour or so out of your busy Midwinter schedule and stop by Council, and also, try to attend the ALA Membership I and II meetings. Council's schedule is consistent, Sunday, Monday, Tuesday, and Wednesday a.m.—*Mary Mallory, GODORT Councilor*

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