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- The Evolution of the *American Alien Tort Statute of 1789*
- Reparations for Past Mistakes

DttP

Documents to the People

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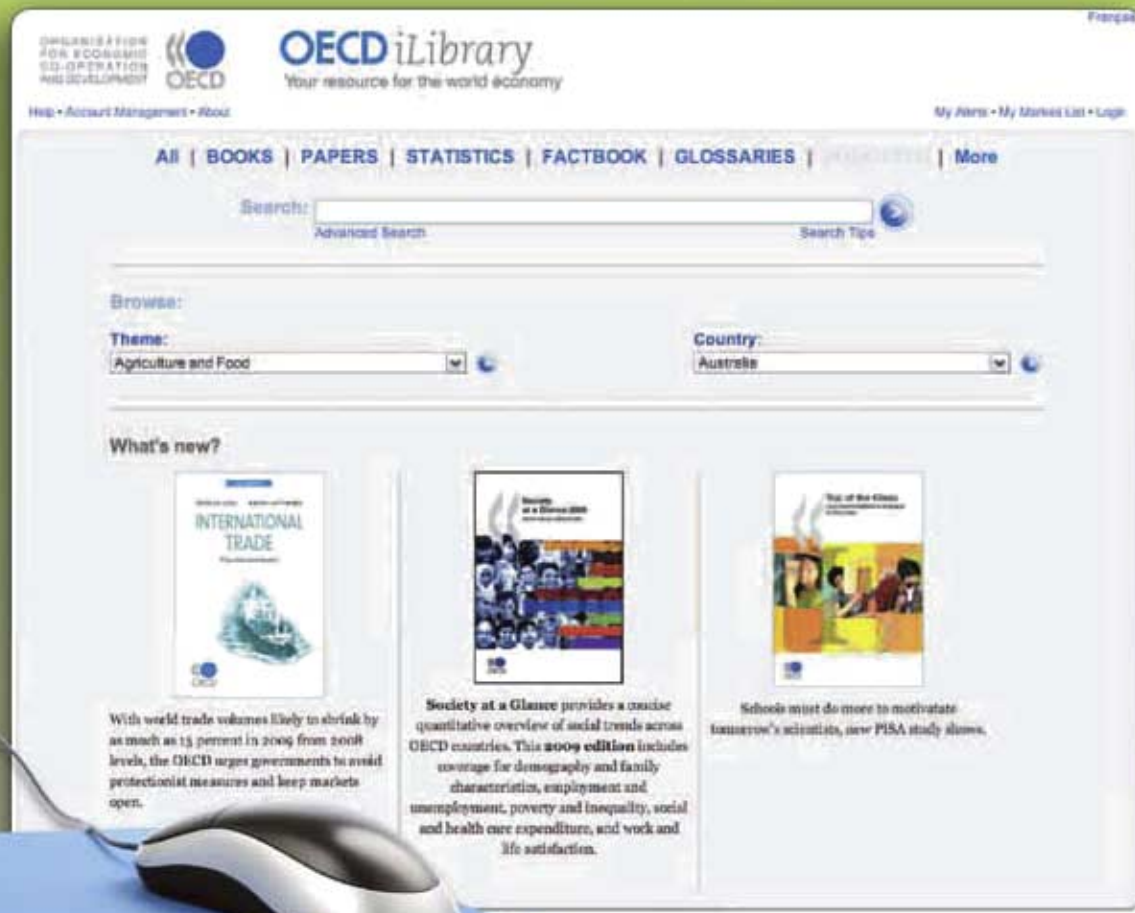
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DttP

Documents to the People

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About the Cover: The cover photo shows an array of GODORT promotional materials created by former Membership Committee Chair Rebecca Hyde, University of California, San Diego, which were distributed at the 2009 Annual Conference. Rebecca is also the cover image's photographer.

Editor's Corner

Student Papers Issue—Back by Demand

Beth Clausen and Valerie Glenn

The student papers issue is here once again. This issue continues to be one of the most popular *DttP* features, and was mentioned frequently as one of the things that readers like about the publication in the survey conducted this past spring. We had a lot of fun reviewing the submissions—all of them were interesting and informative, so it was hard for the Editorial Team to narrow the field to four. We hope that you enjoy reading them as much as we did! As an aside, if the high quality of entries is any indication of the talented people learning about or interested in government information, the future of the profession is bright.

In this issue, we continue the Annual Conference wrap-up with the Councilor's Report as well as the text of the memorial

resolutions for Margaret T. Lane and Virginia F. Saunders. The report on this year's IFLA Congress also appears. GODORT Chair Amy West continues her Data series in Tech Watch and discusses Cloud Computing in her From the Chair column. Barbara Miller writes a lovely tribute to Margaret T. Lane, in the State and Local Documents Roundup.

In this issue we say farewell to the News from the North column with an update of Canadian legislative sources. This is also the last print presence of Tech Watch and the Washington Report, which we expect to migrate online so they are more timely. These changes, as well as others, will be detailed in the next issue.

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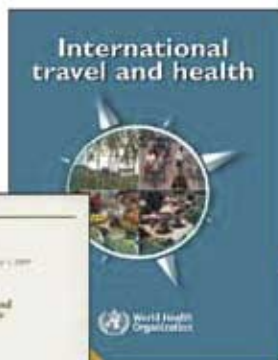
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The Great Server in the Sky: Cloud Computing and Government Information

Amy West

Note: For this issue, the data column has moved to Tech Watch.

GPO's PURL server completely failed on August 24, 2009, and as of this writing has yet to be fully restored. The GPO PURL server resolves PURLs, i.e., persistent URLs assigned by GPO to publications from agencies across the federal government in order to manage the volatile nature of web addresses. Libraries depend on PURLs to get users from catalog records to government publications on the web. When the system works, it works pretty well; but when it fails, it fails badly, as librarians trying to get to government information via PURLs can attest. While it's the PURL server that has been having problems lately, there's nothing particularly unusual about GPO—similar failures could and probably will occur with government information resources at all levels. As GPO works to restore service, we and they should be considering advantages and disadvantages of the "cloud computing" technological infrastructure.

The hallmarks of cloud computing include:

- a shift away from local to remote management;
- more reliable and more powerful computing resulting from economies of scale; and
- an extension of the trust relationship to the new service providers.¹

Many methods of delivering cloud computing exist, but the most common include:

- fully outsourced technology infrastructure to an external company;
- virtualized software running across multiple servers to manage spikes in traffic and failure of individual servers; and
- distributed networks of storage using peer-to-peer sharing systems.²

In an e-mail to Govdoc-l, GPO staff described the PURL problem this way: "the PURL server suffered a significant hardware failure."³ They further said that "many institutions have automated URL checkers that run against the PURL server. Please be aware that the PURL restoration process is severely slowed by checkers repeatedly hitting the PURL

server." Restoring service has been complicated by old software that must be patched onto new hardware and limited agency resources overall. Given the claims listed above, what might some of the issues be if GPO employed cloud computing?

GPO could decide to simply outsource their technical infrastructure. By paying an external entity for technical support, GPO could benefit from economies of scale that would preclude lengthy downtime. Google and Amazon both sell cloud services, and in early September 2009 the General Services Administration (GSA) introduced Apps.Gov, which GSA describes as a provider of cost-effective cloud computing. Were GPO to outsource its technological infrastructure, accountability, privacy, and service guarantees would become paramount. There are plenty of examples of commercial services and government agencies experiencing data breaches, but best practices are only beginning to emerge.

Another approach, which in theory could be managed within GPO, would be to create a virtual version of the PURL server that could be run across however many physical pieces of hardware are needed and available at any given time in order to avoid the kind of failure GPO had in August. Virtualized servers should also remain unaffected by automated link-checking systems since the links aren't being checked on specific pieces of hardware. In this scenario, the key is that the server becomes the "server," i.e., a virtual machine rather than a physical one. Such a scenario might or might not be more cost effective than GPO's current methods.

James R. Jacobs, on the Free Government Information blog, proposes a third scenario.⁴ Jacobs suggests that the existing network of FDLP libraries should become a peer-to-peer network in order to help manage spikes in interest in publications—say, a new health care bill is released to the public—or as alternative servers when one or more others fail. In this case, the cloud aspect comes not from virtualizing the idea of one whole database across multiple pieces of hardware, but by creating an inherently decentralized network of collections and services in which storage, while still specific to particular servers, is redundant and distributed. For the user, the result would ideally be the same—the publication desired is available when needed—but the structure behind the scenes is quite different. An added advantage to a peer-to-peer system like this is that it puts libraries, traditionally politically disinterested parties, in a position of acting on that impartiality for everyone's benefit.

The costs to GPO relative to existing technology costs would be unknown without a much more detailed plan. Costs for some participating libraries might increase as they'd be taking on new responsibilities, but other libraries may not incur extra costs since they may already have technical infrastructure in place capable of handling the new content.

The problem is simple: it is very common for government information to come to us via a limited number of paths. When those paths are blocked, everyone is affected. The most recent case has been with the GPO PURL server. It probably won't be the last. As GPO examines its options for improved technological infrastructure, we should all be thinking about cloud-based solutions and what they might mean for reliable access to government information. We should also consider whether we wish to remain exclusively clients in a client-server

relationship with government information providers, as would be the case in most cloud-based solutions, or whether we wish to become part of the cloud ourselves.

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Give to the Rozkuszka Scholarship

The W. David Rozkuszka Scholarship provides financial assistance to an individual who is currently working with government documents in a library and is trying to complete a master's degree in library science. This award, established in 1994, is named after W. David Rozkuszka, former documents librarian at Stanford University. The award winner receives \$3,000.

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More information about the scholarship and past recipients can be found on the GODORT Awards Committee wiki (wikis.ala.org/godort/index.php/awards).

Washington Report

Laura M. Horne-Popp and Jesse Silva

At the time of this writing, the nation mourns the passing of Senator Edward (Ted) M. Kennedy (D-MA). He was incredibly influential in his forty-seven years as a senator, particularly as a bipartisan dealmaker. He passed away before Congress returned from vacation to further discuss health care, the topic he stated was the “cause of my life.”¹ In addition to his focus on issues such as health care, Kennedy was a strong advocate for libraries. The ALA Washington Office affirmed Kennedy’s allegiance to libraries: “library supporters could always count on his backing and counsel in their work to make library services available to all.”² His casket was in repose for two days at the John F. Kennedy Presidential Library in Boston, where he was an original member of the board of trustees, before he was buried at Arlington National Cemetery.³

In early July, *Legislative Branch Appropriations* (H.R. 2918) passed both the House (232-178-23) and Senate (67-25-7). The bills have been referred to a conference committee to reconcile language before being sent to President Obama for his signature. The appropriations provide \$40,911,000 for the Superintendent of Documents Salaries and Expenses, which is a five million dollar increase from the 110th Congress appropriations.⁴ One accepted amendment, submitted by Senator Thomas Coburn, M.D. (R-OK), would require expenditures by every Senate office be made available online for the public.⁵

Preserving the American Historical Records Act (H.R. 2171, H.R. 2256) was referred to the House Committee on Oversight and Government Reform, Subcommittee on Information Policy, Census, and National Archives on July 31. As you may recall, this bill authorizes the archivist of the United States to provide grants to states in order to “protect historical record . . . use such records in new and creative ways . . . provide education and training . . . and create a variety of access tools” to be made available on institutions’ websites.⁶ Many libraries could be potential recipients of such grants.

There has been little movement recently concerning the reauthorization of the *USA PATRIOT Act*. The *Safe and Secure America Act of 2009* (H.R. 1467) extends the *2005 Reauthorization Act* (P.L. 109-177) through 2019 for provisions related to wiretaps, and to FBI access to tangible items such as library records (Section 215). The ALA Washington Office provides an overview of the *USA PATRIOT Act* (tinyurl.com/yb5m4g5).

The *Cybersecurity Act of 2009* (S. 773) is a broad-based Internet security bill that aims to strengthen the free flow of

global commerce while developing new security technology and procedures. The bill was introduced on April 1, 2009, and referred to the Senate Commerce, Science, and Transportation Committee. There are provisions within the bill for the creation of cybersecurity standards, the certification of cybersecurity professionals, and the development of a secure domain name system. Also, there are provisions for the Department of Commerce to be a clearinghouse for federal government and private sector infrastructure information systems and networks, including giving the Secretary of Commerce “access to all relevant data concerning such networks without regard to any provision of law, regulation, rule, or policy restricting such access.”⁷ These proposed powers given to the executive branch are proving controversial, with both the Center for Democracy & Technology and the Electronic Frontier Foundation opposing the bill. This bill is one to monitor as it works its way through Congress.

The Obama administration continues to move forward on recommendations regarding the president’s *Memorandum on Transparency and Open Government*.⁸ There was a three-phase process during which the public provided ideas and discussion of areas where the government could become more transparent and collaborative. The final drafting phase of the process ended July 6, 2009. The Obama administration provides public access to the ideas and discussions of each phase, which can be accessed from the White House website (www.whitehouse.gov/open). Some of the suggestions from the drafting phase are of direct interest to libraries. There is a call for a standard metadata schema for government data to improve access to such information on the data.gov website. Another suggestion urges an e-FOIA process to be used by all agencies to streamline FOIA requests and responses. There is also a suggestion for technology that would “post process” searches for government information into facets, enabling the public to find government information more easily.⁹ The Office of Science and Technology Policy (OSTP) is currently compiling the drafts and comments from the process in order to develop a report of the findings and then move forward on recommendations. The OSTP posts information regarding this issue on the agency’s blog under the category OpenGov (blog.ostp.gov).

In her last “Washington Report” (*DttP* 37:3), Kirsten Clark detailed her select blogs and websites where you may monitor breaking news and stay up-to-date on legislation related to government information and freedom of information issues. GODORT’s Legislation Committee has created a Netvibes page with all the sites she suggested, plus a few more, to facilitate access to these. Visit the site: www.netvibes.com/godortlegcom.

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News from the North

Canadian Legislative Resources Update

Mike McCaffrey

At the time of writing, Parliament is prorogued for the summer and there is the distinct possibility of an election this fall. Thus, it should come as no surprise that the past few months have been fairly quiet for documents specialists. For the present, I will occupy this space with a miscellany of items, including news of certain important changes regarding the status of legislative publications in several jurisdictions.

Laws in electronic format

Canadian federal consolidated statutes and regulations published on the Justice Laws website (laws.justice.gc.ca) have been deemed official and are considered “evidentiary” (admissible

in court) as of June 1, 2009. PDF versions of consolidations with side-by-side English and French texts are also now available on the revamped website. Among other improvements are the inclusion of “point in time” versions of consolidated statutes and regulations and a reformatting that makes easier the identification of amendments not yet in force and “related provisions.” The change in status is the result of the coming into force of section 31 of the *Personal Information Protection and Electronic Documents Act* that was passed by Parliament and that received Royal Assent in 2000 (S.C. 2000, c.5). This act changed the name of the *Statute Revision Act* (R.S.C. 1985, c. S-20) to the *Legislation Revision and Consolidation Act* and included a number of other amendments of which the above-mentioned status change of the electronic versions of consolidated laws and regulations is, perhaps, the most important.

With the coming into force of these provisions, the government of Canada joins Ontario whose electronic laws have enjoyed a similar status since November 30, 2008, as a result of regulations made under the *Public Service of Ontario Statute Law Amendment Act, 2006* (S.O. 2006, c.35). The Quebec minister of justice introduced Bill C-18 into the National Assembly in March of this year. The bill, if passed, will give similar force of law to Quebec electronic consolidations in 2010.

Legal portals of note

The Canadian Legal Information Institute (Canlii) maintains a rich collection of databases offering free access to federal and provincial legislation as well as to the decisions of many courts and tribunals at various levels (www.canlii.org). One particularly useful feature for legal researchers is the suite of “point-in-time” databases that offer versions of legislation going back, in many cases, to 2003. On September 2, 2009, Canlii announced that “point-in-time” databases had been launched for Manitoba, Newfoundland and Labrador, and Prince Edward Island. With these additions, there is access to legislation from the federal government and all ten provinces. Canlii has also announced the “point-in-time” databases for the availability of legislation of the three territories. They have also improved the scope and format of their RSS feeds making it easier to subscribe to legislation by jurisdiction and to decisions of individual courts (www.canlii.org/en/rss.html).

The Library of the Law Society of Upper Canada maintains an outstanding page of links to legislative and regulatory material for Canada and the province of Ontario (rc.lsuc.on.ca/library/research_law_ca_legis.htm). Links to all provincial and federal legislatures enhance the site but the true value of this resource lies in the fashion in which historical legislation and regulations are brought together and organized in a sensible,

easy to use fashion. Links are provided, for instance, to digitized versions of the Ontario Regulations going back to 1944 and to the Revised Statutes of Ontario as far back as 1914.

New from the Depository Services Program

As mentioned in the last column (*DttP* 37:2), Public Works and Government Services has undertaken a Web Integration Project (WIP) intended to merge the Depository Services Program (DSP) and Government of Canada Publications websites into a single, Common Look and Feel 2 (CLF2) compliant website. With the implementation of Release 4.7 of the WIP, two important changes have been made. Generic e-mail addresses are now CLF2 compliant and changes have been made on the various contact pages. As of April 15, 2009, the online Client Care Centre is no longer in operation. Account changes must now be made by contacting customer service directly (publications@tpsgc-pwgsc.gc.ca).

At the end of April, all Canadian depositories were mailed a mini CD-ROM containing a revised Depository Library Agreement that was to have been signed and returned to the DSP by July 1, 2009. At the time of writing, agreements were being developed for foreign institutions not covered by existing permanent international agreements. Depository librarians outside of Canada should note that Canadian institutions received theirs via mail addressed to the “chief librarian.”

Government of Canada News Portal

Many readers are aware of the Government of Canada News Portal (www.news.gc.ca) offering the public a constant stream of statements, speeches, and news releases. Users now may go to a page to customize their news reception via RSS feeds (news.gc.ca/web/distributions-eng.do). Individuals may choose to subscribe to news of interest in certain regions or to specific target audiences. Librarians and others working with Canadian government information should note that, at the bottom of this page, there are options to subscribe to feeds by department and agency. Using this feature, librarians could, for instance, embed Statistics Canada releases into their news pages.

Digitization of Parliamentary Papers

The Library of Parliament published a working paper that aims to describe the state of digitization of parliamentary material as of April 2009 (www2.parl.gc.ca/Sites/LOP/Digitization/index-e.asp). The authors hope that it “will be a useful ‘finding aid’ and will spur further digitization projects and the use of digitized material.” The paper is based on a finding aid prepared by Sherry Smugler of the University of Toronto Libraries and includes a summary of which published papers have been

digitized, by whom, where they are housed, and who is permitted access. Mention is also made of future digitization plans known to the authors. The stated goal of the paper is to “help inform the development of a coherent strategy amongst the various stakeholders to digitize, make available and preserve over the long term, the corpus of Canadian publications relating to the operations of Parliament since 1867.” Whether it results in any large-scale coordinated attempt to preserve and digitize the entire corpus of post-Confederation parliamentary material remains to be seen, but the document is an excellent guide, not only to digitized publications but also to print and stand-alone CD materials.

Access to Information (ATI) requests

Until April 2008, Canadians wishing to file an ATI request had access to the Coordination of Information Requests System (CAIRS) database. CAIRS was a government-maintained database enabling users to find prior requests. In the wake of the decision to discontinue operation of the database, University of Ottawa professor Michael Geist established cairs.info (www.cairs.info). As of September 1, 2009, ATI requests for most departments as recent as May 31, 2009, had been added.

State and Local Documents Roundup

State Documents to the People . . . Margaret Lane Remembered

Barbara Miller

Many of us were not involved in state documents in the pre-electronic era, but our lives were made easier by librarians who came before us and worked to create tools to help us. When I first started attending GODORT State and Local Documents Task Force (SLDTF) meetings at ALA conferences more than ten years ago, librarians were busy creating a web presence for state documents via electronic tool boxes and the Handout Exchange. About that time, I met Margaret Lane at one of these meetings. Here was this “little old lady” asking if she could be relieved of her duties as chair of the Committee of 8, because she just couldn’t make it to ALA much anymore . . . and wondering if we still wanted to keep it going in light of e-mail and other electronic means of communication. At the time I had no idea how much work Margaret Lane had put in “in the trenches” of state documents librarianship and how

indebted practitioners are to her.

When Margaret Lane passed away this past summer, she was honored by a memorial resolution put forth by GODORT to ALA. Just reading the long list of her accomplishments is enough to warrant interest. How astonishing was Margaret's life? For starters, she went to law school and obtained a law degree in the early 1940s, when there were far fewer female lawyers or female law students. (Her class of 1942 was later exempted by the Supreme Court from taking the bar exam because of World War II commitments, as most of her fellow law students were men and had to enlist.) She worked as a law librarian at the Columbia Law School, the University of Connecticut Law School, and the Louisiana State University (LSU) Law School, and for twenty-six years, she served as the first recorder of documents in Louisiana. *After* her retirement she worked for twenty-five years as law librarian for her husband's Louisiana law firm. She was a member of the Louisiana State Bar for over sixty years! Very active in ALA, Margaret was a charter member of GODORT and served as one of the earliest members of the Depository Library Council. She represented the American Association of Law Libraries on the Joint Committee to the Union List of Serials. Margaret taught government documents at the LSU Graduate School of Library Science and legal bibliography in the LSU Law School and the University of Connecticut Law School. She published several books and numerous journal articles in many professional journals (WorldCat has over fifty entries of works with Margaret Lane as author).

But these accomplishments pale beside the work that Margaret did for the state documents field. In the early 1950s, as recorder of documents for the Louisiana secretary of state, Margaret created the first state depository system in Louisiana. Her goal was to make state documents *automatically* available to all libraries and thus to the public throughout the state—Louisiana state documents to the people! Consequently, this saved librarians the time and trial of dealing with each state agency individually. Anyone want to go back to contacting each agency?

In 1975, when she retired as recorder of documents and began working in her husband's law firm, Margaret's other "retirement" position with SLDTF was just beginning. Her work on SLDTF broadened her interest from just Louisiana state documents to *all* state documents. She understood the need for better tools for state documents and the value of librarians from various states working together to exchange ideas and best practices and to create guides to help other state documents librarians. One of the problems of working with state publications is that each state has a different form of legislature and agency structure and each handles document

distribution and processing differently. Nevertheless, Margaret and her colleagues realized that could help all states. Margaret and her cohorts in SLDTF produced several noteworthy publications touching on all aspects of state documents librarianship. In 1975, they created the "Guidelines for Minimum State Services of State Documents," which moved up the ALA ladder and was quickly adopted by ALA Council. Another initiative was a program "Anglo-Am or Not?" which led to the Name Authority Cooperative Project that allowed states to establish corporate headings following the *Anglo-American Cataloging Rules*. Her work at two conferences of state documents librarians in the early 1980s led to her compilation *State Publications: Depository Distribution and Bibliographical Programs*. In 1987 Margaret published her book *Selecting and Organizing State Government Publications*. This book served as a bible for state publications librarianship for nearly two decades, covering all topics related to state documents, including state agencies, types of state governments, legal issues, and copyright. It also includes a section on best practices and provides a bibliography of helpful publications on state documents (many of which she helped write). Margaret was also active in the SLDTF creation of the *Documents on Documents* collection, a group of materials including laws, regulations, manuals, brochures, forms, and publicity items produced in the administration of state documents depository programs. This collection, with indexes issued as ERIC documents, is a gold mine of research material for those of us in the field.

During this period, Margaret began over two decades of work as chair of the Committee of 8. This committee was a type of phone or letter tree created to allow librarians from all the states to quickly communicate and exchange information on certain topics and allowed librarians who could not attend conferences to participate in the work of the committee. In our era of electronic communication we are still struggling with this problem. The group tackled such projects as surveying the fifty states for information to update *Government Publications: Guide to Bibliographic Tools* and *Government Organization Manuals: A Bibliography*.

Just imagine what our work would be like today without the foresight and hard work of these early state documents librarians! Our ability to acquire, catalog, and provide access to state documents has been eased by Margaret and her colleagues. I can personally attest to the work Margaret went through for just one task. When Margaret asked to be relieved of the Committee of 8 duties, I volunteered to take it over. Even with e-mail, I can tell you it was quite a task to recheck members' names and addresses and collect all the data for a project we completed for the National Agriculture Library. It

took months for the task to be completed, and Margaret did such work without electronic communication!

In 1981, for her work in both federal and state documents, Margaret Lane was honored by GODORT with the James Bennett Childs Award for lifetime achievement in government information. It is a tribute to her state documents work that she was later *also* awarded GODORT's Bernadine Abbott Hoduski Founders Award. This award, named for the founder of the SLDTF, honors achievement specifically in the area of state documents, and it is significant that Margaret was given *both* awards. The Louisiana Library Association honored Margaret with the Essae M. Culver Distinguished Service Award in 1976, and, as an ultimate honor, the Louisiana Library Association created a Margaret T. Lane award in 1994 to honor Margaret for her outstanding contributions to the Louisiana documents community. Finally, GODORT has recently established the Margaret T. Lane/Virginia F. Saunders Memorial Research Award to honor excellence in research/publishing in the field of government information. How fitting to honor Margaret for her astonishing publishing record.

Thank you, Margaret, for all you have done for state documents. And the next time any of you "young" librarians run into a little old lady at an SLDTF meeting, stop and chat! You just might learn quite a bit . . .

Barbara Miller, Professor and Documents Librarian, Oklahoma State University, Edmon Low Library, barbara.miller@okstate.edu

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Tech Watch

Citations and Data

Amy West

In the last issue of *DttP* I described, in my inaugural "From the Chair" column, an emerging movement toward considering all kinds of government information "data," including government information in traditional forms such as legislation, statutes, and regulations, in addition to numeric, geospatial, and scientific data. In this issue, I describe some of the benefits that might arise from a data-centric approach to government information.

I've been thinking about the benefits of a data-centric approach for a number of reasons, not the least of which is that I love Zotero, a free citation manager that works within Firefox. Whenever I open a webpage containing readable content, an icon appears in the browser location bar and I can download a citation into Zotero, thus creating a citation database on my computer as seen in figure 1.

The quality and completeness of the citation depends entirely on what information is included on the webpage. Over the course of 2009, I've begun to see U.S. federal agencies making more use of Zotero-friendly metadata, but the implementation is often not quite right. Assuming that the point of a citation is to get the user back to the material that the citing person is looking at, the standard for judging citations is not just a persistent URL, but sufficiently granular information to describe exactly what's being cited at that URL. It might seem like this is just another task being layered on busy agency personnel, but in fact, it's just one of the many benefits you get without much extra effort if your starting point is to create structured and well-described content.



Figure 1. A Zotero icon on a National Center for Education Statistics webpage

Citations are easy to generate when information producers focus on structured content because, by definition, structured content meets multiple user needs and uses. Let's take a simple example from the House of Representatives: *The Statement of Disbursements of the House*.¹ As you would guess from the title, this document details year-to-date House expenditures. It has some text and a lot of numeric tables, and it continues to be published in print despite a request this past June from Speaker Nancy Pelosi to have it published online.² Libraries receive the printed publication and then manage it as they do similar materials. So the entire production process has been geared toward creating a product intended to be used in one way: read by a human either in a library or elsewhere after it has been checked out. As a result, any other uses besides reading are, if not precluded, certainly substantially complicated. For example, for a user who wants to create a table showing a spending trend over time, the only realistic option is manual data entry (exporting tables from document formats tends not to work well—see the Internet Archive version to compare a typical PDF versus text digitization).³ This is a process prone to error and very time consuming. Suppose a user wants to find all instances of a particular term in an issue of the *Statement of Disbursements of the House*? The user either has to find or create a searchable digitized version of the *Statement of Disbursements*. Again this is a time-intensive project and it also requires separate, specialized skills and specialized software.

In contrast, if the production process had been geared toward creating structured content, i.e., data, then that structured content could be *immediately deployed in multiple ways*. The marked-up content could be printed as before, thus maintaining human readability and print library collections. Conventions for transforming languages like XML into proprietary formats like PDF are fairly well established with a wide range of commercial and open source methods available. However, the marked-up content could also be rendered as an online publication in which tables are presented as HTML and available for download in a variety of formats such as PDF, Excel, text, etc.

Adding customization features to support time-series creation would be a far smaller task (assuming that the data exists over time) because the vintage of data is a basic element of it. Tables and text could be organized together in a single, searchable unit to facilitate text mining. Even better, some of the markup could be used to generate metadata that can be automatically downloaded into citation software, such as RefWorks, EndNote, or Zotero. Finally, well-structured and well-described data can also be used to generate persistent URLs following standards like OpenURL, in which metadata about the item

The screenshot shows a web browser displaying a table titled "Enrollment in educational institutions, by level and control of institution: Selected years, fall 1980 through fall 2008". The table is presented in a grid format with columns for years from 1980 to 2008. The data is categorized by institution level (All levels, Public, Private) and control (Federal, State, Local, Private). A callout box on the left states: "All of the noted items on this page could be managed via a single set of metadata. provided it was sufficiently granular and used appropriately." A callout box on the right says: "Separate, apparently permanent file". A URL bar at the top shows "URL - uses metadata, maybe, but the right metadata?".

	Fall 1980	Fall 1981	Fall 1982	Fall 1983	Fall 1984	Fall 1985	Fall 1986	Fall 1987	Fall 1988	Fall 1989	Fall 1990	Fall 1991	Fall 1992	Fall 1993	Fall 1994	Fall 1995	Fall 1996	Fall 1997	Fall 1998	Fall 1999	Fall 2000	Fall 2001	Fall 2002	Fall 2003	Fall 2004	Fall 2005	Fall 2006	Fall 2007	Fall 2008		
All levels	16,981	17,224	16,848	16,819	17,033	17,246	17,487	17,724	17,961	18,198	18,435	18,672	18,909	19,146	19,383	19,620	19,857	20,094	20,331	20,568	20,805	21,042	21,279	21,516	21,753	21,990	22,227	22,464	22,701	22,938	
Public	10,333	10,570	10,303	10,333	10,566	10,799	11,032	11,265	11,498	11,731	11,964	12,197	12,430	12,663	12,896	13,129	13,362	13,595	13,828	14,061	14,294	14,527	14,760	14,993	15,226	15,459	15,692	15,925	16,158	16,391	16,624
Private	6,648	6,654	6,545	6,486	6,473	6,473	6,473	6,473	6,473	6,473	6,473	6,473	6,473	6,473	6,473	6,473	6,473	6,473	6,473	6,473	6,473	6,473	6,473	6,473	6,473	6,473	6,473	6,473	6,473	6,473	6,473

Figure 2. A National Center for Education Statistics webpage with highlighted metadata elements

rendered on screen is used to create a unique and persistent URL.

You may be thinking, "Yes, but all of these things are already in use—there's nothing new here." Well, yes, there are isolated examples of each in existence with varying degrees of usefulness, but they tend to suffer from the same problem as delineated with *The Statement of Disbursements of the House* in that producers start with a particular end result in mind, build the structures to create that result, and then insert the content. What's different about a data-centric approach is that you don't start with a specific end result in mind. Rather the focus is on the content and its important characteristics and the end results flow from the structure and descriptions of the content. Now you may find that you need more description later or a particular usage of the content requires a different structure or that your users want to do something entirely different with your content. In each case though, because you're starting with structured content, changing descriptions or structure or simply providing the raw information is substantially easier than it would have otherwise been because the content itself has been the primary focus, not any one particular instantiation of it.

I have found no examples of agency content that fully meet the ideal I have in mind when I'm daydreaming about perfectly rendered government information, but I did find a useful imperfect example from the National Center for Education Statistics as seen in figure 2. This is a single table from the *Digest of Education Statistics* and it's apparently from the 2008 edition. You'll note that in the location bar there is a little blue page icon—that's the icon for Zotero. I expected that if I clicked on it, the resulting citation would have the table title as the citation title, with the publication title as the source in a relationship analogous to that of a journal article to the journal itself. Certainly any metadata attached to this table of data would have to make that distinction, but instead, the result is seen in figure 3.

Title: Digest of Education Statistics, 2008
Author: (last) , (first)
Abstract:
Website Title:
Website Type:
Date:
Short Title:
URL: http://nces.ed.gov/programs/digest/d08/tables/dt08_002.asp
Accessed: Tuesday, September 08, 2009 2:18:38 PM
Language:
Rights:
Extra: The primary purpose of the Digest of Education Statistics is to provide a compilation of statistical information covering the broad field of American education from prekindergarten through graduate school. The Digest includes a selection of data from many sources, both government and private, and draws especially on the results of surveys and activities carried out by the National Center for Education Statistics (NCES).
Date Added: Tuesday, September 08, 2009 2:18:38 PM
Modified: Tuesday, September 08, 2009 2:19:21 PM

Figure 3. The citation that users get from the National Center for Education Statistics metadata

Chapter 1. All Levels of Education	
Enrollment, Teachers, and Schools	
Table 1	Projected number of participants in educational institutions, by level and control of institution: Fall 2008
Table 2	Enrollment in educational institutions, by level and control of institution: Selected years, fall 1980 through fall 2008
Table 3	Enrollment in educational institutions, by level and control of institution: Selected years, 1969–70 through fall 2017
Table 4	Number of teachers in elementary and secondary schools, and instructional staff in postsecondary degree-granting institutions, by control of institution: Selected years, fall 1970 through fall 2017
Table 5	Number of educational institutions, by level and control of institution: Selected years, 1980–81 through 2006–07

Figure 4. Similarly named tables in the *Digest of Education Statistics*

In fact, if you look at the URL for this table, you see that the directory and file-naming conventions clearly follow a pattern, but it's a pattern that focuses on the publication *Digest of Education Statistics* and not the information being presented. More useful would be something like `nces.ed.gov/source=digest+of+education+statistics&year=2008&table=2&subject=e`

`rollment&coverage_start=1980&coverage_end=2008` which could be pulled from the same metadata used to generate the citation. This pattern would also work to easily distinguish this table—table 2 in the 2008 *Digest*—from table 3, the title of which differs in coverage of time (see figure 4).

The larger point is that government information needs to be considered data that can be described in as granular detail as possible in order to receive the full benefit of citation-ready rendering. Treating information as data produces many benefits beyond citations for the agency and the user.

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GODORT Membership

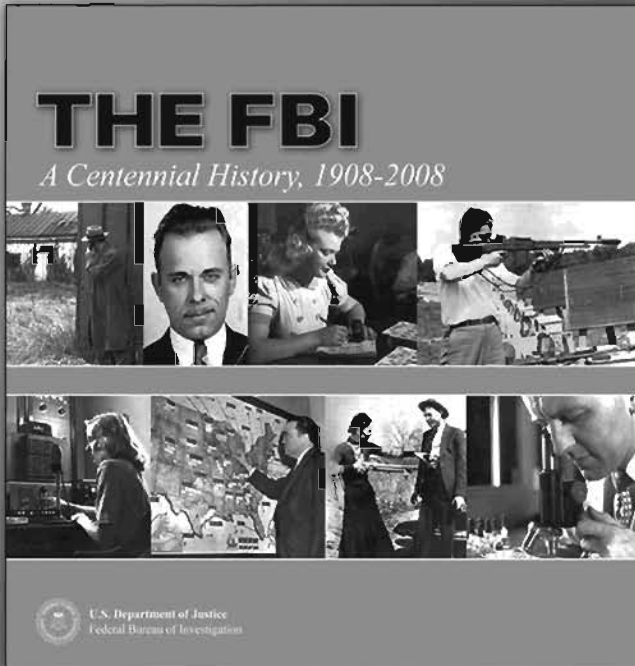
Membership in ALA is a requisite for joining GODORT.

Basic personal membership in ALA begins at \$50 for first-year members, \$25 for student members, and \$35 for library support staff (for other categories see www.ala.org/Template.cfm?Section=Membership).

Personal and institutional members are invited to select membership in GODORT for additional fees of \$20 for regular members, \$10 for student members, and \$35 for corporate members.

For information about ALA membership contact ALA Membership Services, 50 E. Huron St., Chicago, IL 60611; 1-800-545-2433, ext. 5; e-mail: membership@ala.org.

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Protecting the Polka Dot

How Intellectual Property Law Affects the U.S. Textile Industry

Meagan Lacy

If you find the topic of intellectual property (IP) as fascinating as I do, you may have wondered whether or not the polka dot is in the public domain. The question came to me a couple of months ago when I was snipping the price tag off a skirt that I had purchased. As I was admiring the markdown, I noticed something else on the tag, a warning that read: “ALL ANNA SUE PRINTS AND EMBROIDERIES ARE COPYRIGHTED.” I looked at the skirt dubiously: How could a dollop of navy dots across a yellow background be copyrighted?

A polka dot is essentially a circle, a simple geometric shape. The circle has existed at least as long as recorded history, paving the way for such important inventions as the donut and the wheel. For centuries, we have been encircled in circles, so we can be fairly certain that Euclid of Alexandria will not rise from the dead and sue us for copyright infringement should our polka-dotted designs be used for the manufacturing of skirts or 300-count pima cotton sheets—right?

The short answer: not exactly. While we cannot conjure the spirit of Euclid, it is possible to infringe upon a design as basic and ubiquitous as the polka dot. It all depends on the type of dot. The case *The Prince Group, Inc., vs. MTS Products and K-Mart* provides an apt example.¹ The Prince Group, a textile converter, sued the defendants, a baby goods seller and a retail chain store, for copyright infringement based on allegations that the defendants sold goods similar to the textile converter’s copyrighted “Mega Dot” pattern. The court held that the plaintiff’s design was “strikingly similar” to the defendants’ designs and that they had been infringed upon.² U.S. District Court Judge Deborah A. Batts explains:

The polka dots in this case are more than average circles. First, they are irregularly shaped, and not the perfect circles of a standard polka dot. They are “shaded,” that is, there is a crescent of white around half of the perimeter of each of the dots which is different from the standard uniformly colored polka

dot, and they consist of several different colors.

Thus, the shape and the shading of the dots are sufficiently original to meet the threshold of creativity.³

To put it another way, one *can* reinvent the polka dot. In this case, the polka dots comprising the Mega Dot pattern were “more than average circles.” They had been embellished and transformed in such a way as to be original and were therefore copyrightable.

Likewise, a work that is merely a compilation of unprotected elements such as circles may still enjoy copyright protection. In other words, if the unprotected elements are selected, coordinated, and arranged in an original fashion, that arrangement may be copyrightable. In this case, the Mega Dot pattern passes the test again:

Here, the decision to place the polka dots in imperfect and conflicting diagonal lines at varying distances from each other giving the appearance of randomness, distinguishes this arrangement from the regularity of the generic polka dot design; thus, establishing a sufficient level of creativity for copyright validity.⁴

Clearly, the standard for originality is low. Does this mean we should be worried about dotting our i’s, too?

Connecting the dots

To answer this question, it may be helpful to review the purpose of copyright, what it protects, and who it impacts.

First, the power to create copyright law is authorized by the Constitution:

The Congress shall have Power . . . 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.⁵

The difficulty is in determining whether emphasis should be placed on the exclusive rights for the authors and inventors or the limited time that authors and inventors can claim these exclusive rights. In other words, what benefits the public more—making it possible for authors to earn a living for their work and encouraging them to create more, or hastening their works into the public domain where they can be used to create new, derivative works? Currently, for works published during or after 2002, copyright protection extends for at least seventy years after the death of the author.⁶ Clearly, the former interpretation has triumphed; seventy years is practically a lifetime! We have a better chance of crossing paths with Euclid than seeing these works enter into the public domain.

The result of this constitutional provision is the *Copyright Act*.⁷ Through this act, original works of authorship that are fixed in a tangible medium of expression are protected. Works of authorship include literary, dramatic, musical, artistic, and certain other intellectual works.⁸ Given these conditions, we must ask ourselves: Is a circle an original work of authorship? No, rather, circles are ideas. Are irregularly shaped, multicolored circles arranged in a random pattern on a piece of fabric considered an original work of authorship? Yes. Consequently, a rethought polka dot fixed in a tangible medium—be it on a canvas or on a fabric—merits copyright protection.

To be clear, it is the textile design that is a “work of visual art”—not the miniskirt, shower curtain, or throw rug that it later becomes.⁹ These consumables qualify as useful articles, not visual arts, and while they may warrant other protections (for example, patents and trademarks) they are not copyrightable. Furthermore, the design of a useful article is considered a qualifying work only if the design “incorporates pictorial, graphic, or sculptural features that can be identified separately from, and are capable of existing independently of, the utilitarian aspects of the article.”¹⁰ Thus, it is illegal to imitate Anna Sui’s prints and embroideries, but it is perfectly legal to imitate Jean-Paul Gaultier’s pink satin conical bra outfit (made infamous by Madonna during her 1990 *Blond Ambition* tour).¹¹ In addition, ideas, procedures, processes, systems, methods of operation, concepts, principles, or discoveries are expressly *not* protected by the *Copyright Act*.¹² Though, again, they may be candidates for other protections.

Section 106 of the *Copyright Act* enumerates the “exclusive rights” that copyright holders enjoy. Among the rights notable to copyright holders of textile designs is the right to reproduce the work, prepare derivative works based upon the work,

distribute copies of the work, and display the work publicly.¹³ Someone who wants to exercise any of these rights must obtain the copyright holder’s permission to do so; any unauthorized use constitutes infringement.¹⁴ These exclusive rights, it should be emphasized, are afforded whether or not a work is published or unpublished.

However, a work must be registered with the U.S. Copyright Office before a rights holder can sue for infringement. To put it another way, registration is not required to create a copyright, but it is required to enforce it.¹⁵ Consequently, it is the duty of the rights holder to notify the public of ownership, and it is the duty of the prospective user to determine whether or not a work is protected and to identify its owner.

Unfortunately, it can be extremely complicated and costly to determine whether something is copyrighted or has passed into the public domain. One obstacle is that there is no tool available that allows prospective users to conduct an exhaustive search on a work’s copyright status and ownership. While registration with the U.S. Copyright Office is “most authoritative,” a universal copyright registry does not exist.¹⁶ Thus, even if a prospective user tries to identify a copyright holder, she may not find him because a record of the copyright may not exist. Even assuming that the record does exist, there is no guarantee that the user will ever find it. Imagine how detailed a record would have to be and the kind of authority control that would be needed in order to distinguish one kind of stylized polka dot from another. Imagine the expense involved in creating such a database! Yet, even such a database would be inadequate because without an image of the fabric with which to make a comparison, one could never be sure that the record matches the fabric sample in hand. As a result of these deficiencies, the prospective user is put in an awkward position: she can either use the work (and risk infringing use, however accidentally) or not use the work at all.

As a further challenge, because intellectual property can be sold, assigned, or bequeathed just like any other form of property, ownership rights may be transferred; so, tracking down the owner, especially for older works of negligible commercial value, may be impossible.¹⁷

Finally, the type of work—the physical characteristics unique to its medium—can present special problems for copyright identification. Textile designs are in this category. As visual, artistic expressions, textile designs necessarily lack identifying information. A copyright notice would interfere with the aesthetic of the design, would deface it. Although a copyright notice is usually printed on the selvedge, or border, of a fabric, this part of the material is removed during the manufacturing process, leaving the design itself difficult to source—and easy to pirate.

Given that textile designs are created for the purpose of commercial exploitation (unlike some other artistic works), piracy presents an especial threat to the U.S. textile industry.

The issue

Piracy, or the unauthorized and illegal reproduction or distribution of copyrighted materials, is a problem with which information professionals are already familiar. The term often conjures thoughts of bootlegged DVDs or Napster. Though we tend to think of the movie and music industries as taking the biggest hits due to piracy, the textile industry is similarly affected.

The U.S. textile industry includes about 9,000 companies with combined annual sales of \$60 billion—four times the combined annual revenue of the U.S. music production and distribution industry.¹⁸ Demand for textiles is driven by the domestic apparel industry and consumer demand for home furnishings.¹⁹ Unfortunately, for the last ten years the U.S. industry has been losing jobs as textile manufacturers have followed their customers, apparel manufacturers, to low-wage countries.²⁰ Textile exports total just \$9 billion while textile imports total \$22 billion.²¹ Because the U.S. textile industry is shrinking—the fifty largest companies bring in 60 percent of the total revenue—it is all the more important that these companies protect their intellectual property.²² It is their main competitive advantage.

Another case, *Textile Innovations, Ltd. v. Original Textile Collections, Ltd.*, illustrates how piracy can interfere with commercial markets for a visual work.²³ Textile Innovations, a corporation that designs fabrics and sells them to customers who manufacture them into garments and other products, brought suit against Original Textile Collections, another fabric converter, for imitating its “floral pattern #8025” without Textile Innovations’ consent. Original Textile Collections sold its fabric to E. D. Michaels, a clothing manufacturer, who used the fabric for a dress that was sold by Nordstrom Department Store. According to the defendants, Edward Varon of E.D. Michaels gave them a sample of floral printed fabric and told them that he wanted to order fabric similar to the sample’s design. Fulfilling this request, Original Textile Collections alleged that the fabric sample had no copyright on the selvedge, Varon did not tell them that it was protected, and they believed, having seen the same design on fabric samples from other companies, that the design was in the public domain.²⁴ Because Original Textile Collections was selling its fabric at a price below Textile Innovations’ price, Textile Innovations complained that its fabric had lost its appeal and thus its market value and that its sales were damaged as a result of Original Textile Collections’ infringement.²⁵ Consequently, Textile

Innovations sought statutory damages for the defendants’ willful infringement.²⁶

This case highlights both how easy it is to reproduce a copyrighted design and how difficult it is to prove willful infringement. In this case, even though the floral design was registered with the U.S. Copyright Office, the defendants were able to argue that they did not know that it was protected because their fabric sample had no copyright on the selvedge. Thus, it takes nothing more than a snip of the scissors to create reasonable doubt, that is, to make a protected design look like it could belong to the public domain. As a result, it is difficult for copyright owners to prove willful infringement and collect statutory damages. Since it is the plaintiff’s statutory burden to prove willfulness, and Textile Innovations did not present evidence on its damages or the defendant’s profits, the case was referred to a magistrate judge to conduct an evidentiary hearing and to report and recommend on the proper amount of statutory damages.²⁷

This problem is exacerbated by the large migration of textile and apparel production to overseas manufacturers—where violators are not subject to U.S. jurisdiction. Textile design piracy by foreign manufacturers is a “chronic problem” for the domestic industry and costs textile companies at least \$100 million in lost sales each year.²⁸ To address this issue, a group of specialists from the International Trade Administration, the U.S. Patent and Trademark Office, the U.S. Copyright Office, and U.S. Customs has been formed to work with the industry.²⁹ From May 2002 to May 2003, U.S. Customs seized over \$8 million of apparel in violation of intellectual property rights laws.³⁰ China accounted for 35 percent of this total—a number that accounts for apparel that was seized in violation of intellectual property rights only.³¹ In 2003, U.S. Customs and Border Protection seized a *total* of \$160 million of apparel that was smuggled from China.³² Obviously, a good deal of apparel still makes it through Customs—how else to explain the proliferation of knockoffs? But, again, before a cease-and-desist order can even be granted, the pirated design will have already entered the marketplace, devaluing the original.

It gets worse (almost)

As if that weren’t enough to get textile manufacturers’ Burberry underwear in a wad, the *Orphan Works Act of 2006* (H.R. 5439) was introduced by Rep. Lamar Smith (R-TX) in May 2006.³³ This bill was originally introduced in response to recommendations made by the *Report on Orphan Works* issued by the U.S. Copyright Office in January 2006.³⁴ Orphan works are copyrighted works whose owners are difficult or impossible to identify and/or locate.³⁵ The problem orphan works present

is their inaccessibility, which results when prospective users opt not to use a work because they (1) cannot identify or locate the copyright owner to obtain permission and (2) fear liability for copyright infringement should the owner subsequently appear.³⁶ Thus, the goal of this proposed legislation was “to promote the good-faith use of true orphan works by limiting damages available in the event that an owner appears and the user is subsequently charged with infringement.”³⁷

But by limiting damages, this legislation would effectively eliminate any deterrent to infringe on textile designs. Opportunists could easily obtain a copyrighted fabric (selvedge conveniently missing), conduct a so-called diligent search for the copyright owner in an inexhaustive and poorly designed database of registered copyrights, determine it “orphaned,” replicate it, and make a profit. If, and when, the unscrupulous user is found to have infringed upon this copyrighted design, the copyright owner would be unable to collect actual or statutory damages—only “reasonable compensation” would be due.³⁸

Understandably, when this legislation appeared, the textile industry fought back. On March 13, 2008, Corinne P. Kevorkian, president and general manager of Schumacher, a textile and home furnishings manufacturer, went before the House Judiciary Subcommittee on Courts, the Internet, and Intellectual Property to explain the threats posed by this proposal and insist that textile designs be excluded from the reach of orphan works.³⁹ Her assessment was based on the legislative language of H.R. 5439, which, fortunately for the industry, never passed.

Exclusion of useful articles: H.R. 5889 may save the day

Just one month after this hearing, a revised bill, the *Orphan Works Act of 2008* (H.R. 5889), appeared on April 24, 2008.⁴⁰ Unlike the previous legislation, this bill provided that the limitations on monetary and injunctive relief are *unavailable* to “an infringer for infringements resulting from fixation of a work in or on a useful article that is offered for sale or other distribution to the public.”⁴¹ A “useful article” is defined in the *Copyright Act* as “an article having an intrinsic utilitarian function that is not merely to portray the appearance of the article or to convey information.”⁴² So, both shower curtains and hot pants are considered useful articles. Had H.R. 5889 become law, and were someone to infringe on a design used on such an article, the infringer would not be eligible to claim the limitation on the remedies for infringement. Although H.R. 5889 died, the related bill, S. 2913, which was amended to include this exception, passed the Senate on September 26, 2008.⁴³ While this legislation did not become law, the upside

is that Congress actually listened to Kevorkian’s complaints and heeded her recommendations.

For now, the U.S. textile manufacturing industry is relieved of any additional threats, on the copyright front, to its future viability. Nonetheless, continued vigilance is required in order to protect above-average polka dots and other original designs from piracy. As tedious and trivial as this may sound, it cannot be denied that the textile industry affects all of us. If we are not the designers, manufacturers, or factory workers, we are the consumers of textiles. For this reason alone, we can appreciate that intellectual property law exists and recognize the need for balancing the rights of copyright holders with the interests of the public good. The next time you pull out a potholder from your kitchen drawer or hang up your bathroom towel, I hope that you too wonder about its design and ponder the complexity of how that useful article came into being.

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The Politics of Eating

The History of the Dietary Guidelines for Americans

Veronica Vichit-Vadakan

Every five years since 1980, the United States Department of Agriculture (USDA) and the Department of Health and Human Services (DHHS) jointly publish a document called *Dietary Guidelines for Americans*. It is revised regularly in order to encompass the latest research into health, diet, and nutrition, and to make the most beneficial recommendations to Americans on maintaining healthy diets. And with every new publication of the report, scientists, researchers, food industry executives, farmers, and nutritionists debate and examine these guidelines and discuss their effects on business and on the health of Americans. As the publication deadline for the seventh edition of the *Dietary Guidelines for Americans* approaches in 2010, it is an ideal time to look at how these guidelines have evolved over the years and what controversies have arisen because of them. Perhaps this historical perspective will inform our understanding of the new guidelines when they are published.

The first version of the *Dietary Guidelines for Americans* was published in 1980, but the history of federal nutrition recommendations goes back much further. The USDA issued its first set of nutritional guidelines in 1894.¹ The report focused on consuming an ample and balanced diet composed of many different types of food. Here, the main goal was to ensure adequate nutrition and overall dietary balance. Over the next several decades, the USDA would expand on this theme, creating more detailed reports aimed at different segments of the population to ensure good health and proper nutrition.²

This mission expanded when the Committee on Food Habits, established by President Franklin Roosevelt in 1940, was tasked with creating dietary standards and expanding nutrition education at a time when the people of the United States had been undernourished throughout the Great Depression.³ The committee continued its efforts through World War II, and because of the wartime restrictions the reports continued to focus on how to maximize nutritive and caloric value from a minimum of food.⁴ The guides published

by the Committee on Food Habits were targeted at women who were identified as the “nutritional gatekeepers” for the family, and included practical ways of meeting the family’s nutritional needs, such as recipes and shopping strategies. As such, they were very popular in households throughout the country into the 1950s.⁵

Whereas the main concern of earlier decades had been breadlines and food rationing, by the 1970s there was now another, greater public health concern: cardiovascular disease. Heart disease had become the number one killer of Americans and research suggested that the cause may be a high-protein, high-calorie diet, the very kind of diet that had been supported by the earlier federal dietary recommendations. It was at this time the USDA began to collaborate with the DHHS on a report that would give clear guidance to Americans on nutritional health.

These new educational materials were significantly different than what had preceded them because the focus now was restriction and restraint. As such, the report emphasized that these guidelines were solely for Americans and were not to be used for nutritional education efforts in other parts of the world. The committee emphasized that restricting calories, especially by limiting fat and sugar intake, was workable only for Americans who had a high-calorie, high-fat diet.⁶

At the time of the second revision of the *Dietary Guidelines* in 1985, it became clear that regular revisions would be needed as scientific research provided new information on the effects of diet and exercise changes. The introduction to the publication states that “Some of the confusion about what to eat exists because we don’t know enough about nutrition to identify an ‘ideal diet’ for every individual . . . [but] research seeks more information about the amounts of essential nutrients people need and diet’s role in certain chronic diseases.”⁷ Because nutrition research is constantly being reviewed and revised, the updating process became codified by Congress in 1990 through Public Law 101-445, the *National Nutrition*

Monitoring and Related Research Act. This act requires the USDA and the DHHS not only to make revisions to the document every five years, but also to create educational materials that will aid in implementing the program.⁸

To comply with the mandates of P.L. 101-445, the USDA created the Center for Nutrition Policy and Promotion (CNPP). Its goals would be to study American diet habits, develop recommendations for a healthy diet, and promote those recommendations through education and marketing. Chief among its tasks is to revise and publicize the *Dietary Guidelines*. With this new funding, organization, and political support, the CNPP was well poised to effect meaningful change in the eating habits of Americans.

By the early 1990s, more Americans were cutting back on their high-fat, high-protein diets due, in part, to the federal guidelines and also to increased media coverage of coronary disease and its possible causes.⁹ Due in large part to this increased awareness, deaths by heart disease had decreased by nearly 25 percent in the ten years since the CNPP started publishing its guidelines.¹⁰ But related diseases such as diabetes, obesity, and high blood pressure were gaining ground. Thus the CNPP searched for a way to spread its message more effectively. In 1992, the CNPP created and released the Food Pyramid, a graphic that clearly illustrated the committee's recommendations for how Americans should distribute their daily calories (figure 1). The base of the pyramid was labeled "Bread, Cereal, Rice and Pasta," the second layer was "Vegetables and Fruits," above that were milk and meat products, and the very top of the pyramid was labeled "Fats, Oils and Sweets," which



Figure 1. The 1992 Food Guide Pyramid, which illustrates that an American's diet should consist of a large base of grains, a smaller amount of fruits and vegetables, then a smaller amount of proteins, and finally, a "sparing" amount of fats and sugars.

came with the admonition to "use sparingly."¹¹ This graphic was easy to understand, easy to reproduce, and quickly became ubiquitous in school rooms, doctors' offices, and government buildings. But within the next ten years it became apparent that something was wrong. The number of people with diabetes

skyrocketed from 7.3 million in 1992 to more than 12 million in 2000, an increase of 65 percent.¹² The Centers for Disease Control reported in 2004 that fully two-thirds of Americans were either overweight or obese and that many of these people suffered from the effects of excess weight with diseases such as

diabetes, cancer, heart disease, and more.¹³ In the early 2000s, several research studies indicated that the culprit may have been the very diet advocated by the Food Pyramid and the *Dietary Guidelines*. A diet heavy in refined starches, meats, and sugars was closely correlated with increases in obesity and diabetes.¹⁴ With this new research circulating, many nutritionists and medical professionals looked to the publication of the 2005 *Dietary Guidelines* to address this problem. The hope was that the new report would respond to the latest scientific knowledge about nutrition and include information about avoiding a carbohydrate-heavy diet, differentiating between healthy and unhealthy fats (in particular, trans fats were shown to be especially harmful), and favoring a whole grain and plant-based diet. The assembled advisory committee consisted of several well-respected academicians, medical researchers, and nutritionists, and hopes were high that their input would create an easy-to-follow, scientifically accurate structure that would ameliorate the health epidemics caused by poor eating habits.

Many people were disappointed in the 2005 guidelines once published, however.¹⁵ The final document, written by USDA staffers, not the independent advisory committee, referred to, but did not include, much of the committee's advice. For example, the guidelines did include mention of whole grains, but still advocated consumption of much more refined grains than contemporary research suggested was prudent.¹⁶ Another point of contention was that the guidelines also continued to group all proteins together without differentiating red meats (which were associated with higher risks for certain types of cancer) from poultry or fish or even nuts and beans, which have been shown to have extensive beneficial qualities.¹⁷ Many nutritionists also argued that the recommended caloric intake was much too high for the average sedentary American.¹⁸

Especially disconcerting to many nutrition educators was that the new guidelines continued to use the pyramid graphic popularized by the 1992 food guide, but no longer used the metaphor of a pyramid to illustrate the recommendations. Instead of drawing bands of food groups horizontally across the pyramid, now stripes of color running vertically to the tip of the pyramid became an abstract representation of eating many different kinds of foods (figure 2). Even more troubling, the graphic, unlike the 1992 pyramid, did not include any suggestions in and of itself; rather, it was meant to be a reminder to visit the CNPP's new website, dubbed MyPyramid.gov, in order to gain more information about the diet right for one's own particular body type or physical state. This meant that the recommendations would not reach people without Internet access.¹⁹



Figure 2. The new 2005 pyramid, which no longer emphasizes having a base of grains for a healthy diet.

To understand why the USDA would persist in promoting certain foods despite the scientific evidence, one must first understand the history of the department. When President Lincoln created the USDA in 1862, he called it the “People’s Department,” indicating his desire that the department would represent the needs of the American people, more than half of whom were farmers.²⁰ Initially, the USDA was focused on aiding farmers and making sure Americans were ample consumers of America’s high-quality produce. As the country shifted from an agrarian to an urban society, the focus of the USDA would shift as well; not only would they represent the farming families themselves, but also the large corporations that had taken over much of the agricultural business in the United States, and they would also become more involved in promoting these products to the American people.

In 1939, the USDA created the Agricultural Marketing Service (AMS), which would be responsible for promoting the products of American agriculture. There are currently several dozen councils administered by the USDA AMS that advertise products ranging from beef and milk to peanuts and potatoes. These councils have created several extremely successful marketing campaigns such as “Beef: It’s What’s for Dinner” and “Got Milk?” that have both become iconic advertisements.²¹

During the creation of the 2005 *Dietary Guidelines*, pressure from lobbyists representing these councils and other commercial interests was intense. A *Wall Street Journal* article covering the creation of the 2005 report described the atmosphere as “frenzied” and said, “Every aisle of the supermarket has a lobbyist in town.”²² When the final report emerged without major revision from the 2000 guidelines, many nutritionists pointed to the lobbyists and the USDA’s investment in the economic well-being of these industries as the reason for their reluctance to advise against corporate interests. Because many of these groups were in fact the clients of the USDA AMS, the appearance of conflict of interest was unavoidable.²³

With so much concern about the quality of the recommendations and increasing worry about the obesity epidemic since the 2005 publication, Congress has taken a more active role in nutrition education efforts. Several bills have been introduced, and many passed, that mandate increased information for the consumer, including labeling of trans fats content and menu labeling for chain restaurants. The obesity epidemic

has also encouraged congresspeople to submit bills promoting greater dietary education and encouragement of physical activity. Then Senator Barack Obama (D-IL) introduced one such bill in 2007 called *Back to School: Improving Standards for Nutrition and Physical Education in Schools*, but it never made it out of committee after several readings.²⁴

It is in this environment of heightened awareness of the problems caused by this health crisis that the Dietary Guidelines Committee of 2010 now works toward its new publication. Nutritionists who criticized the last report have several reasons to be hopeful that their concerns will be addressed, not the least of which is a president who has expressed support for expanded nutrition education.

In addition, the CNPP has already taken several steps to let the public know that it will take these concerns seriously and has indicated we can expect a different kind of report when it is issued next year. First, the CNPP’s executive director for much of the revision process was the highly respected nutritionist Brian Wansink who is both an academic researcher and best-selling author of books about American eating habits. He was responsible for assembling the 2010 *Dietary Guidelines* advisory committee and the result is a group of highly capable leaders in the field of nutrition education who do not have strong ties to the food industry.²⁵ Second, the CNPP is trying to increase transparency of the project as much as possible by posting reports on its website as they become available and by webcasting its public meetings, which are also archived on the CNPP website.²⁶

Finally, the CNPP realized that the publication of the *Dietary Guidelines* by itself cannot change American eating habits and thus has been developing a number of auxiliary programs to bolster its findings. Harkening back to the 1940s-era Committee on Food Habits, the flagship program is called Mothers & Others & MyPyramid (MOM), which is once again aimed at the “nutritional gatekeepers” in a household—typically this is a mother who makes food purchasing and preparation choices for the entire family.²⁷ By targeting this segment of the population, the CNPP hopes to affect the largest number of people with a limited amount of resources. The tools in the MOM program include menu planners, cost calculators, and information about prenatal and neonatal nutrition. The hope is that MOM will see as much acceptance and success as its predecessor from the last century.

Even with these new initiatives coming out of the CNPP, there are some concerns that the 2010 publication may fall into the same trap as previous guidelines. Many of the same issues that have plagued past revisions remain—one in particular is the USDA’s close ties to the food industry. For example,

author Michael Pollan, well-known for his books critiquing the state of the American food industry, decried the appointment of the current USDA secretary, Tom Vilsack, as “agribusiness as usual,” citing Vilsack’s work on behalf of large agricultural corporations.²⁸ The USDA also continues to support industrial farming with subsidies and marketing services. These needs of industrial food producers can sometimes be at odds with the best health advice for Americans, especially since so much of the American agricultural industry is focused on grains, meat, and processed foods, the kinds of foods nutritionists have most wanted reduced in the guidelines.

A look at the public comments already submitted to the 2010 committee demonstrates that the lobbyists for the biggest food industries in America are again hard at work trying to influence the committee’s decision-making process. The majority of the several hundred comments already posted are from private citizens, but their comments tend to be short, impassioned statements about their beliefs about the best diets.²⁹ These comments rarely run more than a few sentences. In contrast, the industry submissions are usually lengthy documents backed by privately-funded research and ample statistics. For example, the Corn Refiners Association submitted a 172-page PDF with academic articles and extensive research, all of which argue that there is no harm in consuming refined corn products and in fact that corn sugars may be more beneficial than other kinds of sugar.³⁰

While Americans may not precisely follow the *Dietary Guidelines*, its recommendations have a big impact on their consumption habits. For example, when the 2005 guidelines were released and they recommended an increased intake of whole grains, the purchase of whole grains increased by 23 percent that year and have been on an upward swing ever since.³¹ Therefore, the medical establishment hopes that with the publication of the newest guidelines they will be able to revise more problematic suggestions and put the new report more in line with current scientific research. If that happens, there’s good reason to believe that Americans’ health will improve as a consequence.

The 2010 *Dietary Guidelines* committee has been holding regular meetings since late 2008 and will continue to meet through the end of 2009. Public comment will remain open throughout the process until the summer of 2010. The final report is expected to be released in the fall of 2010. Until then, there will certainly be more advocacy from commercial, medical, educational, and agricultural interests. At this point, the only thing that is certain is that the new guidelines will please some and anger others. One can only hope that they will also have the effect of improving the health of Americans.

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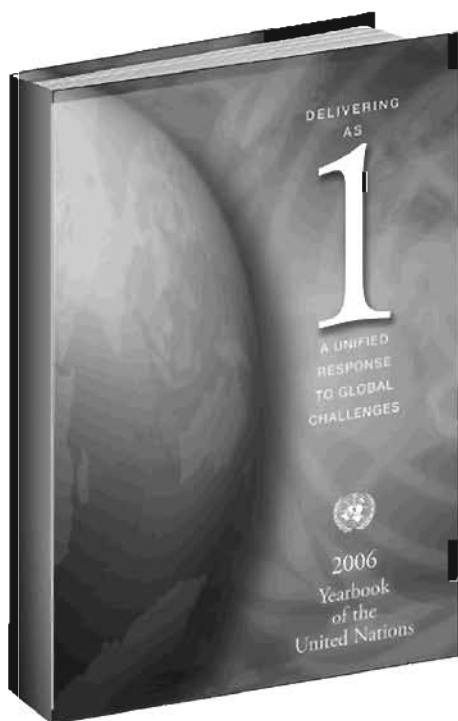
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The *American Alien Tort Statute of 1789* and its Evolution as a Forum for International Human Rights Abuses

Barbara Sue Hughey

In 1789, just two years after the adoption of the U.S. Constitution and two years before the ratification of the Bill of Rights, George Washington signed the *Judiciary Act* into law. This act established the federal judicial system of the United States, much of which remains unchanged. Included in its twenty pages and thirty-five sections is the following sentence, which has become known as the *Alien Torts Claims Act* or the *Alien Torts Statute* (ATS): “And (the district courts) shall also have cognizance, concurrent with the courts of the several States, or the circuit courts, as the case may be, of all causes where an alien sues for a tort only in violation of the law of nations or a treaty of the United States.”¹ The statute has since been codified and currently reads: “The district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States.”²

The statute itself gives three conditions that must be satisfied for it to apply: (1) the plaintiff must be an “alien” (non-American); (2) the complaint must be a tort (any wrongdoing for which an action for damages may be brought, excluding contractual obligations); and (3) there must be a breach of “the law of nations or a treaty of the United States.” Although relatively idle for almost 200 years, in the last three decades the ATS has evolved into a key tool for prosecutors of human rights violations around the world. This process has met with both resistance and support on the domestic front and abroad. Executive opinion of the use of the statute has varied with each administration since President Carter’s, and the same vacillation has occurred as use of the statute has progressed through the U.S. court system.

Legislative intent

When faced with ambiguity in the interpretation of legislation, the accepted practice is to turn to legislative intent. To determine legislative intent, researchers turn to supporting documents from the time of the creation of the legislation. Such materials often include debates on the issue, related speeches, and reports. Unfortunately, no primary documentation exists regarding the motivation for the establishment of the ATS and we are left with only the words of the statute itself to guide us. A 2003 Congressional Research Service report on the legislative history of the ATS offers the goal of protecting foreign diplomats as a motivation of the ATS and describes two events that may offer some insight into its creation.³ In 1784, French Consul General Francois Barbe-Marbois was assaulted in the streets of Philadelphia by another Frenchman. The attack, and the fledgling government’s inability to efficiently deal with the situation, resulted in a diplomatic brouhaha with the French. A few years later, another uproar resulted when police in New York arrested a servant at the home of the Dutch ambassador. The arrest was seen as a violation of diplomatic immunity.

Other legal scholars support the idea that the ATS was, in effect, an act of national security by creating a legal recourse for foreign nationals at a time when the young nation was vulnerable to war.⁴ A passage from Alexander Hamilton in *The Federalist* expresses this concern: “As the denial or perversion of justice by the sentences of courts, as well as in any other manner, is with reason classed among the just causes of war, it will follow that the federal judiciary ought to have cognizance of all causes in which the citizens of other countries are concerned.”⁵ The lack of clear understanding of the statute’s intended goal

has been a source of divergence among the courts faced with cases in which the ATS is invoked.

Entry of the ATS into the contemporary legal arena

After decades of disuse, the ATS came to popular attention in 1980 with the *Filártiga v. Peña-Irala* case. In this case, Dr. Joel Filártiga and his daughter Dolly filed suit against Américo Norberto Peña-Irala for the wrongful death of their son and brother Joelito Filártiga in Paraguay in 1976. The Filártigas claimed that Peña, at the time inspector general of police in Asunción, Paraguay, tortured Joelito to death in retaliation for the political (anti-governmental) views and activities of Dr. Filártiga. Dr. Filártiga filed murder charges in Paraguay that were unavailing and as a result of which the Filártigas' attorney was allegedly imprisoned, threatened with death, and later disbarred. Dolly was later living in the United States when she learned that Peña was also living there. She alerted Immigration Services and while Peña was being detained, lodged a civil complaint against Peña with the aid of the Center for Constitutional Rights, a Manhattan-based nonprofit legal organization founded during the civil rights movement. The complaint was grounded on the ATS and was initially dismissed by a district court on the grounds that the "law of nations" did not include jurisdiction over the way in which a state treats its own citizens. The case was appealed, however, and a circuit court ruled that under ATS the court did have jurisdiction: "In light of the universal condemnation of torture in numerous international agreements, and the renunciation of torture as an instrument of official policy by virtually all of the nations of the world (in principle if not in practice), we find that an act of torture committed by a state official against one held in detention violates established norms of the international law of human rights, and hence the law of nations."⁶

The case was heard and the Filártigas were eventually awarded a settlement of over ten million dollars, none of which was ever paid. In addition to determining that torture is against the "law of nations," the Filártiga case also set the precedent that complaints against actions occurring outside of the United States can be heard in American courts. Thus, a forum was created in the U.S. judicial system for cases involving non-American litigants occurring outside of American soil.

Congressional support for the ATS through the *Torture Victim Protection Act*

Passed in 1992, the *Torture Victim Protection Act* (TVPA) authored by Senator Arlen Specter (then R-PA) supported

many of the premises of the ATS and sought to

eliminate any uncertainty here, and would complement the ongoing litigation efforts under the Alien Tort Claims Act by providing a clear federal right of action against torturers or those who have engaged in political killings who are physically present in the United States. This bill confirms the existence of the right of aliens who have been victims of gross human rights abuses to bring suit and extends this same right to U.S. citizens. The legislation would serve notice to individuals engaged in human rights violations that the United States strongly condemns such actions, and will not shelter violators from being held accountable for civil damages in the U.S.⁷

This bill was passed and is viewed by many as congressional support for the ATS and its use as a tool for prosecuting human rights violators. In the above excerpt of the hearing on the TVPA we can see some of the issues of vagueness and ambiguity of the ATS being addressed.

Doe v. Unocal

In the last days of 1996, a group of Burmese citizens became the first to use the ATS to bring a case against a corporation.⁸ In this case, the Burmese citizens claimed that Unocal, a California-based company, should be held liable for atrocities committed by the Burmese military while hired as security during the construction of a gas line in Myanmar. The Los Angeles federal court dismissed the case on the grounds that for the company to be liable under the ATS, it had to have wanted the crimes to be committed. However, on appeal, the Ninth Circuit Court of Appeals granted that the plaintiffs did have a case under ATS and the trial was allowed to proceed. The U.S. Department of Justice (DOJ), at the urging of President George W. Bush, filed a brief of *amicus curiae* outlining some of the concerns of ATS opponents.

In recent years, however, the ATS has been commandeered and transformed into a font of causes of action permitting aliens to bring human rights claims in United States courts, even when the disputes are wholly between foreign nationals and when the alleged injuries were incurred in a foreign country, often with no connection whatsoever with the United States . . . Wide-ranging claims the courts have entertained regarding the acts of aliens

in foreign countries necessarily call upon our courts to render judgments over matters that implicate our Nation's foreign affairs. In the view of the United States, the assumption of this role by the courts under the ATS not only has no historical basis, but, more important, raises significant potential for serious interference with the important foreign policy interests of the United States, and is contrary to our constitutional framework and democratic principles . . . As interpreted by this Court in previous decisions, the ATS thus places the courts in the wholly inappropriate role of arbiters of foreign conduct, including international law enforcement. Where Congress wishes to permit such suits (e.g., through the TVPA), it has done so with carefully prescribed rules and procedures. The ATS contains no such limits and cannot reasonably be read as granting the courts such unbridled authority . . . For the foregoing reasons, this Court's prior ATS precedents should be overruled, and this case should be remanded for application of a more limited construction of the statute.⁹

A final ruling was never heard in the case, as on December 13, 2004, Unocal announced that an out-of-court settlement with the litigants had been arranged. While the specifics of the settlement remain unknown, human rights activists consider this a victory.

A shift in interpretation

Another landmark case in the interpretation of the ATS is *Sosa v. Alvarez-Machain*. This 2004 case using the ATS as one of its bases for action made its way to the Supreme Court after two appeals. In this case, the Drug Enforcement Agency (DEA) believed Humberto Alvarez-Machain, a Mexican citizen, was involved in the murder of a DEA officer. The DEA, however, was unable to convince the Mexican government to extradite Alvarez-Machain and instead had him kidnapped and brought to the United States. Alvarez-Machain, after going to the U.S. Supreme Court, was eventually found not guilty by lack of evidence. Alvarez-Machain then filed a series of civil suits, one against the U.S. government and another against the Mexican nationals that were hired to kidnap him. The federal district court dismissed the claim against the U.S. government, but held that one of the men responsible for kidnapping Alvarez-Machain, Jose Francisco Sosa, had violated international law and could be held accountable under ATS. The case was appealed to the Ninth Circuit Court of Appeals, which upheld

the lower court's ruling regarding ATS, but reversed the ruling regarding the liability of the U.S. government. On appeal again, the case was heard by the Supreme Court, where both arguments of the case were dismissed. The failure under the ATS was a result of the court's belief that "it is enough to hold that a single illegal detention of less than a day, followed by the transfer of custody to lawful authorities and a prompt arraignment, violates no norm of customary international law so well defined as to support the creation of a federal remedy."¹⁰

While this ended litigation for this particular case, it did not address concerns presented in the brief entered by the DOJ in the *Doe v. Unocal* case, nor did it clarify matters for pending or future cases arguing under the ATS. In fact, opinions over the use of ATS were so divided that the case resulted in the writing of three concurrent opinions (by Scalia, Ginsburg, and Breyer) in addition to the opinion presented by Justice Souter.

An attempt at clarification

In an effort to address some of the concerns expressed by the DOJ and the Supreme Court in the *Sosa v. Alvarez-Machain* case, on October 17, 2005, Senator Diane Feinstein (D-CA) introduced the *Alien Tort Statute Reform Act*. In addition to her observation that "confusion reigns supreme when it comes to alien tort suits," Feinstein also quoted the literal costs of the ATS, stating that "there are estimates that dozens of existing alien tort suits claim damages—collectively—in excess of \$200 billion dollars."¹¹ The reform act followed many of the specifics set out by the TVPA while trying to preserve the essence of the ATS. Feinstein's legislation proposed enumerating the torts to be claimed under ATS to include: genocide, torture, slavery and slave trade, extrajudicial killing, and piracy. She also included provisions for exhaustion of local remedies in the country in which the offense(s) occurred and a stipulation that the ATS shall not apply in cases where the executive branch foresees a threat to the foreign relations of the country. Despite the similarities between Feinstein's proposed legislation and that of the TVPA she received sharp criticism from the human rights community and ten days later withdrew the amendment.

Looking toward the future

While there are currently cases being tried under the ATS, interpretations by the judiciary remain unpredictable in the absence of clear legislative guidance. In the meantime, human rights lawyers and activists are trying to take advantage of the forum that the ATS provides. As each change of administration has brought in new support or opposition for the use of the ATS, we can be certain that the international community

and the American judiciary are waiting for signs from the new administration of what may lie ahead.

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Reparations for Past Mistakes

Atoning for the Internment of Japanese Americans During World War II

Amy D. Coughenour

From the late 1940s to the 1990s, the U.S. government sought to repair the damage caused by the evacuation, relocation, and internment of Japanese Americans and permanent resident aliens during World War II. These reparations encompassed a variety of approaches, starting small in the late 1940s and 1950s and expanding in the 1980s.

Background

Because the reparations responded to actions that took place before and during World War II, a review of the events assists in understanding the need for redress. Two reports, written in 1982 and 2000, compiled much of this information: *Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians* and *Confinement and Ethnicity: An Overview of World War II Japanese American Relocation Sites*.¹

West Coast prejudice prior to World War II

Before World War II, many residents of the West Coast states were already antagonistic toward people of Japanese ancestry. Much of this antagonism rose from fear and misunderstanding of Japanese culture as well as competition in labor and agriculture, as Japanese immigrants gained ground in successfully growing produce and entering the marketplace. These fears and resentments led to legislation that prevented Japanese immigrants from attaining American citizenship and limited the number of Japanese allowed to immigrate to the United States.² In an article written in 1943, Eleanor Roosevelt stated that “long before the war, an old Japanese man told me that he had great grand-children born in this country and that he had never been back to Japan, all that he cared about was here on the soil of the United States, and yet he could not become a citizen.”³ This statement illustrates the situation in which many ethnic Japanese found themselves as the war began.

The relocation centers

After the attack on Pearl Harbor, West Coast residents became

more agitated and fearful, putting political and social pressure on their legislative and military leaders to remove people of Japanese ancestry.⁴ On February 19, 1942, President Roosevelt issued Executive Order 9066, which empowered the secretary of war to reserve geographic areas for the military and to decide which people could “enter, remain in, or leave” those areas.⁵ This established the military’s ability to order the evacuation, relocation, and internment of Japanese Americans and permanent resident aliens.

According to reports and other statistical data gathered by the Commission on Wartime Relocation and Internment of Civilians, from 1942 to 1946 the War Relocation Authority managed 120,313 people in ten relocation centers in Arizona, Arkansas, California, Colorado, Idaho, Utah, and Wyoming.⁶ The majority of evacuees came from Wartime Civil Control Administration Assembly Centers (90,491) or direct evacuation (17,915), in addition to those children born in the centers (5,981). As they were released from the centers, many of the people relocated back to the West Coast, but not in the same numbers (54,127). Many others moved to other areas of the United States or to the then territory of Hawaii (52,798).

The release of the evacuees came after Public Proclamation 24, which the military issued on September 4, 1945.⁷ This proclamation retracted all previous orders calling for the evacuation of people of Japanese ancestry from the military areas of the West Coast and stated that the returning people should be treated the same as all other “law abiding American citizens or residents.” However, the proclamation also explicitly stated that convictions and sentences that took place during the internment would remain unchanged.⁸

Losses

The evacuation and internment of Japanese Americans and resident aliens created economic, occupational, social, and emotional loss for the evacuees. The economic costs came when individuals lost homes and belongings either because they

were forced to sell property below its value or because vandals destroyed property kept in storage. Many Japanese Americans were unable to continue in their chosen professions or lost their businesses.⁹ Also, the policies in the War Relocation Authority centers changed the social structure of the families. Before the internment, the elders led Japanese American families and held community leadership roles. Because many of these elders spoke little or no English, they were stripped of their roles in the centers, and many never regained their social positions after the war.¹⁰

In 1981, hearings held by the Commission on Wartime Relocation and Internment of Civilians revealed personal stories about the internment's effect upon Japanese Americans. June Kizu, who spoke on behalf of the Southern California Chapter of the National Coalition for Redress and Reparations, emphasized the effect upon generations: "What the Isseis [Japanese immigrants to America] worked hard to pass on to their families was stripped away."¹¹ Alan Nishio, who spoke on behalf of the Little Tokyo People's Rights Organization, explained the changes that occurred in Los Angeles' Little Tokyo, where Japanese people from surrounding areas had gathered before the war. "For most Japanese, all facets of life revolved around the community which kept alive cultural traditions in a hostile land. The evacuation destroyed Little Tokyo."¹² He also stated that

camp policies created divisions amongst people—first generation Japanese were pitted against second generation, citizens against non-citizens (most of whom were barred by law from seeking citizenship), English-speaking against Japanese-speaking, parents against children, and friends against friends—often due to rumors of informers and questions of loyalty . . . The values, culture, family structure, and loyalty of an entire people were challenged.¹³

Individual attempts to correct injustices

A few Japanese Americans tried to individually correct injustices by filing lawsuits against the government. One example is Fred Korematsu, who originally "was charged and convicted of knowingly remaining" in a military area.¹⁴ The U.S. Supreme Court upheld his conviction, but on April 19, 1984, in *Korematsu v. United States*, the U.S. District Court for the Northern District of California granted his "petition for a writ of *coram nobis*" because the federal government intentionally withheld conflicting information in the cases that led to and upheld his conviction.¹⁵ In the conclusion, Judge Marilyn Patel stated that "the judicial process is seriously impaired when the government's law enforcement officers violate their ethical obligations to the court."¹⁶ While the original Supreme Court

decision allowing for the exclusion of people due to military necessity remained, the district court made a point of stating that the case was limited to that one issue and had greater historical value as an educational tool and "a caution that in times of international hostility and antagonisms our institutions, legislative, executive and judicial, must be prepared to exercise their authority to protect all citizens from the petty fears and prejudices that are so easily aroused."¹⁷

Government reparations

The government slowly began to recognize the need to repair the damages experienced by Japanese Americans and permanent resident aliens. This recognition ranged from attempting to provide economic compensation; to forming a commission to investigate the actions carried out according to executive, legislative, and military orders; to providing broader economic relief, acknowledgment of inappropriate and discriminatory actions, and education to prevent future similar events.

Economic Compensation for Property Damages

Congress passed the *Japanese-American Evacuation Claims Act* in 1948 to provide economic compensation to people of Japanese ancestry "for damage to or loss of real or personal property . . . that is . . . a reasonable and natural consequence of the evacuation or exclusion of such person[s] by the appropriate military commander from a military area in Arizona, California, Oregon, or Washington."¹⁸ Originally, claims could not exceed \$2,500, and some of the original duties of the attorney general slowed down the process. However, amendments changed the attorney general's role and involved the Court of Claims, both of which expedited the process. Congress also increased the amount eligible to be claimed to a level not to exceed \$100,000.¹⁹ These changes helped provide economic relief; however, they did not address the mental and emotional harm inflicted on the Japanese Americans and permanent resident aliens, nor did they remedy the effects of occupational and professional losses. In fact, the act specifically stated that it would "not consider any claim . . . for damage or loss on account of death or personal injury, personal inconvenience, physical hardship, or mental suffering; and . . . for loss of anticipated profits or loss of anticipated earnings."²⁰

Official Review of the Relocation and Internment

In 1980, Congress established the Commission on Wartime Relocation and Internment of Civilians to perform three primary functions:

1. Review the facts and circumstances surrounding Executive Order Numbered 9066, issued February

- 19, 1942, and the impact of such Executive Order on American citizens and permanent resident aliens;
2. Review directives of United States military forces requiring the relocation and, in some cases, detention in internment camps of American citizens;
3. Recommend appropriate remedies.²¹

The commission published its report *Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians* in 1982 after gathering information from both firsthand accounts—via hearings and testimony from surviving “evacuees, former government officials, public figures, interested citizens, and historians and other professionals who have studied the subjects of Commission inquiry”—and from written works covering a variety of viewpoints, such as government and military documents, civilian works, and press articles.²² The commission noted that many of the works they studied were secondhand sources, in that they did not review every newspaper article or report from the time period, relying instead on a variety of other sources that summarized such writings.²³

The commission’s report explained the social context of the time period leading up to World War II, followed by details regarding the evacuation, relocation, and internment of the people of Japanese ancestry, and concluded with related events up to the time of publication.²⁴ Throughout the report, the commission reiterated its findings that the evacuation, relocation, and internment of the people of Japanese ancestry occurred as a result of “race prejudice, war hysteria and a failure of political leadership.”²⁵

Public Recognition, Apology, Compensation, and Education

About six years later, Congress responded to the commission’s findings by enacting the *Civil Liberties Act of 1988*, which publicly recognized and apologized for its involvement in the evacuation and internment of people of Japanese ancestry.²⁶ This time, the reparations went further than before, providing \$20,000 to each eligible Japanese American internee still living when the act became law. The act required payments to be made “in the order of the date of birth” in an attempt to reach everyone while they were still alive.²⁷ In cases of individuals who died before they were able to receive payment, their surviving family members received the payment instead.²⁸ According to table 11.3 in *Historical Tables, Budget of the United States Government Fiscal Year 2008*, the United States government paid \$1,650,000,000 to the evacuees of Japanese ancestry from fiscal years 1991 to 1999.²⁹

While Public Proclamation 24 declared that all convictions from the internment period would stand, the *Civil Liberties Act* asked the attorney general to look over such conviction cases for those people who were still alive when the act became law, and to make suggestions to the president for pardons as appropriate. The act also asked the president to consider such pardon requests.³⁰

A Congressional Research Service report, *Redress for Japanese Americans under the Civil Liberties Act of 1988: Questions and Answers*, provided answers to a question regarding ineligibility.³¹ Originally, the act did not provide compensation for the few Americans who were not of Japanese ethnicity but who were interned with their children or spouses. The Justice Department requested this to be changed, which Congress achieved through the *Civil Liberties Act Amendments of 1992* when it modified the act by including the phrase “or the spouse or a parent of an individual of Japanese ancestry.”³² However, the act did not provide compensation to those Japanese Americans who were interned but died before the act became law, or to their surviving relatives. Other ineligible people included those who chose to relocate to countries “at war with the United States” as well as “children born after their parents had voluntarily relocated from the prohibited zones or had departed from relocation centers or internment camps.”³³

This act also called for public education focused on the events of the Japanese American internment. The National Park Service’s report, *Confinement and Ethnicity: An Overview of World War II Japanese American Relocation Sites*, provided information for a requested national landmark theme study and promoted public education in its review of the physical sites of the relocation centers.³⁴ The authors began the report with a descriptive background of the relocation program and set aside a chapter for an article written by Eleanor Roosevelt after she visited the Gila River Relocation Center in Arizona in 1943. The report brought together information and education about both the people and the places of the relocation centers, creating another source for learning about what happened.

Conclusion

As Eleanor Roosevelt said in her essay about the relocation centers, “to undo a mistake is always harder than not to create one originally but we seldom have the foresight.”³⁵ The U.S. government discovered this during the long process of atoning for and seeking to repair the injustices experienced by the people of Japanese ancestry. Individual government documents serve to highlight how and when events in the evacuation and internment took place, to show the types of reparations provided, and to play a role in preventing future discriminatory

actions through requirements such as the ones found in the *Civil Liberties Act of 1988*, calling for the preservation of information for the access and teaching of future generations.³⁶

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19. *Personal Justice Denied*, chapter 6.
20. *Japanese-American Evacuation Claims Act of 1948*, 62 Stat 1231.
21. *Personal Justice Denied*, summary.
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24. *Personal Justice Denied*.
25. *Personal Justice Denied*, summary.
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27. Ibid., 906–907.
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29. U.S. Office of Management and Budget, *Historical Tables, Budget of the United States Government Fiscal Year 2008* (Washington, D.C.: Government Printing Office, 2007), 222–225, table 11.3, "Outlays for Payments for Individuals by Category and Major Program: 1940–2012."
30. Public Proclamation no. 24; *Civil Liberties Act of 1988*, 102 Stat 905.
31. James Sayler, *Redress for Japanese Americans under the Civil Liberties Act of 1988: Questions and Answers*, Congressional Research Service Report No. 90-488 GOV (Washington D.C., Sept. 28, 1990), 16.
32. *Civil Liberties Act Amendments of 1992*, 106 Stat 1167.
33. Sayler, 16–17.
34. Burton, et al.
35. Roosevelt, "To Undo a Mistake," Chapter 2 in Burton, et al.
36. *Civil Liberties Act of 1988*, 102 Stat 909.

Review

The Complete World Development Report, 1978–2009: 30th Anniversary Edition. World Bank, 2008. \$250.00 (Single User), \$500 (Multiple User). ISBN: 978-0-8213-7270-8 (Single User), 978-0-8213-7271-5 (Multiple User).

The World Bank's annual *World Development Report (WDR)* is a very important resource for those interested in economic development on an international scale. Each year, the *WDR* focuses on a particular aspect of development, meaning that researchers may need to search through several editions to find the information they need. This is where the *Complete World Development Report (1978–2009)* on DVD comes in.

To celebrate the thirtieth anniversary of the *WDR*, the World Bank created a DVD archive of these reports that offers users a variety of ways to find and access information in them. By clicking on the Browse by Title tab, the researcher can glance over a chronological list of the past thirty years of *WDRs*. Each item lists the year and title of the report, as well as a summary of the report itself. This allows the researcher to review the topics of each report without opening the actual item. By clicking on a particular title, the researcher is brought to a page that offers the Table of Contents on the left side and any figures, boxes, tables, or graphs on the right side. Details of that year's report, including the publication date and the ISBN, are also listed on the right side of the screen. The Table of Contents feature allows the user to browse the names of each section within each chapter, allowing the user to focus on the parts of the report that are of most interest. A similar feature lists all of the visual data within the report, such as figures,

boxes, tables, and graphs. This is particularly useful for the researcher with a specific information need in mind. The researcher who does not know exactly where to look for certain information within a report can use the Search This Book function. This takes the user to the Advanced Search page, where one can limit a search to a particular report, topic, or region (or several of each).

If the researcher is more interested in a particular topic than a particular report, the Browse by Topic tab is a good place to start. This feature lists nineteen broad categories of interest, including agriculture, gender, and poverty. Clicking on a particular topic opens a list of reports that address that subject. From there, the researcher can choose a particular report to browse or search.

Another tab available to users is the Regions tab. This leads to a color-coded map, divided into five regions of interest: Africa (Sub-Saharan), East Asia and Pacific, Europe and Central Asia, Latin America and the Caribbean, Middle East and North Africa, and South Asia. Because these regions, created by the World Bank for use in the *WDR*, may differ from one's expectations, this section provides an explanation of each region and lists the countries each region includes. Information such as gross national income and average life expectancy are also listed under each region.

The Regions section can also be rearranged according to income by clicking on the Income Levels option on the right side of the screen. This sorts the countries, regardless of region, according to one of four levels: low income, lower middle income, upper middle income, and high income. It also shows how the regions compare with one another for

the first three income levels. Definitions of all four levels are provided.

Another interesting feature of the DVD is the Timeline tab. This feature provides a timeline for the World Bank Group that spans from 1944 to 2008. Each year is divided into two categories of events: international events and World Bank Group events. Not only does this give a nice overview of the history of the World Bank Group and the *WDR*, but it also allows the researcher to verify dates and events from various years.

To access the actual database, the researcher accesses the Development Database tab. This provides a link to the database, as well as links to several tutorials. The tutorials move a bit slowly, but they are certainly worth taking the time to watch. The database itself is very useful, especially considering the charts and maps that can be created with it. However, it is not completely intuitive, hence the importance of viewing the tutorials ahead of time or as a user needs them.

Installing the DVD is quick and easy, and an accompanying booklet provides a quick overview of the different parts of the DVD. Sections of the DVD are easy to navigate and the design is uncluttered. The main sections are organized by tabs, and there is a search box near the top of the screen. Users can either do a quick search from that box, or click on Advanced Search for a more focused and complex searching.

The database is also easy on the eyes in terms of color and organization. With a clean design and a soothing shade of blue, the database provides complex functionality while appearing simple. This helps keep the researcher focused on cultivating the search instead of meandering

about in search of where to start.

The database allows the user to create very complex but useful reports, specific to particular countries, studies, and years. This makes it an excellent resource for experienced researchers who have some familiarity with the *WDRs*. The database can also be useful to novice researchers, though most will probably feel overwhelmed by all the variables provided. These users may be better served

by browsing the collection or doing simple searches through the DVD.

This resource is definitely worth the time and effort required to use it efficiently. It organizes important information in a way that users can understand more easily. The problem for libraries, however, lies with the cost. While this information is available for free on the World Bank website, it is not nearly as easy to search or browse as the DVD

version. The database also allows users to create their own reports and charts, functions which are not available on the website. While the database could be more intuitive for the novice user, the benefits of the product outweigh the drawbacks. Keep in mind, however, that an updated edition is due for release in January 2010.—*Sonnet Brown, Head of Federal Documents, University of New Orleans, sebrown3@uno.edu*

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STATEMENT OF OWNERSHIP, MANAGEMENT, AND CIRCULATION

Documents to the People, Publication No. 024-882, is published quarterly by the American Library Association, 50 E. Huron St., Chicago, IL 60611-2795. Editor: Beth Clausen, Northwestern University, 1970 Campus Dr., Evanston, IL 60208 and Valerie Glenn, University of Alabama, 711 Capstone Dr., Tuscaloosa, AL 35487. Annual subscription price, \$35. Printed in U.S.A. with periodical-class postage paid at Chicago, IL, and other locations. As a nonprofit organization authorized to mail at special rates (DMM Section 424.12 only), the purpose, function, and nonprofit status for federal income tax purposes have not changed during the preceding twelve months.

EXTENT AND NATURE OF CIRCULATION

(Average figures denote the average number of copies printed each issue during the preceding twelve months; actual figures denote actual number of copies of single issue published nearest to filing date: Summer 2009 issue). Total number of copies printed: average, 1,518; actual, 1,516. Mailed outside country paid subscriptions: average, 1,208; actual, 1,199. Sales through dealers and carriers, street vendors, and counter sales: average, 46; actual 48. Total paid distribution: average, 1,254; actual, 1,247. Free or nominal rate copies mailed at other classes through the USPS: average, 39; actual, 33. Free distribution outside the mail (total): average, 93; actual, 89. Total free or nominal rate distribution: average, 132; actual, 122. Total distribution: average, 1,386; actual, 1,369. Office use, leftover, unaccounted, spoiled after printing: average, 132; actual, 147. Total: average, 1,518; actual, 1,516. Percentage paid: average, 90.48; actual, 91.09.

Statement of Ownership, Management, and Circulation (PS Form 3526, September 2007) filed with the United States Post Office Postmaster in Chicago, October 1, 2009.

Report from the World Library and Information Congress

75th IFLA in Milan

The 75th World Library and Information Congress was held in Milan, Italy from August 23–27, 2009. Milan was a wonderful location for the congress—very hot, and uncrowded because many local residents were out of town in the mountains and at the lakes or beaches, the food was excellent, the cultural events superb, and the shopping amazing. The Milano Convention Center was small—a welcome change from some of the conference centers we usually frequent for library conferences. And given the tough economic times, the Organizing Committee did a wonderful job ensuring that the conference had excellent sponsorship both from local authorities, library vendors, and local businesses.

Each year it becomes more difficult for the Government Information and Official Publications Section (GIOPS) to choose papers for presentation at the conference. This year thirteen submissions were received in response to our call for papers and only five could be accepted. Many excellent papers that addressed interesting topics could not be accepted. The GIOPS program, “Government Publications as Cultural Heritage: Preserving the Past, Keeping Up with the Present, Embracing the Future” was presented on Wednesday, August 26. The session was well-attended, but not as well attended as previous GIOPS sessions, possibly because there were many scheduling conflicts with tours, other programs, and standing committee meetings (not

to mention lunch!). We did not have simultaneous interpretation this year, which may also have contributed to the lower attendance.

Judy Mansfield and Beacher Wiggins, Library of Congress, presented their joint paper on the Transformation of the U.S. International Exchange Service: Project Report. Violet Radiporo, Botswana, gave an interesting paper on “Botswana Government Publications: Turning the Pages of Culture.” Paramajeet K. Walia, India, talked about “Access to Government Information in India in the Digital Environment.” The last paper presented was “Providing Government Information and Services in the Chinese Public Library” by Jin Xuemei, China. Ramadan Elaïess, Libya, was unable to go to Milan, but his paper, “General Guideline for Design of a Low Cost Digital Library for Special Library Users in Developing Countries and the Arabic Speaking World” is available with the others on the IFLA website (www.ifla.org/annual-conference/ifla75/programme2009-en.php). We encourage you to take a look at the papers—they all have interesting and different perspectives.

The GIOPS Standing Committee held two business meetings. For the first time, the second standing committee meetings were held throughout the conference, rather than being held on the Friday following the official end of the conference. This may have contributed to the small attendance at the second

meeting, which was held immediately following the GIOPS program and was in conflict with other sessions and meetings. We welcomed three new members for the 2009–2013 term—David Oldenkamp, United States; Narios Rankoto Mpholefole, South Africa; and Satendra Singh Dhaka, India. This was also the year to elect a new executive—Eleanor Frierson, USA was elected chair; Marcy Bidney, USA, was elected secretary for a second term; and Takashi Koga, Japan agreed to stay on as information coordinator. Congratulations to all!

Topics discussed included the move of the 2010 conference from Brisbane, Australia, to Gothenburg, Sweden; the new organizational structure of IFLA; plans for the 2010 conference; and strategies for increasing GIOPS membership. The section had been planning to hold a satellite conference in Brisbane in 2010 on the changing nature of depository programs and legal deposit, in conjunction with the Law Libraries section, but it was decided not to pursue the satellite conference for Gothenburg because of concerns around attendance and location.

GIOPS will be organizing a program for 2010 in conjunction with the Law Libraries and the Government Libraries sections on the role of the librarian in the collection and archiving of the records and publications of bodies that exist only for a limited purpose and time, such as the Rwanda Tribunals, the Nuremberg Archives, the 9/11

Commission, and the South Africa Truth and Reconciliation Commission. It was felt that there would be considerable interest in the topic, not just from librarians, but from others concerned with human rights and legal issues. Two sessions will be requested so that four hours will be available for the program.

Membership is currently a major concern for IFLA and most of the sections. GIOPS membership stands at ninety-six, with eighty-three of those being institutional members. This has remained relatively steady over the past few years, but IFLA membership overall has declined and this is of great concern to IFLA executives and administration especially in these difficult financial times.

This is also the year that the new structure of IFLA goes into effect. The number of divisions has been reduced from eight to five, with GIOPS now a member of Division II: Library Collections. The Coordinating Boards have been replaced by Leadership Forums with the number of sections represented

in each Leadership Forum considerably more than in the previous Coordinating Boards. Ann Okerson, United States, was elected chair of the Division II Leadership Forum. Because the chairs of the forums are no longer also chairs of sections it is thought that they will have more time to communicate with the individual sections, coordinate activities, and advocate for the sections with the Professional Committee of IFLA. It is likely that the role of the Leadership Forums will evolve over the coming years.

The City of Milan sponsored a wonderful evening of art, culture, music, food, and shopping in the heart of the city that began with a choice of dining in one of Milan's many restaurants. Several different cultural venues were open to conference participants until midnight including the Monet exhibition at the Palazzo Reale in Duomo Square; an interactive exhibition of Leonardo da Vinci's *Codex Atlanticus* including two original drawings; an exhibition in the Galleria Vittorio Emanuele Ottogono of Luca Pacioli's

book, *De Divina Proportione*; and an exhibition of six centuries of bookbinding at the Castello Sforzesco. The highlight of the evening was a marvelous Stradivari concert accompanied by harp in the Duomo—beautiful music in a beautiful venue!

The 76th World Library and Information Congress will be held in Gothenburg, Sweden, from August 10–15, 2010, and will address the theme “Open Access to Knowledge—Promoting Sustainable Progress.” Gothenburg will be another exciting European destination. It is home to Scandinavia's largest convention center, cutting-edge industries and universities and for you roller coaster buffs—the best wooden roller coaster in the world! We highly recommend a trip to the conference, for more information see www.ifla.org/en/ifla76.

—Jackie Druery, Queen's University, Canada (GIOPS Standing Committee, 2005–2009); Marcy Bidney, Pennsylvania State University (GIOPS Standing Committee, 2007–2012)

GODORT Councilor's Report

2009 ALA Annual Conference, July 12–15, 2009, Chicago, IL

Council's activities for the 2009 Annual Conference resulted in a long list of accomplishments. To read about them, see all Council conference documents, including resolutions, at tinyurl.com/qo2lwk. Many of the accomplishments are important steps forward for ALA and its members in terms of transparency, accountability, and effectiveness. Although a number of these are important to GODORT, the memorial resolutions in honor of Margaret T.

Lane and Virginia F. Saunders represent significant actions on the part of Council, especially to those of us who knew them. Both women were lifelong government information advocates and dedicated professionals, and the resolutions recognize their activities and achievements while the formal statements reflect the high regard in which these women were held by the documents community. The resolutions are reprinted in this issue of *DttP*.

Charter GODORT member Margaret Lane was a pioneer in establishing and administering state documents depository systems, served as Coordinator of GODORT's State and Local Documents Task Force, and chaired its Committee of 8 (a network of communication for state documents work) for over two decades. She wrote the comprehensive handbook *State Publications and Depository Libraries*. She served on Depository Library Council

and was a member of the Louisiana State Bar Association for more than sixty years. Margaret was a tireless, enthusiastic, and generous practitioner, teacher, and author who served in many professional positions including law librarian at Louisiana State University and recorder of documents in the Louisiana Secretary of State's Office. She received many professional awards including the James Bennett Childs Award.

Virginia Saunders spent all but one year of her stellar sixty-four year career as a federal government employee at GPO. She is best known for her outstanding work to promote and compile the *U.S. Congressional Serial Set*, for which she had primary responsibility for nearly thirty years. She also compiled the *U.S. Congressional Serial Set Catalog: Numerical Lists and Schedule of Volumes*. Virginia's boundless energy and devotion to preserving the *Serial Set* were well known, as was her recognition of its vast historical value. Her presentation about the *Serial Set* at the 1997 Federal Depository Library Conference remains a unique, online teaching resource (www.gpo.gov/su_docs/fdlp/history/sset/). Virginia received the James Bennett Childs Award for lifetime contributions related to the *Serial Set*.

GODORT members Tanya Finchum and Lori Smith prepared the resolution honoring Margaret Lane; Ellen Simmons and Madeline Mundt, with George Barnum, wrote the resolution honoring Virginia Saunders. Kirsten Clark and the GODORT Legislation Committee submitted them for GODORT Membership's approval.

Another extraordinary individual, Judith F. Krug, passed away this year and was honored. All state chapters,

the District of Columbia Library Association and several regional associations contributed to the effort to recognize Krug's outstanding First Amendment work. Council also passed a resolution of commendation in honor of the fortieth anniversary of the Freedom to Read Foundation.

Many resolutions that directly affect GODORT members and their user communities were considered. One of these, "Accessibility for Library Websites," written by David S. Vess and Camilla Fulton, urges all libraries to comply with Section 508 regulations, Web Content Accessibility Guidelines 2.0, or similar criteria, "so that people with disabilities can effectively use library websites to access information with ease," and "urges the federal government, state and local governments to provide adequate funding to allow libraries to comply with accepted accessibility standards and laws." Another relevant resolution, "Purchasing of Accessible Electronic Resources Resolution," which focuses on vendors and library procurement, was authored by Adina Mulliken and Mike Marlin. Both of these were endorsed in principle by GODORT Membership.

Before conference, there was extensive discussion and review on the Council discussion list of the "Resolution on Civil Marriage Equality Regardless of Sexual Orientation," which was passed with few revisions. Longtime GODORT member Larry Romans authored this resolution. There was great attention to "The Resolution on Endorsing Legislative Proposals for Single-Payer, Universal Health Care," and although controversial, it was passed by Council. The "Resolution to Expand

Electronic Participation," authored by Amy Harmon and Jenny Emanuel, passed by Council with minimal revision.

Kendall Wiggin, chair of the ALA Committee on Legislation (COL), presented five resolutions of interest to GODORT: (1) Resolution on Government Printing Office FY2010 Appropriations; (2) Resolution Supporting Federal Research Public Access Act; (3) Resolution Supporting GPO's Digitization of Historical Federal Publications; (4) Resolution Supporting Preserving the *American Historical Records Act*; and (5) Resolution on the Reauthorization of Section 215 of the *USA PATRIOT Act*. Council passed each with little debate.

The July 1, 2009, report "Status Report on Electronic Member Participation," was distributed, and the Budget Analysis and Review Committee addressed several of the Task Force on Electronic Participation recommendations. Another report on "Expanding Council Transparency: Options and Costs," dated June 30, 2009 was discussed. Council determined that an audio record of council proceedings will be posted online for a minimal cost. Council voted on the 2009–10 Planning and Budget Assembly and the 2009–10 Council Committee on Committees.

There may be Council meetings and sessions of interest to GODORT at Midwinter, and observation and participation is welcome. The schedule of Council is integrated with the entire meeting schedule at www.ala.org. I hope to see you at a session or two!—*Mary Mallory, GODORT Councilor*

World Development Report 2010

Development and Climate Change

In the course of the last two decades, the world has seen significant development progress. However, substantial challenges remain. Climate change will add to the many stresses faced by developing nations. Climate-smart development policies are needed to both tackle the challenges of adaptation and mitigation, and exploit the new competitive landscape created by climate change. But an adequate, achievable and equitable solution to climate change also requires a climate framework that meets the needs and concerns of developing countries. Access to the necessary financial and innovation instruments is critical.

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Memorial Resolution for Margaret Taylor Lane

WHEREAS, Margaret Taylor Lane was a pioneer in the establishment and administration of state documents depository systems; and

WHEREAS, Margaret Lane's book *State Publications and Depository Libraries* was a comprehensive handbook and guide to the establishment and efficient operation of these institutions; and

WHEREAS, Margaret Lane began her career as Law Librarian at Columbia University Law School after graduation from its Library School and later served as Law Librarian at Louisiana State University (LSU); and

WHEREAS, Margaret Lane was a member of the Louisiana State Bar Association for 66 years; and

WHEREAS, Margaret Lane was a member of the Federal Depository Library Council to the Public Printer of the United States from the spring of 1973 through 1977; and

WHEREAS, as a member of American Library Association (ALA), Margaret Lane was a charter member of Government Documents Round Table (GODORT), served as Coordinator of the GODORT State and Local Documents Task Force, and was instrumental in compiling the *Documents on Documents* collection and *State Publications: Depository Distribution and Bibliographic Programs*; and

WHEREAS, Margaret Lane created and for two decades chaired the GODORT State and Local Documents Task Force Committee of 8, a pre-electronic era network that connected states with each other and allowed members who could not attend ALA to

participate; and

WHEREAS, Margaret Lane represented the American Association of Law Libraries on the Joint Committee to the Union List of Serials, and served as chairman of the Reference Services Division/Resources and Technical Services Division Inter-divisional Committee on Public Documents for a three year term; and

WHEREAS, Margaret Lane was a long-time member of the Louisiana Library Association (LLA), founded the Louisiana State Documents Depository Program, and served as Recorder of Documents in the Louisiana Secretary of State's Office for twenty-six years; and

WHEREAS, Margaret Lane served as ex-officio member on the LLA Documents Committee, wrote an internal operations manual, served as "Representative Emeritus" for many years on the Louisiana Advisory Council for the State Documents Depository Program, and participated in the Library of Congress' cataloging in source project, predecessor of *Cataloging in Print*; and

WHEREAS, Margaret Lane compiled and edited *Author Headings for Louisiana Official Publications, 1948-1972*; and

WHEREAS, Margaret Lane was the recipient of the Louisiana Library Association (LLA) Essae M. Culver Distinguished Service Award in 1976, the ALA/GODORT James Bennett Childs Award in 1981, and LLA Lucy Foote Award in recognition of her contribution to special librarianship; and

WHEREAS, the Louisiana Library Association named an award in her

honor to recognize excellence in the field of government information; and

WHEREAS, Margaret Lane taught government documents courses in the Louisiana State University (LSU) Graduate School of Library Science, taught legal bibliography in the LSU Law School and the University of Connecticut Law School, and published articles in many professional journals including *Library Trends* and the *LLA Bulletin*; and

WHEREAS, Margaret Lane's tireless and endless enthusiasm and her devotion to the ideal of the right of citizen access to government information was contagious and was communicated to many other documents librarians; now, therefore, be it

RESOLVED, That the American Library Association (ALA)

1. Honors Margaret Lane for her work supporting state government information and the public's easy and equitable access to all government information.
2. Sends copies of this resolution to Margaret Lane's family, the State Library of Louisiana, the Louisiana State University, the Louisiana Library Association Government Documents Roundtable, and the Louisiana Legislature.

—*Endorsed in principle by GODORT Legislation Committee, July 12, 2009; endorsed in principle by GODORT Membership, July 13, 2009; adopted by ALA Council July 15, 2009*

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Memorial Resolution for Virginia Saunders

WHEREAS, Virginia Saunders spent 64 years in federal service, beginning as a clerk typist at the Federal Bureau of Investigation and then spending 63 years at the Government Printing Office (GPO); and

WHEREAS, Virginia Saunders had primary responsibility for the *U.S. Congressional Serial Set*, a compilation of all numbered House and Senate reports and documents issued for each Congress, for nearly thirty years; and

WHEREAS, Virginia Saunders also compiled the separate publication, *U.S. Congressional Serial Set Catalog: Numerical Lists and Schedule of Volumes* for many years; and

WHEREAS, Virginia Saunders served on the Serial Set Advisory Committee, beginning in 1979, which recommended changes in the physical makeup, content, and cost of the *Serial Set*; and

WHEREAS, Virginia Saunders also served as a member of the Serial Set Study Group, which developed a set of action items to reduce costs and improve operations relative to the *Serial Set*; and

WHEREAS, Virginia Saunders personally saved U.S. taxpayers over \$600,000 by recommending to the Joint Committee on Printing that duplicate House and Senate reports on the Iran-Contra Investigation in 1987 be printed in the *Serial Set* only once with cross-referenced Serial Numbers; and

WHEREAS, Virginia Saunders received a letter of commendation from

President George H.W. Bush, who said, "You have demonstrated to an exceptional degree my belief that Federal employees have the knowledge, ability, and desire to make a difference;" and

WHEREAS, Virginia Saunders facilitated use of the *Serial Set* by documents librarians around the country through her enthusiasm for the publication, her work to educate the community through numerous workshops and presentations, and her role as a "willing teacher" of her colleagues; and

WHEREAS, Virginia Saunders was the recipient of the ALA/GODORT James Bennett Childs Award in 1999 in recognition of her lifetime and significant contributions towards the compilation and publication of the *U.S. Congressional Serial Set*; and

WHEREAS, Virginia Saunders' detailed overview of the history of the *Serial Set*, presented at the 1997 Federal Depository Library Conference and available online on the Federal Depository Library Program website, remains a primary teaching document on the historical importance and contents of the *Serial Set*; and

WHEREAS, Virginia Saunders contributed to a published list of missing *Serial Set* volumes as an effort to enhance access and bibliographic control of the *Serial Set* and to aid documents librarians in collection management; and

WHEREAS, Virginia Saunders meticulously assembled and tracked Congressional documents to be

published in the *Serial Set*, and worked with information professionals and government officials to improve its organization, to lower the publications costs, and to enhance the accessibility of the set to librarians, researchers, Congressional staff, and the public; and

WHEREAS, Virginia Saunders' contagious enthusiasm for the *Serial Set* as a source of information and her delight in describing the historical significance, contents, and value of the early set was shared with many documents librarians across the nation and helped convey to them the importance of this research collection; now, therefore, be it

RESOLVED, That the American Library Association (ALA):

1. Honors Virginia Saunders for her lifetime of work in federal service and her significant contributions to the *U.S. Congressional Serial Set* and its accessibility to the public.
2. Sends copies of this resolution to Virginia Saunders' family and the Public Printer, and to Representative Steny H. Hoyer for reading into the *Congressional Record*.

—*Endorsed in principle by GODORT Legislation Committee, July 12, 2009; endorsed in principle by GODORT Membership, July 13, 2009; adopted by ALA Council July 15, 2009*

The War That Almost Was.

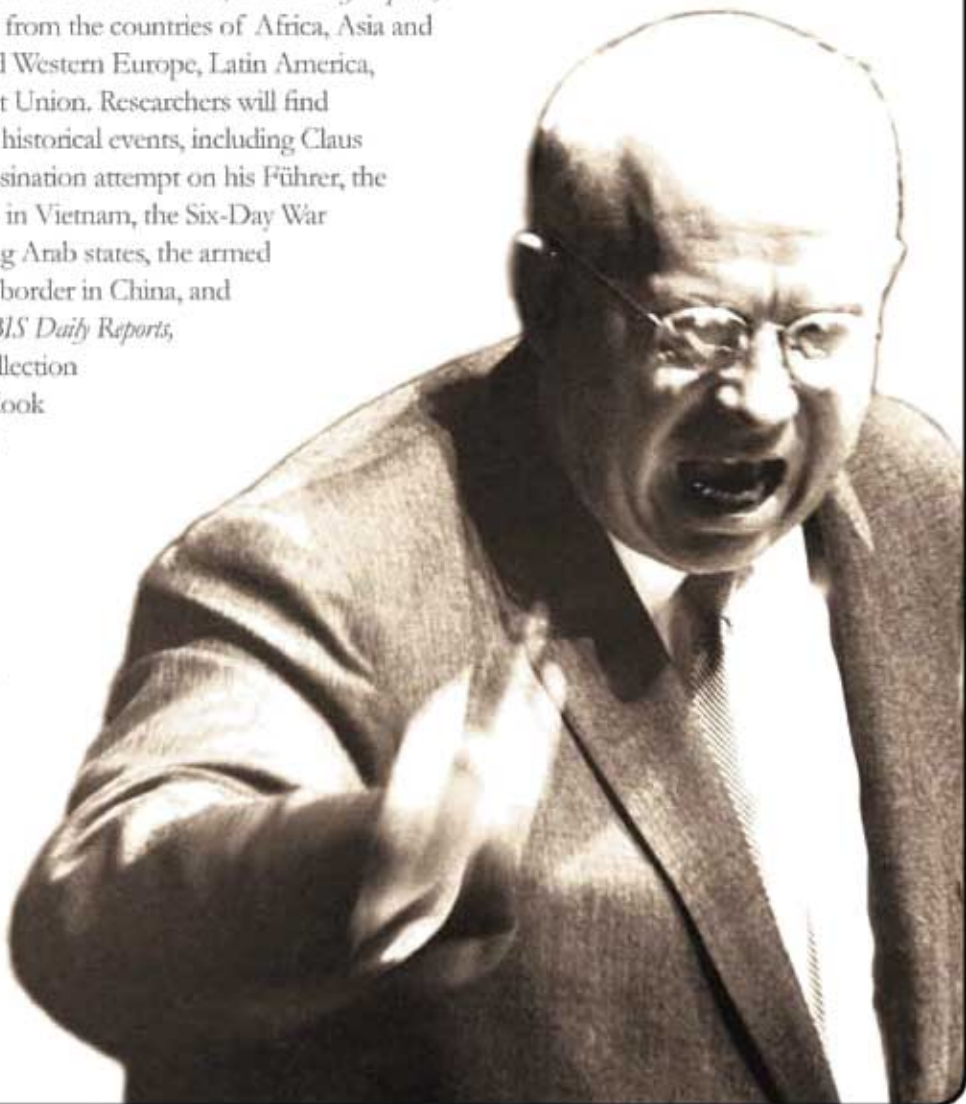
In mid-October 1962, U.S. spy planes confirmed the presence of Soviet nuclear missiles in Cuba, 90 miles from the state of Florida. In an instant, a cold war caught flame. President John F. Kennedy ordered the U.S. Navy to set up a blockade against inbound Soviet ships, and unthinkable consequences seemed imminent. As a watching world held its breath, President Kennedy had the U.S. Air Force prepare for immediate attacks on both Cuba and the Soviet Union...only to receive last-moment notice from the Foreign Broadcast Information Service that Soviet leader Nikita Khrushchev would relent. A perilous moment in human history had passed.

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