In This Issue

DttP

Documents to the People

Winter 2012 | Volume 40, No. 4 | ISSN 0091-2085

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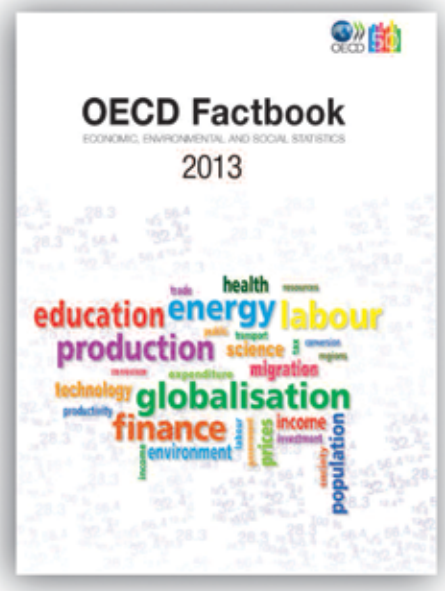

OECD Factbook 2013: Economic, Environmental and Social Statistics

9789264177062 | 292 pp | December 2012

OECD's comprehensive and dynamic statistical annual publication. More than 100 indicators cover a wide range of areas: agriculture, economic production, education, energy, environment, foreign aid, health, industry, information and communications, international trade, labour force, population, taxation, public expenditure, and R&D. This year, the OECD Factbook features a focus chapter on gender.

Data are provided for all OECD member countries, and in some cases for selected non-member economies including Brazil, China, India, Indonesia, Russia and South Africa. For each indicator, there is a two-page spread: a text page includes a short introduction followed by a detailed definition of the indicator, comments on comparability of the data, an assessment of long-term trends related to the indicator and a list of references for further information on the indicator; the opposite page contains a table and a graph providing the key message conveyed by the data.

OECD Internet Economy Outlook 2012

9789264086456 | 302 pp | October 2012

The Internet is now a fundamental infrastructure supporting the economy and is firmly in its second stage of development, having evolved from a data network connecting PCs with wires to a much broader network of new portable devices ranging from mobile phones to tablet computers. It is also on the cusp of a much larger expansion to objects that typically did not have communications capabilities: the "Internet of things" is projected to have more connections than the people using them.

Supported by time series data, this publication begins with an overview of trends and highlights how the Internet sector has proven to be resilient during the recent economic crisis. It then examines the various drivers and impacts of Internet use and deployment, as well as emerging technologies, e-health, digital content, security and privacy, and reflects on a methodology for measuring the Internet economy.

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DttP features articles on local, state, national, and international government information and government activities of GODORT. The opinions expressed by its contributors are their own and do not necessarily represent those of GODORT

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Columns

Articles

About the Cover:
Code talkers, 12/1943

Navajo "code talkers" Corporal Henry Bahe, Jr., and Private First Class George H. Kirk operate a radio set in this December 1943 photograph. The U.S. Marines used Navajos to transmit and receive messages in their native language during World War II. Becasue the Navajo lanaguage is a complex, unwritten language that has no alphabet or symbols, it was a perfect candidate for coded communication. The Japanese never broke the code.

National Archives, Records of the U.S. Marine Corps

Editor's Corner

Students Redux

Greg Curtis

Welcome to the winter issue of *DttP*. With the elections behind us, and with the winter season underway, we look forward to continuing to inform you and to provide you with an opportunity to discuss government information moving into a new year.

We have new names added to the masthead with this issue. "By the Numbers" column has new co-authors Susan Metcalf and Tina Plottel. Metcalf is with Hunter Library at Western Carolina University. Her e-mail address is metcalf@e-mail.wcu.edu. Plottel is with Gelman Library at George Washington University. Her e-mail is tplottel@gmail.com. Also, a new reviews editor Paula Webb, of the University of Southern Alabama, will be leading several individuals writing reviews. Paula can be reached at pwebb@southalabama.edu. Welcome to everyone. Thank you, all, for stepping forward to take on key writing roles.

With this issue we come to the 2012 edition of student papers—the future of the profession encapsulated in the writings presented here. First, thank you to all the students whose submissions we reviewed. You all had great ideas and interesting topics; we wish we had space to include all the articles submitted. We had an especially strong group of papers this year. Keep writing, keep discussing, and keep thinking; our profession needs your vitality and insight. Thank you, also, to the faculty who submitted the students' work to *DttP*. Faculty submitted student papers representing Florida State University, University of Washington, Indiana University–Bloomington, and the Pratt Institute. It is evident that a great deal of time and thought went into the selection of the students' submissions on your behalf. The interesting topics presented by the students reflect the wide range of discussions and thought-provoking courses you taught.

We now turn to the new authors and their articles. Student papers range from a discussion of privacy and open government in the context of Wikileaks, to a discussion on undocumented students in higher education, to an exploration of crowdsourcing and historical data recovery, to an historical look at code talkers for the military. These are but some of the exciting student papers in the issue. Each article is well researched and documented with extensive notes. Interesting to note is the way in which each author used government information as part of the resources used in telling the story of current and historical topics. The breadth of topics reaffirms that government information sources cover most, if not all, current research areas. The articles presented here are about government information, but they also are about relevant topics that the reader might find in other journals and periodicals across the intellectual spectrum.

You may notice that the format of this issue is a bit different than what you have seen in the recent past. Because of the strong field of student work, many of the regular columnists agreed to hold their columns for the next issue to give additional room in the journal to showcase the student articles. Thank you to the columnists in making this a reality for the additional student space. Regular columns will reappear starting with the spring issue. Please let the editors know what you think of this change for the issue at dttp.editor@gmail.com.

Until next time, I hope you enjoy the student papers presented here.

Greg Curtis (University of Maine)
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From the Chair

Publishers: GODORT's Unsung Heroes

Barbara Miller

At the 2012 ALA Annual Conference in Anaheim some of us GODORT officers were treated to dinner by Proquest. We had a wonderful time and met several interesting Proquest reps I had not known previously. Wine flowed, conversation was great, and at our end of the table we had a great talk about opera, among other things. It was really nice to meet on a social basis with our colleagues in the publishing profession. There was a rather large group for dinner and we appreciate that this was a very generous gesture on the part of Proquest. Nevertheless, when I wrote my last post, discussing all the positives GODORT had going for us on our 40th birthday, I glossed over one of our greatest assets, the publishers who work with GODORT. Now, you might think that government information librarians would not be concerned with private (read costly) publishing, since we have the Government Printing Office, the Depository Program, and the various government agencies to serve us with no-fee paper and open access electronic materials. In addition, many publishers (none of those mentioned here, of course) are often thought of as on the "other side" of the open access argument, charging high fees for journals, and so on. However, it has long been known that a core group of private publishers supply us with many publications essential to our work with government information. In addition, this group has long had an important symbiotic relationship with GODORT, as we work to keep our Roundtable moving forward and they work to produce relevant publications that make our jobs easier.

For their part, these publishers seek our business and spend long hours visiting with documents librarians to see what we need and how we need it, to try to publish materials that fill in the gaps in our government information needs, and of course to sell us these publications. They are very responsive to our requests and work hard to make sure their publications are relevant. They also know that we are the ones who evaluate their products, recommend them to other librarians, and who often review their products for various journals. They often ask us to serve as consultants in the creation of new products. Occasionally they come to the rescue when one of our former resources disappears. Witness the recent cooperative project by Proquest and Bernan to publish the *Statistical Abstract* when Congress shut down the Census Bureau's production division. They even offered to work with us on ideas to offer the paper version at a discount to small impoverished libraries. Thank you!

But in turn, these publishers help GODORT both financially and in other ways. This summer, for example, our preconference committee was delighted to find out that Organization for Economic Co-operation and Development (OECD) offered to fund the food for the GODORT summer 2013 preconference in Chicago, at which they are speaking. Because of this generous offer, GODORT is able to charge less for the conference, which will allow more people to attend who might not otherwise be able to afford it. And there will be a greater return for GODORT from the preconference—money that can be put to good use to fund our organization's projects. Truly a help bringing documents to the people!

As a Roundtable, a somewhat smaller unit of ALA, GODORT often has to operate on somewhat of a financial shoestring. Corporate sponsorship of GODORT events has helped us for a long time. Several years ago, when I chaired the conference committee, I was delighted to find out that no less than six publishers donated toward our awards reception, which again made our life easier and allowed us to avoid digging into GODORT's coffers to honor our award winners. I remember GODORT finished financially in the black that year because we did not have to spend so much for our awards reception. These sponsors have continued to help us to the present day. Thank you to Readex/Newsbank, Proquest, Bernan, Marcive, Paratext, and Renouf for being so generous to us.

And on the subject of awards, let us once again thank Readex/Newsbank (Catharine J. Reynolds Research Grant) and Proquest (the Documents to the People award) for sponsoring an annual award each, plus a cosponsored award (Margaret Lane Virginia Saunders Memorial Research Award) to provide monetary assistance to help further research our innovative projects and to make docs librarians feel their creative efforts are worth it! GODORT just has to select the winners (which I know is a big job, too!). Proquest sponsors a breakfast at ALA Annual to honor their awardees, and adds in an interesting speaker, which has been a highlight of ALA Annual Conference for GODORT people for years! Readex also sponsors a breakfast, giving us a chance to hear an interesting speaker and to visit over great food at the same time. With a busy GODORT schedule at ALA, often these two events are

the only "programs" GODORT people can attend. Thank you!

When GODORT recently worked to create an endowment, Readex/Newsbank volunteered to donate a week each at two elegant, corporately owned vacation homes for a silent auction, to raise money for our endowment. Each year these auctions raise more than $1,500!

Besides financial help, our corporate sponsors also actively participate in GODORT business. Many of their reps are librarians themselves, and several GODORT committees have members who are from Proquest, Marcive, and other publishers. Last year's chair of REGP, for example, was Proquest rep, Andrew Laas, who this year helped push out the new format of their congressional database (and GODORT members also advised on this project!). Jim Noel, from Marcive, has long been a catalog committee participant, and this year was a speaker on our program about the new RDA Catalog. We have often enjoyed August Imholtz's talks both at Readex/Newsbank events and at our own GODORT programs. Our own Andrea Sevetson, currently with Proquest, has chaired several GODORT committees (including the current Awards Committee), and has chaired GODORT as well. Very recently she was also editor of our very own *DttP*. GODORT would not be quite so successful without these active members from the publishing community. Knowing them as librarians, and as friends, and knowing their work, we all have more confidence in the final products produced by these publishers. Thank you to all of you!

Finally, although I have been on my soapbox about thanking private publishers, I cannot end this article without thanking the US Government Printing Office, one of the world's largest publishers, for all their help to us. For many years GODORT and the GPO have worked together on issues, both about the depository program and about various government information problems such as technology, access, archiving, and so on. GPO realizes that hearing from us is important because we are on the front lines and often know firsthand what the users need or what format they want, and GPO works with us to make it happen. They always try to be responsive to our needs and to include us in problem solving. In turn, GODORT tries to help them. GODORT has many librarians on the Depository Library Council to advise GPO, and many of us also attend these conferences to discuss the issues of council on a wider basis. GPO provides the conference at no charge, picking up the tab for renting the conference rooms in the hotel, often providing us with wonderful food for breaks and breakfast. They try their hardest to make it easy to attend and to listen to our needs when we get there. In addition, GODORT works with the Washington Office, the Committee on Legislation and the Government Information Subcommittee, as well as our GODORT Councilor, to try to bring the force and strength of the larger organization to bear on Congress when they are engaged in actions impacting the GPO.

As you know, many GPO staffers are committee members for GODORT. Last year Kathy Bayer cochaired the Bylaws committee and did a wonderful job. Laurie Hall is often at Catalog Committee meetings. And Mary Alice Baish, our current Superintendent of Documents, is always at GODORT meetings to give us updates on GPO concerns and actions and engage in discussion.

The next time you meet up with a publishing rep, take time to speak with them about their publications. Ask them about their services, and ask them about *their* point of view on some issues GODORT is considering: It might be an eye opener! These people are some of our most important allies in the fight for Documents to the People. Don't forget to thank them for all the things they do for GODORT and for the world of government information.

By the Numbers

NAICS 2012: A Brief History and Overview

Susan Metcalf

The 2012 edition of the *North American Industrial Classification System* (NAICS) was recently released, online and in print. NAICS is the backbone of industrial-based statistical reporting for most major US, Canadian, and Mexican governmental agencies, and is used by commercial databases as well. This column presents an overview of the classification system's history, the revision process, and a brief discussion of other industrial classification schemes.

Official and systematic industry classification by governmental agencies began in earnest in 1937 when the Central Statistics Board established the Interdepartmental Committee on Industrial Classification. The Committee compiled a list of manufacturing industries in 1938 and of non-manufacturing industries in 1939.[1] These lists were the genesis of the familiar *Standard Industrial Classification* (SIC) system. The SIC system was last revised in 1987 but is still used by some US federal agencies, most notably the Securities and Exchange Commission. It also still used, often alongside NAICS, in commercial products such as Lexis/Nexis[2] and Hoover's.[3]

However, as the world's economy and industries evolved and changed, the United States and other countries, industry analysts, and statisticians sought a revision to the SIC that reflected the emergence of new important industries and the changes occurring in established industrial sectors. In 1991 the US Census Bureau convened the International Conference on Classification of Economic Activities in Williamsburg (sometimes referred to as the Williamsburg Conference). The following year the US Office of Management and Budget (OMB) established the Economic Classification Policy Committee (ECPC) to oversee the revision of the federal economic classification system of industries for statistical purposes. That committee, which is still in existence, partnered with similar entities in Canada (Statistics Canada) and Mexico (Instituto Nacional de Estadistica y Geografia) to develop the NAICS.

The OMB charged the ECPC to design the new system on a production-oriented or supply-based conceptual framework and to pay special attention to new and emerging industries, service industries, and industries that were producing advanced technologies. The agency also stated that time series should be maintained to the "greatest extent possible."[4] However changes in the economy and other issues could not always assure transparent data comparisons over time. Data users need to be informed of possible issues, and thus the methodological issues and explanations are delineated in great detail in all revisions and in pertinent government statistical publications.

Finally, to the extent possible, the OMB directed that the new system should be compatible with the UN classification system to the two-digit level.[5] The *United Nations International Standard Industrial Classification*, which is discussed below, is arguably the most important of the other industrial classification systems, at least with regards to statistical analysis performed on a country-by-country basis.

The first NAICS version was published in 1997, it is revised on a five-year schedule. The revisions are conducted under the auspices of the OMB's Economic Classification Policy Committee, along with representatives from Mexico and Canada, and other US federal statistical agencies. These United States partners include: the Bureau of Economic Analysis, Bureau of Labor Statistics, and US Census Bureau.[6]

NAICS, like its predecessor, is designed to facilitate the collection and the analysis of economic statistics. To quote the introduction to the 2012 manual:

> The statistical agencies in the three countries produce information on inputs and outputs, industrial performance, productivity, unit labor costs, and employment. NAICS, which is based on a production-oriented concept, ensures maximum usefulness of industrial statistics for these and similar purposes.[7]

Some highlights of the 2012 revision follow. The hierarchical scheme remains based on twenty major two-digit sectors that can be drilled down to the six-digit level. There was concern over the classification of establishments that outsource manufacturing. The OMB decided that since the risks of producing the goods lies with the establishment, even if an establishment outsources 100 percent of its manufacturing process, known as a:

> "factory less goods producers), those establishments should be classified as manufacturers. The ECPC also recommended changes in the following areas: utilities, construction, manufacturing, wholesale trade, retail trade, and

food services and accommodations. The committee provided classification guidance for: distribution centers, logistic service providers, sales offices of publishers, and units that outsource physical transformation activities."[8]

Part of the revision process includes the committee publishing a request for comments in the *Federal Register*, and the final notice in the same source. The initial solicitation was published on May 12, 2010,[9] and the final notice was published on August 17, 2011.[10] These notices provide helpful insights into the revision. The US Census Bureau maintains a NAICS webpage that includes detailed descriptions, history, *Federal Register* notices, tools to find codes in each of the revisions, and downloadable concordances and should be the first stop to anyone seeking information on NAICS.[11]

There are other industry classification systems available. One of the most important for government document librarians is the UN *International Standard Industrial Classification* (ISIC). This system is hierarchal, like NAICS, and comparable to the level of two digits where possible, as mentioned above in the discussion of the instructions given by the OMB in the compilation of the first NAICS edition. The most recent version of ISIC is revision 4, completed in 2006. The ISIC is used by the UN Industrial Development Organization and its annual publication the *International Yearbook of Industrial Statistics*.[12] The European Commission has its own system, the *Statistical Classification of Economic Activities in the European Community*, known as NACE. It is available on the European Commission's Eurostat website.[13] There are other classification systems developed by nongovernmental organizations. These include market-related taxonomies developed by the Financial Times and Stock Exchange, Dow Jones, Standard and Poor's, and Thompson Reuters.[14]

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A Delicate Balance

National Security, Government Transparency, and Free Speech

Nicholas Janning

Wikileaks's release of thousands of classified US government documents has sparked intense debates over government transparency, national security, and free speech. The US government has long sought to guard its information through the Espionage Act and a succession of executive orders. Yet at the same time, the public has fought for increased government transparency and has won concessions for opportunities to access government information, such as through the Freedom of Information Act. The use of the Internet, the nature of Wikileaks operations, and the ever-present need to protect national security ensures that these debates will have profound implications for government documents.

Wikileaks

The controversy surrounding Wikileaks is a multifaceted, multilayered issue that transcends national borders, challenges fundamental American rights, and forces us to re-examine the role of the Internet and digital environments in our democracy. Wikileaks is an international organization formed in 2006 that publishes private and confidential information generated by organizations and governments.[1] Julian Assange, the head of Wikileaks says it "aims to achieve just political reforms by getting out information that has been suppressed to the public."[2]

Wikileaks published documents in 2006 that revealed the Kenyan President was personally involved in a money laundering operation that encompassed four billion dollars.[3] In 2008, it contributed to the resignation of a handful of Peruvian government officials by publishing documents that revealed the officials had been paid bribes by oil companies.[4] In 2009, Wikileaks was one of the organizations that published the "Milton Report," revealing the Dutch company Trafigura had dumped significant amounts of toxic waste in the African country of Ivory Coast.[5] Even before the massive 2010 release of classified documents, Wikileaks took on the US Government, releasing 6,780 Congressional Research Service (CRS) reports in 2009.[6]

The year 2010 drew international acclaim and condemnation to Wikileaks with the release of thousands of classified documents.[7] The first release related to American military and government documents regarding the war in Afghanistan. By July, 75,000 documents comprised of reports and briefings prepared by US military personnel were published.[8] Authored by troops engaged in patrolling and rebuilding Afghanistan, the documents show stark inadequacies of Afghani troops, Pakistani support of the Taliban, and presented an overall gloomy portrayal of the war.[9]

The second wave of documents occurred in October 2010 and concerned the war in Iraq. These documents included over 390,000 field reports written by US soldiers between 2004 and 2009.[10] The reports detail several thousand additional Iraqi civilian deaths and Iranian links to Shiite militias.[11] The sheer amount of documents made this one of the most massive military leaks in US history.

The third and final release of data by Wikileaks occurred in November 2010. At only 220 documents, this leak was initially small by Wikileaks's previous standards, however, over the next several months Wikileaks released thousands more documents, totaling 250,000 items of diplomatic correspondence.[12]

Government response

The Department of Defense was consistent in its denunciation of Assange and Wikileaks operations. In July 2010, Defense Secretary Robert Gates warned "the battlefield consequences of the release of these documents are potentially severe and dangerous for our troops."[13] Yet he also cautioned against overreacting to the leaks, saying the problems identified in the documents had already been well-known.[14] The Department of Defense even wrote a letter to the attorney for Wikileaks and demanded that the website cease publishing government documents and to destroy all classified information in its possession.[15]

When the released documents began affecting the State Department, Secretary Hilary Clinton added to the fire against Wikileaks, calling the releases "illegal" and as placing "people's lives in danger."[16] In addition, the Office of Management and Budget (OMB) took steps to initiate damage control and prevent future leaks. In a series of memos to federal employees and agency executives, the OMB emphasized the "damage to our national security" and reminded employees the released information was still classified and must be protected.[17] Another memo to the heads of executive agencies ordered them to evaluate how well each agency had been protecting classified documents.[18]

These memos, especially the memo to the heads of executive agencies, had an effect on one agency in particular: the Library of Congress. The day Wikileaks was blocked, December 3, 2010, the Library of Congress issued a statement, "The Library decided to block Wikileaks because applicable law obligates federal agencies to protect classified information."[19] When the memos are reviewed, it is important to note that the Library was not explicitly ordered to block Wikileaks from its computers. This decision sparked a debate among the public and library professionals and even involved the American Library Association, all of which will be covered later in this paper.

What's at stake

National security

The history of the United States contains examples where national security depended on keeping information secret. Had secrecy been compromised before or during the D-Day invasion of World War II or surveillance flights during the Cold War's Cuban Missile Crisis, American history might have been very different. Strong cases for secrecy can also be made for specific technologies, such as for submarines, nuclear missiles, or aircraft. Even the Founding Fathers appreciated the need for confidentiality and created the Committee of Secret Correspondence, which was responsible for gathering intelligence and delivering confidential information to allies of the Colonies.[20]

Though the matter of secrecy has been with the United States since its birth, only in the twentieth century has the government sought to establish rules to classify large quantities of data and to craft clear prohibitions against the sharing of classified information. The foundations of current US laws were laid in the Espionage Act of 1917, created during World War I. The Espionage Act strictly prohibits any unauthorized individual from stealing, sending, or even receiving classified information with a reasonable belief that that individual may use the information against the US or to help a foreign country.[21]

Presidents have issued their own executive orders to clarify and amend the prohibition of espionage activity. The most recent was President Obama's Executive Order 13526. This order outlines how information is classified and declassified. Section 4 of the order is applicable to the Wikileaks case as it deals with how individuals should be chosen to handle restricted information and what actions agency directors must take to ensure classified information remains secure.[22] Recently, presidents are assuming the lead in establishing the framework of America's classified information policies, while Congress only periodically steps in to craft prohibitions on individuals engaged in espionage activities, including the death penalty in "certain circumstances."[23]

Proscribing the death penalty for espionage cases could not emphasize the point any clearer: US national security is so important that acts of espionage are considered equivalent to treason. Therefore, the Department of Defense leaves enough room for the US government to consider Assange and other Wikileaks personnel as culpable under this statute. For example, a statement by Press Secretary Geoff Morrell reveals that the Defense Department believes Wikileaks has crossed this red line,"we deplore WikiLeaks for inducing individuals to break the law, leak classified documents and then cavalierly share that secret information with the world, including our enemies."[24] The Department of Defense alarmed Assange, prompting him to seek refuge in the Ecuadorian Embassy in London in June of 2012 and has not left since (at the time of writing).[25]

In many high-profile cases, it can be easy to point to black and white cases where secrecy was needed and where it wasn't. Part of the difficulty with the Wikileaks documents may lie in the fact that the released documents are the mundane field reports of US military commanders, correspondence between diplomatic officials, reports of civilian casualties, and some intelligence, thereby making it difficult for some to establish when secrecy is desired or when transparency is required.

One of the biggest national security concerns in terms of Wikileaks is the sheer number of documents involved, making it difficult—if not impossible—for Wikileaks to effectively scrutinize each and every document to ensure that no

operations or US allied personnel are in danger as a result of the information. For example, many of the documents contain the actual names of the US military field commanders.[26] In addition, many documents contain the specific names of Afghani civilians who have helped American and allied soldiers. As of early 2012, it is unclear whether any deaths can be directly attributed to the Wikileaks release.[27]

Congress has played an active role since the Wikileaks scandal erupted by writing legislation and conducting hearings. Individual members also condemned the decisions of Assange as being detrimental to national security. The rhetoric has been sharp and heated, such as that given by Representative Miller from Michigan, which stated, "It is time to shut down this terrorist organization, this terrorist Web site, WikiLeaks."[28] For some lawmakers, there seems to be no doubt that the Espionage Act and Obama's Executive Order 13526 apply to Wikileaks and likely Assange.

More high-profile congressional action included a hearing before the Committee on the Judiciary in the House of Representatives on December 16, 2010. Two of the chief committee goals were to explore additional legislation that could be enacted to prevent future releases of classified documents and to hear testimony from a variety of legal experts as to the legality and constitutionality of Wikileaks.[29] National security is undoubtedly a concern when it comes to the classification of documents and the stealing of government secrets and information is only likely to become a bigger problem in the future.

Government transparency

As a democracy, the United States has prized transparency and governmental accountability. We take pride in government institutions that are accessible and able to be watched and examined by all citizens. Yet one of the paradoxes that the United States has grappled with, particularly after World War I and World War II, is that we also value confidentiality at times of crisis. This has led many individuals to warn that society should not be too eager to condemn Wikileaks, as it is merely performing a function that America has always valued, namely, keeping the government accountable.

President Obama has supported increased government transparency as a necessary function in American democracy. Shortly after he was sworn in, the President issued a memorandum, directing his attorney general to implement better guidelines to comply the Freedom of Information Act (FOIA).[30] FOIA is several decades old, but the underlying principle remains the same—to ensure that government agencies publish information for the public to access and to allow individual citizens to make requests for information held by agencies.[31] The types of information that FOIA mandates to be shared include "final opinions," "statements of policy," "staff manuals," "copies of all records," and "general index of the records."[32]

In his memorandum, President Obama emphasized American democracy, accountability, and transparency, "a democracy requires accountability, and accountability requires transparency . . . In the face of doubt, openness prevails.[33] The principles of transparency and the FOIA apply even to the Central Intelligence Agency (CIA). A quick look at the data at www.foia.gov shows that citizens have made hundreds of requests for information from the CIA in 2011 alone.[34] Without doubt, citizens have demonstrated a profound interest in examining the documents our government generates.

The FOIA reveals there are established rules and precedents to follow when an agency determines whether or not a particular document can be released. Different standards apply to different documents, standards to which Assange obviously did not adhere. There are a variety of mechanisms in place. Examples include the Automatic Declassification Program, which automatically declassifies documents that are 25 years old (unless they are exempted) and the Mandatory Declassification Review Program, in which researchers or historians can petition an agency to examine particular information to determine if it can be released to the public.[35]

Free speech and libraries

Besides the issue of government transparency, there is also a concern that any attempt to prosecute Assange or Wikileaks-affiliated individuals will result in infringement on a basic constitutional right—i.e., the right to free speech. This presents a complex question for both his supporters and his detractors: Can the actions of Assange and Wikileaks be protected under the First Amendment? Furthermore, what about ordinary citizens who wish to access the Wikileaks site? Because they are not federal employees, are they subject to the same regulations that are aimed to prevent federal employees and contractors from leaking classified material?

In his testimony before the House Judiciary Committee, Professor Geoffrey Stone addressed the relevancy of the First Amendment and whether or not laws should be passed to criminalize the dissemination of leaked documents. His concern was that prohibitions, such as the proposed SHIELD Act would violate the First Amendment except for incidents in which the leaked information would present "a clear and imminent danger of grave harm to the nation."[36]

The Library of Congress's actions are an excellent case study of what powers the federal government should have to allow or disallow access to the material. Federal agencies

are obliged to protect classified information. What are they to do in the case when the information is widely available and cannot be retracted? Though the Library chose to block Wikileaks, no action was taken to block other websites that published portions of the classified documents, such as The *New York Times* and *Der Spiege,* a German news website.

A month after the Library's decision, the American Library Council passed a resolution both acknowledging "the necessity to withhold certain information essential to national security" and "the right to access government information."[37] However, it emphasized the government to release information to keep the public informed and cited Justice Hugo Black's quote of "the guarding of military and diplomatic secrets at the expense of informed representative government provides no real security for our Republic."[38]

A Look to the future

The saga of Wikileaks presents a complex challenge to the issues of government accountability and transparency. There are many uncertainties that exist to the ultimate fate of Wikileaks. Will Assange be extradited to the United States? Will The Library of Congress lift its block on the Wikileaks site? Should the government re-examine how it classifies and declassifies documents?

With the changing nature of technology and pressing need for national security, the public must become more informed in regard to the issues of free speech and national security to determine the proper remedy, or remedies, for this sort of situation. The public must also acknowledge that striking the balance between transparency and accountability is an ever-present, complex set of issues that will never fully go away.

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Historical Data Recovery through Crowdsourcing

Stephanie Zimmerman and Hallie Portz

While trying to create meaningful climate predictions for policy makers, scientists have been suffering from a lack of historical data on weather variations. Ship logbooks are one of the largest underutilized sources of such historical weather information, reaching back hundreds of years. While numerous projects have been funded to scan portions of these logbook collections around the world, the transcription process has historically been expensive and time-consuming. Fortunately, social media concepts from the new millennium now make it possible for volunteers to transform hundreds of thousands of logbook pages into database-friendly formats within a matter of months. This dramatically increases the cost-effectiveness of data recovery projects at a time when governmental spending is being highly scrutinized. Also, by involving the public in the process of data recovery, the process itself becomes another form of education and outreach—making such "crowdsourcing" endeavors a tool for the future.

Needs for old weather information

According to the 2005–2010 strategic plan for the National Oceanic and Atmospheric Administration (NOAA), it is not possible to accurately predict "pressures on Earth's environment and ecosystem" without reliable historic information on climate variations.[1] Due to the ocean's capacity to store and distribute heat and carbon, sea-surface data is of particular importance.[2] While some of this information can be abstracted from ice core sampling, reliable marine weather readings have been collected for hundreds of years in the form of ship logbooks and preserved in government archives. If this information can be "abstracted from the world's archives, digitized into an electronic form, and blended into existing climate databases," it can improve the quality of historical weather information.[3] Data recovery projects of this scale can be expensive and time-consuming, but innovations in Internet crowdsourcing applications are making these projects more cost-effective while also increasing the public's interest and participation in the projects themselves.

What are ship logbooks?

Logbooks are to ocean-going vessels what black boxes are to airplanes. They are sources of recorded data such as sea-surface temperature, wind speed and direction, and barometric pressure. The logging of this type of meteorological information enabled seamen of the past to prepare for coming weather, just as it allows scientists today to extrapolate the regional weather conditions at the time of the reading. As official records, these logbooks have been collected and archived by many governments for the needs of their navies, coast guards, merchant fleets, and whaling businesses. The Netherlands, United Kingdom, United States, and other national archives hold thousands of early ship logbooks, which have recorded over three hundred years of historic worldwide voyages.[4]

Creating a standardization

In 1842, the United States appointed Navy Lieutenant Mathew Fontaine Maury as its superintendent of the Navy Department's Depot of Charts and Instruments. Although European nations have been exploring the world's oceans for hundreds of years prior, the growing shipping demands of the Industrial Revolution created a global need for standardization of marine recordings. Therefore, Maury identified his chief duty as the preparation of wind and current charts for the purpose of improving navigation efficiency. Maury spent six years creating new forms of track charts, trade wind charts, pilot charts, thermal charts, storm and rain charts, and whale charts.[5]

Mariners who used Maury's charts discovered they were

able to cut 188-day voyages down to 133 days. This success gave Maury the credibility to export his standardizations to the international community during a pivotal 1853 conference in Brussels. This "systematic collection of instrumental shipboard marine meteorological observations" created standards that make it possible to go back at least 150 years to find consistently-reported information, in layouts that can be mapped to modern database fields for transcription.[6]

Logbook imaging projects

In 1952, the National Archives and Records Administration (NARA) attempted to convert its aging logbook collection into microform. In 1988, many of Maury's abstract logs were also microformed; however, the quality of both facsimile projects is questionable. The technology and resolution make it difficult to read much of the handwritten data,[7] and even if some of the information is legible, it is scattered across paper and microform collections making it difficult for scientists to compile information for climate predictions.

In the 1980s, the United States initiated efforts to create the first database where all known weather information could be compiled. This project was eventually called the 'ICOADS'—the International Comprehensive Ocean-Atmosphere Data Set.[8] ICOADS has since grown into a one-stop shopping point for climatological information. "ICOADS products are distributed openly and without restriction; this has been a critical element in developing broad international participation, and provides a relatively uniform database for a wide variety of scientific investigation."[9]

ICOADS started out by incorporating satellite and other modern weather readings, but these products lacked the presence of older information needed for long-term climate modeling. To address this problem, NOAA launched the Climate Data Modernization Project (CDMP) in 2000, which was aimed at digitizing key international archives. These digital images were uploaded to NOAA's Web Search Store Retrieve Display (WSSRD). WSSRD is a password-protected website, which houses over 52 million raw images. Scientists can petition NOAA to gain access to this data. By 2007, the CDMP was "an example of a successful government program working with the private sector to recover valuable climate and environmental data and to create jobs in various sectors of the national economy."[10] While digital images increase access to the original material, these images still need to be interpreted and keyed into databases before the data can be used.

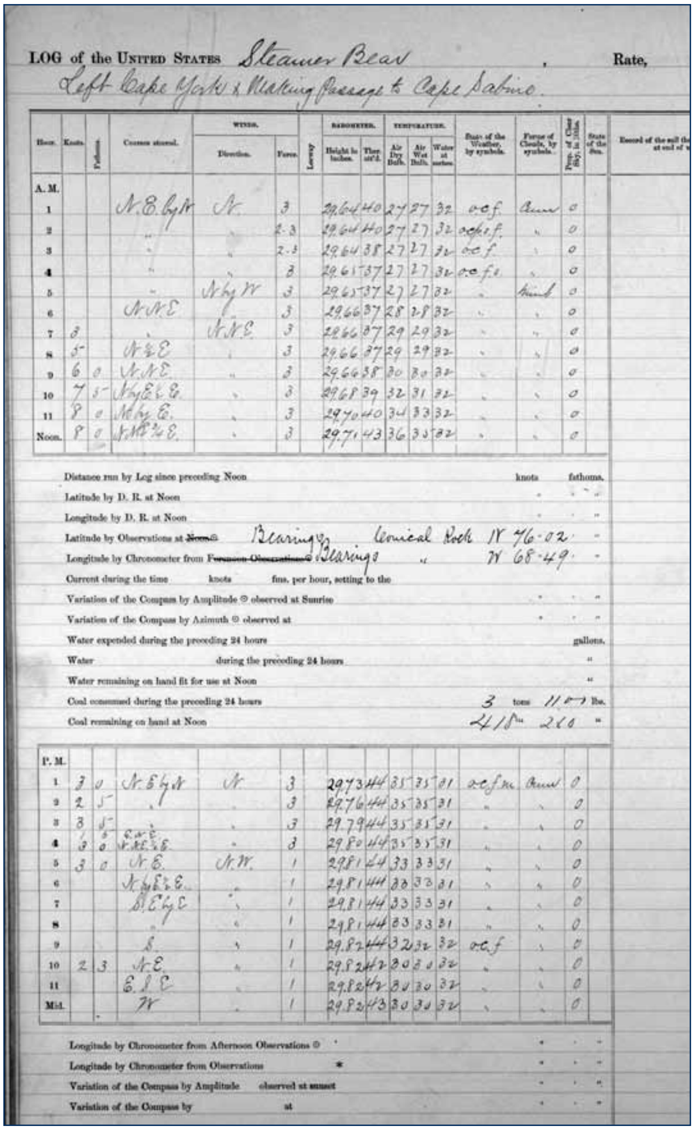
Between 2001 and 2003, the European Union funded CLIWOC, the climatological database for the world's oceans. The CLIWOC project used French, Spanish, Dutch, and British logbooks to interpret approximately three hundred thousand wind observations recorded in the era immediately before instrumentation (1750–1850).[11]

In 2005, the RECLAIM project (RECovery of Logbooks and International Marine data) was launched to capture ship logs from the Netherlands, United Kingdom, United States, and other national archives. NOAA's CDMP has provided significant funding for the RECLAIM project, which will scan and transcribe logbook information into usable measurement standards that could then be fed into widely used products like ICOADS.[12] Funding for RECLAIM was further expanded through international and private partnerships. The Environmental Document Access and Display System (EDADS) is an example of such a contract-developed digital image collection. US government employees, researchers associated with NOAA, and environmentally engaged educational institutions have access to EDADS.[13] It is hoped that these relationships can further extend a reasonable level of data collection activity in the marine area.

However in 2011, according to Wilkinson et al., there are still "many spatial and temporal gaps in the observational collections, especially in infrequently travelled regions such as the Arctic and Southern Oceans, and around the two world wars."[14] Therefore, NOAA has teamed up with the National Archives and Records Administration (NARA), the New Bedford Whaling Museum, the Coast Guard Museum NW, and similar archives in the United Kingdom (ARCdoc) and Russia (RUSALca) in order to launch a widespread digitization project to reclaim logbook information from the data-sparse areas of the Pacific Northwest and the Polar Region. It is hoped that these logbooks will help increase the available data and understanding within this climatically influential area.[15] Historically, there have been similar projects also focused on the initial digitization of old weather data. For a complete list of past logbook data recovery projects, see table 1.

Logbook transcription through crowdsourcing

Typically, the first two priorities of any imaging project are preservation and access. According to a 2004 proposal from the Joint Information Systems Committee (JISC) of the United Kingdom, "Online access is cheaper, more convenient and preserves the paper documents from unnecessary wear-and-tear."[16] While online products like WSSRD create online access to scans, the process of transforming those scans of handwritten notes into usable data can be an expensive and daunting task.


LOG of the UNITED STATES Steamer Bear , Rate,
Left Cape York & Making Passage to Cape Sabine.

Distance run by Log since preceding Noon knots fathoms.
Latitude by D. R. at Noon
Longitude by D. R. at Noon
Latitude by Observations at Noon Bearings Conical Rock N 76-02
Longitude by Chronometer from Bearings W 68-49
Current during the time knots fms. per hour, setting to the
Variation of the Compass by Amplitude ☉ observed at Sunrise
Variation of the Compass by Azimuth ☉ observed at
Water expended during the preceding 24 hours gallons.
Water during the preceding 24 hours
Water remaining on hand fit for use at Noon
Coal consumed during the preceding 24 hours 3 tons
Coal remaining on hand at Noon

Longitude by Chronometer from Afternoon Observations ☉
Longitude by Chronometer from Observations
Variation of the Compass by Amplitude observed at sunset
Variation of the Compass by at

Figure 1. A log from the Steamer *Bear*, taken while transiting from Cape Yak to Cape Sabine, Alaska.

Figure 2. Photo of the US Revenue Cutter Bear, from the Coast Guard Museum Northwest Collections.

For the pre-1950 resources, this involves "the imaging and transcription of old historical logbook records, accurately converting historical data into modern data units and into common formats, and blending this data into ICOADS."[17] Fortunately, advances in crowdsourcing and social media technologies are starting to revolutionize the way in which transcription and translation processes can be accomplished.

By harnessing the enthusiasm of citizen-scientists, social media tools can be used to allow volunteers to transcribe hundreds of thousands of ship logbooks in a matter of months. This 'crowdsourcing' process greatly improves the efficiency of large-scale data recovery projects, thus greatly extending the efficacy of funding in an era when federal budgets are vanishing.

Zooniverse (www.zooniverse.org), home of the Internet's largest and most successful citizen-scientist projects, launched its first volunteer social media web site in 2007. This project, Galaxy Zoo, asked volunteers interested in astronomy to analyze satellite and telescopic images in order to look for variations and patterns that computers were not able to discern. Expecting a quiet beginning, the Galaxy Zoo project quickly overloaded the Zooniverse servers with volunteer activity. Surprised by the unexpected magnitude of participation, Zooniverse has since increased its server capacity and created new volunteer projects such as Old Weather (www.oldweather.org).[18]

Thanks to the standardization of weather data established during Maury's 1853 Brussels Conference, ship logbooks from the previous 150 years follow a fairly uniform pattern (see figure 1). Standardized rows and columns make it possible for Zooniverse to digitally translate sections of each handwritten page and table into fields in a database. This allows volunteers to transcribe information directly into the database, minimizing the need to manually map information once it has been transcribed. Quality control over these transcriptions is achieved by having each logbook page transcribed multiple times by different people with the popular results being prioritized. This double-blind approach is particularly important given the handwritten format of old logbooks, which can be difficult to interpret.[19]

The most impressive aspect of the Old Weather project is how quickly the time-consuming parts of the transcription process are being completed through the use of crowdsourcing. In little over one year, 850,000 logbook pages were already transcribed by more than 25,000 volunteers.[20] Due to this overwhelming participation, the first WWI era logbook project was finished in early 2012, with a NOAA-led arctic project taking its place.

Photographs from some of those involved are also being scanned to extrapolate visual information and further encourage volunteer participation. Photographs can document information such as images of ships or sailors in the ice. These images

can be associated to the service records of the officers shown in the photos, helping to give a sense of what the reported data actually presented in human observable terms (see figure 2).

Results: Science and historical data products

Data from Old Weather and previous digitization projects will ultimately be blended into comprehensive climate assessment products like ICOADS (icoads.noaa.gov), the Bering Climate (www.beringclimate.noaa.gov), the Arctic Report Card (www.arctic.noaa.gov/reportcard), the Surface Input Reanalysis for Climate Applications (SIRCA), the British Atmospheric Data Center (BADC), and the international Surface Pressure Data Bank.[21] These online products allow scientists to perform queries across all known information points on any number of parameters. "Scientists input weather readings into a database in order to identify weather patterns and extremes. This allows them to test climate projections of how the Earth's weather will develop in the future against how the climate has behaved in the past."[22]

Now that crowdsourcing is making it possible to transcribe every piece of information contained within a logbook, the data obtained can spill into other professions as well. Ship logbooks also contain non-weather related information that can be helpful to other types of researchers. These include natural phenomena like earthquakes, volcanic eruptions, sunspots, and aurora. Information concerning voyage missions, commerce, and crew lists can be helpful to genealogists and historians.

Data Recovery Projects	Data Coverage
Maury's Brussels Conference	
Maury Collection microfilmed by (NARA) National Archives & Records Administration	1784–1863
Release 1 (COADS), Comprehensive Ocean-Atmosphere Data Set	1854–1979
(CDMP) Climate Data Modernization Project	1700–1900s
Release 2 (COADS), Comprehensive Ocean-Atmosphere Data Set	1784–1997
(CLIWOC) Climatological Database of the World's Oceans	1750–1854
Release 2.1 (ICOADS), International Comprehensive Ocean-Atmosphere Data Set	1784–2002
(RECLAIM) RECovery of Logbooks and Navy Logbooks International Marine data	
(CORRAL) Colonial Registers & Royal Navy Logbooks	1818–1825
Release 2.5 (ICOADS), International Comprehensive Ocean-Atmosphere Data Set	1662–2007
(ACRE) Atmospheric Circulation Reconstruction over the Earth	1780–1830
Old Weather.org launches	1914–1918
Old Weather – Arctic launches	

Table 1. A brief outline of major data recovery projects that have focused on reclaiming weather data from old ship logbooks.[23]

Conclusion

It is expected that historical data recovery projects like CDMP and Old Weather will assist scientists and policy makers in mitigating inaccurate responses to weather variability by being able to generate better climatic predications from one-stop shopping products like ICOADS. Although some of these projects can be very expensive, the ability to offset transcription costs through volunteer participation makes resources like Zooniverse a creative solution for stretching the effectiveness of limited funds. Furthermore, the involvement of the public in such transcription projects may also increase public awareness of the value of these historic documents and allow continuation of public funding for their data recovery.

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An Imperfect Decade

The Culture Wars and the National Endowment for the Arts

Davis Erin Anderson

Introduction

During the culture wars of the late 1980s and 1990s, the National Endowment for the Arts (NEA), by all accounts a relatively low-cost and highly productive agency of the federal government, came under fire for its support of exhibitions that included controversial content. In spite of the NEA's history of engendering positive experiences for the American public, the agency became a flashpoint for a decade-long debate regarding censorship, obscenity, First Amendment rights, and public support of the arts. Arguments for and against the very existence of the endowment rose from artists, religious groups, and the general public to the floors of the House and Senate, eventually culminating in a series of severe reductions to the budget of the agency. This paper utilizes publicly available government documents to investigate the prolonged attempt at destroying the NEA, as indeed these "wars" over the intersection between the arts and First Amendment rights can be seen as a lens to the ethos of the United States during this era.

History

Conflict regarding appropriations for the NEA began with two independently issued grants. The first of these grants was conferred in September 1987 as part of a pilot program to encourage joint public and private sponsorship of the arts. Awarded to the seventh annual Awards in the Visual Arts program, known colloquially as AVA-7, the traveling exhibit included a photograph by the artist Andrew Serrano entitled *Piss Christ.* The image featured a plastic crucifix submerged in a glass of the artist's urine. A statement by Serrano indicates that the image is meant to speak to the commoditization of religion. Marcia Tucker, director of the New Museum of Contemporary Art, commented that the photograph "indicates the extent to which we're unable to deal with our humanity."[1] Once the exhibit landed at the Virginia Museum of Fine Arts, Serrano's photograph became the source of negative attention.

The second grant was awarded to the Institute of Contemporary Art at the University of Pennsylvania for a retrospective of the work of Robert Mapplethorpe, who at the time was dying from HIV/AIDS. As pointed out by detractors, many of the works showcased at this exhibition featured graphic images of a sexual nature, including homoerotic imagery and portraits of naked children. Entitled *A Perfect Moment*, the exhibit first appeared at the Museum of Contemporary Art in Chicago and was due to open at the Corcoran Gallery of Art in Washington in July of 1989. Sensing an oncoming political storm, however, the gallery decided to cancel its presentation of the Mapplethorpe retrospective. This decision was noted in turn by the artist community, resulting in a boycott of by several artists of two of the Corcoran's upcoming exhibits.[2]

Perhaps under different circumstances, these instances would not have received the attention of the federal government; neither the *New York Times* nor the *Washington Post* reported on this story at the time. Subsequent involvement of the American Family Foundation (AFF), however, escalated these instances to the national stage. Happening upon a catalog of works presented at AVA-7 and taking umbrage at Serrano's *Piss Christ*, Reverend Donald E. Wildmon, executive director of the AFF, dispatched a column in an issue of the organization's newsletter. Wildmon wrote a scathing review of Serrano's photograph and argued that NEA officials responsible for the grant "should be fired."[3] The newsletter reached the mailbox of some 38,000 readers.

Soon thereafter, Senator Alfonse M. D'Amato (R-NY) addressed the Senate on the issue of Wildmon's review. The date was May 18, 1989. D'Amato utilized his platform to decry the notion that "American taxpayers should be forced to support such trash."[4] His thoughts on the matter were addressed in a letter to Hugh Southern, acting chair

of the NEA. Receiving D'Amato's letter, Southern sought to smooth relations between the senate and the NEA by outright agreeing with D'Amato's assessment of the photograph. Nevertheless, he reminded the senators, the NEA was "prevented by its authorizing language from promoting or suppressing particular points of view."[5] Chairman Southern promised "to ensure that Endowment processes are effective and maintain the highest artistic integrity and quality" but did not agree to a complete review of the NEA's grant review system as D'Amato would have preferred. [6]

As the controversy to cancel the Mapplethorpe exhibit engulfed the Corcoran, the House Appropriations Committee began its process to determine a budget for the 1990 fiscal year. Their bill, H.R. 2788, was read on the House floor on the July 12, 1989. In turn, Congressmen Ralph Regula (R-OH), Dana Rohrabacher(R-CA), Richard K. Armey (R-TX), and Charles W. Stenholm (D-TX) stood before the House to propose amendments to cut the agency's funding. Amid these proposals, a fierce debate regarding the value of the arts to American society ensued. Supporters of the NEA emphasized the NEA's mission to support art in rural communities throughout America. Ultimately, however, the House passed Armey's amendment to reduce the NEA's funds by $45,000, equal to the funds provided to sponsor the photographs by Mapplethorpe and Serrano.[7]

After committee review, H.R. 2788 carried with Armey's amendment to the Senate. On July 26, 1989, Senator Helms had occasion to rail against federal support for art found to be "obscene or indecent." [8] Calling the Mapplethorpe and Serrano images "immoral trash," Helms decried "federal funding for sadomasochism, homoeroticism, and child pornography" as "an insult to taxpayers."[9] In spite of Helm's and Stenholm's groundwork, the final version of the appropriations bill emerged on October 7, 1989 with the NEA's budget in tact. Instead, the bill included a request for an independent commission to review the legal strength of a clause from 20 USC. 954(c) that stipulated that grant worthy art should possess "substantial artistic and cultural significance, giving emphasis to American creativity and cultural diversity and the maintenance and encouragement of professional excellence." With this edict in place, the bill signed into public law 101-121, and in section 304(a) states that:

> None of the funds authorized to be appropriated for the National Endowment for the Arts . . . may be used to promote, disseminate, or produce materials which in the judgment of the National Endowment for the Arts . . . may be considered obscene, including but not limited to, depictions of sadomasochism, homoeroticism, the sexual exploitation of children, or individuals engaged in sex acts and which, when taken as a whole, do not have serious literary, artistic, political or scientific value.[10]

The phrasing illustrated in P.L. 101-121 was written to evoke the obscenity clause prescribed in the 1973 Supreme Court case *Miller v. California*, a case that determined that the First Amendment does not protect obscenity. In the case of artwork, First Amendment rights could be curtailed in cases where the work depicts or otherwise describes sexual conduct described by state law, "appeals to prurient interest" and lacks "serious literary, artistic, political, or scientific value."[11]

Even though P.L. 101-121 required that NEA grant applications include only a portion of the terms presented in the *Miller v. California* decision, the newly appointed chair of the NEA, John E. Frohnmayer, opted to insert the entirety of the obscenity clause into grant documents. In further effort to appease Helms and his backers, Frohnmayer revoked several outstanding grants. One such grant had been awarded to Artists Space, which was planning an exhibit on AIDS. This particular action caught the attention of Leonard Bernstein, who subsequently refused to accept an NEA Medal of Honor.[12] In a move that would have future ramifications, performance artist Karen Finley, who had become famous for performing a one-woman show in which she rubbed chocolate over her naked body, lost her grant as well. In solidarity with Bernstein, Finley and other artists in similar straits, arts administrators across the country began to refuse money allotted to them in NEA grants. Eventually, these protests impacted the endowment's operations: The NEA was unable to give awards in 1992 for sculpture after the entire board of the Visual Arts panel resigned in protest.[13]

In addition to bearing the brunt of boycotts by the very artists it was trying to support, the NEA continued to suffer politically as well. In May 1990, Representative Philip M. Crane introduced H.R. 4759, a bill to privatize the endowment. While this legislation was submitted to a committee never to be seen again, it represented a harbinger for futures legislation that sought to eliminate the NEA altogether. Just one week later, on May 15, 1990, Congressman Williams presented a bill on behalf of President Bush suggested reauthorizing the NEA for a "cooling off period" of one year.[14] A routine procedure, this measure bore an unusual amount of significance as the timing of Bush's suggestion can be read as an acknowledgment

of the scale of political battle by the executive branch.

The independent commission mandated in P.L. 101-121 began its work during the summer of 1990. Cochaired by John Brademas, cosponsor of the 1965 legislation creating the NEA, and Leonard Garment, who had worked on the Endowment under chairwoman Nancy Banks, the commission found that the standards for funding public art must continue to be more stringent than factors leading to private support. Addressing specifically the issue of the obscenity clause inserted by Frohnmayer into grant applications, the commission found that while "freedom of expression is essential to the arts… obscenity is not protected speech."[15] However, the NEA should be considered an "inappropriate tribunal for the legal determination of obscenity, for purposes of either civil or criminal liability."[16] Based upon these findings, congress enacted "The Arts and Humanities Amendments Act of 1990" on November 5, 1990. This amendment reauthorized the NEA through 1993 with a revamped grant authorizing procedure, placing more authority in the hands of the chairman and rewriting grant applications to include decency standards rather than an obscenity clause.

The power granted to Frohnmayer through these acts proved a heavy burden. Stuck between opposing forces, Frohnmayer reportedly struggled to take a hard line on either side of the issue, oscillating on whether or not certain grants should be funded. When the NEA grant-winning journal *The Portable East Side* published issues entitled "Queer City" and "Live Sex Acts," the American Family Association once again took offense, mailing copies to several members of congress.[17] A copy forwarded to Representative Armey found its way across the hill to an official within the White House; the resulting tumult led to what appears to have been a forced resignation of Chairman Frohnmayer.[18] Both the chairman and the president released letters upon the resignation, the latter citing Frohnmayer's "desire to return to private life."[19] The NEA was left in the hands of acting chair Ana M. Steel for the next eighteen months.

In the second year of his first term, President Clinton hoped to restore stability to the agency by nominating Jane Alexander, a prominent actress from New York City, to chair the NEA. In her hearing, Alexander promised that the endowment would remain free of controversy. In keeping with her personal mission to ensure that "every man, woman and child find the song in his or her heart," Alexander promised to reinstate the good name of the agency by touring the country in its support.[20]

When Alexander took her post, the budget of the NEA was largely intact. Meanwhile, however, the debate over obscenity in the arts had infiltrated the judicial system. Karen Finley, who had been slighted when her funding had been revoked, had joined with three other maligned artists to form the NEA 4. Their case against the NEA had progressed through the courts, landing before the Supreme Court in spite of a settlement offered by the NEA. Joined in this later stage by the National Association for Artists' Organizations, the NEA 4 hoped to challenge the constitutionality of the decency that had been added to grant applications. The nation would wait several years to learn the outcome of the case.

The change in the political tide brought about by the midterm elections in 1994 made the woes of the Mapplethorpe controversy seem almost quaint. Galvanized by their election platform "Contract with America," Republicans in the House, led by Newt Gingrich, sought once again to eliminate the NEA. The appropriations bill for 1996 saw a 40 percent budget reduction, leaving the agency with a decrease in staff and heavily curtailed operations. Dollars flowing into state arts budgets were preserved, though the NEA was no long able to support its once robust service to individuals. Keeping a bright countenance during this time of trial for the organization, Alexander wrote: "adversary builds character in institutions as much as individuals and the National Endowment for the Arts' difficulties of 1996 have greatly enhanced the character of this agency."[21]

In the 1997 congressional session, attacks against the NEA continued unabated. The appropriations bill for 1998 (now a typical venue for bickering over the fate of the NEA) became an intense battleground for the endowment. Sponsored by Ralph Regula (R-OH), the longtime opponent of the agency, the bill emerged from committee with just $10 million for the NEA, just enough to allow it to shut down.[22] During the debates in the House on July 11, 1997, Representative Vernon J. Ehlers (R-MI), hoping to "avoid the battles we have had in the past about the NEA … and yet maintain the funding of the arts," presented an amendment providing $80 million in arts funding to the states in two block programs, thereby removing the necessity of the endowment.[23]

Growing concern led President Clinton to submit a letter to the Senate on July 11, 1997. Clinton writes, "as we set our priorities for the coming years, let's not forget the vital role the National Endowment for the Arts must continue to play in our national life . . . It is a beacon, not only of creativity, but of freedom."[24] Fortunately for the President, the appropriations bill was handed off to the Senate committee chaired by Slade Gorton (R-WA), who had promised to restore funding for the arts. In written report No. 105-56, Senator Gorton recommended an appropriation

of $83,300,000 for grants and administration of the NEA. Attempts to undo this funding abounded; Senator John Ashcroft (R-MO) presented an amendment on September 19, 1997 to eliminate funding for programs and activities sponsored by the agency, and Senator Kay Hutchins Bailey (R-TX) sought to funnel arts funds into the states. In the end, Representative Regula and Senator Groton were able to broker a deal that left $98 million in the NEA's budget.

At long last, hope for better times manifested in the appointment of Bill Ivey, a country music expert from Nashville. Ivey represented a populist choice, and found great favor with the congressmen who had doggedly pursued the elimination of the foundation. Even Newt Gingrich offered a warm welcome to Ivey, despite that he had stonewalled Jane Alexander in the past. Another bit of fortune would bring about good tidings for the agency; the NEA won the Supreme Court case brought by the NEA 4. Ruth Bader Ginsburg, wrote the opinion of the court, and found that the NEA's denial of a grant to Finley did not count as a breach of First Amendment rights, as the obscenity clause could be perceived as a mode of advisory for grants, rather than an statement demanding compliance. In an 8–1 opinion, the judges held that the clause does not violate First Amendment rights. Newt Gingrich lauded this outcome, claiming that the decision "validated the right of the American people to not pay for art that offends their sensibilities." Chairman Ivey also expressed his pleasure at the Supreme Courts decision, two sides united at last.

Research Methodology

My research into the role of the NEA culture wars covered documents digital and print, with particular focus on the *Congressional Record*, as well as annual reports published on the NEA's website. Where possible, I utilized hearings to shed light on the motions to cut spending to the agency, though I found that many of the hearings related to appropriations legislation were never published. These gaps presented occasions in which hearings that took place at a later date revealed findings from earlier, unpublished hearings, leading to much revising of this paper. Mark Bauerlein's book *The National Endowment for the Arts: A History* was quite helpful with the broad strokes of the time period covered in this paper, as it traced the full history of the NEA and included a chapter on the culture wars.

I used the Advanced Search functionality in FDSys throughout to find documents related to appropriations for the NEA. Given that FDSys is not complete, and that the debate over how and why the government should continue to support the arts began in 1989, a trip to a depository library became a necessity. I spent time in the quite thorough and well-maintained depository library at Brooklyn College. My time with print copies of the *Congressional Record* overlapped with thorough searching through THOMAS to ensure that I had a clear picture of the legislative activities taking place around the discourse related to public support for the arts. Full text of the *California vs. Miller* decision was available at Justia.com.

To provide context around searching documents, I utilized the *New York Times* archives. Search terms included "National Endowment for the Arts," "David E. Frohnmayer," "Leonard Bernstein Arts Medal," "Karen Finley," "NEA 4," "Corcoran Gallery," "Andres Serrano," "Robert Mapplethorpe," and so on—all of which I run through an advanced search through a date filter, typically 1989 through 1998.

In order to mitigate any sort of bias factor, I also searched EBSCO's Academic Premiere and ProQuest's Newspapers database. Performing basic Google searching on "Andres Serrano" and "Robert Mapplethorpe," I found a helpful article from the *Village Voice* regarding selecting the Serrano image for AVA-7. In addition, I was able to browse through the website of the Robert Mapplethorpe Foundation to get a firsthand sense of the incendiary nature of this artwork. The more risqué pieces that fanned the flames of the debate on government support of the arts, including *Piss Christ*, are available in a Google Image search.

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A Hidden Story

American Indian Code Talkers

Suzanne Marshall

Classification of sensitive information is crucial to national safety, but when the information is no longer a threat to security and is declassified, has the information lost its value? Can the time and expense required to make the information searchable be justified? To answer these questions, consider the following story pieced together from government documents. The main characters are American Indian code talkers. Some people may have heard of Navajo code talkers, but there is more to the story.

In World War I (WWI) German forces consistently intercepted US military messages via telegraph and telephone-tap and captured one in four messengers on foot.[1] They mastered Allied code deciphering, and US officers feared that all sensitive communications were compromised. US forces tested their suspicions by sending an encrypted message with false coordinates for a supply dump. Within minutes the Germans attacked that position.[2] The US military desperately needed better encryption.

Hearing American Indian soldiers talking amongst themselves, a captain of American forces pounced on the idea that messages sent in the Indian language would be inscrutable to the Germans.[3] The captain approached Col. A.W. Bloor, commanding officer of the 142d Infantry, who sent a letter to the commanding general of the 36th Division explaining the use of Indian languages.

In the dark night of October 26, 1918, the American Expeditionary Forces stealthily picked their way through the French countryside densely netted with German cables in a delicate withdrawal of two companies.[4] This successful operation employed Choctaw soldiers transmitting and receiving messages for the first time in modern warfare.[5] Again, on October 27, Choctaws sent messages that prepared the way for a complete surprise attack and victory over German forces.[6] "Because the language used by the Choctaw code talkers in the transmission of information was not based on a European language or on a mathematical progression, the Germans were unable to understand any of the transmissions," explained Senator Inhofe addressing the Senate concerning S. Con. Res. 2681 of the 110th Congress, 2d Session.[7]

In World War II (WWII), German and Japanese enemies again intercepted and decoded US transmissions, uncovering strategic plans and costing lives. Philip Johnston, a WWI veteran, recalled the Choctaw language used in France. He approached Major General Clayton B. Vogel, the commanding general of the Amphibious Force of the Pacific Fleet, with the idea of using the Navajo language to send messages.[8]

Johnston "simulated combat conditions, demonstrating that Navajos could encode, transmit, and decode a three-line English message in 20 seconds." [9] This was over 98 percent faster than the current encryption machines.[10] Vogel sent a letter to the Commandant of the US Marine Corps explaining the experiment.[11] The Marine Corps recruited and trained Navajo soldiers who transmitted messages in all six Marine divisions.[12] During the famous battle of Iwo Jima, three pairs of code talkers worked nonstop for 42 hours sending and receiving over 800 messages without rest or error.[13] "Were it not for the Navajos, the Marines would never have taken Iwo Jima," according to Major Howard Connor, 5th Marine Division signal officer.[14] They were "considered so essential to the war that, unlike their counterparts, many of them were forced to serve straight through the war with no breaks for rest or trips back home."[15] Code talkers were so valuable that guards killed them if capture seemed eminent. [16]

While Navajos used code talking in the Pacific arena, Comanche code talkers were confounding German intelligence in Europe. On D-Day, Comanche code talker, Charles Chibitty, landed with the Army's 4th Signal Company five miles from the intended destination in intense fighting at Utah Beach in Normandy.[17] He radioed their altered location to prevent friendly fire and to direct incoming reinforcements.

Chibitty's code stumped the Germans and saved many lives. In fact, German spies unsuccessfully posed as anthropologists and students on Indian reservations and at Fort Gordon where Indians learned communication techniques. The Germans remained unable to decipher Indian code in either war.[18]

In the hearing before the Committee on Indian Affairs in the Senate in 2004, Dr. Meadows, professor of the Department of Sociology and Anthropology at Southwest Missouri State University described two types of code talking.[19] One type, formal code talking, consisted of official code contrived by Indians.[20] Navajo code talking used formal code. When sending a message in formal code, code talkers spoke a string of Navajo words that the receiving Navajo signal man translated into English words. Taking the first letters of the English words, the soldier chained the letters together to spell English words and find the message. For instance, to spell "down" the corpsman might speak the Navajo words "be" translated "**d**eer" [**d**]; "a-kha" translated "**o**il" [**o**]; "glo-ih" translated "**w**easel" [**w**]; and "tsah" translated "needle;" thus, "**d – o – w – n.**" The Navajo words were often changed, further confusing eavesdroppers. For example, the letter "a" could be represented by "wol-la-chee" meaning "ant" or by "be-la-sana" meaning "apple." In addition, code talkers created 450 words for frequently used military terms absent in Navajo vocabulary. For example, "submarines" were called "iron fish," "fighter planes" were called "hummingbirds," and "America" was translated "Our Mother."[21]

The second type of code talking, informal code talking, consisted of an Indian simply speaking his native tongue in a transmission to another Indian speaking the same language. This type occurred impromptu on battlefields and accounts for the discrepancies in the exact number of tribes represented by code talkers. Brigadier General Brown, chief of Military History and director of the Army Center of Military History, indicated in this same hearing that "virtually all of the American Indians who spoke both their native tongue and English were used at one time or another in this (code talking) capacity, and that would come to about at least 21,000 soldiers in the US Army alone."[22]

Despite the number of servicemen who served as code talkers and the dangerous and vital nature of their service, they were not recognized when they returned from war, because code talking was classified until 1968. "[For] the code talkers who returned home, there were no parades or special recognition, as they were sworn to secrecy, an oath they kept and honored but one that robbed them of the accolades and place in history that they rightly deserved."[23] Even after declassification, relatively few people knew about their contributions. Declassification did not mean dissemination.

Not until 1982, thirty-seven years after WWII, were code talkers nationally recognized. Public Law 97-225 acknowledged Navajos code talkers by designating August 14, 1982, as *National Navaho* [*sic*] *Code Talkers Day*.[24] The law moved in the right direction but failed to recognize non-Navajo code talkers.

Another decade passed before President George H.W. Bush honored all American Indians in a proclamation, "Year of the American Indian." He specifically saluted, "the Navajo Code Talkers of World War II and all those Native Americans who have distinguished themselves in service to our country," but, again, non-Navajo Indians were unrecognized.[25]

In 2000, the House passed a bill proposed by Congressman Tom Udall authorizing the president to present medals to Navajo code talkers and a law appropriating money for striking the medals.[26] On July 26, 2001, President George H.W. Bush awarded these medals bringing some publicity to code talking.[27]

Veterans from other tribes began to come forward for code talking recognition. This prompted Representative John R. Thune in 2001 to sponsor H.R. 3250, *Code Talkers Recognition Act*, which recognized Sioux code talkers who spoke Dakota, Lakota, and Nakota Sioux dialects, Comanche code talkers, and Choctaw code talkers. The passed resolution transferred to the Senate where it died in committee.

In 2002, MGM Studios introduced the general public to code talking in the fictional movie, *Wind Talkers*.[28] This spurred four resolutions in the House and Senate recognizing American Indian code talkers from other tribes. All four resolutions withered in committees but prompted a senate hearing in 2004, *Contributions of Native American Code Talkers in American Military History*. The hearing illuminated the contributions of code talkers in WWI and WWII from various tribes.[29]

In 2005, 2006, and 2007 resolutions similar to those introduced in 2003 were proposed without success. Representative Dan Boren of Oklahoma introduced a bill that finally became P.L. 10t-420, *Code Talkers Recognition Act of 2008* on October 15, 2008. The act honored Native American code talkers from thirteen tribes and authorized medals to be issued to these veterans or, if deceased, to their families.[30]

Sixty-three years passed before all of the code talking heroes were honored, because their service to the United States was unknown. The majority of these veterans died before recognition came. Yet, acknowledgment for their service, which saved thousands of lives and contributed greatly to victory, remained important to the families, tribes, and nation. Code talking is a fascinating and inspiring legacy of our shared American history, and demonstrates the dormancy of rich information that lies buried in our national archives.

That is the end of the story of the code talkers, or is it? Four out of five facts found for this story came from relatively recent congressional testimony based on eyewitness accounts of events that occurred decades ago not from primary documents dated during the war years. Short of making a costly and time-consuming trip to the National Archives, the existence of primary documents with specific information such as dates, names, locations, and events concerning code talkers in unknown but possible.

For instance, one question that remains unclear is whether code talking was used in the Korean and Vietnam conflicts. A congressional commission created in 1996, *Roles and Capabilities of the United States Intelligence Community,* stated in Appendix A, "So successful was this method [Navajo code talking] of encryption and communication that it was employed in Korean and Vietnam conflicts."[31] William C. Meadows also mentions code talking in the Korean and Vietnam Wars in his book, *The Comanche Code Talkers of World War II.*[32] However, in an autobiographical book by Nez Chester, a Navajo code talker in WWII and veteran of the Korean war, Chester states, "Our secret Navajo code was never used [in the Korean War]. Later, we code talkers learned that officers believed the war would end quickly, and they didn't want to risk the code unless it was absolutely necessary."[33] Despite researching dozens of government documents, only one Senator's mention of code talking after WWII was found. Perhaps the sources indicating code talking in the Korean and Vietnam conflicts were misinformed, or the difficulty in obtaining declassified documents makes this information less known.

Obtaining declassified and other dated government documents, for those unable to travel to a depository library, requires numerous back and forth communications with National Archives and Records Administration (NARA), both through e-mail and ground mail, seventy-five cents per page or fifteen dollar minimum payment for text or more for images, and a thirty to sixty days wait. Even then, the relevancy of the actual content cannot be ascertained until the documents arrive, because the descriptions of undigitized information are vague. [34]

NARA has created a *Strategy for Digitizing Archival Materials for Public Access*, 2007–2016 (www.archives.gov/digitization/strategy.html), but the voluminous magnitude of the project requires much time, keeping stories like code talking unwittingly secret. Much of the information may seem insignificant and not worth the time for digitization at present, but the information may become tantamount in the future. Even when documents are digitized, searching their content is problematic because of redaction.

Citizens rightfully own government documents and must be granted not only access but facilitated access to those documents. Important facts are, by default, invisible and virtually inaccessible without facilitated access. As this case of the American Indian code talkers highlights, we must strive to reveal the rich heritage we share in our co-owned government documents.

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Public Access to Government-Funded Research

A Right or a Privilege?

Courtney Jaser

Introduction

The call for open access to research funded by the US government has become increasingly prevalent. The right to access government information has long been established through Title 44 of the US Code, which created the Federal Depository Library Program. This law is based on transparency and openness, as well as access. Government-funded research, however, does not have the same rights of access attached to it. This paper argues that this research should be considered a public good and made freely accessible as most other government information is.

Access to government-funded research has been a topical issue in the media recently. Current legislation requires that all research funded by the National Institutes of Health (NIH) must be made accessible to the public within twelve months of the date of publication, according to the Consolidated Appropriations Act 2008.[1] The articles must be deposited into PubMedCentral (PMC), a public database administered by the National Library of Medicine.[2] There is controversy surrounding current arguments that this research should be open access, despite it being funded by the taxpayer. Those against the proliferation of open access often have commercial interests emanating from the publishing industry.

For the purposes of this paper, I will be focusing primarily on scientific and health-related government-funded research, since the NIH is the only federal agency that currently makes its research publically available by law. I argue that access to government-funded research should be considered a public good, as discussed by John Willinsky.[3] Providing access to this research seems natural, given that the taxpayers are funding it. Open access to government-funded research also has multiple benefits, including public empowerment, increasing the potential for rapid advances in science, and the improvement of human health.

Recently proposed legislation, known as the Research Works Act (RWA), would require permission from the original publisher before any research is made publically available. A contradictory bill to the RWA, known as the Federal Research Public Access Act of 2012 (FRPAA), was also recently proposed. FRPAA would require all government research from any agency with a budget of one hundred million dollars or more to be publicly available. It would also reduce the open access embargo from twelve to six months.[4] These competing bills exhibit the widespread debate relating to access of government research.

Justification

Much of the literature on open access initiatives focus on scholarly publishing rather than government information. The literature about scientific government research often focuses on logistical aspects of legislation, overlooking the theoretical framework of access that is crucial to the debate. Government information literature primarily discusses the information distributed under the FDLP, bypassing discussions of scientific research, as much of it has been privatized. This paper aims to combine these perspectives, arguing for increased access to scientific and health related government research through the lens of a public good and access framework, while also providing practical information about current legislative debates relating to the NIH Public Access Policy.

Research questions

This paper aims to explore the theoretical arguments for public access to government information, asserting that government-funded research is a public good as is government information made available through Title 44. The following research questions will be addressed in this paper.

RQ1: What are the theoretical arguments involved in the public versus private debate of government information, as well as the consequences of privatization? How is the commercial publishing industry influencing access to government-funded research?

RQ2: How is scientific information, and more specifically health information, important to the public?

Literature review

Call for Access: Privatization of government information

The drive to privatization often involves a shift from something considered a right, or a public good, to something considered a commodity. Many disagree about what should be considered a public good, whether or not to be under the control of the government who we democratically elect. I argue that all government information should remain in the public domain, because access to government-funded research is a public good.

Access to knowledge can be considered a right, and access to scholarly research contributes to the realization of this goal. Knowing for its own sake is an important component to this argument for access to government research, supporting people's pursuit of knowledge.[5] Limiting the dissemination of government-funded information and therefore creating an "information elite" is a continuous concern. Only those who can afford to purchase certain information, or are associated with an institution that can, are afforded access to it. Jay W. Rea counters this argument by stating that there is a long history of public and academic libraries paying for certain information, and the only issue is a matter of at the point at which the price becomes too high to restrict access.[6] He believes that budgetary restrictions are enough to justify the privatization of government information.

Rea also cites the common concern that "the proprietary interest of the private sector raises the costs of access and that the availability of information will ultimately depend upon the demands of the marketplace." He suggests that the private sector is not always operating for a profit, and that the market serves the interests of the public as it responds to demand.[7] Although this point has merit, this paper argues that through the government relinquishing its control of the dissemination of its documents, the private sector therefore gains control over what course of action it takes regarding the sale of these documents. The private entity may be not-for-profit, but could eventually become commercial, after the government has absconded control of it. Costs associated with the purchase of these documents can also go unregulated, and the government may lose control over the price as this information becomes controlled by the market.

Illustrating the first and primary example of the privatization of government information is the National Technical Information Service (NTIS). The NTIS is the central clearinghouse for all of the unclassified scientific and technological reports that the government funds, requiring payment for access. Throughout the past few decades, the law has mandated that the NTIS is self-supporting, and therefore it charges users for access in order to cover its costs. Only a fraction of scientific and technical information is made available through the GPO and Federal Depository Program.[8]

It can also be argued that the media is not carrying out its role of informing the general citizenry, justifying increased access to government information. Access to scholarly research provides an additional source of public information, creating opportunities for a more informed public.[9] News outlets that provide critical analysis of news stories are becoming less common. Corporate interests have created a more trivialized media that often seeks to entertain, resulting in a lack of perspectives in the mainstream news.[10] In opening access to scholarly research, there is a potential to provide more quality information, and therefore may answer questions that may not be addressed adequately in the media.[11] There is also some concern that academic information is self-serving to the authors for career advancement purposes, but Willinsky calls for a greater awareness to the potential for open scholarly information systems to better serve the public, in order to promote a more democratic dialogue.[12]

All forms of government information should be considered a public good, freely available to any who seeks access. The privatization of government information is threatening to the ideals of openness that Title 44 of the US Code provides. Willinsky asserts, "With so much scholarly activity supported by public money, it is only natural to ask whether there is now a way to distribute the resulting research in ways that make it open and available, as a global public good."[13]

Scientific information as a right

Scientific and technological research is regarded as crucial in order to understand nature, address societal problems and accomplish national goals. It has been historically regarded differently than other government information, in that it is subject to privatization, therefore reducing access. Under the

umbrella of scientific information, increased public access to health information has begun to alter ways in which the public engages with their health, creating the potential for "shared decision making" between doctors and their patients. As of 2003, six million Americans went online to search for health information daily.[14] Through providing access to government-funded research, the quality and abundance of accessible information increases.

Robinson discusses the "scientific illiteracy" of the general public, referring to the supposed limited understanding that most Americans have of science.[15] Using this argument, some assert that scientific information is less necessary to create access to, as people generally lack the understanding to fully process it. I assert, however, that all government information should remain in the public domain, and lack of understanding is not enough reason to limit access. Availability of information is a means to develop further understanding and knowledge of topics, especially those in which one is considered "illiterate" in. This lack of understanding demonstrates a stronger need for access, rather than further limitation.

Some express concerns about the potential for the public to misunderstand the information they are reading, and believe incorrect information and/or make ill-informed decisions. In practice, the NIH encourages the public to be educated consumers, actively engaged in their health. Consulting healthcare providers is still recommended, and regardless of whether each person who reads it understands it in its entirety, the information provided by the NIH is credible scientific research.[16]

In a study carried out in Glasgow, many doctors reported that the studies that their patients brought into their offices were new to them. Patients therefore may have a role to play in educating their doctors, as well as doctors helping patients to understand the information. This dialogue can only increase knowledge and promote a more active citizenry.[17]

Doctors in Georgia have created a platform in which easily accessible information from MedLine Plus, the government's consumer health information website, combines the ability to search for similar topics in PubMed, the government's scholarly research index.[18] The *New England Journal of Medicine* makes all of its content free to after six months of publication, and access is free immediately to the world's developing countries.[19] Further access to scientific information is clearly a trend, being proliferated through the medical and scholarly communities.

The journal publishing industry has expressed concern regarding open access to health information through the NIH open access policy. Apprehension was raised for not-for profit publishers, as well as the commercial industry. It is not likely that journal subscriptions would be canceled as a result of the proliferation of the NIH policy, based on the fact that NIH funded research constitutes only a small fraction of scientific articles published. By canceling journal subscriptions, libraries and scientists would be limiting their access to scientific research considerably, and would be unlikely to do so.[20] The PubMedCentral (PMC) archive does not seek to create competition with private journal publishers. Willinsky argues that public access to scholarly research incurs minimal costs for the publisher, yet can result in many benefits. It can increase the visibility of the publication, and in turn provide more public support for the funding of that research,[21] particularly relevant if it is government sponsored as the taxpayer has an influence on this allocation of funds.

The NIH Public Access Policy has the primary purpose of creating a public archive for government-funded research in order to permanently preserve this information. This is an invaluable resource for citizens today, as well as for future generations. PubMedCentral, the public database in which the research is submitted to, provides a searchable, user-friendly platform in which to locate related resources on science and technology topics. It is therefore increasing access to the public.[22]

Practical challenges to implementation of NIH public access

There have been practical challenges to the implementation of the NIH public access policy. It is unclear whether health professionals are taking advantage of the freely accessible information, using it for their research and in practice. Also, there is literature stating that a significant portion of articles are not being deposited in PMC, even though it is now mandatory.[23]

Several studies have investigated the effects of increased access to information on health professionals. For example, a 2008 study was carried out evaluating whether mental health professionals were more likely to access free or subscription articles while researching. The research found that they were more likely to access the free, open access articles rather than subscription, but that this new research did not have a significant impact on their intervention recommendations.[24] Therefore, the study did not identify a relationship between improved access and care strategies; further research about this link would be useful.

In order to promote use of this increased access to information in practice, the National Center for Research Resources introduced the Clinical and Translational Sciences Award (CTSA) program in 2005. The program's primary goal is to encourage the translation of new scientific knowledge into actual clinical care. It promotes data sharing

between institutions, in order to spread new findings more efficiently. Surprisingly, there is no open access promotion within the program, besides what is granted through the NIH policy, which as stated previously accounts for only a small portion of new scientific research. Further action is necessary for increased access to information in order to encourage medical practitioners to keep current with new research and apply it in their practices.[25]

A study by O'Keefe, Willinsky, and Maggio explored health personnel's research patterns before the NIH policy took effect. They found that most of the participants expressed a greater need for access to medical literature, used literature often, and believed that the NIH public access policy would benefit them. Surprisingly, the resources used most often for obtaining information were Google and Wikipedia, and 27 percent of respondents used PMC weekly. Perhaps with greater availability of information in PMC, these results would be altered if the study were to be performed again since the NIH mandate.[26]

There has also been concern with issues of noncompliance with the NIH deposit requirement. Some suggest that approximately 40 percent of the articles required to be deposited in PMC are not.[27] There appears to be little enforcement of the deposit mandate, creating an archive that is not operating to its full potential.

Current congressional debates regarding NIH public access policy

As of April 7, 2008, the Consolidated Appropriations Act requires all final manuscripts of research articles funded by the government be submitted to PMC.[28] Submission was previously optional, but is now mandated to take place within twelve months of publication through the NIH Public Access Policy. On March 11, 2009, this bill was signed into law through the 2009 Consolidated Appropriations Act by President Obama, making the requirements permanent.[29]

Many librarians and open access advocates are frustrated with the twelve month embargo, suggesting that it should be reduced or eliminated, as it does not provide true open access. This position was the momentum behind the proposed Federal Research Public Access Act (FRPAA), which suggested the embargo be reduced to six months rather than twelve. It would also expand the NIH mandate to all government organizations with a budget of one hundred million dollars or more, which would significantly increase the access to government research.[30] The Alliance for Taxpayer Access (ATA), supported by the American Library Association (ALA) supports this bill, dedicated to public access of publicly funded research.[31]

The proposed Research Works Act (RWA) is on the opposing end of the debate, which would prohibit the government from making research available without publisher permission. This legislation stems from the publishing industry, and the main argument for it relates to protecting copyright. Similar legislation was proposed in 2008, but did not move forward in Congress. Elsevier, the largest scientific journal publisher in the world, was a strong proponent of the RWA. As a result, there was a movement among academics to boycott Elsevier, pressuring them into removing their support for the proposed bill. It is not expected that either of these bills will progress in Congress within the next year.[32]

A report was carried out by the Scholarly Publishing Roundtable, including librarians, academics, and publishers, by the White House's Office of Science and Technology Policy (OSTP). The aim was to further understand the implications of government mandated research archiving. The report concluded that it would be unlikely that the publishing industry should be harmed, due to the twelve month embargo that would keep subscribers paying for current journals. Opponents have claimed that the government is taking "an overly expansive role," and that the NIH policy is "a means for facilitating international piracy," noting copyright concerns.[33]

Regardless of the opposition from the private publishing industry, the move toward more open access to government scientific and health research is a global trend that appears to be moving forward. The NIH policy is the largest public access policy in the world due to the significant size of the research budget and amount of articles mandated for submission,[34] but many other countries have similar policies. The Research Council UK mandates that taxpayers should have access to publicly funded research. The Canadian Institutes of Health Research require submission of government funded research articles after six months. Australia's Brisbane Declaration requires authors to agree to self-archiving and immediate deposit of their research upon publication.[35] The publishing industry will have to adjust to this global trend, as access for information is becoming a more pronounced right that they can no longer deny.

Conclusion

This paper discussed the arguments involved in the public versus private debate of government information, making an argument for government-funded research to be viewed as a right. More specifically, scientific and health information as a right were also explored, detailing ways in which access to this information is crucial to the public. Current legislation was explored, including the Research Works Act and the opposing

Federal Research Public Access Act, outlining the current legislative struggles relating to issues of access to government-funded research. Commercial interests are urging the limitations of government information, but the NIH Public Access mandate appears to be encouraging access for now.

Providing access to government research fits into the framework of access to government information long established by the American government promoting an informed society. Commercial interests have encouraged privatization of certain information that many believe should be freely accessible. The NIH Public Access Policy is ideally the beginning of the government moving from the Reagan-era privatization initiatives, back to the foundations of free and open access that the United States was founded on.

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