

## In This Issue

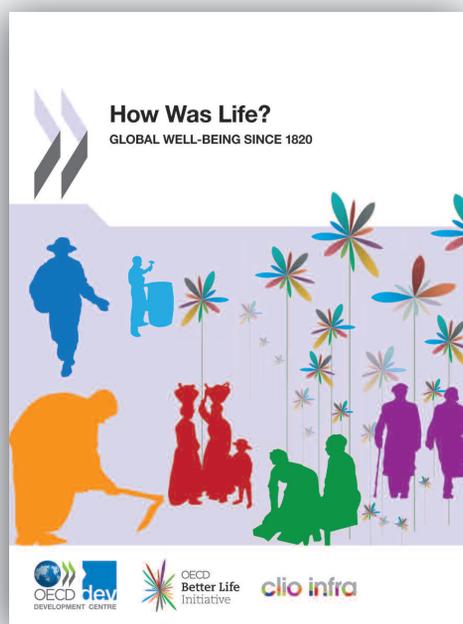
- Annual Student Papers

# DttP

Documents to the People

Winter 2014 | Volume 42, No. 4 | ISSN 0091-2085

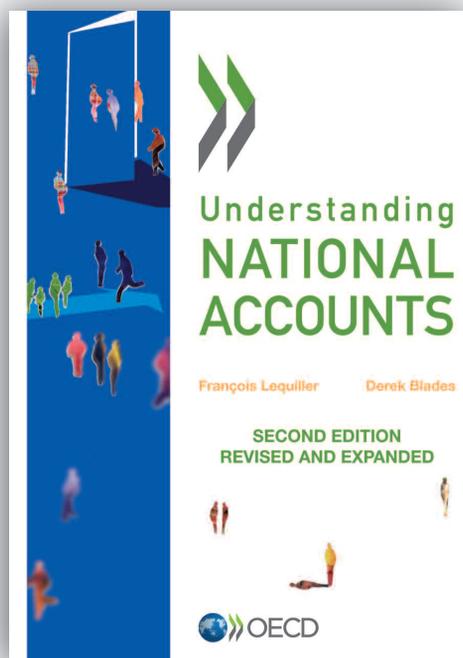




## How Was Life? *Global Well-being since 1820*

978-9264-214064 | October 2014

How was life in 1820, and how has it improved since then? This report represents the culmination of work by a group of economic historians to systematically chart long-term changes in the dimensions of global well-being and inequality, making use of the most recent research carried out within the discipline. These dimensions are: per capita GDP, real wages, educational attainment, life expectancy, height, personal security, political institutions, environmental quality, income inequality and gender inequality.



## Understanding National Accounts, Second Edition

978-9264-21462 | October 2014

Provides a comprehensive explanation of how national accounts are compiled, contains new data and new chapters, and is adapted to the new systems of national accounts, SNA 2008 and ESA 2010, that came into effect in September 2014. It approaches national accounts from a truly global perspective, with special chapters dedicated to international comparisons, globalisation and well-being as well as to the national systems used in major OECD economies, such as the United States.

Each chapter of the manual uses practical examples to explain key concepts in national accounts in a clear and accessible way.

# Need cataloging for your electronic gov docs?

## We Can Do It!



Let **MARCIVE** take on the task of providing full MARC records with URLs for the thousands of government documents that are published online or as PDFs. Using **Documents Without Shelves**, your patrons will be able to link directly to full text government documents from your online catalog.

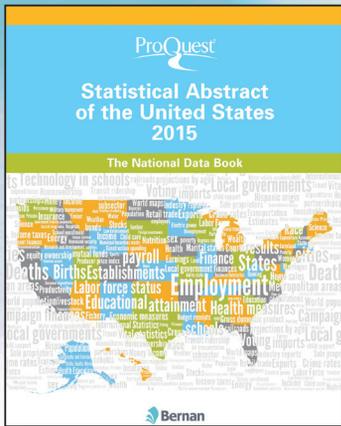
Monthly updates help keep your catalog current and your links valid. MARCIVE is ready to do the heavy lifting. **Just give us a call!**



MARCIVE, INC.

[www.marcive.com](http://www.marcive.com) • 800.531.7678

# ProQuest Statistical Abstract of the United States 2015



Winner of the CHOICE Outstanding Academic Title and Library Journal Best Reference Awards!

The *Statistical Abstract of the United States* is the best-known collection of statistics on the social, political, and economic conditions of the United States. Use the *Abstract* as a convenient volume for statistical reference, and as a guide to sources of more information.

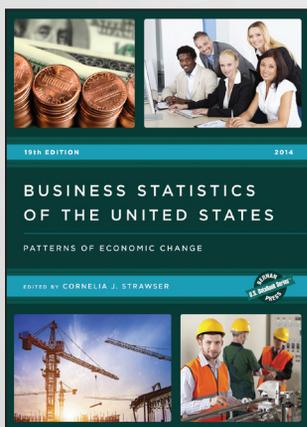
The 2015 Edition has 40 new tables including:

- Public School Teachers, Base Salary
- Young Adults Living at Home
- Top 15 Cancers Among Men and Women
- Victims of Identity Theft
- Public Employee Retirement Systems

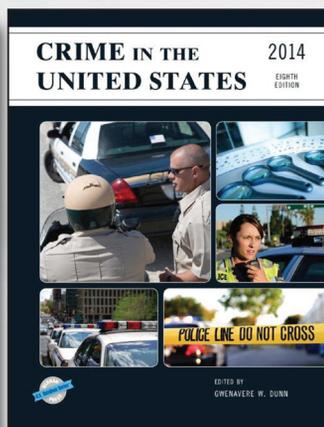
December 2014 • 1050 pages  
978-1-59888-729-7 • \$179.00 • Cloth



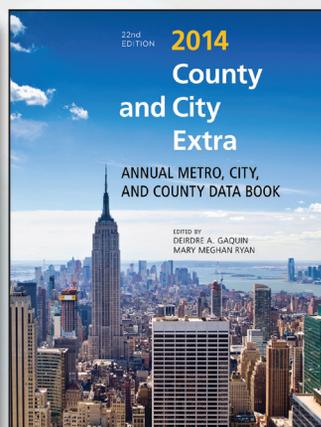
Best source for essential publications



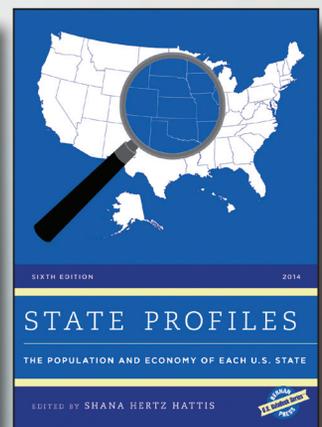
978-1-59888-732-7  
\$165.00 • Cloth



978-1-59888-717-4  
\$105.00 • Cloth



978-1-59888-719-8  
\$155.00 • Cloth



978-1-59888-721-1  
\$165.00 • Cloth



800-865-3457 • Bernan.com  
Follow us @ bernanmarketing

*DttP*: Documents to the People (ISSN: 0091-2085) is published quarterly in spring, summer, fall, and winter by the American Library Association (ALA), 50 East Huron Street, Chicago, IL 60611. It is the official publication of ALA's Government Documents Round Table (GODORT). Periodicals postage paid at Chicago, IL and additional mailing offices. POSTMASTER: Send address changes to *DttP*, 50 E. Huron St., Chicago, IL 60611.

*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

#### Editorial Staff:

Please see the wiki for full contact information: [wikis.ala.org/godort/index.php/DttP\\_Editorial\\_Staff\\_and\\_Column\\_Editors](http://wikis.ala.org/godort/index.php/DttP_Editorial_Staff_and_Column_Editors).

#### Co-Lead Editors:

Greg Curtis, University of Maine; (207) 581-1681; Elizabeth Psyck, Grand Valley State University; (616) 331-8674; [DttPeditor@gmail.com](mailto:DttPeditor@gmail.com)

#### Editors:

Sonya Durney, Portland Public Library; (207) 871-1700; [durney@portland.lib.me.us](mailto:durney@portland.lib.me.us)  
Sonnet Ireland, University of New Orleans; (504) 280-7276; [sebrown3@uno.edu](mailto:sebrown3@uno.edu)  
Stephanie Bowe, University of Maryland; (410) 706-0783; [showe@law.umaryland.edu](mailto:showe@law.umaryland.edu)

**Reviews Editor:** Paula Webb, University of South Alabama, [pwebb@southalabama.edu](mailto:pwebb@southalabama.edu)

**Advertising Editor:** Gretchen Gould, University of Northern Iowa; (319) 273-6327, [gretchen.gould@uni.edu](mailto:gretchen.gould@uni.edu)

**Advertising:** Inquiries about advertising may be addressed to the Advertising Editor. Please see [wikis.ala.org/godort/index.php/DttP\\_Advertising\\_Rates](http://wikis.ala.org/godort/index.php/DttP_Advertising_Rates) for rates and publication schedule. *DttP* accepts advertising to inform readers of products and services. *DttP* will adhere to all ethical and commonly accepted advertising practices and will make every effort to ensure that its practices in relation to advertising are consistent with those of other Association publications. *DttP* reserves the right to reject any advertisement deemed not relevant or consistent to the above or to the aims and policies of ALA.

**Distribution Manager:** ALA Subscription Department, 50 E. Huron St., Chicago, IL 60611. 1-800-545-2433, press 5; fax: (312) 280-1538; [subscriptions@ala.org](mailto:subscriptions@ala.org)

**Subscriptions/Claims:** *DttP* is sent free to ALA/GODORT members on a per volume (annual) basis. For subscriptions, prepayment is required in the amount of \$35 in North America, \$45 elsewhere. Checks or money orders should be made payable to "ALA/GODORT" and sent to the Distribution Manager. Changes of address and claims six months of the date of issue should be sent to the Distribution Manager. To purchase back issues, write to: UMI, 300 North Zeeb Rd., Ann Arbor, MI 48106.

**Contributions:** Articles, news items, letters, and other information intended for publication in *DttP* should be submitted to the Co-Lead Editors. All submitted material is subject to editorial review. Please see the wiki for additional information: [wikis.ala.org/godort/index.php/DttP](http://wikis.ala.org/godort/index.php/DttP).

**Indexing:** Indexed in Library Literature 19, no. 1 (1991) and CSA Worldwide Political Science Abstracts 33, no. 1 (2005), and selectively in PAIS 33, no 1 (2005).

**Editorial Production:** ALA Production Services — Troy D. Linker, Chris Keech, Tim Clifford, Kirstin Krutsch, and Krista Joy Johnson.

#### Columnists:

By the Numbers Susan Metcalf Western Carolina University <a href="mailto:metcalf@e-mail.wcu.edu">metcalf@e-mail.wcu.edu</a>	Lucia Orlando Univ. of California Santa Cruz <a href="mailto:luciao@ucsc.edu">luciao@ucsc.edu</a>
Tina Plottel George Washington University <a href="mailto:tplottel@gmail.com">tplottel@gmail.com</a>	Get to Know . . . Julia Stewart Southern Methodist Univ. <a href="mailto:julia@smu.edu">julia@smu.edu</a>
Documents Without Borders Jim Church Doe Library University of California, Berkely <a href="mailto:jchurch@library.berkely.edu">jchurch@library.berkely.edu</a>	Spread the Word Melanie A. Blau-McDonald Southwest Ohio and Neighboring Libraries Consortium <a href="mailto:melanie@swonlibraries.org">melanie@swonlibraries.org</a>
Jane Canfield Biblioteca Encarnacion Valdes Pontificia Universidad Catolica <a href="mailto:janfield@puccpr.edu">janfield@puccpr.edu</a>	State and Local Documents Spotlight Dan Stanton Arizona State University <a href="mailto:dstanton@asu.edu">dstanton@asu.edu</a>
Federal Documents Focus Rebecca Hyde Univ. of California San Diego <a href="mailto:rhyde@ucsd.edu">rhyde@ucsd.edu</a>	Celina Nichols McKeldin Library University of Maryland <a href="mailto:cnichols@umd.edu">cnichols@umd.edu</a>

# DttP

## Documents to the People

Winter 2014 | Volume 42, No. 4 | ISSN 0091-2085

### Columns

4 Editor's Corner—Letters To The Editor

### Features

8 Presidential Elections and Controversy

*A Look Back at Election 2000*

Eva Ball

14 A Case of the Measles

*Vaccination and Public Information*

Erin Gordenier

18 Does Tragedy Prompt Change?

*A Look at Gun Control in the Aftermath of Mass Shootings*

Adena Gruskin

22 Where NARA Fits in Obama's Open Government Initiative

Catherine Grandgeorge

27 Anatomy of a Foodborne Outbreak

*Who's Protecting My Peanut Butter?*

Karen Spitzer

32 The National Library in All but Name

*The Evolving Dialectic about the Library of Congress as a National Library*

Daniel A. Brackmann

36 Digital Divide Challenges Access to E-Government

Katharine V. Macy

40 Errata

40 Index to Advertisers

---

### About the Cover:

GPO eagle

## Letter to *DttP* Editor: Digital Preservation Deserves Better Coverage

Dear *DttP* editor:

In the Summer 2014 issue of *Documents to the People*, an article by Scott Casper, which was highlighted as a “feature,” offered a badly misleading, confoundingly misinformed, and confusingly written account of digital preservation. Digital preservation is an incredibly important topic for government information professionals and it deserves better treatment in *DttP*.

I think Casper must have had good intentions in writing his article, “Promoting Electronic Government Documents: Part Four: Preservation.” Perhaps his intention was simply to promote the importance of digital government information, which is the theme of his series of articles, and the necessity of maintaining access to government information of all types. But whatever his intention was, he does a disservice by conflating important issues, confusing technical terms, and mostly ignoring the very important issue of digital preservation which is his ostensible topic.

It would not be useful to point out every error and misstatement in Casper’s article. There are so many, though, that we would guess that anyone who read his article would be left either confused or badly misinformed. So, instead of trying to correct every error or trying to figure out what he may have meant by every confusing statement, we think it would be more useful to define and describe and give some context to a few of the key concepts that Casper mentions. Our hope is that this will clarify some of the issues and provide a more accurate and more understandable context for action by the GODORT community.

- Preservation of born-digital information is a very real and important topic that the government documents community needs to understand and address. *DttP* readers should be aware, for instance, that more government information is born-digital in a single year than all the printed government information that all FDLP libraries have accumulated in over 200 years. (See *Born-Digital U.S. Federal Government Information: Preservation and Access* prepared by James A. Jacobs for the Center for Research Libraries.)
- Digitization of print information is not a preservation solution; rather, it creates new digital preservation

challenges that have not yet been adequately addressed. While digitization offers many promises of better access such as better discoverability, easy accessibility, enhanced usability, and even a potential form of “preservation” (by protecting fragile paper documents from damage through use), the simple act of converting a paper document into a digital object does not automatically deliver any of those promises. In fact, digitization is only the first of many costly and technically challenging steps needed to ensure long-term access to content. (See *Wait! Don't Digitize and Discard! A White Paper on ALA COL Discussion Issue #1a*. and “Digitization Does Not Magically Preserve Paper.”)

- Access is not preservation. The word “access” is too often used as a buzzword that hides and obscures a number of underlying issues. It is often conflated with preservation as if the two were the same. In fact, they are two very different things that require very different actions. Like two spouses, they are very different but intimately related. So, when we hear the word “access” used, we should always remember two things: First, access without preservation is temporary, at best. Providing access does not guarantee preservation or long-term access—much less free access. Too often libraries are willing to replace public domain collections with “just in time” fee-based access that is encumbered by licensing and DRM restrictions. In our digital age we often see access promoted as a desirable goal in itself, only to see once “accessible” documents suddenly disappear from the web. “Access” without trusted, long-term, reliable preservation is more like a Kmart blue-light special (“Get it while you can! It won't be here long!”), than a long-term library service. Second, preservation without access is an illusion. As Paul Conway said, “In the digital world, the concept of access is transformed from a convenient byproduct of the preservation process to its central motif.” See *Preservation in the Digital World* by Paul Conway and *The Value in Being a Depository Library*.
- Digital preservation is an essential activity of libraries. Casper fails to recognize this fact when he describes the good work of the EDI (Electronic Documents of Illinois) project without mentioning that it is a service of the Illinois State Library (<http://iledi.org>). Digital preservation takes resources and a long-term

commitment, but it also takes a very specific understanding of the long-term value of information (even information that is not popular or used by many people), and a commitment to the users of information. These are the strengths of libraries. Digital preservation is not something that can be cavalierly dismissed as the responsibility of others. (See “Preservation For All: LOCKSS-USDOCS and Our Digital Future” by James R. Jacobs and Victoria Reich in *Documents to the People*, Volume 38:3, Fall 2010).

- Relying solely on the government to preserve its information is risky. Casper almost recognizes this when he cites the defunding of the Census Bureau’s Statistical Compendia unit and the cessation of the publication of the *Statistical Abstract*. But this is an example of an agency ceasing to create new information, not an example of an agency failing to preserve already created information. (So far, the Bureau has preserved old digital editions of *Statistical Abstract* and maintained online access to them.) Worse, Casper calls the privatization of the Statistical Abstract a “happy postscript.” Privatization of public information is hardly something that government documents librarians should be happy about. And it is hard to understand how relying on for-profit companies can be considered a good way to guarantee the preservation of the information or free access to it. Casper misses the opportunity to show that when we rely only on government to preserve the digital information it creates, it becomes very easy for economics or politics or technology or bureaucracy to result in the loss of information. (See *When We Depend on Pointing Instead of Collecting and Government Link Rot and Information is not a Service, Service is not Information and Less Access to Less Information By and About the U.S. Government and Government Documents at the Crossroads*.)

Casper does ask the right question early on in his article: “Who is responsible for this preservation?” But the only answer he seems to give is that “there are no answers.” But Casper is wrong. There is an answer and it is right in front of our eyes: libraries should take this responsibility. There are many actions that libraries can take *now* to promote digital preservation of government information at all levels of government (this is not just a federal issue!).

## Preserve Paper Copies

The FDLP is *successfully preserving* documents that were released in paper (and microfiche) quite nicely. We often hear that “digitizing” paper documents will “preserve” them, but we

do not need to convert these documents to digital in order to preserve them.

Digitization *can* provide better access and (if proper care and resources are invested in the digitization) increase the flexibility, usability, and reusability of many documents. But digitization alone *does not guarantee* the preservation of the content. Worse, there are repeated calls for digitizing paper collections so that the paper collections can be *discarded and destroyed*. Such actions will endanger preservation of the content if they do not include adequate steps to ensure digital preservation of those newly created digital objects. Given that paper documents *do not* present a current preservation problem, and given that there is an enormous body of born-digital documents being created that *do* present a current preservation problem, one thing we can do is avoid creating new problems with proposals to destroy and discard paper collections before we have solved the problems of preservation of born digital documents. (We can still digitize paper documents in order to enhance access, but we should not use digitization as an excuse to discard or destroy the paper originals.) (See *Wait! Don't Digitize and Discard! A White Paper on ALA COL Discussion Issue #1a*.)

## Move FDsys Forward

GPO is doing a good job of capturing *born-digital* congressional information (not *digitized* material as Casper mistakenly points out) and is doing an increasingly good job of capturing Judicial Branch documents. The FDsys system is apparently well designed for long-term preservation, too. There are, however, two things that FDLP librarians can do now: First, we can encourage GPO to get FDsys certified as a Trusted Digital Repository. This has been on GPO’s agenda for a few years, but budget uncertainties have delayed it. It would help if GPO heard from the FDLP community that this should be a high priority. Second, even if FDsys gets certified, we need more than one copy of FDsys in the hands of a single government agency in order to reduce the risk of loss of that content. There are several ways the FDLP community can further this goal: Encourage more libraries to become LOCKSS-USDOCS partners; Suggest to GPO that it allow the Internet Archive to crawl FDsys systematically; Investigate partnerships with other government agencies such as NARA (could NARA become a LOCKSS-USDOCS partner?); explore partnerships with the Digital Preservation Network; Create records for the Digital Public Library of America that point to LOCKSS-USDOCS copies when they are made publically accessible; and follow up on the digital preservation recommendations in the NAPA report, *Rebooting The Government Printing Office: Keeping America Informed in the Digital Age*. (Full disclosure: James A. Jacobs has done technical consulting work for the Center for Research Libraries in its certification of digital repositories.)

## Preserve More Documents of Executive Agencies

So much that is born-digital is produced by executive department agencies and is not captured by GPO. These are the new fugitive documents (those that are in scope of the FDLP but fall through the cracks; GPO PURLs are *not* fugitives). To be sure, this needs much more attention by GPO and depository libraries. FDLP libraries should concentrate on collecting born-digital fugitive documents and should work with GPO to develop a plan that focuses on developing programs that are attractive to agencies and that benefit agencies. This needs to be a higher priority for GPO with an increased focus and increased resources. GPO has the infrastructure in place (FDsys) to offer great benefits to agencies and this would help reduce agency fugitives.

## Get Digital Deposit

FDLP libraries need to insist that GPO modify its long-outdated and counterproductive *Superintendent Of Documents Policy Statement 301* (SOD 301) that limits deposit of digital information to so-called “tangible” products. This policy never made sense—it was nominally supposed to be a response to born-digital information, but instead of acknowledging that GPO could deposit born-digital information with libraries, it created a two-tier structure that authorized it to deposit some and prohibited it from depositing other digital information. SOD 301 says that it is OK for GPO to deposit digital information on “tangible” media, but not OK to deposit “online” digital information. But, worse than not making sense, this policy is actually harmful to digital preservation in two ways. First, it only allows deposit of those digital items that are least preservable and most prone to physical deterioration and file format obsolescence (floppies, CD-ROMs, DVDs, etc.). This burdens depository libraries with an almost impossible task of preservation and access. Second, it prohibits deposit of raw digital information in formats that are more easily preserved and less likely to become obsolete (digital object files in PDF, text, HTML, XML, etc.). These are the digital objects that could have been easily distributed more cheaply and more reliably than “tangible” media.

These are the digital objects that FDLP libraries could have been preserving and making accessible (during government shutdowns, for example)—the very kind of digital objects that GPO now enthusiastically distributes to the LOCKSS-USDOCS private network. The effect of this policy has been to delay the active participation of FDLP libraries in digital preservation. There was never a good justification for this policy, but now it is so obviously out-of-date and has failed so demonstrably that keeping it in place should be considered an act of negligence. (See *From Production to Preservation to Access to Use: OAI, TDR, and the FDLP*.)

## Smart-Archive the Web

Although capturing webpages and preserving them is far from an adequate (or even accurate) form of digital preservation, it is a useful stop-gap until producers understand that depositing preservable digital objects with trusted repositories is the only way to guarantee preservation of their information. Therefore, FDLP libraries should use web archiving tools, including services such as Archive-It (as Casper points out, in a confusing way). Every FDLP library should at least consider “smart-archiving” of web-based information. Web-archiving should not be seen as everything-or-nothing; libraries can do focused selection to build collections useful to their own users. This is smart-archiving. Selections can be large (an agency or a domain) or small (crawl a few seeds) or even one-document-at-a-time. Examples of these models exist.

See, for example: the Chesapeake project, the work of the Columbia Libraries (*The Integrity of Research Is at Risk: Capturing and Preserving Web Sites and Web Documents and the Implications for Resource Sharing*), the California Digital Library Web Archiving Services, and the Stanford Libraries EEMs project (*Everyday Electronic Materials in Policy and Practice*).

## Promote Digital Preservation

Casper's series of articles is about “promotion” of government information and his recommendation in this article about preservation is that we should “keep promoting these online sources.” He should have stressed the most important promotion that is needed today: the promotion of the role of FDLP libraries in actively preserving digital government information. The time when FDLP libraries could be passive in digital preservation is long past. The time when FDLP libraries could look to others to take care of digital preservation of government information is long past. FDLP libraries can work with others, but we must actually *work with them*, not leave the work to them.

**James A. Jacobs**, Emeritus Data Librarian, UC San Diego

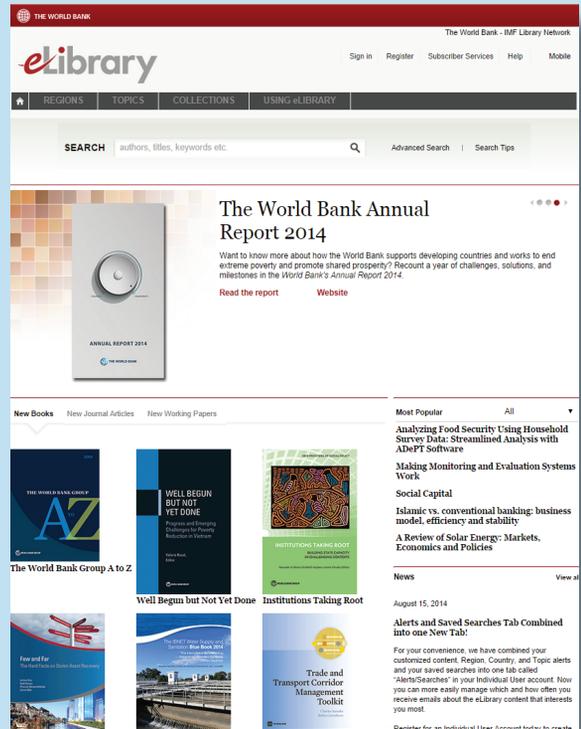
**James R. Jacobs**, Federal Government Information Librarian, Stanford University co-founders, Free Government Information (<http://freegovinfo.info>)

*Scott Casper, the author of “Promoting Electronic Government Documents: Part Four: Preservation” sees this as a companion piece to his earlier work that is informative and goes deeper on some issues than he was able to in his overview. He regrets that Jacobs found his writing confusing.*

# eLibrary

The complete backlist of World Bank reports, publications, journals, and working papers since 1990's, plus:

- Full text search
- Chapter-level access
- MARC records
- Indexing with search services
- Content alerts
- Saved searches



## Does your library subscribe?

For a free trial, contact [onlineresources@worldbank.org](mailto:onlineresources@worldbank.org)  
[www.elibrary.worldbank.org](http://www.elibrary.worldbank.org)

### NEW FROM WORLD BANK GROUP PUBLICATIONS



## The World Bank Group A to Z

*“The World Bank Group A to Z provides need-to-know information about the World Bank Group in a concise, approachable manner. I’m convinced that this book will serve as a valuable resource for all those interested in development.”*

— JIM YONG KIM, World Bank Group President

September 2014; ISBN: 978-1-4648-0382-6  
**Available now at Amazon.com**



# Presidential Elections and Controversy

## A Look Back at Election 2000

Eva Ball

**O**n November 6, 2000, a presidential election was closing with one problem: the outcome was undecided. Florida became center-stage for a presidential election controversy that would affect electoral procedures across the nation. The two candidates in contention were Democrat Al Gore and Republican George Bush. Television networks first declared Al Gore the winner, but then retracted their statements and declared George Bush the winner. In truth, the vote was so close that Al Gore had the right to request a recount. This led to a historic fight for the presidency that ultimately created new law and brought a new awareness to discriminatory voting practices.

Information professionals are challenged to provide reference service about election issues. The information must be unbiased to allow patrons to create their own hypothesis and conclusions. This report examines the controversy of the 2000 presidential election, and how information was documented for the public. The report also serves as a guide for government documents librarians in locating sources of government information such as congressional research reports, public laws, court cases, and federal agency documents.

### The Recount Controversy

As the presidential election of 2000 closed, candidate Al Gore realized the margin of the vote in Florida was less than one-half of a percent of the votes cast. According to the Florida Election Code, he was entitled to an automatic machine recount of the vote.<sup>1</sup> After the recount, Bush was still declared the winner but the margin of victory was less than before. Florida Election Code permitted a manual recount of the votes if the margin was less than a quarter percent.<sup>2</sup> Gore applied for the manual recount of the votes cast in the four Florida counties that qualified under this provision: Palm Beach, Broward, Miami-Dade, and Volusia.

The manual recounts had to be completed by a November 14, 2000 deadline.<sup>3</sup> This report was made publicly available through the published Florida Supreme Court proceedings of *Palm Beach County Canvassing Board et al. v. Katherine Harris et al.* as part of the background history for the case.<sup>4</sup>

### Gore's Action

It was not possible to make the November 14 deadline due to limited resources. The Florida Secretary of State refused to make an extension. In his statement to the press on November 13, 2000, Gore shared his reasons for requesting a recount. In his speech on November 15, 2000, Gore stated that machines counted the ballots but machines can sometimes fail to detect which way a vote is cast; therefore, a careful hand count is the only way to know the intentions of the voters.<sup>5</sup> This speech was publicly broadcast and then made available online by The American Presidency Project.<sup>6</sup> Gore asked the Florida Supreme Court for an extension of the vote recount and, in a decision made on November 21, 2000, was granted a new deadline of November 26, 2000.<sup>7</sup>

The manual recounts were not completed by the new deadline, as Miami-Dade County had not manually recounted approximately 9,000 votes identified by voting machines as unreadable. In addition, manual recounts in Palm Beach County presented a gain of 215 for Gore after the November 26 deadline. Because they were submitted after the deadline, the ballot recounts were ignored, and Florida's electoral votes were given to Bush.<sup>8</sup> Gore filed an objection to this decision of certifying the electoral votes for Bush under Florida Election Code Section 102.168(3)(c).<sup>9</sup> The Florida Election Code states that an election can be contested if rejection of a number of legal votes is sufficient to place in doubt the result of the election.<sup>10</sup> Legal votes are ballots that show the

intent of the voter is clear even though the marks maybe too light or off-center for a computer to read them.<sup>11</sup> The Florida Supreme Court agreed with Gore and allowed the manual recounts to continue. The outcome of the court case was published in the Florida Supreme Court proceedings.<sup>12</sup>

## Bush Appeals

Bush appealed the Florida Supreme Court Decision to the US Supreme Court. In his speech responding to Gore on November 15, 2000, he states several reasons for not allowing the recounts to continue. First, he believed manual counting included subjective decisions about voter intent and introduced human error. Secondly, the votes had been recounted three and four times. Further, excess handling degrades ballots and increases the chances of errors.<sup>13</sup>

The US Supreme Court found the Florida Supreme Court failed to identify standards for accepting or rejecting contested ballots. Also, the recount procedures did not meet the minimum requirements necessary to protect the fundamental rights of voters in the occurrence of a statewide recount.<sup>14</sup> On December 4, 2000, the US Supreme Court reversed the decision of the Florida Supreme Court and remanded the case back down to the appellate court for further investigation.<sup>15</sup> The US Supreme Court gave the Florida Supreme Court a deadline of December 12, 2000, to create standards for this recount. While the Florida Supreme Court was creating these procedures, the manual recounts were halted.<sup>16</sup>

The Florida Supreme Court was unable to set standards by the December 12, 2000, deadline. On December 12, 2000, the US Supreme Court validated the original report of the votes. George Bush was the winner of Florida's electoral votes and the 2000 presidential election.<sup>17</sup>

## Statistical Results

On December 18, 2000, Florida's 25 electoral votes were certified for Bush.<sup>18</sup> The certificates of the electoral votes were scanned and posted on the Electoral College's website.<sup>19</sup> The results of the election showed that Al Gore won the popular vote in the country. He received 50,996,582 votes and Bush received 50,456,062 votes. However, Gore failed to gain enough electoral votes to win the presidency.<sup>20</sup> Bush received 271 electoral votes, and Gore received 266 votes.<sup>21</sup>

An election in which the winning candidate failed to gain the popular vote has occurred three times in the nation's history. The first was in 1824 with John Quincy Adams. Another occurred in 1876 with Rutherford B. Hayes. The third happened in 1888 with Benjamin Harrison.<sup>22</sup> Information about these elections is available on the Electoral College's website.<sup>23</sup>

## Events Following the Election

### Congress Investigates

#### *Network Coverage*

On February 14, 2001, Congress conducted a hearing about the election night coverage by the networks. The investigation was performed by the Committee on Energy and Commerce in the House of Representatives. W. J. Tauzin was the presiding chairman. The hearing investigated errors in media reporting of the election results to the public. The networks had been using exit polling data gathered from Voter News Service (VNS). Chairman Tauzin believed that broadcasting early information to the public could affect the outcome of the election by influencing voter turnout. The dilemma the committee faced was to study legislation that could be proposed but would not compromise the First Amendment rights of reporters to report news. The integrity of elections must be protected by ensuring that Americans can vote without being influenced. The hearing gave networks and VNS representatives a chance to explain the events of Election Night 2000 and express their suggestions on avoiding future problems. At the end of the hearing, the congressional committee agreed that VNS must amend their information collection practices. In addition, networks should use a second source of information before creating election predictions.<sup>24</sup> The hearing was transcribed and made available to the public by the Government Printing Office.<sup>25</sup>

#### *Voting Technologies*

On March 21, 2001, the Library of Congress created a Congressional Research Service report to examine voting technologies and issues surrounding their use.<sup>26</sup> The report was made available to the public online through the ProQuest database service.<sup>27</sup> The report identified five different technologies used in Florida. The most notable of these technologies was the computer punch-card system. Computer punch-cards required voters to use a stylus to punch a small hole in a pre-scored card in the box corresponding to the chosen candidate. Candidates were listed in a booklet, and the voter had to correctly match the candidate with the prescribed box on the separate card. Punch-card systems were the most common and used by one-third of registered voters.<sup>28</sup>

Issues surrounding counting the votes were also examined. These issues included speed, accuracy, integrity, methodology, and recount procedures. Paper ballots must be hand counted and are exposed to deterioration and the subjective opinions of people conducting the count. Punch-card ballots were set into a machine to be counted; however, if holes are not cleanly punched they could result in a counting error by the machine. Paper tabs, known as "hanging chads" from poorly punched

holes caused problems by jamming the machine or creating an unreadable ballot.<sup>29</sup>

Included in the CRS report was discussion of the role of the federal government in creating national standards for voting practices. Adoption of a standard ballot would result in the use of a single technology. The cost of transitioning to the technology could be alleviated with federal assistance if the standards become mandatory.<sup>30</sup>

### *Congressional Authority*

On March 29, 2001, a CRS report was published which explored Congress' power to standardize national election procedures. Concerns existed over preserving the states' authority to govern their territories.<sup>31</sup> The report is made available to the public online through the University of North Texas Unit Digital Library.<sup>32</sup> The report found that the Constitution favored the states' responsibility for establishing election procedures. The only power allowed to Congress was to set the time of the election. Although Congress was limited by the Constitution, the 19th, 24th, and 26th Constitutional Amendments to prevent discrimination in access to voting gave Congress some leverage in influencing state election procedures. In addition, Congress could further affect state compliance by allocating grant money for states that followed their suggestions.<sup>33</sup>

## **Federal Agencies Report**

### **The US Commission on Civil Rights**

In June of 2001, the US Commission on Civil Rights produced a report about the voting irregularities in Florida was published for the public on the Commission's website.<sup>34</sup> The US Commission on Civil Rights has a core responsibility of overseeing voting rights to ensure the inclusion of every citizen. The Commission heard testimony from a cross section of Florida officials connected with the 2000 election. At the hearings, the general public was also given time to testify. The Commission did not set time limits on the hearing to ensure all opinions were heard. After hearing all testimonies, the Commission concluded that voter rights had been violated in Florida, and they established that the violations were unintentional.<sup>35</sup>

The Commission found by statistical analysis that African Americans cast 54 percent of the 180,000 spoiled votes in Florida during this election. Spoiled votes are votes cast, but not counted because of some error on the ballot. Nine of the ten counties with the highest spoilage rates also had the highest percent of African American voters. Precinct data showed that of the 100 precincts with the highest spoilage rates, 83 of them had an African American majority vote.<sup>36</sup>

The Commission found several problems led to the violation of voter rights. The first was missing leadership. Florida's governor claimed he had no role in election operations and affirmed his secretary of state was the responsible official. The secretary of state claimed it was not her responsibility but that of the election officials. Another problem was accessibility. Florida failed to provide adequate access for disabled persons and people with limited proficiency in the English language. Some of the main problems were voter education, voter registration, and poll worker training. Poll workers did not understand the rules of inclusion for people arriving late to the polls. Voters were unaware of the new location of recently relocated polling places.<sup>37</sup>

### **The US Government Accountability Office**

The US Government Accountability Office produced a statistical analysis of factors that affected the uncounted votes on October 15, 2001.<sup>38</sup> The percentage of uncounted votes across the counties was found to be related to the equipment used to collect the votes. The study found that 49 percent of the uncounted votes were cast using punch card ballots. The results far overshadowed the errors found in the other technologies. The punch card system was considered unreliable.<sup>39</sup>

## **New Legislation**

On November 15, 2001, the 107th Congress, House of Representatives, Committee on House Administration, created a draft of the Help America Vote Act of 2001, H.R. 3295.<sup>40</sup> The committee chairperson was Bob Ney. The goal of this bill was to put \$400 million into a fund for states to replace all punch card voting systems. The bill would not force states to complete the transformation; however, it would have money available for assistance to states. The bill would also set aside \$2.25 billion for election fund payments to states. This money was for updating registration systems, improving access for disabled, and enhancing poll worker training. The bill would allow the state to decide its greatest needs and use those funds to fill them. Conditions for accessing the funds would require the state to certify that it will provide one dollar for every three dollars given by the fund, and to establish standards for voting system performance as well as processes for ensuring access to disabled people.<sup>41</sup>

On October 29, 2002, after many hearings and revisions, the Help America Vote Act was presented to President George Bush.<sup>42</sup> President Bush signed the bill into law and it became public law number 107-252. In his signing statement, Bush said the Act appropriately respected the power of the state and

local governments in the administration of federal elections. The integrity and efficiency of the voting process would be supported by the federal government. He continued in his statement to outline the boundaries of power for Congress and the Executive Branch.<sup>43</sup> His signing statement was published in the Public Papers of the President.<sup>44</sup>

## Conclusion

The presidential election of 2000 was not the first time a candidate won without a majority of the popular vote; however, it was the first to spark action to create new legislation for reform. After the election concluded, and a winner was declared through efforts from the Supreme Court, Congress saw a need for election procedure reform, and initiated investigations of the contributing factors to the problem, resulting in a report on the limits of the Congressional power over state governments and an analysis of the physical process of the election. Finally, Congress drew up legislation that addressed all the major problems without abusing the power of the states. The information documenting these processes is found in a variety of sources. Knowledge of these sources enables information professionals to more effectively disseminate government information to the public and is a vital skill set for government documents librarians during presidential election cycles.

**Eva Ball** (emb12h@my.fsu.edu) is an MLS Student at Florida State University.

## References

1. The Florida Legislature, *The 2013 Florida Statutes: Title IX chapter 102 Conduction of Elections and Ascertaining the Results*, 2014 (Section 102.141).
2. The Florida Legislature, *The 2013 Florida Statutes: Title IX chapter 102 Conduction of Elections and Ascertaining the Results*, 2014 (Section 102.166).
3. *Palm Beach County Canvassing Board, Petitioner, v. Katherine Harris, Etc., et al., Respondents. Volusia County Canvassing Board, et al., Appellants, v. Katherine Harris, Etc., et al., Appellees. Florida Democratic Party, Appellant, v. Katherine Harris, Etc., et al., Appellees* 772 So. 2d 1220 (S.C. FL 2000), LexisNexis.
4. Ibid.
5. Gerhard Peters, "Documents Related to the 2000 Election Dispute," The American Presidency Project, [tinyurl.com/ze4zt](http://tinyurl.com/ze4zt).
6. Gerhard Peters, "The Papers of the Presidents," The American Presidency Project, [www.presidency.ucsb.edu/ws](http://www.presidency.ucsb.edu/ws).
7. Palm Beach County Canvassing Board, *Petitioner, vs. Katherine Harris, et al.*
8. A. Boshoff, "Bush v. Gore: What Happened and Why," *Journal of South African Law* 2: 548–58.
9. The Florida Legislature, "The 2013 Florida Statutes: Title IX chapter 102 Conduction of Elections and Ascertaining the Results," 2014 (Section 102.168).
10. Ibid.
11. *Palm Beach County Canvassing Board, Petitioner, vs. Katherine Harris, et al.*
12. Ibid.
13. Peters, "Documents Related to the 2000 Election Dispute."
14. *George W. Bush and Richard Cheney, Petitioners v. Albert Gore, Jr., et al.*, 531 U.S. 98; 121 S. Ct. 525; 148 L. Ed. 2d 388 (S.C. U.S. 2000), LexisNexis.
15. Ibid.
16. Ibid.
17. Ibid.
18. US Electoral College, "2000 Presidential Election Results," Office of the Federal Register, [tinyurl.com/n979o9y](http://tinyurl.com/n979o9y).
19. US Electoral College. "2000 Presidential Election: Florida Certificate of Ascertainment", Office of the Federal Register, [tinyurl.com/lvehjrh](http://tinyurl.com/lvehjrh).
20. US Electoral College, "2000 Presidential Election Results."
21. Ibid.
22. US Electoral College, "How is it Possible for the Electoral Vote to Produce a Different Result Than the Nation-Wide Popular Vote," Office of the Federal Register, [tinyurl.com/bctqghk](http://tinyurl.com/bctqghk).
23. Ibid.
24. US Congress, House of Representatives, Committee on Energy and Commerce, "Election Night Coverage by the Networks," US Government Printing Office, February 14, 2001, [tinyurl.com/ke9mx3e](http://tinyurl.com/ke9mx3e).
25. US Government Printing Office, "Search the GPO," [tinyurl.com/6v78zvy](http://tinyurl.com/6v78zvy).
26. Eric Fisher, "Voting Technologies in the U.S. Overview and Issues for Congress," Resources, Science, and Industry Division (CRS), Library of Congress, March 21, 2001, [tinyurl.com/npp5k4c](http://tinyurl.com/npp5k4c).
27. ProQuest LLC "Congressional Publications," ProQuest, <http://tinyurl.com/oxtxlua>.

28. Fisher, 3.
29. Fisher, 10–14.
30. Fisher, 15–19.
31. Kenneth Thomas, “Congressional Authority to Standardize National Election Procedures,” Congressional Research Service Library of Congress, March 29, 2001, [tinyurl.com/nymoxnl](http://tinyurl.com/nymoxnl).
32. University of North Texas, “Unit Digital Library,” University of North Texas Libraries, <http://digital.library.unt.edu>.
33. Thomas, “Congressional Authority to Standardize National Election Procedures,” 6.
34. US Commission on Civil Rights, “Search,” [www.usccr.gov](http://www.usccr.gov).
35. Michael Foreman, et al., “Voting Irregularities in Florida During the 2000 Presidential Election: Executive Summary,” US Commission on Civil Rights, June 2001, [tinyurl.com/yhws](http://tinyurl.com/yhws).
36. Ibid.
37. Ibid.
38. Government Accountability Office, “Keyword Search,” [www.gao.gov](http://www.gao.gov).
39. Norman Rabkin, “Statistical Analysis of Factors That Affected Uncounted Votes in the 2000 Presidential Election,” Government Accountability Office, October 15, 2001, [tinyurl.com/k3rcuj3](http://tinyurl.com/k3rcuj3).
40. House of Representatives 107th Congress Committee on House Administration, “Mark up of H.R. 3295, the Help America Vote Act of 2001,” Hein Online, November 15, 2001, [tinyurl.com/kepqqlo](http://tinyurl.com/kepqqlo).
41. Ibid.
42. George Bush, “Statement on signing the Help America Vote Act of 2002,” The American Presidency Project, October 29, 2002, [tinyurl.com/m5yjmyc](http://tinyurl.com/m5yjmyc).
43. Ibid.
44. Peters, “The Papers of the Presidents.”

## STATEMENT OF OWNERSHIP, MANAGEMENT, AND CIRCULATION

*Documents to the People*, Publication No. 024-882, is published quarterly by the American Library Association, 50 E. Huron St., Chicago, IL 60611-2795. Editor: Gregory Curtis, Regional Federal Depository Librarian, University of Maine, 5729 Fogler Libraries, Orono, ME 04469-5729. Annual subscription price, \$35. Printed in USA with periodical-class postage paid at Chicago, IL, and other locations. As a nonprofit organization authorized to mail at special rates (DMM Section 424.12 only), the purpose, function, and nonprofit status for federal income tax purposes have not changed during the preceding twelve months.

## EXTENT AND NATURE OF CIRCULATION

(Average figures denote the average number of copies printed each issue during the preceding twelve months; actual figures denote actual number of copies of single issue published nearest to filing date: Summer 2014 issue). Total number of copies printed: average, 1,190; actual, 1,155. Mailed outside country paid subscriptions: average, 923; actual, 923. Sales through dealers and carriers, street vendors, and counter sales: average, 43; actual 41. Total paid distribution: average, 966; actual, 964. Free or nominal rate copies mailed at other classes through the USPS: average, 1; actual, 1. Free distribution outside the mail (total): average, 79; actual, 79. Total free or nominal rate distribution: average, 80; actual, 80. Total distribution: average, 1,046; actual, 1,044. Office use, leftover, unaccounted, spoiled after printing: average, 144; actual, 111. Total: average, 1,190; actual, 1,155. Percentage paid: average, 92.35; actual, 92.34.

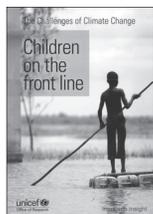
*Statement of Ownership, Management, and Circulation (PS Form 3526, September 2007) filed with the United States Post Office Postmaster in Chicago, October 1, 2014.*



## YEARBOOK OF THE UNITED NATIONS 2010

With its comprehensive coverage of political and security matters, human rights issues, economic and social questions, legal issues, and institutional, administrative and budgetary matters, the Yearbook of the United Nations stands as the most authoritative reference work on the activities and concerns of the Organization. Fully indexed, the Yearbook includes the texts of all major General Assembly, Security Council and Economic and Social Council resolutions and decisions, putting all of these in a narrative context of United Nations consideration, decision and action.

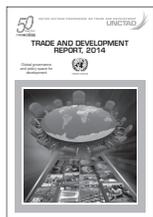
**Price: \$175.00 ISBN: 9789211012767**



## THE CHALLENGES OF CLIMATE CHANGE: CHILDREN ON THE FRONT LINE

Children are among the greatest victims of a warming world, but they are also the most powerful protagonists for change. In the midst of global debates, differing opinions, scientific facts and climatic uncertainties, this book seeks to apply children's perspectives, viewing the future from their position, and weighing the possibilities for changing lifestyles and mitigating the now inevitable effects and impacts. The rights of children, intergenerational justice and inequality are the central issues emerging from these contributions by 40 experts – scientists, development workers, and specialists in health, nutrition and children's rights. Together they present the best knowledge from the climate change debate, and firmly place the accent on future generations and humanity's responsibilities today.

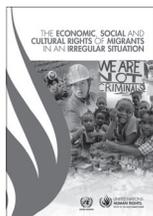
**Price: \$25.00 ISBN: 9788865220276**



## TRADE AND DEVELOPMENT REPORT 2014: GLOBAL GOVERNANCE AND POLICY SPACE FOR DEVELOPMENT

The 2014 edition reviews recent trends in the world economy, examining the consistency and sustainability of the economic policies currently followed. It addresses the evolution and current conditions of the policy space needed for implementing growth-enhancing and inclusive development strategies. It discusses how countries can better manage capital flows in order to expand their policy space for pursuing development strategies. It looks at policy space as depending not only on the existing rules and commitments taken in international agreements, but also on the possibility of mobilizing resources for financing industrial policies, investment and growth. It argues that fiscal space is a key aspect of policy space, and that developing countries need to address loss of revenue stemming from illicit financial flows, tax havens and inadequate taxation of extractive industries.

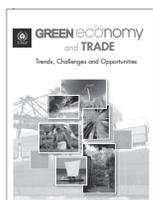
**Price: \$70.00 ISBN: 9789211128772**



## THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS OF MIGRANTS IN AN IRREGULAR SITUATION

This publication aims to fill a significant knowledge gap on the human rights of irregular migrants. It seeks to describe barriers faced by irregular migrants in the exercise of such fundamental rights as the right to health, to education, to an adequate standard of living, to social security, and to just and favourable conditions of work, as well as trends and national policies, highlighting where possible examples of promising practice from around the world. It also draws attention to the guidance provided by international human rights law as well as related legal frameworks such as international labour law, and provides key messages on a human rights-based response to irregular migration.

**Price: \$30.00 ISBN: 9789211542059**



## GREEN ECONOMY AND TRADE: TRENDS, CHALLENGES AND OPPORTUNITIES

This report adopts a case-based approach with a view to stimulating further analytical work and policy dialogue, particularly at the national and regional level. It consists of six sectoral chapters on agriculture, fisheries, forests, manufacturing, renewable energy, and tourism. Each of the sectoral chapters reviews the environmental and economic context for greening the economy; presents green economy measures and assesses how they can and do create new trade opportunities particularly for developing countries; and finally discusses enabling conditions, policy tools and actions that can help support the creation of trade opportunities in connection with green economy reforms. Each chapter includes case studies prepared by field experts and academics, as well as a list of resources for further information.

**Price: \$55.00 ISBN: 9789211587265**

# A Case of the Measles

## Vaccination and Public Information

Erin Gordenier

**V**accination is number one on the Centers for Disease Control and Prevention's (CDC) list of the United States' "Ten Great Public Health Achievements" of the twentieth century.<sup>1</sup> Inoculations against infectious diseases have saved millions of lives in the United States and around the world. They have globally eradicated diseases including polio and smallpox, and substantially decreased cases of whooping cough, diphtheria, mumps, and more. Many children today no longer have to endure the itchy, painful rite of passage that was chickenpox only 20 years ago.

This paper will explore the history of vaccination in the United States through the lens of the measles vaccine.

### History

Early settlers to the New World brought more than just their family heirlooms from the old country: they also brought diseases from home. In crowded cities and towns, these diseases spread quickly. The first case of measles in America appeared in the port city of Boston in 1657.<sup>2</sup> Measles was soon commonplace throughout the country.

Massachusetts was the first state to require vaccination, with a law making smallpox vaccinations mandatory in 1809.<sup>3</sup> In 1855, the Massachusetts state legislature also passed the first law in the country requiring that schoolchildren be vaccinated for smallpox.<sup>4</sup> Other states soon followed. Smallpox rates declined, but other diseases including measles continued to be endemic.

In the Public Health Services' 1916 annual report, the Surgeon General stated, "Measles is common in most countries and has come to be considered a necessary evil. The infection is so broadcast that few individuals attain adult life without being attacked."<sup>5</sup> In 1915, California had 13,114 cases with a population of 2.8 million; New York state had 62,660 cases with a population of 10.8 million.<sup>6</sup> Measles was simply a normal hazard of life.

Many now-common vaccines were developed in the mid-twentieth century, including that for measles. Shortly

before the measles vaccine was licensed in 1963, the House of Representatives held a hearing on immunization programs in 1962. In his testimony, Secretary of Health, Education, and Welfare, Abraham Ribicoff, summed up the hopes of the nation for an anticipated measles vaccine:

Secretary Ribicoff: Some outstanding work is being done right now in the case of measles, and it could very well be, in the very near future, that an immunization program might be developed that would warrant the licensing of an anti-measles vaccine.

Chairman Harris: Surely, Mr. Secretary, you would not want to deprive a child of the wonderful experience of having the measles, would you?

Secretary Ribicoff: Yes, I would. I think it is an experience that most mothers and fathers and children would gladly forgo.<sup>7</sup>

### Federal Programs

By the late 1960s, the measles vaccine was licensed, available, and vastly successful. In 1960, there were 245 cases of measles per 100,000 population; by 1970, that number had dropped to 23 cases per 100,000.<sup>8</sup> The Vaccination Assistance Act made it possible for millions of children to be vaccinated against several common diseases. Senator Edward Kennedy testified before a Senate committee hearing that, "Between 1965 and the present time, the use of the measles vaccine has brought about dramatic results in the United States: 15 million children were spared infection by measles. The incidence of the disease dropped from 140 cases per 100,000 population to only 12 cases per 100,000."<sup>9</sup> Senator Ted Stevens added, "In my state of Alaska we had 648 cases of measles in 1966 and by late 1968 this was down to only two cases in the state."<sup>10</sup> In the span of a few short years, measles vaccination programs were incredibly successful.

Of course, dramatic success has its drawbacks, including short institutional memory. As measles became a distant worry for many people and public health priorities shifted, outbreak levels began to rise again. In 1994, largely in response to a measles epidemic from 1989 to 1991, the federal government created the Vaccines for Children program. This program is funded by Section 317 of the Public Health Service Act.<sup>11</sup> In a 1993 presidential message in support of his vaccination initiative, President Clinton said, “We must remove the financial barriers to immunization that impede children from being vaccinated on time.”<sup>12</sup> In a Senate hearing that year on the proposed legislation, Secretary of Health and Human Services Donna Shalala testified that the 1989-91 measles epidemic had “resulted in over 55,000 cases of measles, 130 deaths and 11,000 hospitalizations and 44,000 hospital days, with an estimated \$150 million cost in direct medical costs.”<sup>13</sup>

The 1989–91 measles epidemic was attributed to low vaccination rates due to cost and other barriers of access. As reported in a 2014 *Morbidity and Mortality Weekly Report*, “Data from the 1980s suggested that measles outbreaks were linked to an ongoing reservoir of virus among high-density, low-income, inner-city populations.”<sup>14</sup> The 1980s economy and budget cuts were also to blame. Representative Henry R. Waxman testified in a House committee hearing on his home state of California, “When money was tight, it was spent to buy vaccine; the workers to find unimmunized children were moved to other jobs or dismissed. Fewer and fewer people were left to reach unvaccinated children.”<sup>15</sup>

The Vaccines for Children program has been highly successful. Overall vaccination rates for two-year-old children increased from 72 percent in 1992, to 80 percent by the end of 2003, largely due to awareness campaigns and the presidential initiative.<sup>16</sup>

## Vaccination Regulations

The federal government does not regulate vaccine programs; instead, vaccinations are mandated by individual states. The federal government, however, has enacted legislation and decided court cases related to public health and vaccinations. It also provides funding for vaccination programs, especially for children, as discussed above.

In 1905, the US Supreme Court affirmed *Jacobson v. Massachusetts*, a seminal case in states’ rights to require vaccinations. The defendant argued that it was an “unreasonable invasion of his liberty” to submit to a compulsory smallpox vaccination, as required by the state of Massachusetts. The lower courts held that it was constitutional, and the Supreme Court agreed. In his opinion, Justice Harlan wrote, “The authority of the State to enact this statute is to be referred to what is commonly

called the police power—a power which the State did not surrender when becoming a member of the Union under the Constitution.”<sup>17</sup> This decision has been referred to in many subsequent challenges of states’ vaccination requirements.

In another US Supreme Court case in 1922, *Zucht v. King*, a San Antonio, Texas, school district would not admit Rosalyn Zucht, who refused to be vaccinated for smallpox as the district required.<sup>18</sup> Zucht’s family sued, saying that the ordinance “deprived her of liberty” and that the Board of Health had too much discretion. The Texas Court of Appeals upheld the lower court’s ruling, and the US Supreme Court dismissed the case, citing the states’ need for broad discretion for public health.

## Misinformation, Exemptions, and Outbreaks

People have refused vaccines for reasons other than personal liberty. In 1998, a British researcher named Andrew Wakefield published a study in the British medical journal *The Lancet*, linking the measles-mumps-rubella (MMR) vaccine to autism in young children. The journal later retracted the study, and 10 of Wakefield’s 13 coauthors removed their names, but the damage was done.<sup>19</sup> Parents all over the world, looking for answers for their children’s autism diagnoses, or simply worried about the potential risk of autism, spoke out and refused to vaccinate their children. This, despite the fact that numerous studies have been published to the contrary, and no researchers have been able to duplicate Wakefield’s original results.

Even now, misinformation and worries about vaccination risks persist. Populations where vaccination rates are low are especially vulnerable to imported measles virus. A Texas outbreak widely covered in the news in 2013 was traced to the Eagle Mountain International Church, where senior pastor Terri Pearsons had spoken out against vaccinations. Even after 25 people—mainly young children—from her church were sickened with measles, Pearsons issued a statement saying, “The concerns we have had are primarily with very young children who have family history of autism.”<sup>20</sup> In a hail of backlash from the media and the public, she later reversed herself, calling for everyone to be vaccinated.

All 50 states and the District of Columbia allow medical exemptions from vaccination, either temporary or permanent.<sup>21</sup> Some people have severe allergies that prevent them from getting vaccines containing eggs or other allergens, or young children may be too ill to receive their scheduled vaccinations on time. Community immunity or herd immunity protects vulnerable populations from disease.<sup>22</sup> If the healthy community around them is vaccinated, they are less likely to infect those who haven’t yet been vaccinated.

But many states also allow exemptions for religious or philosophical reasons. These laws are more varied, with 48 states allowing religious exemptions, and 19 states allowing exemptions for philosophical reasons.<sup>23</sup> Rules differ from state to state, and some exemptions are temporary. Many experts worry that these voluntary personal belief exemptions may put already vulnerable people at greater risk, and cause outbreaks to spread quickly through unvaccinated pockets of the population. In a statement at a 1999 House hearing on vaccines, public safety, and personal freedom, a representative from the American Medical Association stated, “Vaccinations do more than just protect the health of the child being vaccinated. Vaccinations also protect the health of the community in which the child resides.”<sup>24</sup>

## A Global Perspective

The CDC officially declared measles eradicated in the United States in 2000. However, measles is far from gone. Cases of measles are still reported in the United States every year, but they are considered imported rather than native. Often, unvaccinated people travel outside the United States, and unknowingly carry measles back with them, potentially causing an outbreak if their home community is largely unvaccinated. Earlier this year a group of Amish missionaries traveled to the Philippines. When they returned to their home in Ohio, they brought measles with them. Many Amish people are not vaccinated for religious reasons, and 138 cases of measles have been reported so far this year in Ohio alone.<sup>25</sup>

In fact, at 397 cases of measles in 20 states as of June 2014, this year already has the highest number of outbreaks since 2000.<sup>26</sup> This surpasses the previous record for the twenty-first century, 220 cases in 2011. In addition to Ohio, the largest clusters of measles outbreaks are in New York and California. Orange County has been the hardest hit area of California, with 22 cases reported by April. The outbreak is partly attributed to the county’s more affluent areas, where large numbers of parents are choosing not to immunize their children for philosophical reasons. According to a *Los Angeles Times* article, 3.03 percent of Orange County kindergarteners were exempted for personal beliefs in 2012–13. The statewide average for California is 2.97 percent.<sup>27</sup>

Given that measles was largely eradicated in the United States by the turn of this century, there are unexpected complications when it reappears. During the spring 2014 outbreak in New York City, experts have speculated that the disease spread more quickly because medical workers failed to recognize it as measles. In an email to New York-Presbyterian Hospital/Columbia University Medical Center staff, administrators admitted, “Many of our clinical staff have never seen a case of measles.”<sup>28</sup>

Until measles is eradicated worldwide, cases will continue to be imported from other countries. The CDC is part of the

Measles and Rubella Initiative, a global program to eliminate measles, which also includes the Red Cross, United Nations Foundation, World Health Organization, and UNICEF. In testimony to the Senate appropriations committee last year, representatives from the Red Cross said that global measles mortality rates have dropped 71 percent from 2000 to 2011.<sup>29</sup> Congress has provided \$43 to \$49 million in funding for the CDC’s global measles control activities. As the Red Cross statement said, “Measles mortality prevention is one of the best buys in public health. Vaccination programs are clearly valuable investments when compared with the high cost of imported measles in the United States.”<sup>30</sup> The United States continues to be committed to eradicating measles worldwide, to protect its own citizens as well as the global population.

## Conclusion

Vaccinations are one of the great achievements of modern society. The United States has worked hard to ensure that everyone has equal access to those vaccinations, including for measles. Until measles can be eradicated on a global scale, though, the United States will continue to see outbreaks, especially since some people continue to be concerned about the safety of vaccinations. The federal government has worked hard to allay misinformation, but there is more work to do before measles can go the way of smallpox and polio.

**Erin Gordenier** (gordenes@uw.edu), LIS 526: Government Publications Course Project, University of Washington

## References

1. Jared P. Cole and Kathleen S. Swendiman, *Mandatory Vaccinations: Precedent and Current Laws*, CRS Report RS21414 (Washington, DC: Library of Congress, Congressional Research Service, May 21, 2014).
2. The College Physicians of Philadelphia, “The History of Vaccines.” Last modified January 27, 2014, [www.historyofvaccines.org](http://www.historyofvaccines.org).
3. Jared P. Cole and Kathleen S. Swendiman, *Mandatory Vaccinations: Precedent and Current Laws*, CRS Report RS21414 (Washington, DC: Library of Congress, Congressional Research Service, May 21, 2014).
4. The College Physicians of Philadelphia, “The History of Vaccines,” last modified January 27, 2014, [www.historyofvaccines.org](http://www.historyofvaccines.org).
5. US Department of Health and Human Services, Public Health Services, *Annual Report of the Surgeon General of the Public Health Service of the United States, for the Fiscal*

- Year 1916*, 303. Accessed via ProQuest Congressional, June 13, 2014.
6. US Department of Health and Human Services, Public Health Services, *Annual Report of the Surgeon General of the Public Health Service of the United States, for the Fiscal Year 1916*, 305. Accessed via ProQuest Congressional, June 13, 2014.
  7. House Committee on Interstate and Foreign Commerce, *Intensive Immunization Programs, Hearings*, 87th Cong., 2nd sess., May 15–16, 1962. Accessed from ProQuest Congressional, June 13, 2014.
  8. US Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, *Health, United States, 2013: With Special Feature on Prescription Drugs*. Table 39: Selected Notifiable Disease Rates and Number of New Cases: United States, Selected Years. May 2014.
  9. Senate Committee on Labor and Public Welfare, Subcommittee on Health, *Communicable Disease Control, Hearings*, 91st Cong., 1st sess., June 30, 1969. Accessed from ProQuest Congressional, June 13, 2014.
  10. Senate Committee on Labor and Public Welfare, Subcommittee on Health, *Communicable Disease Control, Hearings*, 91st Cong., 1st sess., June 30, 1969. Accessed from ProQuest Congressional, June 13, 2014.
  11. Melvina Ford, *Immunization Funding Under Section 317 of the Public Health Service Act*, CRS Report 97-510 EPW (Washington, DC: Library of Congress, Congressional Research Service, May 2, 1997).
  12. US House of Representatives, Committees on Energy and Commerce and Ways and Means, “Message from the President of the United States Transmitting a Draft of Proposed Legislation to Provide for the Immunization of All Children in the United States Against Vaccine Preventable Diseases, and for Other Purposes,” April 2, 1993. Accessed from ProQuest Congressional, June 13, 2014.
  13. Senate Committee of Finance, Subcommittee on Health for Families and the Uninsured, *Child Immunization Initiative, Hearings*, 103rd Cong., 1st sess., May 6, 1993. Accessed from ProQuest Congressional, June 13, 2014.
  14. US Department of Health and Human Services, Centers for Disease Control and Prevention, *Morbidity and Mortality Weekly Report*, 63, no. 16 (April 25, 2014).
  15. House Committee on Energy and Commerce, Subcommittee on Health and the Environment, *Childhood Immunizations, Hearings*, 101st Cong., 1st sess., May 22, 1989.
  16. Senate Committee on Appropriations, Subcommittee, *Childhood Immunization, Special Hearing*, 103rd Cong., 2nd sess., May 18, 1994. Accessed from ProQuest Congressional, June 13, 2014.
  17. *Jacobson v. Massachusetts*, 197 US 11 (1905).
  18. *Zucht v. King*, 260 US 174 (1922).
  19. Andrew J. Wakefield, “RETRACTED: Ileal-lymphoid-nodular Hyperplasia, Non-specific Colitis, and Pervasive Developmental Disorder in Children,” *The Lancet* 351, no. 9103 (1998). [www.thelancet.com/journals/lancet/article/PIIS0140-6736%2897%2911096-0/abstract](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736%2897%2911096-0/abstract).
  20. Liz Szabo, “Measles Surges in USA with 135 Cases This Year; Texas’ Outbreak, Which Sickened 25, Linked to Church,” *USA Today*, August 26, 2013.
  21. National Conference of State Legislators. [www.ncsl.org/research/health/school-immunization-exemption-state-laws.aspx](http://www.ncsl.org/research/health/school-immunization-exemption-state-laws.aspx).
  22. US Department of Health and Human Services, National Institutes of Health, “Community Immunity: How Vaccines Protect Us All.” October 2011. [newsinhealth.nih.gov/issue/Oct2011/Feature2](http://newsinhealth.nih.gov/issue/Oct2011/Feature2).
  23. National Conference of State Legislators. [www.ncsl.org/research/health/school-immunization-exemption-state-laws.aspx](http://www.ncsl.org/research/health/school-immunization-exemption-state-laws.aspx).
  24. House Committee on Government Reform, *Vaccines—Finding the Balance Between Public Safety and Personal Choice, Hearings*, 106th Cong., 1st sess., August 3, 1999. Accessed from ProQuest Congressional, June 13, 2014.
  25. Rose Russell, “Ohio Measles Outbreak a ‘Wake-Up Call,’” *The Blade*, Toledo, OH, June 2, 2014.
  26. Centers for Disease Control and Prevention, “Measles (Rubeola),” [www.cdc.gov/measles/index.html](http://www.cdc.gov/measles/index.html), Accessed June 13, 2014.
  27. Paloma Esquivel, “Measles Outbreak in O.C. Spurs Call for Immunizations,” *Los Angeles Times*, April 5, 2014.
  28. Anemona Harto-Collis, “Measles Outbreak May Have Spread in Medical Facilities, a City Official Says,” *New York Times*, March 19, 2014.
  29. US Senate, Subcommittee of the Committee on Appropriations, *Departments of Labor, Health and Human Services, and Education, for Related Agencies Appropriations for Fiscal Year 2014*. Accessed from ProQuest Congressional, June 13, 2014.
  30. US Senate, Subcommittee of the Committee on Appropriations, *Departments of Labor, Health and Human Services, and Education, for Related Agencies Appropriations for Fiscal Year 2014*. Accessed from ProQuest Congressional, June 13, 2014.

# Does Tragedy Prompt Change?

## A Look at Gun Control in the Aftermath of Mass Shootings

Adena Gruskin

Few topics lead to such heated debate in the United States as gun control. While some are fiercely protective of their Second Amendment right, which guarantees that “the right of the people to keep and bear Arms shall not be infringed,” others fight for greater control and stricter legislation over firearms, making it an issue that can be frustratingly slow to change.<sup>1</sup> However, mass shootings, particularly those that take their toll on the youth of America, bring the issue to the forefront of national politics. This raises the question, do mass shootings cause change in gun control legislation? This paper aims to answer that question by discussing the tragic events that occurred in Littleton, Colorado, and Newtown, Connecticut, and the legislation that followed. It will first look at the president’s speeches delivered directly after the events, then track specific pieces of federal legislation regarding gun control that were proposed in the aftermath.

### Columbine High School

On April 20, 1999, two teenage boys, Dylan Klebold and Eric Harris, placed two propane bombs in the cafeteria of their school, Columbine High School, and then waited in their cars for the detonation.<sup>2</sup> When the bombs failed to detonate, they resorted to a backup plan. The boys entered the school armed with sawed-off shotguns, an automatic handgun, a carbine rifle, and a bag of small explosives, then opened fire on their classmates and teachers.<sup>3</sup> By the end of the rampage, they had murdered thirteen people, both students and teachers, before turning the guns on themselves. Columbine was now the home to one of the country’s most devastating school shootings, and the spark for a national fight over increased gun control.

In the days following the tragedy, President Bill Clinton gave a series of speeches regarding the event. Only eleven days later, on April 30, President Clinton gave a speech outlining his ideas

to keep schools safe, through parental controls on violent media content, and suggestions of how to tighten certain kinds of gun control. He suggests laws that would “require background checks for buying guns at gun shows,” as well as explosives and banning handgun ownership for people under twenty-one.<sup>4</sup> In a speech given at Columbine High School, nearly a month after the attack, he offered condolences and insight about how to move forward, but skirted around the issue of gun control. While this may have been an attempt to prevent turning a national tragedy into a political tool, he did manage to suggest that the event serve as a catalyst for change, without explicitly calling for changes in legislation. He did this by urging the public to:

Reach out across America to launch a national grassroots campaign against violence directed against young people. You can be a part of that. You can give us a culture of values instead of a culture of violence. You can help us to keep guns out of the wrong hands.<sup>5</sup>

### The Legislation

Clinton’s words were not empty promises, and there was a push in Congress to instate changes to gun control legislation, mainly through the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999. This sweeping piece of gun control legislation, addressed many of the issues relating to firearms that became topics of national discussion post Columbine. The bill, sponsored by Senator Orin Hatch of Utah, was introduced on January 20, 1999, and agreed to by the Senate on May 20, 1999, a month after the massacre.<sup>6</sup> The bill was meant to: reduce violent juvenile crime, promote accountability by and rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.<sup>7</sup>

This bill extended further than preventing juvenile crime, to gun control, gun shows and ammunition, and was broadened by a series of amendments. While the bill was easily passed in the Senate, with seventy-three yeas and twenty-five nays, the amendments attached to it had much closer votes.<sup>8</sup> The closest vote was on the Lautenberg Amendment “to regulate the sale of firearms at gun shows,” which came down to a tied 50-50 vote, that Al Gore broke when he voted in favor of the amendment.<sup>9</sup> This vote is significant not only because of Gore’s tie breaking vote, but also because it closed the “gun show loophole.” The so-called “gun show loophole” refers to the fact that under federal law, private dealers at gun shows can sell arms without background checks, unlike private gun shops where background checks are required.<sup>10</sup>

In cases of tragedy, such as the school shooting at Columbine High School and Sandy Hook Elementary School, a secondary issue came to national attention along with gun control. In regards to Columbine it was violence in media and among youth, while mental health became a hotly discussed topic following Sandy Hook. These issues are addressed in the legislation, almost as if it is treating the cause, while gun control legislation is addressing the effect. Title IV of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, known as the Children’s Protection Act of 1999 outlines the negative influence violent television, music and videogames have on youth. It proposes establishing a set of guidelines to:

- (1) alleviate the negative impact of telecast material, movies, video games, Internet content, and music lyrics containing violence, sexual content, criminal behavior, or other subjects that are not appropriate for children; or
- (2) promote telecast material that is educational, informational, or otherwise beneficial to the development of children.<sup>11</sup>

Despite its passage through the Senate, the act failed to become a law. The bill passed through the Senate and House, but it stalled in the resolving differences phase, where it has remained untouched since 2000.<sup>12</sup> Although the tragedy at Columbine High School initially spurred gun control legislation to make its way through Congress, the biggest piece of legislation never became law. As representatives seemed unable to overcome party differences, the Lautenberg Amendment’s 50-50 tie was almost completely along party lines, and strict gun control supporters and Second Amendment defenders could not compromise, the “gun show loophole” remained open.

## Sandy Hook Elementary School

On December 14, 2012, Adam Lanza murdered his mother with her own gun, before heading to Sandy Hook Elementary School, located in Newtown Connecticut. Once inside the school, armed with semiautomatic handguns and a rifle, he proceeded to murder twenty-six more people, mainly children. The massacre became the second deadliest school shooting in the United States.<sup>13</sup>

President Obama offered heartfelt condolences in his address to the country following the massacre and committed the country to prevent future tragedies of this sort regardless of politics.<sup>14</sup> It was not long before Obama was publically promoting firmer changes in gun control legislation in the immediate future. He made it clear that he supported firm and swift action. Five days after his first speech, he stated that “this time, the words need to lead to action,” perhaps in reference to the lack of change following Columbine.<sup>15</sup> Obama’s actions in the following months show that he intended to follow through on his words.

## The Legislation

As Obama’s vice-president, Joe Biden was poised to return to his gun control legislation past. Obama made it clear in his speech that Joe Biden would be a central figure in his plans by heading a task force to come up with a set of proposals.<sup>16</sup> Biden appeared to be the perfect man for such a task due to his long history with gun control legislation. Biden played a large part in the passage of a 1994 ban on assault weapons, which included guns with detachable magazines and combat accessories, however it expired in 2004.<sup>17</sup> This initiative led to Obama releasing twenty-three executive actions based on Biden’s recommendations and a specific plan for reducing gun violence. While this list is too exhaustive to cover here, two segments of Obama’s “Now is the Time” program to prevent gun violence, which includes executive actions and calls for legislation, stand out, especially in relation to the failed gun control legislation following the Columbine Massacre. His first action calls for ending background check loopholes by requiring background checks for all gun purchases, with exemptions only for certain temporary transfers.<sup>18</sup> This type of effort is similar to what was introduced to Congress in 1999, but never made it to law. Biden’s commitment to banning assault weapons and voice in this plan is seen in a later part of Obama’s plan. This part of the plan aimed to:

Reinstate and strengthen the ban on assault weapons: The shooters in Aurora and Newtown used the type of semiautomatic rifles that were the target of the assault weapons ban that was in place from

1994 to 2004. That ban was an important step, but manufacturers were able to circumvent the prohibition with cosmetic modifications to their weapons. Congress must reinstate and strengthen the prohibition on assault weapons.<sup>19</sup>

Unlike Executive Orders, these actions have no force of law behind them, meaning that legislation is still needed to bring the ideas to light. However, the corresponding legislation faced a crushing series of defeats in the Senate. A series of amendments to the Safe Communities, Safe Schools Act of 2013, several of which would have enforced the Executive Actions mentioned above were rejected. Two of them, the Manchin and Grassley Amendments, related to improving the use of and data in the National Instant Criminal Background Check System failed to receive the sixty necessary votes in their favor, despite Obama's support.<sup>20</sup> However the fate of the Safe Communities, Safe Schools Act, and the majority of Obama's violence reduction package remain to be seen.

As people tried to come to terms with the tragedy in Newton, speculation about Adam Lanza's mental health took center stage. Although the motive for the attack remains unknown, the Connecticut State Attorney released a report claiming that Lanza:

Had significant mental health issues that affected his ability to live a normal life and to interact with others, even those to whom he should have been close. As an adult he did not recognize or help himself deal with those issues.<sup>21</sup>

Much like violent video games and music became attached to the legislation following Columbine, access to mental health resources came along with legislation following Sandy Hook. One of Obama's Executive Actions was in regards to improving access to mental health services, to be done through programs to detect mental illness early and training teachers on detecting and responding to mental illness.<sup>22</sup> Obviously not all mental health legislation in 2013 can be related to this event, but some of them were likely spurred by this issue. In January, a little over a month after the massacre, the Mental Health First Aid Act of 2013 was introduced to the House and Senate, which would authorize grants for mental health first aid training.<sup>23</sup> This legislation would serve to support Obama's call to increase access to mental health services. In addition an amendment to the Safe Communities, Safe Schools Act to improve mental health programs fared better than the previously mentioned gun control amendments, and was agreed to in the Senate.<sup>24</sup>

## Conclusion

Throughout this process of federal gun control legislation starting and stalling, states have continued to have their own battles, at a seemingly much faster pace. Despite the countless gun tragedies that have marred this country, federal gun control continues to move slowly, as it struggles against party divides and the second amendment itself.

However, mass school shootings have a way of driving the debate forward and speeding up the introduction of legislation, but with mixed results. The tragedies at both Columbine and Sandy Hook prompted the speedy delivery of bills before Congress, but it was not enough to get them pushed through to laws. Despite efforts to stay away from the extreme and avoid alienation, like Obama's allowance for transferring guns between family members and hunters, his efforts have stalled. It seems that once the initial push the tragedy provides has passed, the legislation is left to languish, allowing for the same issues, such as background check loopholes to continually be discussed. Studying these cases, many of the same issues regarding guns came up in both, most notably in how a lack of change in the first case, is reflected in the same changes being proposed in the present.

**Adena Gruskin** (agruskin@pratt.edu), Pratt Institute

## References

1. US Const. amend. II, [www.senate.gov/civics/constitution\\_item/constitution.htm](http://www.senate.gov/civics/constitution_item/constitution.htm).
2. Jennifer Rosenberg, "Columbine Massacre," *About.com 20th Century History*, [history1900s.about.com/od/famouscrimesscandals/a/columbine.htm](http://history1900s.about.com/od/famouscrimesscandals/a/columbine.htm).
3. Ibid.
4. Bill Clinton, "Violence in Schools" (speech, Washington, DC, April 30, 1999) C-Span, [c-spanvideo.org/program/ViolenceinSc](http://c-spanvideo.org/program/ViolenceinSc).
5. Bill Clinton, "Columbine High School Remarks," (speech, Littleton, Colorado, May 20, 1999) Courtesy William J. Clinton Presidential Library, [www.clintonlibrary.gov/videos.html](http://www.clintonlibrary.gov/videos.html).
6. Library of Congress, *Bill Summary & Status 106th Congress (1999–2000) S.254*, [thomas.loc.gov/cgi-bin/bdquery/z?d106:S.254](http://thomas.loc.gov/cgi-bin/bdquery/z?d106:S.254), accessed November 18, 2013.
7. US Senate, 106th Cong., "S. 254: Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999," As referred in the Senate, May 20, 1999, [www.gpo.gov/fdsys/pkg/BILLS-106s254es/pdf/BILLS-106s254es.pdf](http://www.gpo.gov/fdsys/pkg/BILLS-106s254es/pdf/BILLS-106s254es.pdf).

8. “Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999,” *Congressional Record* (May 20, 1999), Daily ed. S.5725, [www.gpo.gov/fdsys/pkg/CREC-1999-05-20/pdf/CREC-1999-05-20-pt1-PgS5683.pdf](http://www.gpo.gov/fdsys/pkg/CREC-1999-05-20/pdf/CREC-1999-05-20-pt1-PgS5683.pdf).
9. US Senate, *U.S. Senate Roll Call Votes 106th Congress—1st Session*, [www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=106&session=1&vote=00134](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=106&session=1&vote=00134); Accessed: November 15, 2013.
10. Catherine Rampell, “The ‘Gun Show Loophole’ and Gun Deaths,” *New York Times*, October 9, 2008.
11. Congressional Research Service, *H.R.1501—106th Congress (1999–2000)—Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999*, November 4, 2000, [beta.congress.gov/bill/106th/house-bill/1501](http://beta.congress.gov/bill/106th/house-bill/1501).
12. Congress.gov, *H.R.1501—Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999*, Available at: [beta.congress.gov/bill/106th/house-bill/1501/actions?q={%22search%22:\[%22hr%201501%22\]}](http://beta.congress.gov/bill/106th/house-bill/1501/actions?q={%22search%22:[%22hr%201501%22]}).
13. James Barron, “Nation Reels After Gunman Massacres 20 Children at School in Connecticut,” *New York Times*, December 14, 2012.
14. Barack Obama, “Statement by the President on the School Shooting in Newtown, CT,” (speech, Washington, DC, December 14, 2012), [www.whitehouse.gov/the-press-office/2012/12/14/statement-president-school-shooting-newtown-ct](http://www.whitehouse.gov/the-press-office/2012/12/14/statement-president-school-shooting-newtown-ct).
15. Barack Obama, “Remarks by the President in a Press Conference,” (speech, Washington, DC, December 19, 2012), [www.whitehouse.gov/the-press-office/2012/12/19/remarks-president-press-conference](http://www.whitehouse.gov/the-press-office/2012/12/19/remarks-president-press-conference).
16. Obama, “Statement by the President on the School Shooting in Newtown, CT.”
17. Peter Barker, “Biden is Back for a 2nd Run at Gun Limits,” *New York Times*, December 29, 2012.
18. Barack Obama, “Now is the Time,” *WhiteHouse.gov*, January 26, 2012, [www.whitehouse.gov/sites/default/files/docs/wh\\_now\\_is\\_the\\_time\\_full.pdf](http://www.whitehouse.gov/sites/default/files/docs/wh_now_is_the_time_full.pdf).
19. Ibid.
20. US Senate, *U.S. Senate Roll Call Votes 113th Congress—1st Session*, ONLINE, Available: [www.senate.gov/legislative/LIS/roll\\_call\\_lists/vote\\_menu\\_113\\_1.htm](http://www.senate.gov/legislative/LIS/roll_call_lists/vote_menu_113_1.htm), accessed November 10, 2013.
21. Office of the State’s Attorney Judicial District of Danbury, *Report of the State’s Attorney for the Judicial District of Danbury on the Shootings at Sandy Hook Elementary School and 36 Yogananda Street, Newtown, Connecticut on December 14, 2012*, State’s Attorney Report, 2012, 3, [www.scribd.com/doc/187052598/Official-Sandy-Hook-Report](http://www.scribd.com/doc/187052598/Official-Sandy-Hook-Report).
22. Obama, “Now is the Time.”
23. US Senate, 113th Cong., “Mental Health First Aid Act of 2013,” As referred in the Senate, January 24, 2013, [www.gpo.gov/fdsys/pkg/BILLS-113s195is/pdf/BILLS-113s195is.pdf](http://www.gpo.gov/fdsys/pkg/BILLS-113s195is/pdf/BILLS-113s195is.pdf).
24. “Safe Communities, Safe Schools Act of 2013” *Congressional Record*, (April 18, 2013), Daily ed. S2777, Available from: [www.gpo.gov/fdsys/pkg/CREC-2013-04-18/pdf/CREC-2013-04-18-pt1-PgS2777-4.pdf](http://www.gpo.gov/fdsys/pkg/CREC-2013-04-18/pdf/CREC-2013-04-18-pt1-PgS2777-4.pdf), accessed November 16, 2013.

## DttP Online!

[www.ala.org/ala/godort/DttP/DttPonline](http://www.ala.org/ala/godort/DttP/DttPonline)



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

# Where NARA Fits in Obama's Open Government Initiative

Catherine Grandgeorge

**T**he Open Government Initiative (OGI) developed by the Obama Administration is a strategy that attempts to bring more transparency, participation, and collaboration into the US government. This article examines the significance of this initiative to long-term access to government information by providing an overview of what the initiative does, and offers an example of how the National Archives and Records Administration has gone about responding to the challenges of the initiative. Although progress toward an open government has been made through the OGI, it remains to be seen if the directives will produce a truly open government.

## Transparency and Open Government

On January 21, 2009, President Barack Obama began his first term in office by releasing a memorandum entitled “Transparency and Open Government.”<sup>1</sup> This document ushered in the beginning of the Obama administration’s Open Government Initiative (OGI), a move to create a new level of openness within the government. The memorandum outlines three key principles that comprise the administration’s vision for an open government: transparency, participation, and collaboration. Through these principles, the administration believes that the OGI will “strengthen our democracy and promote efficiency and effectiveness in Government.”<sup>2</sup>

According to the memorandum, the principle of transparency is crucial to openness because it “promotes accountability and provides information for citizens about what their Government is doing.”<sup>3</sup> Through the release of more government information in various open formats and new government websites, the objective is to create a new level of transparency. The memorandum suggests that greater utilization of technology will make information more accessible to the public, which is a key goal of the OGI.

The second principle of open government is soliciting and promoting participation in government. The memorandum

states that, “Public engagement enhances the Government’s effectiveness and improves the quality of its decisions.”<sup>4</sup> In other words, the goal is that through offering greater opportunities for citizen participation, the government can benefit from the public’s collective knowledge.

Through promoting participation comes the third principle of collaboration. The memorandum highlights that government agencies should work to create new opportunities for collaboration that engages the public. Additionally, the OGI encourages cooperation between government agencies and other independent agencies to further the goals of open government.

President Obama used the “Transparency and Open Government” memorandum to lay a foundation for the OGI. To initiate action on these principles of open government, he directed the Chief Technology Officer, the Director of the Office of Management and Budget, and the Administrator of General Services to work together to develop the next stage of the OGI: the Open Government Directive (OGD).

## Open Government Directive

After the release of the “Transparency” memorandum, the Office of Management and Budget (OMB) solicited feedback from the public and federal employees on how the principles of transparency, participation, and collaboration could be achieved. Themes from this data helped influence the development of a framework for making the OGI a reality in each government agency.

As directed in the Transparency memorandum, the director of the OMB, Peter Orszag, released the Open Government Directive memorandum on December 8, 2009.<sup>5</sup> In this document, Orszag outlines the specific actions required of executive departments and agencies to implement the principles of open government. The memorandum is organized into four main areas of strategy: publish government information online, improve the quality of government information, create a culture

of open government, and create a policy framework for open government.

The OGD starts by directing agencies to ensure that they publish information online and in an open format. In order to streamline access to the published information, the OGD includes directions for each agency to create an "Open Government Webpage" on their agency website using a consistent URL of [www.\[agencyname\].gov/open](http://www.[agencyname].gov/open).<sup>6</sup> By creating a uniform expectation for the open government webpage locations, this increases the ease of use for the public to find open government information related to a particular agency. Furthermore, the OGD outlines that agencies must include a mechanism for the public to provide feedback on the published information and provide input on the publishing priorities of an agency through the open government website.

The OGD also stipulates that agencies must publish new "high-value" data sets to Data.gov and establish a repository of information from across the government.<sup>7</sup> This website provides "Federal, state, and local data, tools, and resources to conduct research, build apps, design data visualizations, and more."<sup>8</sup> Agencies are encouraged to contribute information that aids innovation for the public as well as improve transparency and accountability.

The directive outlines the expectation that each agency create an "Open Government Plan," that describes, "how it will improve transparency and integrate public participation and collaboration into its activities."<sup>9</sup> In the plans, which are to be updated every two years, agencies will outline how they intend to promote open government through transparency, participation, and collaboration. They are also encouraged to identify a "flagship initiative" that can be undertaken to promote collaboration between agencies and the public.

These components are only a few of the directions provided in the OGD. Other points describe how agencies are expected to reduce backlogs of FOIA requests, increase spending and financial information transparency, and designating officials to provide leadership in fulfilling the open government principles. It also identifies how the White House itself will be a part of the overall initiative by monitoring the progress of agencies and using its website as a central location for the OGI.

## OGI in Action: the National Archives and Records Administration

To show how the open government initiative has been implemented, this section will explore how the National Archives and Records Administration (NARA) has taken on the OGI. It will also highlight changes and projects of the agency to promote open government.

The National Archives and Records Administration is responsible for collection, maintenance, and long-term preservation of the US government's documents. NARA also creates policies and procedures for federal records for other agencies to maintain their records. First established in 1934, the agency as it is known today has been an independent office in the federal government's executive branch since 1985.<sup>10</sup>

According to NARA, only 1 percent to 3 percent of the materials created by the US federal government are deemed "important for legal or historical reasons that they are kept by us forever."<sup>11</sup> Because of this, NARA helps the government in evaluating records and going through the disposition process. NARA provides access to the records they preserve through online research tools and physical locations across the country. In April 2014, the agency's website, Archives.gov recorded more than 2.5 million visits to the website.<sup>12</sup>

In response to the OGD memorandum, NARA released their first Open Government Plan (OGP) in April 2010. In its opening message, David S. Ferriero, NARA's Archivist of the United States, expresses that the principles of open government are an extension of NARA's existing mission statement:

Our Mission is to provide public access to Federal Government records in our custody and control. Public access to government records strengthens democracy by allowing Americans to claim their rights of citizenship, hold their government accountable, and understand their history so they can participate more effectively in their government.<sup>13</sup>

Despite the alignment between this mission statement and the principles of open government identified in the OGI memorandum, Ferriero recognizes that there is work to be done to cultivate a culture of open government at NARA. He writes that the agency plans to "focus on reclaiming our records management leadership role by finding and developing cost-effective IT solutions needed to meet the electronic records management challenges of today and the future."<sup>14</sup> This focus echoes the call in the OGD to harness technological solutions to open government roadblocks and the overall emphasis on electronic information.

In the plan, NARA identifies their initial flagship initiative as "develop online services to meet our 21st century needs."<sup>15</sup> A large part of this goal is creating a comprehensive communication strategy through increased utilization of social media platforms, improved online catalog search capabilities, and an agency website redesign including a new open government page. These changes are seen as a way to "facilitate the use and understanding of the records we provide."<sup>16</sup>

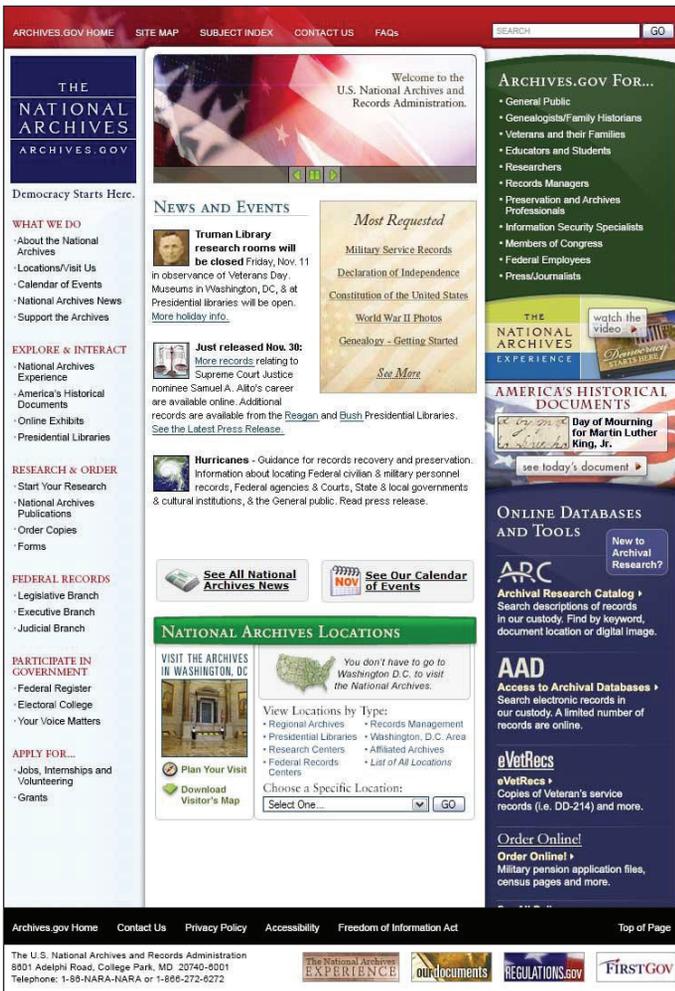


Figure 1. NARA's Homepage before Redesign

One of the actions described in the OGD is the contribution of new high-value datasets from each agency to Data.gov, a central location for the public to access raw data that can be used for a variety of purposes. This effort both promotes greater transparency and access to information in open formats. NARA responded to this by publishing four initial datasets, including the *Code of Federal Regulations* from 2007 to 2009 and the *Federal Register* from 2000 to 2010.<sup>17</sup>

NARA's 2010 OGP includes a discussion of how they plan to keep the public informed of their progress in creating open government. They recognize that communication of progress must occur in both modern and traditional forms, promising to deliver information through social media and in non-electronic forms. The plan includes many more ways in which NARA intends to fulfill the principles of open government. These few examples show that NARA took an early lead on embracing the challenges proposed in the OGD.

Fast forward four years to May of 2014, when NARA released its third Open Government Plan for 2014 to 2016. The

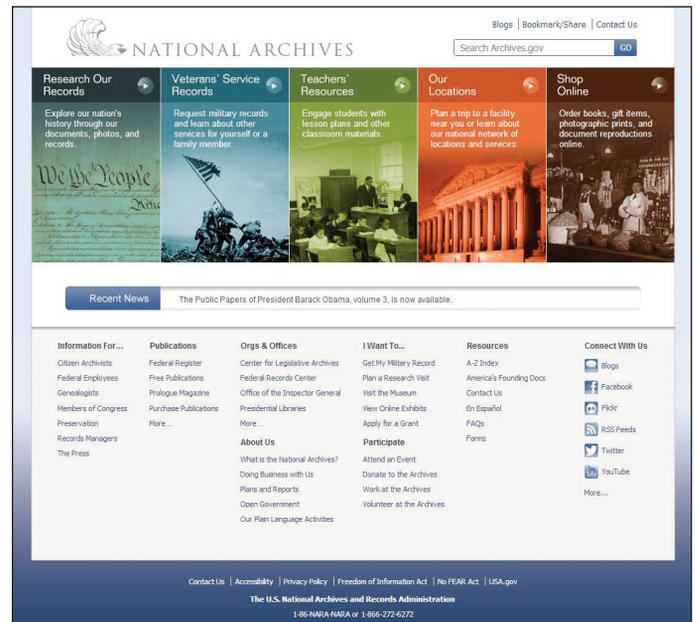


Figure 2. NARA's Homepage after Dedesign

plan acts as a status update to the progress made on the agency's open government goals and as a roadmap to future endeavors. This plan also places great focus on both the internal and external achievements of the agency to promote a culture of open government.

One highlight is the increased specificity of NARA's flagship initiative. First described in the 2010 OGP, the 2014 plan refers to the initiative as "Innovation to Make Access Happen."<sup>18</sup> This project focuses on strengthening the agency's digitization efforts and developing a more robust online catalog that helps users find information more effectively. NARA hopes that this project will further promote the open government principles.

Great emphasis is placed on the agency's website Archives.gov in all of NARA's Open Government Plans. In particular, they discuss the redesign and creation of their open government website, Archives.gov/open. Figure 1 shows an image of NARA's homepage before the redesign.<sup>19</sup> Figure 2 shows an image of NARA's new design, inspired by the OGI and developed through public feedback.<sup>20</sup>

## Have We Achieved an Open Government?

The Open Government Plans from NARA show that progress has been made, but there is debate on whether the work done by NARA and other government agencies truly brings about a more open government. Making more information available online does not necessarily equate to a more transparent government. New opportunities for public participation and collaboration have been created, but may not be utilized in the manner expected by the OGI.

A Congressional Research Service (CRS) report on the OGI from 2011 notes that initial agency compliance with the actions outlined in the OGD were mixed, with some agencies merely creating an open government website. Furthermore, “the OGD did not explain the consequences for ignoring or disobeying the directive’s requirements.”<sup>21</sup> Progress for each agency has been monitored through the White House’s Open Government Dashboard. Scorecards that track the progress toward open government goals report that no agency fell into the category of “fails to meet expectations.”<sup>22</sup>

Much of the OGI relies on integrating public feedback into the actions and prioritization efforts of government agencies. This model allows for greater participation of citizens in government by expressing potential ideas. At the same time, there is no guarantee that the level of participation from the public will be sufficient for significant input or that the ideas generated will be of real use. The CRS report found that after the first rounds of public feedback on the OGI, “many of the public comments and suggestions offered to date, however, have not provided viable policy options. Moreover, increased transparency and mandatory public participation requirements can slow down government operations by elongating the deliberative process.”<sup>23</sup> This is not to suggest that public feedback should not be solicited, but that careful consideration should be taken by agencies on how they will collect, analyze, utilize, and respond to comments.

The required outputs of the OGI must be weighed against the additional resources it takes to create and process this information in conjunction with the other activities of an agency. In a 2010 report from the GAO on NARA’s effectiveness in managing government-wide records, they found that “NARA faces challenges in preserving permanent records largely because of their volume, the finite resources available, and the technological challenges posed by electronic records. NARA has a large and persistent backlog of records on paper and other media needing preservation actions.”<sup>24</sup> One advantage of the OGI in this example is soliciting public feedback on prioritization of processing a backlog of records. Furthermore, the OGI inspired opportunities like NARA’s “Citizen Archivist” program.<sup>25</sup> This program allows the public to assist NARA in activities such as tagging records, transcription, editing articles, and contributing content.

Other aspects of the OGI prompt agencies to publicize information for greater access and transparency. For example, the requirement that agencies provide content to Data.gov ensures that the public can explore “high-value” information in a central location. However, the OGD does not provide more detailed instructions on what kinds of data sets are considered to be “high-value.” The CRS report points out that this makes

it “unclear how some of [the data sets] will increase transparency of the operations and actions of the federal government.”<sup>26</sup> Many of the data sets published by NARA have to do with the agency’s record holdings, such as the *Code of Federal Regulations*. This sort of data is high-value in terms of providing access to open format government information, but may not contribute as strongly to the goal of transparency.

Furthermore, the publication of many data sets at one time may have a converse effect of making it more difficult for researchers to find appropriate information. With each agency contributing information to Data.gov, it is imperative that the structure and design of the website facilitates the growing collection in terms of searching for content. Opening a large amount of data from the government for public evaluation, use, and manipulation can also lead to misuse of the information. The CRS report suggests that “Congress may want to create ways to make clear to the public when data analysis is performed by the federal government as opposed to when analysis is performed by a private group or individual with its own goals and missions.”<sup>27</sup> To make this distinction, consideration must be put into how the data sets will be described, promoted, and managed.

The long-term success of the OGI remains to be seen. The 2011 CRS report on the OGI recognizes that the directives are contingent on the agenda of a president’s administration. It states, “Because the transparency policies of each Administration frequently are not codified, they can be modified at any time. Each President has the opportunity to determine how to apply and administer existing transparency statutes....”<sup>28</sup> Only time will show whether or not the principles of transparency, participation, and collaboration continue to be a central part of future government administrations.

Despite this uncertain future, it is clear that progress toward a more open government has been made through the OGI. The example of NARA shows that the actions required by the OGD, while somewhat vague, have encouraged agencies to be more proactive in the efforts to provide permanent access to government information. Measuring the success of these initiatives is a difficult undertaking, but one that must be done in some manner in order to provide metrics on open government and accountability for the progress of agencies.

In early 2010, NARA’s David S. Ferriero testified before a subcommittee of the Committee on Homeland Security and Government Affairs of the US Senate on government transparency and accountability. In his testimony, he stated, that, “the backbone of a transparent and accountable government is good records management. To put it simply, the Government cannot be accountable if it does not preserve—and cannot find—its records.”<sup>29</sup> This statement sums up what the OGI

is about, and what the government must focus on in order to carry the principles of transparency, participation, and collaboration into the future.

**Catherine Grandgeorge** (ceg25@uw.edu), MLIS  
Candidate, University of Washington iSchool.

## References

1. Executive Office of the President, "Transparency and Open Government," 74 *Federal Register* 4685, January 26, 2009. The memorandum was released on January 21, 2009, [www.whitehouse.gov/the\\_press\\_office/Transparency\\_and\\_Open\\_Government](http://www.whitehouse.gov/the_press_office/Transparency_and_Open_Government).
2. Ibid.
3. Ibid.
4. Ibid.
5. Executive Office of the President, Office of Management and Budget, "Memorandum for the Heads of Executive Departments and Agencies: Open Government Directive" (Washington, DC, 2014), [www.usgovernmentmanual.gov](http://www.usgovernmentmanual.gov).
6. Ibid., 2.
7. Ibid., 2.
8. US General Services Administration, "Data.gov," [www.data.gov](http://www.data.gov).
9. Executive Office of the President, "Memorandum for the Heads of Executive Departments and Agencies: Open Government Directive," 4.
10. United States. *The United States Government Manual*. Washington, D.C.; Office of the Federal Register, National Archives and Records Service, General Services Administration, 2014, [www.usgovernmentmanual.gov](http://www.usgovernmentmanual.gov).
11. National Archives and Records Administration, "What is the National Archives and Records Administration?" [www.archives.gov/about](http://www.archives.gov/about).
12. National Archives and Records Administration, "Most Recent Archives.gov Metrics Dashboard," [www.archives.gov/metrics](http://www.archives.gov/metrics).
13. National Archives and Records Administration, "Fiscal Year 2014-2018 Strategic Plan, March 2014," [www.archives.gov/about/plans-reports/strategic-plan/2014/nara-strategic-plan-2014-2018.pdf](http://www.archives.gov/about/plans-reports/strategic-plan/2014/nara-strategic-plan-2014-2018.pdf).
14. National Archives and Records Administration, "Open Government Plan, Version 1.0" April 7, 2010. [www.archives.gov/open/open-plan.html](http://www.archives.gov/open/open-plan.html).
15. Ibid., 9.
16. Ibid., 9.
17. Ibid., 14.
18. National Archives and Records Administration, "Open Government Plan, Version 3.0" May 30, 2014. [www.archives.gov/open/open-plan.html](http://www.archives.gov/open/open-plan.html).
19. National Archives and Records Administration, "Prologue: Pieces of History," [blogs.archives.gov/prologue/?p=13259](http://blogs.archives.gov/prologue/?p=13259).
20. Ibid.
21. Wendy R. Ginsberg, *Obama Administration's Open Government Initiative: Issues for Congress*, CRS Report CRS-2011-GVF-0089 (Washington, DC: Government and Finance Division, Congressional Research Service, January 28, 2011), [congressional.proquest.com/congressional/docview/t21.d22.crs-2011-gvf-0089?accountid=13071](http://congressional.proquest.com/congressional/docview/t21.d22.crs-2011-gvf-0089?accountid=13071).
22. The White House, "Open Government Initiative: Around the Government," [www.whitehouse.gov/open/around](http://www.whitehouse.gov/open/around).
23. Ginsberg, *Obama Administration's Open Government Initiative: Issues for Congress*, CRS Report, 27.
24. Government Accountability Office, "National Archives And Records Administration: Oversight And Management Improvements Initiated, But More Action Needed," GAO-11-15, October 5, 2011, [www.gao.gov/products/GAO-11-15](http://www.gao.gov/products/GAO-11-15).
25. National Archives and Records Administration, "Citizen Archivist Dashboard." [www.archives.gov/citizen-archivist](http://www.archives.gov/citizen-archivist).
26. Ginsberg, *Obama Administration's Open Government Initiative: Issues for Congress*, CRS Report, 28.
27. Ibid., 30.
28. Ibid., 7.
29. US Congress. Senate. *Removing Information, Federal Services, and International Security*. 111th Cong., 2nd sess. March 23 and April 13, 2010. [www.gpo.gov/fdsys/pkg/CHRG-111shrg56893/pdf/CHRG-111shrg56893.pdf](http://www.gpo.gov/fdsys/pkg/CHRG-111shrg56893/pdf/CHRG-111shrg56893.pdf)  
*the Shroud of Secrecy: Making Government More Information, Federal Services, and International Security*. 111th Cong., 2nd sess. March 23 and April 13, 2010, [www.gpo.gov/fdsys/pkg/CHRG-111shrg56893/pdf/CHRG-111shrg56893.pdf](http://www.gpo.gov/fdsys/pkg/CHRG-111shrg56893/pdf/CHRG-111shrg56893.pdf).

# Anatomy of a Foodborne Outbreak

## Who's Protecting My Peanut Butter?

Karen Spitzer

*Peanuts are good for you. It is a healthy food. And when we can't even depend on that, that peanut butter that we put in our kids' sandwiches that they take to school, that that is not safe, then we have to ask, what is?*

—Senator Tom Harkin

In 2009 contaminated peanuts from the Peanut Corporation of America (PCA) ignited one of the largest food recalls in US history and changed the role of the Food and Drug Administration (FDA). This was one of a series of foodborne outbreaks and recalls that caused the government to address food safety policies that had not been changed in over seventy years.

There are four major steps in a foodborne outbreak. The federal government plays a key role in this process. The roadmap is as follows: detection of an outbreak, Centers for Disease Control and Prevention (CDC); investigation and identification of the source, Food and Drug Administration (FDA); legislative response which may include new laws, Congress; and potential prosecution, Department of Justice (DOJ).

### Detection of an Outbreak

The first step in controlling a foodborne outbreak is detection, which is usually conducted by CDC, often in collaboration with state health departments. One of the key tools that CDC uses to identify outbreaks is a program called PulseNet, which is comprised of eighty-seven federal, regional, state, and local laboratories. There is at least one PulseNet laboratory in every state. PulseNet uses specific DNA sequences present in bacterial pathogens to track foodborne illnesses (see figure 1).<sup>1</sup> The individual labs in PulseNet enter the DNA fingerprints into a database shared throughout the country.

On November 10, 2008, PulseNet staff discovered thirteen unique clusters of Salmonella Typhimurium from twelve

states.<sup>2</sup> Salmonella is a bacterium that causes diarrhea, fever, and abdominal cramps. The presence of clusters of a unique fingerprint suggests that people may have been exposed to the same source of contaminated food. The illness usually lasts four to seven days and most people recover without treatment. However, the illness can be more severe for persons with impaired immune systems such as the elderly and infants.<sup>3</sup> Salmonella Typhimurium is the most common serotype (a group of closely related microorganisms distinguished by a common set of antigens) of Salmonella in the United States. Serotype Typhimurium infects approximately 7,000 people every year.<sup>4</sup> Salmonella infections can be caused by consumption of many types of contaminated food.

The next step in investigating a foodborne outbreak is to determine what type of food is making people sick. Interviews and questionnaires aid in the process of searching for the adulterated food. Much of the search and discovery relied on detailed epidemiological questionnaires. Standard foodborne outbreak questionnaires, available on [cdc.gov](http://cdc.gov), ask participants to describe their symptoms, note travels, and answer specific food questions. The food questions inquire about the consumption of store-purchased ground beef, raw eggs, and where items were purchased. The last portion of the questionnaire asks individuals to indicate, from a list, all the food items they ate in the seven days prior to becoming ill. The list includes dairy, meat, poultry, eggs, fruits, vegetables, salads, and beverages. Peanut butter is grouped with vegetables.<sup>5</sup>

### Investigation and Identification of the Source

CDC continued to report instances of Salmonella Typhimurium infection daily. At this point the FDA was notified and joined the effort to identify the source of contamination. More than a

Location(s) of Sample	Salmonella Serotype	DNA Fingerprint ID (PFGE Pattern*)	PFGE Image	Source in Which Strain was Found
Multiple States	Typhimurium	JPXX01.1818		Ill humans
Multiple States	Typhimurium	JPXX01.1825		Ill humans
Multiple States	Typhimurium	JPXX01.0459		Ill humans
Canada	Typhimurium	JPXX01.1818		Austin brand Toasty Peanut Butter Crackers purchased in the United States
Connecticut	Typhimurium	JPXX01.1825		Unopened container of King Nut brand creamy peanut butter
Connecticut	Typhimurium	JPXX01.0459		Unopened container of King Nut brand peanut butter
Georgia	Typhimurium	JPXX01.1818		King Nut brand crunchy peanut butter
Michigan	Typhimurium	JPXX01.0459		Closed container of King Nut brand peanut butter
Michigan	Typhimurium	JPXX01.0459		Unopened container of King Nut brand creamy peanut butter
Minnesota	Typhimurium	JPXX01.1818		Open container of King Nut brand creamy peanut butter
Minnesota	Typhimurium	JPXX01.1825		Open container of King Nut brand creamy peanut butter
North Carolina	Typhimurium	JPXX01.0459		Retained PCA peanut paste sample
Ohio	Typhimurium	JPXX01.1818		Opened container of King Nut brand creamy peanut butter

Figure 1. PulseNet gel showing Salmonella strains with different DNA fingerprints.

month later, on December 28, the Minnesota Department of Health identified a connection between the clusters and institutionalized settings such as nursing homes.<sup>6</sup> They quickly began assessing foods received by institutions. Almost two weeks later, on January 9, 2009, the Minnesota Department of Health identified Salmonella from an opened container of King Nut brand peanut butter.<sup>7</sup> The next day, on January 10, 2009, King Nut recalled its peanut butter.<sup>8</sup>

Although many people have a general understanding of what peanut butter is, for the purpose of an investigation, terms must be precisely defined. According to the Code of Federal Regulations, peanut butter is the food prepared by grinding a shelled and roasted peanut ingredient, to which may be added safe and suitable seasoning and stabilizing ingredients, but such seasoning and stabilizing ingredients do not in the aggregate exceed 10 percent of the weight of the finished food. Chopped, shelled, and roasted peanuts may be added to the ground peanuts. The fat content of the finished food shall not exceed 55 percent.<sup>9</sup>

Numerous brands of peanut butter exist and while they are marketed by separate companies, most of the raw material, the peanuts, comes from a few giant manufacturers.<sup>10</sup> Once a company receives the peanuts or peanut paste, they can add seasoning, stabilizers, or chopped peanuts to create unique recipes and flavors. Peanuts, peanut butter, and peanut paste can also be used in cookies, cracker sandwiches, or added to ice cream. In 2009, one of the largest manufacturers of peanuts was PCA. The corporation had production facilities throughout the country. By the middle of January 2009 the contamination of King Nut peanut butter was traced back to a PCA production facility in Blakely, Georgia.<sup>11</sup> PCA subsequently expanded their recall three times to include additional peanut butter containing products as well as products produced at the plant since January 1, 2007. One of the greatest challenges in finding the source of the Salmonella poisoning was the fact that PCA provided

adulterated product to more than 200 companies, further complicating the trace back procedure.

On January 17, the CDC and FDA issued a public health advisory for peanut butter and peanut butter products.<sup>12</sup> Once the agencies had found the cause of the Salmonella poisoning, the reporting of new cases dropped. However, there was a delay in reporting some cases, because previously purchased products were still being consumed. The investigation continued till March 17, 2009. In total, 714 people were infected with Salmonella Typhimurium from peanut butter products and nine people died. 3,912 products, including peanut butter, cookies, ice cream, crackers, and pet food, were recalled from more than 200 companies.<sup>13</sup> The adulterated peanut products affected forty-six states and Canada.<sup>14</sup>

The investigation ultimately led to the implication of a Blakely, Georgia plant run by the Peanut Corporation of America.<sup>15</sup> High level data sharing between the two federal agencies was key to the outbreak response and discovery. Despite cooperation the process took months to complete, evidence of the challenges of foodborne outbreaks.<sup>16</sup>

Once PCA had been identified as the source of the contaminated peanuts, an investigation began to discover how Salmonella got into the product. This comes under the jurisdiction of the FDA. The FDA was founded in 1927, however, forerunners date back to 1848 as part of the US Department of Agriculture.<sup>17</sup> “The FDA’s modern regulatory functions began with the passage of the 1906 Pure Food and Drugs Act.”<sup>18</sup> Food recalls began as early as 1902 when an outbreak of botulism (a paralytic illness) was caused by improperly canned olives.<sup>19</sup> Recalls are separated into three classes. Class I is the most dangerous. These products can cause serious health problems or death. Class II products might cause a temporary health problem, or pose only a slight threat. Class III products are unlikely to cause any adverse health reactions, but violate FDA labeling or manufacturing laws.<sup>20</sup>

The FDA alerts the public of ongoing outbreaks through press conferences, press releases, and its website. FDA has no authority to require a plant to recall its products. Recalls are voluntary on behalf of the plant but, with a court order, FDA can seize an adulterated product.<sup>21</sup> US Code defines adulterated as a product that bears or contains any poisonous or deleterious substance which may render it injurious to health.<sup>22</sup> As a result of the initial investigation, the FDA conducted a thorough inspection of a PCA facility in Plainview, Texas, during February 4–26, 2009. The inspectors reported a long list of alarming observations: “Approximately 6 dead mice were found in the ceiling area; A dead mouse stuck to a glue trap located at the wall/floor junction; What appeared to be rodent excreta

pellets (REP) were observed on the countertops of the south most room of the kitchen/old lab area; REPs too numerous to count were observed in the cabinet under the sink; Air-makeup system were littered with feathers, lint, dust, and other miscellaneous foreign debris.”<sup>23</sup>

## Legislative Response

The peanut butter recall of 2009 brought many food safety and industry issues to light. In preceding years other contaminated foods such as spinach and eggs sickened a great number of people.<sup>24</sup> The government finally decided to revise the powers of the FDA as well as overhaul industry standards.

Hearings before the Senate and House of Representatives began before the outbreak had even ended. On February 5, 2009, the chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, Tom Harkin, set the tone for the proceeding hearings, expressing his outrage with the number of foodborne outbreaks.<sup>25</sup> A recurring theme of the hearings was the startling nature of the contaminated product. Seafood, poultry, and eggs are considered high-risk foods, but peanut butter is a wholesome item found in nearly all cupboards across the country. In a hearing that reviewed existing food safety programs, on April 2, 2009, Representative Collin Peterson, discussed the “gaping holes” in the system and called for an “aggressive oversight plan that makes food safety a priority.”<sup>26</sup> Carol Tucker-Foreman, Food Policy Institute, Consumer Federation of America, reiterated that little more could be done without rewriting current statutes.<sup>27</sup> Senator Tom Harkin continued, “[W]e must focus on getting the food safety done right in the first place, before the pathogens get into the food and they need to be recalled.”<sup>28</sup> Unsafe food should never make it to shelves.

Both chambers of Congress agreed on the need for a food safety reform, however the House and Senate created two different bills. The House’s version included more money for inspections and stricter adherence to rules. The Senate’s version was more conservative yet all parties welcomed a change and necessary improvement.<sup>29</sup>

On December 10, 2010, a year after the peanut butter recall, the Senate passed the FDA Food Safety Modernization Act.<sup>30</sup> The bill was introduced and first passed by the House of Representatives as the Consumer Assistance to Recycle and Save Act. However, the official title was amended by Senate to be “An Act to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.”<sup>31</sup> The new act added provisions to the Federal Food, Drugs, and Cosmetic Act (FFDCA) from 1938.<sup>32</sup> Prior to approval, the FDA’s focus was geared toward medicine rather than food. They had a reactive approach, handling outbreaks after the fact. The FDA’s primary

authority was the power to seize contaminated or mislabeled food. However, they had to prove a product was adulterated or misbranded before acting. In order to seize a product, the FDA also had to have proof of laboratory results. All these guidelines resulted in the FDA often waiting to act until there were confirmed illnesses. During the outbreak, one company, whose peanut products may have contained PCA peanuts, refused to comply with the recall. Because the FDA does not possess the authority to mandate a recall, they requested the US Marshals to execute an inspection warrant.<sup>33</sup> The main issue was the FDA’s lack of control over a system that they were supposed to protect. Within the agency, food safety is dispersed among three organizational units, the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and the Office of Regulatory Affairs.<sup>34</sup>

The new bill is separated into four areas, focusing on improving capacity to prevent food safety problems, detect and respond to food safety problems, improving the safety of imported food, and miscellaneous provisions, such as funding and employee protection. The new act increases the number of inspections of food processing plants, especially for high risk foods, such as seafood, but the list is being reassessed to include foods previously considered less dangerous, such as peanut butter. The legislation gives the FDA more power over food imports. Greater responsibility is also placed on companies to create food safety plans and routinely test the equipment and products.<sup>35</sup>

President Barak Obama signed the FDA Food Safety Modernization Act into public law on January 4, 2011.<sup>36</sup> The law amends FFDCA to expand food safety activities of the Secretary of Health and Human Services, including authorization to inspect food related records. Current provisions that could have helped in the PCA case are: requiring owners, operators, or agents in charge of a food facility to identify and implement preventive measures to minimize or prevent hazards that could affect food manufactured, processed, packed, or held by such facility and giving the secretary the authority to order a recall.<sup>37</sup>

## Prosecution

The final phase of the investigation of the outbreak was to determine if any laws had been violated. Rodent contamination is an unavoidable risk of nature in large food production facilities; it can be minimized but is difficult to eliminate. In contrast, ignoring these problems can be a criminal act.

The initial investigation of the 2009 foodborne outbreak sparked further review of previous mishandlings at PCA facilities. Findings revealed that in twelve instances, between 2007 and 2008, PCA products tested positive for Salmonella however

nothing was done to mitigate contamination in the facility.<sup>38</sup> In addition, adulterated products were also released into the marketplace.<sup>39</sup> On February 21, 2013, the Department of Justice announced the indictment of PCA leaders including the former president, owners, officers, and broker.<sup>40</sup> PCA subsequently filed for bankruptcy.<sup>41</sup> The charges included mail and wire fraud, introduction of adulterated and misbranded food into interstate commerce with intent to defraud or mislead, obstruction of justice, and conspiracy. Stuart F. Delery, who heads the Justice Department's Civil Division stated, "The Department of Justice will not hesitate to pursue any person whose criminal conduct risks the safety of Americans who have done nothing more than eat a peanut butter and jelly sandwich."<sup>42</sup> The indictment of Daniel Kilgore, Blakely, Georgia Operations Manager, outlined his gross negligence.<sup>43</sup> The persons charged pleaded not guilty and the trial is scheduled to begin February 10, 2014. If convicted on all charges brought, some of the defendants could receive sentences of 437 or 754 years in addition to multimillion-dollar fines.<sup>44</sup>

Controlling foodborne outbreaks is an ongoing battle. Mass production, enormous and centralized distribution, and lack of inspections contribute to the problem. Despite improvements in food safety laws passed in 2011, in 2012, peanut butter produced by another company was contaminated with a different strain of Salmonella, Bredeney, and recalled.<sup>45</sup> Food contaminations cannot be eradicated, yet the availability of government documents makes it possible for individuals to study the anatomy of how foodborne outbreaks are identified and controlled.

**Karen Spitzer** (kspitzer@pratt.edu), Pratt Institute.

## References

- Centers for Disease Control and Prevention, "Frequently Asked Questions: PulseNet Explained," July 22, 2013, [www.cdc.gov/pulsenet/about/faq.html](http://www.cdc.gov/pulsenet/about/faq.html); Centers for Disease Control and Prevention, "Table 1 [Salmonella Strains Tables for Outbreak Related to Peanut Butter and Peanut Containing Products]," September 2, 2010, [http://www.cdc.gov/salmonella/images/maps/typhimurium/table1\\_lg.jpg](http://www.cdc.gov/salmonella/images/maps/typhimurium/table1_lg.jpg).
- Centers for Disease Control and Prevention, *Timeline of Infections: Multistate Outbreak of Salmonella Infections Associated with Peanut Butter and Peanut Butter-Containing Products—United States, 2008–2009*, April 20, 2009, [www.cdc.gov/salmonella/typhimurium/salmonellaOutbreak\\_timeline.pdf](http://www.cdc.gov/salmonella/typhimurium/salmonellaOutbreak_timeline.pdf).
- Centers for Disease Control and Prevention, "What is Salmonellosis," April 5, 2012, [www.cdc.gov/salmonella/general/index.html](http://www.cdc.gov/salmonella/general/index.html).
- Centers for Disease Control and Prevention, *Salmonella Typhimurium After Action Report*, May 18, 2009, [www.cdc.gov/salmonella/typhimurium/SalmonellaTyphimuriumAAR.pdf](http://www.cdc.gov/salmonella/typhimurium/SalmonellaTyphimuriumAAR.pdf).
- Centers for Disease Control and Prevention, "Standard Foodborne Disease Outbreak Case Questionnaire," [www.cdc.gov/outbreaknet/toolkit/standard\\_ques.pdf](http://www.cdc.gov/outbreaknet/toolkit/standard_ques.pdf).
- Centers for Disease Control and Prevention, *Salmonella Typhimurim After Action Report*.
- Ibid.*, 10.
- Food and Drug Administration, "Press Release: King Nut Peanut Butter Recall," January 10, 2009, [www.fda.gov/Safety/Recalls/ArchiveRecalls/2009/ucm128692.htm](http://www.fda.gov/Safety/Recalls/ArchiveRecalls/2009/ucm128692.htm).
- Peanut Butter*, 21 CFR pt. 164 (2013).
- Department of Agriculture, Economic Research Service, *Peanut Outlook: Impacts of the 2008-2009 Foodborne Illness Outbreak Linked to Salmonella in Peanuts*, by Kelsey Wittenberger and Erik Dohlman, February 2010, [purl.access.gpo.gov/GPO/LPS125468](http://purl.access.gpo.gov/GPO/LPS125468).
- Centers for Disease Control and Prevention, *Salmonella Typhimurim After Action Report*.
- Centers for Disease Control and Prevention, *Timeline of Infections*.
- US Library of Congress, Congressional Research Service, *Penalties Under the Federal Food, Drug, and Cosmetic Act (FFDCA) That May Pertain to Adulterated Peanut Products*, by Vanessa K. Burrows and Brian T. Yeh, CRS Report R40450 (Washington, DC: Office of Congressional Information Publishing, April 17, 2009).
- Centers for Disease Control and Prevention, *Salmonella Typhimurim After Action Report*.
- Ibid.*, 4.
- Centers for Disease Control and Prevention, *Timeline of Infections*.
- Donna Batten, *U.S. Guide to Government Publications* (Detroit, Mich: Thompson/Gale 2008).
- Food and Drug Administration, "About FDA: History," May 29, 2013, [www.fda.gov/AboutFDA/Whatwedo/History/default.htm](http://www.fda.gov/AboutFDA/Whatwedo/History/default.htm).
- Claire Suddath, "Brief History: Food Recalls," *TIME Magazine*, September 6, 2010, [content.time.com/time/magazine/article/0,9171,2013825,00.html](http://content.time.com/time/magazine/article/0,9171,2013825,00.html).

20. Food and Drug Administration, Consumer Health Information, *FDA 101: Product Recalls*, May 18, 2010, [www.fda.gov/downloads/ForConsumers/ConsumerUpdates/UCM143332.pdf](http://www.fda.gov/downloads/ForConsumers/ConsumerUpdates/UCM143332.pdf).
21. US Library of Congress, Congressional Research Service, *The FDA's Authority to Recall Products*, by Vanessa K. Burrows, CRS Report RL34167 (Washington, DC: Office of Congressional Information and Publishing, August 4, 2010).
22. 21 U.S.C. 342(a)(1) "adulterated."
23. Food and Drug Administration, *Inspectional Observations*, February 4–26, 2009, [www.fda.gov/downloads/aboutfda/centersoffices/officeofglobalregulatoryoperationsandpolicy/ora/oraelectronicreadingroom/ucm114852.pdf](http://www.fda.gov/downloads/aboutfda/centersoffices/officeofglobalregulatoryoperationsandpolicy/ora/oraelectronicreadingroom/ucm114852.pdf).
24. Centers for Disease Control and Prevention, "List of Selected Outbreak Investigations, by Year," November 15, 2013, [www.cdc.gov/foodsafety/outbreaks/multistate-outbreaks/outbreaks-list.html](http://www.cdc.gov/foodsafety/outbreaks/multistate-outbreaks/outbreaks-list.html).
25. Senate Committee on Agriculture, Nutrition, and Forestry, *Examination of Federal Food Safety Oversight in the Wake of Peanut Products Recall, Hearings*, 111th Cong., 1st sess., February 5, 2009, [purl.access.gpo.gov/GPO/LPS123063](http://purl.access.gpo.gov/GPO/LPS123063).
26. House Committee on Agriculture, *Hearing to Review Current Food Safety Systems, Hearings*, 111th Cong., 1st sess., April 2, 2009, [purl.access.gpo.gov/GPO/LPS116571](http://purl.access.gpo.gov/GPO/LPS116571).
27. *Ibid.*, 57.
28. Senate Committee on Agriculture, Nutrition, and Forestry, *Examination of Federal Food Safety Oversight in the Wake of Peanut Products Recall*.
29. Gardiner Harris and William Neuman, "Food Safety Overhaul Approved by Senate," *New York Times*, November 3, 2010, [www.nytimes.com/2010/12/01/health/policy/01food.html](http://www.nytimes.com/2010/12/01/health/policy/01food.html).
30. US House, 111th Cong., 2nd sess., *H.R. 2751, FDA Food Safety Modernization Act* (Washington, DC: Government Printing Office, 2010).
31. *Ibid.*
32. 21 U.S.C. 301 et seq.
33. Food and Drug Administration, "Press Release: FDA Serves Warrant for Inspection of Westco Fruit and Nuts Inc.," April 8, 2009, [www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm149558.htm](http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm149558.htm).
34. House committee on Agriculture, *Hearing to Review Current Food Safety Systems*.
35. *H.R. 2751, FDA Food Safety Modernization Act*.
36. *FDA Food Safety Modernization Act*, P.L. 111-353, [www.gpo.gov/fdsys/pkg/PLAW-111publ353/pdf/PLAW-111publ353.pdf](http://www.gpo.gov/fdsys/pkg/PLAW-111publ353/pdf/PLAW-111publ353.pdf).
37. *H.R. 2751, FDA Food Safety Modernization Act*.
38. Food and Drug Administration, *Inspectional Observations*, August 23, 2007, [www.fda.gov/downloads/aboutfda/centersoffices/officeofglobalregulatoryoperationsandpolicy/ora/oraelectronicreadingroom/ucm109872.pdf](http://www.fda.gov/downloads/aboutfda/centersoffices/officeofglobalregulatoryoperationsandpolicy/ora/oraelectronicreadingroom/ucm109872.pdf); Food and Drug Administration, *Inspectional Observations*, June 10, 2008, [www.fda.gov/downloads/aboutfda/centersoffices/officeofglobalregulatoryoperationsandpolicy/ora/oraelectronicreadingroom/ucm109862.pdf](http://www.fda.gov/downloads/aboutfda/centersoffices/officeofglobalregulatoryoperationsandpolicy/ora/oraelectronicreadingroom/ucm109862.pdf).
39. US Library of Congress, Congressional Research Service, *Penalties Under the Federal Food, Drug, and Cosmetic Act (FFDCA)*.
40. Department of Justice, Office of Public Affairs, "Former Officials and Broker of Peanut Corporation of America Indicted Related to Salmonella-Tainted Peanut Products," February 21, 2013, [www.justice.gov/opa/pr/2013/February/13-civ-220.html](http://www.justice.gov/opa/pr/2013/February/13-civ-220.html).
41. Department of Agriculture, Economic Research Service, *Peanut Outlook*.
42. "Former Officials and Broker of Peanut Corporation of America Indicted."
43. Department of Justice, *United States of America v. Daniel Kilgore*, February 11, 2013, [www.justice.gov/iso/opa/resources/22820132211141246302.pdf](http://www.justice.gov/iso/opa/resources/22820132211141246302.pdf).
44. Dan Flynn, "Peanut Corporation of America Criminal Trial Put Off Until February 2014," *Food Safety News*, August 16, 2013, [www.foodsafetynews.com/2013/08/peanut-corporation-of-america-criminal-trial-put-off-to-2014/#.UpriGY3TmYo](http://www.foodsafetynews.com/2013/08/peanut-corporation-of-america-criminal-trial-put-off-to-2014/#.UpriGY3TmYo).
45. Centers for Disease Control and Prevention, "Notes from the Field: Salmonella Bredeney Infections Linked to a Brand of Peanut Butter," *Morbidity and Mortality Weekly Report* 62, no. 6 (February 15, 2013): 107, [www.cdc.gov/mmwr/preview/mmwrhtml/mm6206a4.htm](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6206a4.htm).

# The National Library in All but Name

## The Evolving Dialectic about the Library of Congress as a National Library

Daniel A. Brackmann

In 1882, Congressman Mark H. Dunnell observed that, “We have called this [the Library of Congress] a Congressional Library, and yet it has broken beyond the signification of that term; and it is after all fast attaining the character of a national library.”<sup>1</sup> One hundred thirty years later, although possessing many characteristics of a national library, the Library of Congress (LOC) remains officially Congress’s library. Eddies of history, definition, and rhetoric, driven by haphazard planning and swirling currents of need, opportunity, and budget complicate the LOC’s position within the tapestry of national libraries. This paper contextualizes aspects of the LOC’s history relating to being a national library. Then this paper analyzes the evolution of the various meanings of “national library” as applied to the LOC. Comprehensive treatment of this topic requires a dissertation. Thus, by necessity, this paper largely serves to present the subject summarily as an introduction to the underlying topic.

### A Brief History

Most authorities peg the LOC’s birth to April 24, 1800, when Congress set aside \$5,000 “for the purchase of such books as may be necessary for the use of Congress” and “for fitting up of a suitable apartment for containing them. . . .”<sup>2</sup> Congress further provided that the library was “for the use of both houses of Congress and the members thereof.”<sup>3</sup>

After the British burned Washington in 1812, including the LOC, Congress agreed to purchase the library of Thomas Jefferson for the sum of \$23,950.<sup>4</sup> Not only did Jefferson’s library contain over twice the volumes of the previous Library of Congress, but it also covered a substantially broader subject range. Whereas the previous LOC contained primarily historical, political, and legal treatises, Jefferson’s library also contained works about philosophy, science, and literature.<sup>5</sup> Jefferson commented that he could think of no topic that might be of no

possible interest to the members of Congress, a theme echoed both in the popular media of the day and throughout the history of the LOC.<sup>6</sup> Some may argue that the larger subject scope marks the LOC’s genesis as a national library.

In 1838, an Englishman named James Smithson bequeathed a substantial sum of money to the United States for an institution to promote the increase and diffusion of knowledge.<sup>7</sup> Smithson’s vague gift sparked a debate regarding how to utilize the money and some advocated funding a national library.<sup>8</sup> Shortly after the Smithsonian’s creation, Professor Charles Coffin Jewett became the Smithsonian’s Assistant Secretary in Charge of the Library.<sup>9</sup> Jewett strongly supported the idea of a national library and pushed for the library of the Smithsonian to become that library.<sup>10</sup> In Jewett’s path, however, stood his superior, the Secretary of the Smithsonian, Joseph Henry. Henry believed the Smithsonian’s mission lay in active research, not simply collecting books, and the two men feuded about allocating the Smithsonian’s budget, a feud which became increasingly bitter until Henry dismissed Jewett in 1854.<sup>11</sup> In 1866, the entire 40,000 volume library of the Smithsonian was turned over to the LOC.<sup>12</sup>

Jewett’s national library strategy contained two pillars: he wanted to use the copyright deposits to build a national collection, and he wanted to propagate a centralized cataloging system for all US libraries.<sup>13</sup> Indeed, the act establishing the Smithsonian Institution provided that authors deposit copies of their works in both the LOC and the Smithsonian’s library, a requirement Congress repealed in 1859.<sup>14</sup> Repeal only lasted until 1865 when Librarian of Congress Ainsworth Rand Spofford convinced Congress to revive it.<sup>15</sup> The Librarian of Congress also became the nation’s copyright officer until, by 1896, 75 percent of his time was spent on copyright activities, leading to the creation of an administrative unit within the LOC

dedicated exclusively to handling copyrights.<sup>16</sup> While Spofford never adhered to Jewett's strategy of centralized cataloging and favored focusing solely on copyright deposits to build a national library, both prongs of Jewett's strategy eventually ended up in the LOC's closet, as will be seen below.<sup>17</sup>

A series of visionary librarians directed the LOC from the Civil War until the Second World War, causing profound growth both in terms of size and mission. The first of these, Librarian Spofford, presided not only over the return of copyright deposit but also over the creation of the Legislative Research Service (LRS), linking of the legislative and national functions within the LOC, though still with priority on the legislative functions.<sup>18</sup> The reintroduction of copyright deposit, however, quickly produced a storage crisis as the collection overflowed the available space.<sup>19</sup> Faced with either destroying a sizable portion of the books deposited or authorizing new housing for them, Congress eventually agreed to acquire land for a dedicated LOC building. The debate over that purchase, however, shows a muddled sense of identity about the LOC.<sup>20</sup>

The pre-WWII period also contains events reinforcing the LOCs identity as primarily a legislative library. Librarian of Congress Archibald MacLeish, propagated the first Canons of Selection and research objectives for the LOC.<sup>21</sup> The Canons required the LOC to first collect books to serve Congress, second to collect books about the United States, and third to collect books about places of interest to the United States.<sup>22</sup> The research objectives are even clearer. In this order, the LOC was to perform: research for Congress; then research for other members of the government; and finally research for the general public (but only to the extent that it did not interfere with the first two objectives).<sup>23</sup> Statements from this period also begin demonstrating the distinct differences between conceptions of "national library," both in terms of how to define it and what it means to have one, an issue explored in more detail in this paper's final section.

The period spanning from the Second World War until the present exhibits continued growth by the LOC, often tempered by Congress itself and, more specifically, budget pressures. Indeed, in 1946 budget pressure caused the House Appropriations Committee, in absence of clear Congressional policy, to question whether or not the LOC should be funded as more than a purely legislative library.<sup>24</sup> Again, in 1954, the House Appropriations Committee admonished that, "the Library is the instrument and the creature of Congress. Its duties historically have been to meet the needs of the Members of Congress first and to limit its service to others to that which can be furnished with the funds and staff available."<sup>25</sup> The LOC also survived an attempt, in 1959, to transfer it from the legislative branch to

the executive branch, a move which would have clearly identified the LOC as a national, not legislative, library.<sup>26</sup> In the 1960s, the Higher Education Act included provisions which greatly increased the LOC's collection scope.<sup>27</sup> Yet Congress also passed the Legislative Reorganization Act of 1970 renaming the LRS the Congressional Research Service and making support of Congress's work the priority mission of the LOC.<sup>28</sup>

The LOC's history amply demonstrates confusion about its nature, function, and purpose. Growth occurred organically rather than systematically, and never in a straight line. Political forces pushed the LOC one way and then another. Different librarians had different visions. Through it all, especially since the Civil War, one particular fact becomes apparent. When people talked about the LOC and a national library, they were not necessarily talking about the same thing.

## What Is a National Library?

Discussion of the LOC as a national library, especially since the Civil War, lacks a consistent definition of the chief term, "national library." Different people, different eras, and different agendas conceptualized and articulated a variety of meanings with the same two words, creating an evolving dialectic about the topic. When viewing the voluminous historical records concerning this topic, care must be taken to parse out exactly what individual sources mean by "national library." Examining the LOC's status remains difficult without common basic vocabulary.

The definitional divisions discussed hereafter require emphasis of their arbitrary nature, especially in the light of the fact that some speakers move between them even within the course of the same set of remarks. For example, one of the ways to speak of a national library refers to the size or comprehensiveness of the collection, sometimes in the abstract (a national library should contain a copy of every book published in the nation), or sometimes based upon the services such a comprehensive collection provides (the comprehensive collection enables the library to perform national service). Thus, the definitions provided herein suggest only starting points for describing nebulous, moving targets of meaning and should not be considered to necessarily be exclusive or exhaustive.

The simplest "definition" of "national library" involves mostly applying the adjective national to a (indefinite article) library. In other words, the speaker talks about *a* great or national library in the United States and not *the* national library of the United States. These uses, which fail to address the qualifications of the national library, add little except rhetorical noise to the conversation and are disregarded herein.

A more important national library definition involves the "European" sense of the word, strongly linked to the copyright

deposits previously discussed. This definition focuses on the comprehensiveness of the collection itself and seeks a library that contains, “a comprehensive accumulation of ‘the intellectual product of the country in every field of science and literature.’”<sup>29</sup> In this sense, the European definition suggests a national library keeping the nation’s published identity by collecting every work by, for, or about the nation, in an almost archival sense. If any definition could be called the “classic” definition of a national library, the European definition fits that bill, and Librarians of Congress Ainsworth Spofford and his successor, John Russell Young championed it.<sup>30</sup> “[E]very nation should have, at its capital city, all the books its authors have produced, in perpetual evidence of its literary history and progress—or retrogression, as the case may be,”<sup>31</sup> To this end, the LOC, for a time, housed the Declaration of Independence and the US Constitution until the creation of the National Archives.<sup>32</sup>

Closely aligned with the European definition, another definition defines national library by pure size, and the difference between the two remains subtle. The former seeks to achieve a comprehensive collection regarding a limited geography. The latter seeks simple vastness under the implicit premise that the national library should be the largest in the nation, and, equally implicitly, that size begets comprehensiveness and the ability to satisfy any need. For example, Thomas B. Reed of Maine stated his belief that, “In a great library meant for a great nation every printed thing ought to be. . . . [A] library large enough for the needs of the whole of this great nation. On this Continent there ought to be one library where everything is.”<sup>33</sup> Converse arguments also imply the reverse, that a small library cannot be a national library, “I should say that 500,000 volumes will embrace all the books necessary for a Congressional library.”<sup>34</sup> In this vein, speakers often refer to the LOC’s attempts to collect works from other nations and the breadth of some of the LOCs foreign language collections.

The character of the users also provides a definition of national library. As originally enacted, the LOC was for use by Congress and its members. Later, Congress granted the Supreme Court Justices library privileges. Later still, borrowing privileges extended to the president and select upper level officials of the executive branch. At times, even private citizens could, with a deposit, check out books from the LOC. More recently, the LOC evolved into the library of last resort, a place in which other libraries, especially the academic ones, could obtain copies of works they lacked and could find nowhere else. Each of these steps increased the scope of the LOC’s patrons.

Finally, a national library may be functionally defined by the services it provides, a definition that often merges with both the size-based definition and the user-based definition. Using

this kind of definition, Thomas Dewey stated that a national library would be a, “center to which libraries of the whole country can turn for inspiration, guidance, and practical help. . . .”<sup>35</sup> Librarian of Congress Herbert Putnam, distinguishing a national library from a merely federal one, said the national library should (1) provide special service to the federal government; (2) be a library of record for the United States; (3) a research library supplementing other research libraries; and (4) be a library of national service.<sup>36</sup> Putnam’s definition builds on former conceptions, the original mandate of Congress in the first item and the European definition in the second, but the remainder, which Putnam regarded as the key attribute of a national library, is purely service driven.<sup>37</sup> Yet Putnam goes beyond even this by suggesting, later in the same message, that the LOC serves by providing a card catalog and a uniform system of classification, echoing strategies advanced by Jewett in his quest to make the Smithsonian the national library.<sup>38</sup> President Theodore Roosevelt combines definitions based on size, users, and service when he described the LOC, “as the largest library in the nation, poised to render to American scholars service of the highest importance.”<sup>39</sup>

## Conclusion

As the previous discussion illustrates, people talking about the LOC as a national library often envision different things. They mix similar ideas or slide around a general topic without really advancing, or even sticking with, any particular one. Regardless, throughout the over 200 year history of the LOC, the question about the LOC’s nature remained without resolution. Some people advanced that the LOC constitutes the national library or needed to become it, while others simply assumed it was one in arguing for something else. Others spoke of it as a great library without specifically invoking the concept of a national library. Still others opposed conceiving of it as anything but Congress’s library whether for geographic, budgetary, or ideological reasons.

And yet, who can deny that the LOC does more today than Congress requires of it. Because of copyright deposit, it constitutes the most extensive collection of Americana anywhere. A leading world library, it houses a collection of millions of works. It offers programs for the blind, services to research libraries, exhibitions and exhibits, and publications and services to libraries of all types. Whether by happenstance or design, in the words of Librarian of Congress L. Quincy Mumford (the same Librarian of Congress who resisted the move from the legislative to the executive branch) “The Library of Congress performs more national library functions than any other national library in the world.” and “On the question of being a national library, the substance is more important than the form.”<sup>40</sup>

**Daniel A. Brackmann** (DBrackmann@tmslaw.tsu.edu),  
Electronic Resources Librarian, Thurgood Marshall  
School of Law, University of Illinois at Urbana-  
Champaign, Class of 2014.

*Author's note: A large amount of credit must go to the work of John Young Cole, of the Library of Congress, cited above, for his much more extensive treatment of the history of the Library of Congress and its librarians. His work greatly assisted in pointing out sources to draw upon for this paper.*

## References

1. 47th Cong., 2nd sess., *Congressional Record* 59 (December 12, 1882): H 220.
2. *An Act to make further provision for the removal and accommodation of the Government of the United States*, 2 Stat 56.
3. *Ibid.*
4. *An Act to authorize the purchase of the library of Thomas Jefferson, late President of the United States*, 3 Stat 195.
5. John Y. Cole, "For Congress and the Nation: The Dual Nature of the Library of Congress," *The Quarterly Journal of the Library of Congress* 32, no. 2 (April 1975): 120–21.
6. *Ibid.*, 121.
7. John Y. Cole, "Of Copyright, Men, and a National Library," *The Quarterly Journal of the Library of Congress* 28, no. 2 (April 1971): 116.
8. John Y. Cole, "For Congress," 121.
9. John Y. Cole, "Of Copyright," 118.
10. *Ibid.*, 118–21.
11. *Ibid.*
12. *Ibid.*
13. *Ibid.*
14. *Ibid.*, 117–21.
15. *Ibid.*, 124–25.
16. *Ibid.*, 129–34.
17. *Ibid.*, 128.
18. John Y. Cole, "For Congress," 123.
19. John Y. Cole, "Of Copyright," 132–34.
20. 47th Cong., 2nd sess., *Congressional Record* 59 (December 12, 1882): H 212–26.
21. John Y. Cole, "For Congress," 132.
22. *Ibid.*
23. *Ibid.*
24. *Ibid.*, 132–33.
25. House Committee on Appropriations, *Legislative-Judiciary Appropriation Bill, 1955*, 84th Cong., 2d sess., 1954, H. Rep. 1614, 4.
26. John Y. Cole, "For Congress," 134.
27. John Y. Cole, "The Library of Congress Becomes a World Library, 1815–2005," *Libraries and Culture* 40, no. 3 (Summer, 2005): 385–98.
28. John Y. Cole, "For Congress," 135.
29. John Y. Cole, "For Congress," 123. Citing John Y. Cole, "A National Monument for a National Library; Ainsworth Rand Spofford and the New Library of Congress, 1871–1897," *Records of the Columbia Historical Society of Washington, D.C., 1971–1972* (Washington: Published by the Society, 1973): 468–507.
30. John Y. Cole, "For Congress," 123–28.
31. John Y. Cole, "Of Copyright," 132.
32. John Y. Cole, "For Congress," 131.
33. 47th Cong., 2nd sess., *Congressional Record* 59 (December 12, 1882): H 221.
34. *Ibid.*, 219.
35. Joint Committee on the Library, *Condition of the Library of Congress*, 54th Cong., 2d sess., 1897, S. Rep. 1573, 142.
36. Herbert Putnam, "The Library of Congress as a National Library," *Library Journal* 30, no. 9 (Portland Conference) (September, 1905): 28.
37. John Y. Cole, "For Congress," 128.
38. Herbert Putnam, "The Library of Congress," 31–33.
39. Theodore Roosevelt: "First Annual Message," December 3, 1901. Online by Gerhard Peters and John T. Woolley, The American Presidency Project, accessed May 9, 2014, at [www.presidency.ucsb.edu/ws/?pid=29542](http://www.presidency.ucsb.edu/ws/?pid=29542).
40. Library of Congress, *Annual Report of the Librarian of Congress for the Fiscal Year Ending June 30, 1962* (Washington, GPO, 1963), 97–98.

# Digital Divide Challenges Access to E-Government

Katharine V. Macy

**M**ore and more government resources and processes are making the transition to e-government in the United States, requiring users to access the Internet in order to obtain information and apply for services. E-government is expected to help increase access to constituents. However, portions of our populations remain in the digital divide, limiting their ability to access government information. The government has been working to address this gap. Meanwhile, for those individuals who have adopted Internet usage but also live within the digital divide, their only access point may be the local public library. As a result, libraries must consider how to meet the needs of patrons with limited access to digital information and digital literacy.

## The Push for Paperless and E-Government

Local, state, and federal governments are experiencing increased pressure to move to digital processes for several reasons. E-government processes are believed to be more cost effective. The efficiencies go beyond the reduction in paper usage, allowing government activities to be streamlined, creating a more customer focused and responsive government.<sup>1</sup> The E-Government Act of 2002 defines e-government as government use of Internet applications and other information and communication technologies (ICTs) combined with the development of government processes to implement these technologies to enhance access to government information and services to its stakeholders (public, other agencies, and other government entities) as well as bring about process improvements to increase effectiveness, efficiency, service quality, and transformation.<sup>2</sup>

The move to e-government has become a priority for the federal government as part of its Open Government Initiative, as e-government is seen as one of the keys to transparency and providing easy access to government information to its constituents while promoting the ideal of democracy.<sup>3</sup>

## The Conundrum of Open Government

As part of the push for open government through e-government, many federal agencies, not to mention local and state agencies not under federal mandate, are eliminating some paper processes altogether. To support the Open Government Directive, President Obama issued a memorandum directing government agencies to reform records management practices to support the move to a transparent and open government through electronic records.<sup>4</sup> The Office of Management and Budget and National Archives and Records Administration responded to the 2011 presidential memorandum by creating a directive that would require all federal agencies to manage all permanent electronic records electronically by 2019.<sup>5</sup> As a result of this push, federal agencies will continue to eliminate paper processes, causing many local and state agencies to follow suit.

This move to electronic processes and records is a positive step for most constituents. It eases the flow of information and creates a more responsive government. It promotes democracy, as information can be easily communicated to individuals, provided those individuals are able to access the information. Unfortunately, there is still a digital divide in existence in the United States; some individuals have incredible difficulty accessing government agencies and services through the Internet.

## What Is the Digital Divide?

The digital divide was a term that was first coined in the mid-1990s to indicate whether someone had access to a computer and/or the Internet. Sometimes the digital divide is used in reference to the connectivity of a nation as a whole—i.e., the developed versus the developing world. In the context of this article, the digital divide addresses the discrepancy in connectivity between individuals and households in communities across the United States. The concept of the digital divide came to the

forefront of national attention during the State of the Union Address in 2000, when President Clinton indicated a desire to close the divide through schools and libraries.<sup>6</sup> Over the next decade, significant progress was made to close this gap. In 2011, a report published by the US Census Bureau stated that 75.6 percent of households reported having a computer, compared to 51.0 percent in 2000.<sup>7</sup> However, there is still a gap in access to ICTs with certain population groups. The same US Census Bureau report clearly shows that a significant portion of Black (43.1 percent) and Hispanic (41.7 percent) households did not have access to Internet within their homes. Educational attainment was a factor, as people with a high school diploma (38.8 percent) or lower (63.1 percent) were less likely to have access to the Internet within their home. Age is also a factor, as people 55 years and older (38.3 percent) are more likely lack access.

Today, the digital divide considers not only whether an individual has access to a computer in their household with Internet but whether they have access to broadband Internet, as well as smartphone technology. According to the Pew Research Center's (PEW) Internet and American Life Project, the major factors contributing to whether a person has connectivity include age, educational attainment and income, community (rural versus urban and suburban), disability, and Spanish speaking preference.<sup>8</sup> PEW has found that, as of 2013, 85 percent of households had Internet connectivity and 70 percent had broadband. PEW's research confirmed census findings that minorities are less likely to have broadband Internet connectivity, with 36 percent of Black, non-Hispanic and 37 percent of Hispanic households lacking connectivity. The numbers improve when looking at whether or not those individuals had a smartphone or broadband access by 15 and 22 percent respectively. Only 62 percent of individuals in rural communities had access to broadband and 70 percent in those communities had broadband or a smartphone. Individuals with disabilities are 27 percent less likely to have Internet and 28 percent less likely to have broadband than all adults. PEW also confirmed that age is a significant factor; 48 percent of non-users of the Internet are age 65 and older.<sup>9</sup>

In 2013, PEW found that there are four primary categories for why individuals are not connected to the Internet: 34 percent of non-users don't see the relevance; 32 percent have usability issues; 19 percent indicate that price or cost is an issue; and the remaining 7 percent indicate lack of availability/access.<sup>10</sup>

## Challenges Libraries Face

According to PEW's Internet Project, 63 percent of newcomers to the Internet will need assistance looking for information.<sup>11</sup> Many times the most easily accessible resource for free broadband Internet access, as well as assistance in using the Internet,

is within the local public library. While some of these users have smartphones, it is not a substitute for a wired connection when considering that many government agencies require navigating electronic forms that may be difficult to read on small screens and aren't necessarily built for mobile technology as of yet, not to mention all the other activities that patrons need to do electronically, such as fill out job applications.

This puts increasing pressure on library resources and personnel, as patrons rely on not only accessing the technology but may need additional guidance depending on their level of digital literacy. A recent academic study found that this can be particularly challenging for rural libraries as they have limited trained personnel and budgets, limiting services and available resources and is likely contributing to the performance lag of rural libraries in comparison to urban and suburban libraries in supporting access to government services (e.g. training, reference guide development).<sup>12</sup>

## Recent Government Actions to Address the Divide

The government is very aware that there is a problem with people having ready access to the Internet. Actions have been taken at the federal and congressional level within the last five years to help increase access and adoption of broadband Internet services, as well as to support libraries that provide vital services for patrons who fall within the digital divide.

As part of the American Recovery and Reinvestment Act (ARRA), the Broadband Technology Opportunities Program (BTOP) was created, which provided \$7.2 billion to the National Telecommunications and Information Administration (NITA) and the Department of Agriculture's Rural Utilities Service (RUS) to fund projects that would expand access and adoption of broadband services in the United States.<sup>13</sup> This program had two rounds for applications (Round 1: July 14, 2009–August 14, 2009, Round 2: February 16, 2010–March 16, 2010).<sup>14</sup>

Another example of actions taken by the government to mitigate the impact of lack of broadband connectivity at home for students is the ConnectED Initiative. Lack of broadband access at home has put students at a disadvantage. Schools in communities where broadband has poor adoption may shy away from Internet-based assignments.<sup>15</sup> This increases the potential of creating ill-equipped individuals for tomorrow's workforce as it may limit digital literacy. To address this issue, President Obama announced the ConnectED Initiative in June 2013, which has the goal of increasing broadband across classrooms and libraries and the training of teachers so they can optimize this technology in the learning process.<sup>16</sup> As part of the ConnectED Initiative,

\$2 billion was pledged over the next two years to continue to support the E-rate program.<sup>17</sup> The E-rate program is directed by the Federal Communications Commission (FCC). The program enables schools and libraries to obtain affordable ICTs (telecommunications services, broadband Internet, internal network connections).<sup>18</sup> There are rules for eligibility, including educational purposes and not-for-profit status.<sup>19</sup>

The issue of broadband adoption is continuing to be reviewed by the US Congress. On October 29, 2013, Senator Mark Prior (D-AR) of the Committee on Commerce, Science and Transportation held a hearing on broadband adoption in the United States. In his comments, he stated that he saw three reasons as to why Americans who are able to access broadband do not adopt it,

One of the—a lot of Americans just don't understand the relevancy in why they should do this, a lot of Americans feel like they're not capable or they don't have the skills to do it and then there are some Americans who say they just can't afford it.<sup>20</sup>

At that hearing, Senator Roger Wicker (R-MS) added that he thought that digital literacy, relevance, and cost of service and equipment were issues before listening to testimony regarding the causes of the digital broadband divide and strategies to mitigate.<sup>21</sup>

Recently, on May 6, 2014, Senators John Thune (R-SD) and Amy Klobucher (DFL-MN) led a letter to the chairman of the FCC requesting that the agency propose new rules that would change the requirements that small carriers can only receive high cost support for customers who subscribe also to landlines.<sup>22</sup> Considering the tendency of consumers to have moved away from landlines to cellular phone and voice over Internet protocols (VOIP), this is critical in order for expansion of broadband into rural communities.

## What can Libraries Do?

In April 2014, the Institute of Museums and Library Services (IMLS) held a public hearing to discuss the issue of libraries and broadband. Richard Reyes-Gavilan, executive director of the District of Columbia Public Library, commented that providing access as well as digital literacy skills at libraries is still necessary today as more and more daily life processes have moved online (i.e., government, job applications, school communications).<sup>23</sup>

Given the move for the federal government to e-government practices, as well as increasing need of users to access local and state governments online as well as non-government services, libraries must adopt a strategy that can promote the growth of access and adoptability of digital services. This is necessary in

order to fulfill the promise provided by the ALA Core Value of Librarianship, democracy.

Programming and services must be developed while keeping the individual community in mind, especially considering increasingly tight budget constraints and limited staff, which creates tension on the tightrope that all libraries are already balancing on. Some potential areas of focus:

*Advocacy:* Encourage city and other community/civic leaders to visit the library so they understand the services and programs offered. Work to form partnerships in the community to support digital access and digital literacy programs.

*Grant Writing:* Apply for government funds such as the E-Rate program, or funds that support technology and information services from nonprofit organizations.

*Digital Literacy Programming:* Programming should be community based. If the community has a high Spanish-Speaking population, then programming may want to focus on helping these groups learn to access the Internet. Perhaps the community has a high population of citizens age 65+ that may require taking programming into the community's senior centers to help this group gain access.

*Resource Development:* Patrons find reference guides incredibly helpful if they are targeted to help complete a specific task. Libraries may want to develop guides to help patrons accomplish tasks on the most commonly visited government websites within their community.

Toolkits have been developed to help assist libraries as they support their patrons.

*NTIA Broadband Adoption Toolkit:* This was developed based on the experiences of BTOP grant recipients and provides guidance on subjects such as teaching digital literacy, including community related examples of projects in action.<sup>24</sup>

*E-Government Toolkit:* Developed by ALA, this toolkit was developed to help libraries develop policies, programs, and services around supporting patron needs to access e-government resources.<sup>25</sup>

With the move to e-government, libraries have to step up and provide support to patrons with limited access to Internet due to the digital divide, which is still present today. This means providing access as well as training to help individuals access the Internet, sometimes for the first time. It is imperative that libraries continue to address this issue when advocating to government about their community's needs, as well as when resource planning within libraries. Historically, there have been government programs in place to reduce this divide; however, libraries must ensure that government officials know this issue is still important to address. As long as the public library is the only available resource for certain population groups to access broadband Internet for government information, as well as completing basic activities such as applying for jobs, this issue needs to be top of mind to solve. It is the only way to ensure people have equitable access to information.

**Katharine V. Macy** (Kmac@tulane.edu), Assistant Librarian, Turchin Library at Tulane University.

## References

1. Tim Field, Elizabeth Muller, and Edwin Lau, "The Case for E-Government Excerpts from the OECD Report 'The E-Government Imperative.'" *OECD Journal on Budgeting* 3, no. 1 (2003): 61–131.
2. *E-Government Act of 2002*, P.L. 107-347, www.gpo.gov/fdsys/pkg/PLAW-107publ347/pdf/PLAW-107publ347.pdf.
3. US President, Memorandum, "Transparency and Open Government," *Federal Register* 74, no. 015 (January 26, 2009): 4685, www.gpo.gov/fdsys/pkg/FR-2009-01-26/pdf/E9-1777.pdf
4. US President, Memorandum, "Managing Government Records," *Federal Register* 76, no. 231 (December 1, 2011): 75423, https://www.federalregister.gov/articles/2011/12/01/2011-31096/managing-government-records
5. Office of Management and Budget, "Managing Government Records Directive." Memorandum (August 24, 2012), www.whitehouse.gov/sites/default/files/omb/memoranda/2012/m-12-18.pdf.
6. William J. Clinton, "Address Before a Joint Session of the Congress on the State of the Union." In *Public Papers of the Presidents of the United States: William J. Clinton, 2000, Book 1—January 1 to June 26* (Washington D.C.: Government Printing Office, 2001), 129–40.
7. US Department of Commerce, US Census Bureau, *Computer and Internet Use in the United States: Population Characteristics*, by Thom File. May 2013, www.census.gov/prod/2013pubs/p20-569.pdf.
8. Lee Rainie, "The State of Digital Divides," presented at the Washington Post Live: "Bridging the Digital Divides," November 11, 2013, www.pewinternet.org/2013/11/05/the-state-of-digital-divides-video-slides.
9. Aaron Smith, "Technology Adoption by Lower Income Populations | Pew Research Center's Internet & American Life Project," presented at the APHSA-ISM Annual Conference, October 8, 2013, www.pewinternet.org/2013/10/08/technology-adoption-by-lower-income-populations.
10. Lee Rainie, "The State of Digital Divides."
11. Kathryn Zickuhr, "Who's Not Online and Why," *Pew Research Center's Internet & American Life Project*, accessed June 8, 2014, www.pewinternet.org/2013/09/25/whos-not-online-and-why.
12. Brian Real, John Carlo Bertot, and Paul T. Jaeger. "Rural Public Libraries and Digital Inclusion: Issues and Challenges," *Information Technology & Libraries* 33, no. 1 (March 2014): 6–24.
13. US Department of Commerce, National Telecommunications and Information Administration, "Program Information | BroadbandUSA—NTIA," accessed June 11, 2014, www2.ntia.doc.gov/information.
14. US Department of Agriculture, US Department of Commerce, Notices, "Notice of Funds Availability (NOFA) and solicitation of applications," *Federal Register* 74, no. 130 (July 09, 2009): 33104, www.gpo.gov/fdsys/pkg/FR-2009-07-09/pdf/E9-16268.pdf; US Department of Commerce, Notices, "Notice of Funds Availability (NOFA) and solicitation of applications," *Federal Register* 75, no. 14 (January 22, 2010): 3792, www.gpo.gov/fdsys/pkg/FR-2010-01-22/pdf/2010-1097.pdf.
15. "Digital Divide Hurts Students," *Newsletter on Intellectual Freedom* 62, no. 2 (March 2013): 44–89.
16. The White House, "ConnectED | The White House," accessed June 11, 2014, www.whitehouse.gov/issues/education/k-12/connected.
17. The White House, Office of the Press Secretary, "FACT SHEET: Opportunity For All—Answering the President's Call to Enrich American Education Through ConnectED | The White House," accessed June 11, 2014, www.whitehouse.gov/the-press-office/2014/02/04/fact-sheet-opportunity-all-answering-president-s-call-enrich-american-ed.
18. Federal Communications Commission, "E-Rate—Schools & Libraries USF Program | FCC.gov," May 29, 2014, www.fcc.gov/encyclopedia/e-rate-schools-libraries-usf-program.

19. *Telecommunications—Universal Service Support for Schools and Libraries*, 47 CFR pt. 54F.
20. US Congress, Senate, Committee on Commerce, Science, and Transportation, *Broadband Adoption: The Next Mile: Hearing before the Subcommittee on Communications, Technology, and the Internet of the Committee on Commerce, Science, and Transportation*, 113th Cong., 1st sess., October 29, 2013.
21. Ibid.
22. Republican Press Office. “Press Release | Thune/Klobuchar Lead Letter to FCC on Rural Broadband,” *U.S. Senate Committee on Commerce, Science, & Transportation*, May 6, 2014, [www.commerce.senate.gov/public/index.cfm?p=PressReleases&ContentRecord\\_id=e49978bd-119c-43bd-9cfb-f71bad277aba](http://www.commerce.senate.gov/public/index.cfm?p=PressReleases&ContentRecord_id=e49978bd-119c-43bd-9cfb-f71bad277aba); *Telecommunication—UNIVERSAL SERVICE*. 47 CFR pt. 54.
23. Institute of Museums and Library Services, *Public Hearing: “Libraries and Broadband: Urgency and Impact,”* Washington, D.C., United States, 2014, [www.ims.gov/about/broadband\\_hearing.aspx](http://www.ims.gov/about/broadband_hearing.aspx).
24. US Department of Commerce, National Telecommunications and Information Administration, “NTIA Broadband Adoption Toolkit Shares Best Practices Across U.S. | NTIA,” by Juliana Gruenwald, May 2, 2013, [www.ntia.doc.gov/press-release/2013/ntia-broadband-adoption-toolkit-shares-best-practices-across-us](http://www.ntia.doc.gov/press-release/2013/ntia-broadband-adoption-toolkit-shares-best-practices-across-us).
25. American Library Association, “E-Government Toolkit | Advocacy, Legislation & Issues,” accessed June 11, 2014, [www.ala.org/advocacy/advleg/federallegislation/govinfo/egovernment/egovtoolkit](http://www.ala.org/advocacy/advleg/federallegislation/govinfo/egovernment/egovtoolkit).

## Errata

An error was made concerning authorship of the recent International Documents column in *DttP*, Fall 2014 issue, Volume 42 issue 3, page 10–12. An error was made during the editing and production phase of the issue. This error indicated that both James Church and Jane Canfield coauthored the article. Attribution for authoring the article should have gone to James. A similar error was made with the State and Local Documents column. Dan Stanton was author of the most recent column. Dan shares writing duties of the column with Celina Nichols. It is the intent of these columns that the two of authors alternate the writing of the column, with each as sole author for the given column in the issue. The editors apologize for any confusion this may have caused.

## Index to Advertisers

Bernan Press .....	2	Readex Corporation .....	Cover 3
Marcive .....	1	UN Publications .....	13
OECD .....	Cover 2	World Bank.....	7
Paratext.....	Cover 4		

# SAY UNCLE.

In 1941, a onetime chef returned to his native Vietnam after travels abroad, his mind aflame with communist ideals. Over a tumultuous decade he sparked an unlikely independence movement, rallying loyalists to confound imposing foes such as France, Japan, China and ultimately the United States of America. Ho Chi Minh, referred to as "Uncle Ho" by his committed charges, repeatedly inspired a sense of nationalism to defy the interloping superpowers, besting them with equal parts fervor and craftiness, not to mention a penchant for attrition.

*Joint Publications Research Service (JPRS) Reports, 1957-1994* chronicles Ho's profound impact on Vietnam's history, including the country's ultimate independence. The collection contains millions of pages from a wealth of sources, including monographs, reports, serials, journal and newspaper articles, and radio and television broadcasts. Featuring an emphasis on communist and developing nations, it is an ideal tool for researching military, socioeconomic, political, environmental, scientific and technical issues and events.

**“unearth rich  
scientific and  
cultural gems...”**

*Christopher C. Brown, Professor  
Reference Technology Integration Librarian and  
Government Documents Librarian,  
Penrose Library, University of Denver*

**JOINT  
PUBLICATIONS  
RESEARCH  
SERVICE  
(JPRS)  
REPORTS,  
1957-1994**

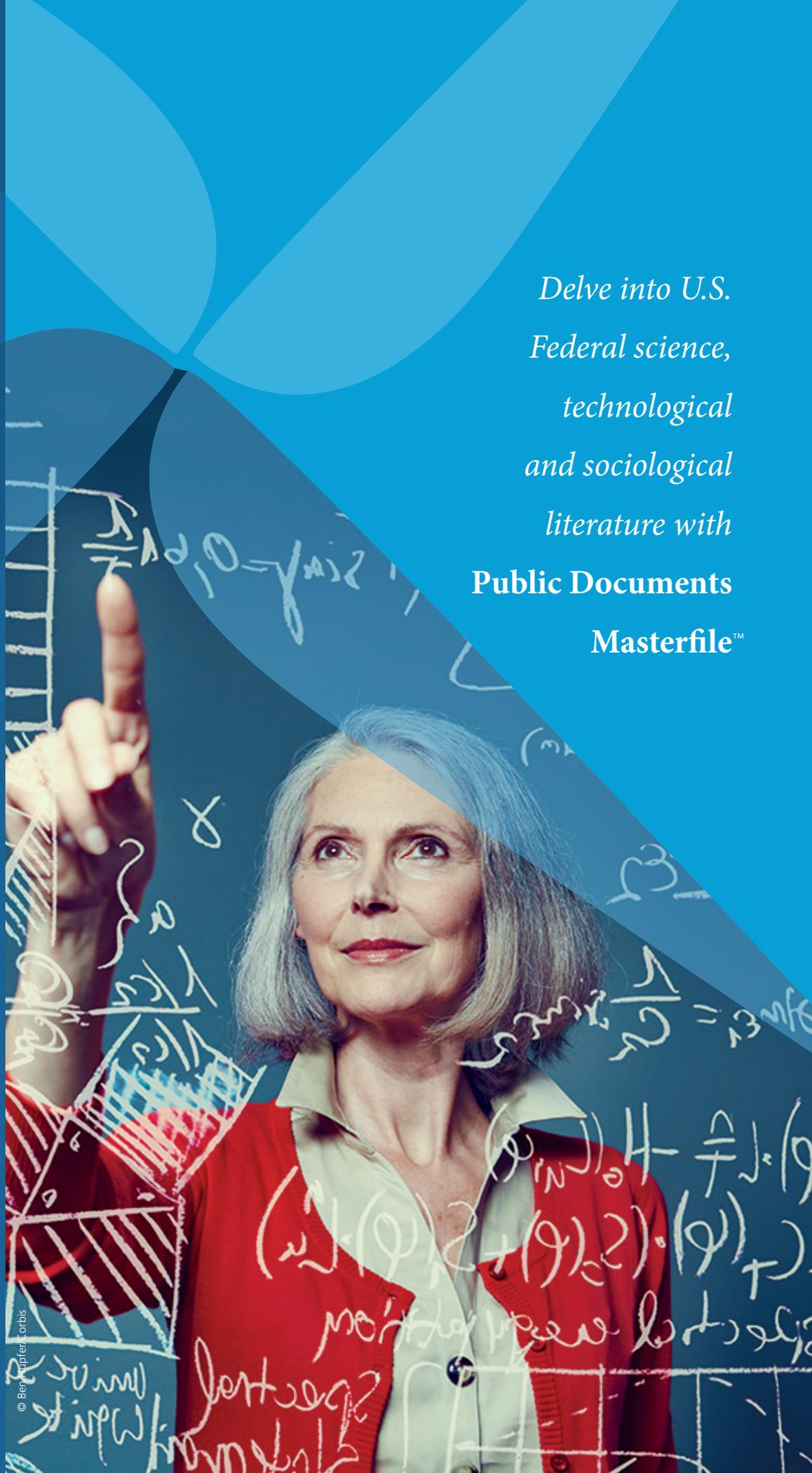
**Readex**  
A Division of NewsBank

sales@readex.com  
www.readex.com  
(800) 762-8182



# Public Documents Masterfile™

*Delve into U.S.  
Federal science,  
technological  
and sociological  
literature with  
Public Documents  
Masterfile™*



© Ben Mupfifer, Corbis

  
**Paratext™**  
[www.paratext.com](http://www.paratext.com)