

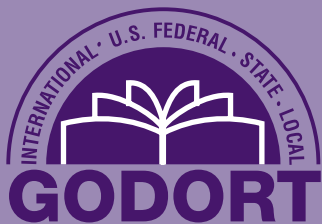
## In This Issue

- Queering the Census: Privacy, Accountability, and Public Policy Implications of Adding Sexual Orientation and Gender Identity Questions to the US Census
- Lilly Ledbetter: A Tour of the Three Branches
- 'Free' Access to Government Information: How the Current Budget Crisis May Affect Government Publishing and Access to Government Information
- A Woman's Struggle for Equality: The Evolution of Women in the Military and Veteran Affairs System

# DttP

## Documents to the People

Winter 2011 | Volume 39, No. 4 | ISSN 0091-2085



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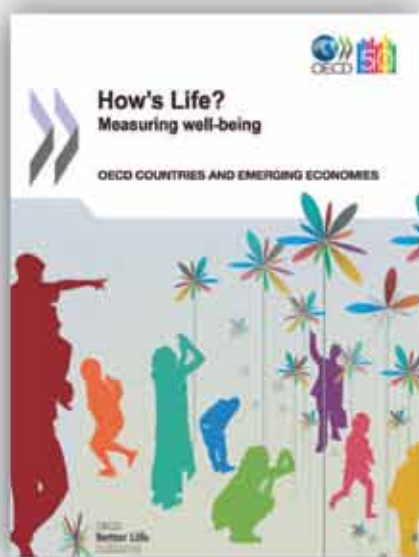
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December 2011 | 978-92-64-11150-9 | 300 pages

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# DttP

## Documents to the People

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**About the Cover:** Women workers install fixtures and assemblies to a tail fuselage section of a B-17F bomber at the Douglas Aircraft Company in Long Beach, California in this 1942 photograph by Alfred T. Palmer. The photograph was transferred from the US Office of War Information in 1944, and the digital image was downloaded from [memory.loc.gov/ammem](http://memory.loc.gov/ammem).



# Editor's Corner

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## The Student Issue

Beth Clausen and Valerie Glenn

Once again we are pleased to publish the work of future information professionals in our annual student papers issue. As always, the articles nominated by professors of government information courses are of such quality that we have great confidence in the future of our profession. The papers are thoroughly researched, well-written, and showcase the importance and breadth of government information sources. What may be more important is that they cover a broad range of topics—indicating that curiosity, the key to any librarian's success, is alive and well in these students. While it is unlikely that many of these students will end up in a professional position that revolves solely around responsibilities for government information, it is a certainty that all of them will have a need for or appreciation of government information in libraries during their career—or perhaps outside their work. An understanding of government information, how it is produced, how to find it, how to evaluate it, how to access it, and/or how to categorize it can only enhance the overall capabilities and qualifications one carries into any library position.

The editorial team reviewed and ranked all of the nominations and, as usual, there was difficulty in narrowing the field to the four we have included in this issue. We hope that everyone enjoys them, and learns as much from these articles as we have! We offer our thanks to the instructors who nominated papers: Debbie Rabina (Pratt Institute), Andrea Morrison (Indiana University), and Lorraine Mon (Florida State University). We also thank them and others across our library and information science programs for taking on the responsibility of teaching the all-important “gov docs” courses! We are especially pleased that in this issue, we Get to Know... Debbie Rabina through the column written by Julia Stewart and we have a review of the recently published book *Fundamentals of Government Information: Mining, Finding, Evaluating, and Using Government Resources*, which is sure to become a standard text in the aforementioned courses.

Quaid Long delves into the political aspects and societal reflections that go well beyond the objective aims of the decennial census in his article “Queering the Census: Privacy, Accountability,

and Public Policy Implications of Adding Sexual Orientation and Gender Identity Questions to the US Census.” Nina Q. Rose highlights the roles of the three branches of government while introducing readers to Lilly Ledbetter, who inspired and advocated for equal pay legislation, in her article “Lilly Ledbetter: A Tour of the Three Branches.” Ashley Ahlbrand addresses how this summer's federal budget crisis and its fallout may have a real impact on government information access in her article “‘Free’ Access to Government Information: How the Current Budget Crisis May Affect Government Publishing and Access to Government Information.” And, finally, Sarah Hughes marches readers through particular facets of US military history in her article, “A Woman's Struggle for Equality: The Evolution of Women in the Military and Veteran Affairs System.”

In addition to these fascinating and thought-provoking articles, this issue features some columns certain to provide you with new and valuable information. After reading these, it is always interesting to note the first time in real life when information from one of the columns in the latest *DttP* issue was useful. It is almost always within a week, but in the case of this issue, it may be more like a day or two for many of us! Rebecca Hyde and Lucia Orlando guide readers to several sites that illuminate and expand access to freely available digitized copies of US government information in Federal Documents Focus. In *By the Numbers*, Stephen Woods explains the International Classification of Death and Diseases and how knowledge of this system can be useful to those of us who work with users of government information, while Barbara Miller highlights the regional centers of various federal agencies and their importance and services in the *State and Local Documents Spotlight*.

In *From the Chair*, Kirsten Clark calls on us to get vocal—by contacting Congress to save the *Statistical Abstract* and FDsys as well as GODORT Steering to tell them what we want our organization to be and do. And the same goes for *DttP*—if there's content you want to see (or not see!), let us know at [dttp.editor@gmail.com](mailto:dttp.editor@gmail.com).

# Letter to the Editor

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## Re: At the San Francisco Public Library

It's fascinating how taking one course in graduate school over a decade ago could have such a profound effect on one's professional career. I was fortunate to have had Professor Joe Morehead as my government documents professor at SUNY Albany in the late 1990s. It was refreshing to read his feature article (At the San Francisco Public Library) in the fall issue of *DttP* on his time at the San Francisco Public Library. I was reminded of the humorous tidbits and odd encounters he shared during class that spring semester. His stories kept one's interest but it was the way he presented the material and his extensive knowledge of the subject that made it seem important. I was taken by the subject matter and knew early in the semester I wanted to be a government documents librarian.

In addition to taking Professor Morehead's course, I was fortunate to work in the Documents, Gifts and Exchange Department at the New York State Library and also had an internship processing document boxes at Albany's main campus library. Looking back, it was like a "perfect storm." The combination of my work experience and learning from the man who wrote the class textbook, *Introduction to United States Government Information Sources*, left a substantial impression and helped me get where I am today.

I've been working with government information for over a decade and this spring will be my fourth semester teaching the government information course at the University of Pittsburgh's School of Information Sciences. I never imagined I'd be teaching a graduate course in government information. From the day I started writing my first syllabus and creating lesson plans, I've been inspired by Professor Morehead, his course, and his textbook.

I can only hope the students I've taught over the last few years are as inspired by the subject matter as I was as a student. At the beginning of each semester I envision my students being interested in the material enough to pursue a career as a documents librarian. I've had a few students accept positions working with documents, and feel that not only have I educated the next generation of librarians but I'm carrying on the tradition and passion for government information I obtained while at Albany from Professor Morehead.

Mark C. Scott  
Coordinator of Government Publications  
University of Pittsburgh

# From the Chair



## Where's that crystal ball when you need it?

Kirsten Clark

It used to amuse me to read editor's columns in major monthly magazines. Three-fourths of the time, the editor would start the column with something like, "by the time you read this...."

By the time you read this, the fashion powers-that-be will decide that the color of the year will be something called magenta vortex or iridescent hummingbird.

By the time you read this, we will have a new president but not knowing the outcome, I can safely say it will be a Democrat or a Republican.

By the time you read this, the snow will be knee deep and you will be counting down the days until May 1st when spring most likely will have sprung. (I'm just being realistic here—I do live in Minnesota.)

However, since first writing the Washington Report column as chair of the Legislation Committee a couple years ago, and now writing this GODORT chair column, I have a newfound sympathy for anybody that has to expound on a topic where a crystal ball would come in really handy. I spend quite a bit of time choosing my words carefully so that not only three months from now, I don't sound completely out-of-touch with the current situation but also ten years from now I don't sound like a complete idiot by stating something like congratulations Hillary Clinton on your party's presidential nomination. I'm not really being realistic here—who among us have truly gone back and read the chair columns from ten years ago?

Toward the end of this column, I will touch on where GODORT is with the three paths I want to work on during my time as chair. Before that though, I want to hedge my bets on not sounding totally off base three months from now. Since my last column, there has been a definite change in the air within Washington and Congress. Federal government budget appropriations have always been a big deal and each year there is some type of cut to government programs that directly affect how we access government information. This year, though, the cuts have hit more directly to the lives of government documents librarians.

Yes, there have been cuts in the past, but the extent envisioned by Congress this time cut to the core of some things that we in the government information field, and in the depository library program, have held dear for centuries. While most can agree that there is a need for budgetary cuts, many would

argue with not only the direct hits we might experience, but also the thinking and motivation behind these hits. There is the dissolution of the Statistical Compendia Branch and the potential loss of our beloved *Statistical Abstract*. There is the potential cut in funding to the Government Printing Office and FDSys, which would eliminate basic access to key publications of our government. There is the current initiative to take out redundant government information websites, but with no plan to ensure that unique information is not lost when these transitions move forward.

During this past summer, postings on ALA Connect and GOVDOC-L, as well as various state, local, and national websites and groups, have been pushing all librarians to contact their representatives and senators to comment on these above issues. Several people have asked what GODORT is doing and, as I mentioned in my e-mail to GOVDOC-L, we as an organization are doing what we can.<sup>1</sup> We are pulling together information. We are working with ALA to get the association's message to Congress. The bulk of the work, though, needs to be done by the people on the line—the librarians and library staff that work on a daily basis with those wanting to access government information. Letters, e-mails, and phone calls from constituents prove to have the most clout with Congress.

Here now is where I would love to look into my "our future is so bright" crystal ball and say we succeeded. We as GODORT members and the general library profession helped convince Congress that the *Statistical Abstract* and similar publications are worth saving, that we helped to get full funding for FDSys and GPO restored and that we saved the world from loss of government information online.

Then I turn around and look into my "Wicked Witch of the West" crystal ball where Congress is cackling, "I've got you, my pretty *Statistical Abstract*, and your FDSys too." We as a group of GODORT members and the general library profession did not convince Congress that the *Statistical Abstract* was worth saving, that FDSys is better off as a static database, and that the world doesn't need easily accessible government information because it would be much better use of funds to have an uninformed populous who has no easy way to find out what their elected officials are doing.

But now let's take a look into the "Reality" crystal ball. Most likely by the time you read this column, we will have seen a middle ground where we didn't get everything we



wanted, but we saved some things. I'm not going to speculate on what we did save, but in watching the process so far and thinking about what could be there is one thing that seems to be missing from the current conversations and that is planning not only to save what we can but also planning on how to handle the potential loss of services.

How will we—or how did we—react to the loss of services? Are we all wringing our hands and lamenting the demise of government information access? Or, are we continuing to fight and to show to Congress and others in the federal government that we aren't going to take it. Give us lemons and we may not be able to make lemonade but we can sure make some great Arnold Palmer's.

I will be willing to bet that three months from now, people will be asking: What is GODORT doing about the situation, and how are we stepping forward? As has been the case for the past couple months, GODORT will be doing what it can to move the issues forward. We will be pulling together information and working with the ALA Washington Office to get our message to Congress. What are you doing to help us move forward? Are you continuing to contact your Congress members to push for funding and/or to thank them for the funding they did provide? Are you looking for new ways to provide access to information we have lost? Are you seeing the potential silver linings that come out of whatever happens? And yes, you may need to get out the magnifying glass to see them.

The current budget situation in Washington in some ways echoes where we are with GODORT right now. In my last column, I talked about where GODORT has been for the past couple of years and where I see it going. I outlined three areas I wanted to work on during my time as chair: (1) moving forward on the Strategic Plan, (2) solidifying our policies on virtual membership, and (3) finding the balance point between providing enough structure

to ensure that the organization moves forward while still providing flexibility to move quickly on new ideas.

Since that last column, the Bylaws and Organization Committee, with the help of the Steering Committee, has been working on the new version of the *Policies and Procedures Manual* to ensure that changes made in the past couple years are incorporated into a single document and provide a starting point for the year's discussions on the Strategic Plan and virtual membership. In addition, we have also been filling out some of the committee memberships so that we have representation from as many members as possible as we look at the structure of GODORT and how we can better respond to the needs of the organization and to the changing nature of government information creation, preservation, and advocacy.

This fall, the committees will be discussing how they have done their business over the past couple of years and what, if anything, needs to be changed to ensure that the needs of GODORT are met for the next ten years. There will be continued discussion as well as potential bylaws changes brought forth at Midwinter. Just as letting Congress know how we feel about potential budget cuts to government information resources, so too do you as GODORT members need to let committees, such as the Steering Committee, know your thoughts regarding the future of GODORT. There will be opportunities for GODORT members to be a part of those discussions, both virtually and in person. Many of you have taken time to write and talk to Congress. I hope that we see the same level of discussion when looking at how GODORT can serve you all in the future.

## Reference

1. Kirsten Clark, "Re: Library Journal article on GPO and census cuts," e-mail to GOVDOC-L, August 9, 2011.

## Give to the Rozkuszka Scholarship

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

If you would like to assist in raising the amount of money in the endowment fund, please make your check out to ALA/GODORT. In the memo field please note: Rozkuszka Endowment.

Send your check to GODORT Treasurer: John Hernandez, Coordinator for Social Sciences, Northwestern University Library, 1970 Campus Drive, Evanston, IL 60208-2300.

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

# Get to Know . . .

## Debbie Rabina

Julia Stewart



Debbie Rabina, associate professor at the School of Information and Library Science at Pratt Institute, is an inspired and inspiring person. Between teaching, research, and serving on the Depository Library Council, Rabina is inspired by her students and is well known as a mentor to government documents librarians.

"I enjoy being there when my students have their 'ah ha' moment or when they figure something out," says Rabina. "I mostly like when my students see the countless ways government sources can be used in any context and become hooked on documents. My own research activities are constantly evolving, but generally I look at government documents more from the perspective of teaching and learning."

Rabina attended the School of Library, Archives and Information Studies at the Hebrew University in Jerusalem. "The program was a rigorous and traditional program modeled on central and eastern European curriculum with infusions from more contemporary American information school models. Courses in indexing, bibliometrics, and paleography were standard."

Rabina's government documents classes at Pratt are popular and have taught her how to identify potential documents librarians.

"I don't necessarily think of my students as future government document librarians, but rather as professionals who will use government documents in a variety of work environments. That said, in my first class this semester, one student told me right away that she had visited the "What's Cooking, Uncle Sam?" exhibit at the National Archives and Records Administration over the summer. She brought brochures to share with other students and had already decided on her term paper topic. Also, one of my students got a FDLP tattoo, and I have pictures to prove it."

Rabina has been teaching government documents

classes for more than ten years, first as a teaching assistant, later as an adjunct, and finally as a full-time faculty member. According to Rabina, some documents are more popular in the classroom than others.

"Information from the United States Patent and Trade Office (USPTO) always seems to go over well. This probably has to do with the fact that it is a completely closed fully digital or digitized system. Students enjoy the content, looking through patents, and learning about patent classification. It's both intricate enough to give students a sense of what professional expertise is, yet accessible even without years of experience. The most difficult thing to teach students is how to distinguish between the different finding tools, whether the tools are online or in print, and learning which does what and when to turn to which is always a challenge."

Rabina inspires her students, but who provides her inspiration?

"Dr. Patricia Reeling, professor emerita at Rutgers University, introduced me to government documents and taught me not only about documents but also about effective teaching. She also set a great example for mentoring others. Also, every spring I take students in my International Information Sources class to Princeton University where Susan White organizes a full day program for students. Susan is an inspiration not only in her vast knowledge of international documents, but also in her commitment to using documents to promote social responsibility. I am also inspired by many of the librarians in the field, my fellow council members, and students."

Three words Rabina would make sure all government documents librarians are familiar with are "Census, census, and more census."

"Working with data is one of the most important areas students should master, whether they are subject specialists or generalists."

Rabina's current research in progress is a paper with the working title "A Cross-Curricular Approach to Teaching Government Information Sources." Her initial dataset is curricular materials.

In her spare time, Rabina enjoys hiking, reading and cross-stitch. Examples of her cross-stitch are posted at [debbierabina.wordpress.com/after-hours](http://debbierabina.wordpress.com/after-hours).

# Federal Documents Focus

## A Few Bytes Go a Long Way

Rebecca Hyde and Lucia Orlando

With space at a premium, more libraries are moving government documents off-site or heavily weeding collections to create more physical space for their patrons or for other library materials. The impetus for weeding collections varies by library type and collection. Maybe portions of the documents collection are seldom used, perhaps they are available somewhere nearby, or they can be borrowed through ILL. Of course, time has a different meaning for frazzled researchers and students with a looming deadline. For them, waiting a few days for a document to arrive from storage or through ILL seems like waiting for one of the Apollo missions to return from the moon. While there may be times you or your patrons require the print volume of a title, it is simpler than ever to find the full text of both major and more obscure titles online. Instead of waiting days to receive a volume from your regional depository or another library, it is becoming easier and more convenient to get a sneak peek by checking out digitized documents online.

Small collections of digitized government documents reside in hidden pockets all over the web, but the portals discussed below will allow you to cast a wide net without spending all day searching for an elusive document. While not all of these sites address the issue of preservation and may not provide a high enough quality scan to permanently replace a print copy, the growing number of freely available digitized copies do contribute to broader and easier access to government information. These sources are especially important for libraries that simply need to provide occasional access to a variety of older materials and do not have long-term preservation of government documents as part of their mission.

### Federal Digital System (FDsys) and GPO Digitization Registry

GPO's Federal Digital System or FDsys ([www.gpo.gov/fdsys](http://www.gpo.gov/fdsys)) is the most official source of full-text digital and digitized government documents. As the replacement for *GPO Access*, it's easy to remember as the place for new congressional and executive branch documents. However, FDsys contains much more than current documents. It is constantly growing as older digitized

volumes expand existing collections, along with the addition of new collections contributed by GPO and partner institutions. For example, a recent digitization effort has made the *US Statutes at Large* available back to 1951. Partnerships with agencies are also expanding available collections, such as Education Reports from ERIC (Educational Resources Information Center) and the Coastal Zone Information Center Collection from NOAA (National Oceanographic and Atmospheric Administration). Other portals below may be more useful for a stab in the dark, such as a hopeful search to find a nineteenth century department's annual report or a monograph from a now defunct agency. However, FDsys has large, easy-to-use collections of major congressional and executive publications that will benefit you and your patrons again and again.

FDsys allows browsing by collection and full-text searches, as well as more focused searches. The "Browse Collections" page also includes links out to digitization projects at institutions that have partnered with GPO. These items and more can also be found in the GPO Digitization Registry ([registry.fdlp.gov/](http://registry.fdlp.gov/)), which is a place for libraries and other institutions to post entries with a link to content they have digitized and made available on their websites. The registry is not limited to US government information and includes some collections that encompass non-governmental materials.

### University of North Texas (UNT) Digital Library

The UNT Digital Library ([digital.library.unt.edu](http://digital.library.unt.edu)) is a great example of the type of project you might find in the GPO Digitization Registry. However, instead of one project with a relatively narrow subject or title focus, the UNT Digital Library includes many varied collections with more than 45,000 total digital and digitized items, more than 31,000 of which are government documents. While the number is relatively low compared to FDsys or to the portals below, it is an impressive number for a single academic institution.

The UNT Digital Library includes full search functionality across collections as well as the ability to browse collections by title and by partner. There are a number of collections of interest to those looking for US government documents, especially the ambitious "Government Documents A to Z Digitization Project" from the UNT Libraries' Government Documents Department. While the project is still in the early stages, it promises to be a goldmine for those looking for federal agency collections or disparate reports, hearings, and pamphlets. Although the project started with A for Agriculture, manuals from the War



Department have already been added due to popular demand. Unlike the larger portals below, this site is still small enough to browse, and regular perusal is encouraged with the constant addition of newly digitized government documents.

## HathiTrust

Over the last several years the Google Books digitization project has been discussed everywhere both in libraries and in the mainstream press. Often overlooked is the fact that Google provides libraries with digital copies of every book digitized from their collections. But what happens to those copies? More and more of them are becoming available on HathiTrust ([www.hathitrust.org](http://www.hathitrust.org)). HathiTrust was initiated by the CIC (Committee for Institutional Cooperation) Libraries and supported by two other consortia (University of California and Triangle Research Libraries Network) as well as over fifty institutions around the country.

HathiTrust includes over 9.5 million digitized volumes from a variety of sources, but a large percentage of them are library copies from the Google Books digitization project. So why use HathiTrust instead of Google Books ([books.google.com](http://books.google.com))? There are two main reasons: First, HathiTrust is organized by libraries. Instead of employing the Google method of throwing digitized books willy-nilly into one large, overwhelming database, HathiTrust uses traditional catalog records to describe books in the collection. This is especially helpful for annual reports and other serials, with all available years conveniently linked in one bibliographic record. If you've ever tried to find successive years of early *Annual Reports of the Public Printer* in Google Books, you know what a frustrating experience the lack of serial records can be. Second, the institutions involved have made an effort to provide the full text of all digitized volumes in the public domain, including government documents. Documents in Google Books, especially those published after 1923, can be very hit or miss in this respect as oftentimes only a few tantalizing snippets are made available for viewing, despite the fact they reside in the public domain.

There are no restrictions on who can access the full text of government documents and other public domain volumes in HathiTrust. Although content partners have extra privileges such as downloading a PDF of entire volumes, anyone can read full-text volumes, as well as print and download one page at a time. The availability of government documents in HathiTrust is becoming more expansive because of the CIC's formal commitment to digitize a comprehensive US documents collection (see [www.cic.net/home/projects/Library/BookSearch/GovDocs.aspx](http://www.cic.net/home/projects/Library/BookSearch/GovDocs.aspx)).

## Internet Archive

The Internet Archive ([www.archive.org](http://www.archive.org)) was created in 1996 as a portal to provide "permanent access...to historical collections that exist in digital format." While not limited to books, the Internet Archive does include a collection of nearly three million volumes of digitized text in the public domain, including many government documents ([www.archive.org/details/texts](http://www.archive.org/details/texts)). Although the full-text volumes available through the Internet Archive, like Google Books, can seem a bit disorganized, you will not experience the frustration of finding a public domain document with restrictions on full-text viewing. The goal of the Internet Archive is to provide anyone and everyone with free full-text access to out of copyright material. If a document is available for viewing in the Internet Archive, then it is also available for no-cost downloading in rich-text or PDF format.

Another plus of the Internet Archive is that anyone can contribute to the collection. If you or your library scans even a single government document, you can upload it and make it available to anyone ([www.archive.org/create](http://www.archive.org/create)). There are no hosting fees or infrastructure costs on your end, except for the scanning of the document. This is a great option if your library does scanning as part of normal operations but is not involved in a large or comprehensive project.

## Conclusion

The digital world of government information is becoming richer with each passing month. The increased availability of digitized documents provides new opportunities for the level of service and convenient access we offer our patrons. Digitized documents also affect the way we make collection decisions. We all know downsizing and moving collections off-site is a difficult transition requiring detailed collection analysis and changes to research strategies and service models. However, this is an especially exciting time for newer depository libraries and non-depository libraries whose budgets and distance from other institutions may have previously limited their ability to assist patrons in finding historical government information. The projects and portals mentioned here are far from the only places to find current and historical digitized government information online, but they are a starting place in the continual quest to expand your reference tool box, and they serve as a reminder that new sources for older, beloved print resources are appearing all the time.

# State and Local Documents Spotlight

## Regional Centers: Easier Access to Many Federal Agency Materials

Barbara Miller

Although this column is called “State and Local Documents Spotlight” we all know that the State and Local Documents Task Force is concerned with government information from other geographical entities such as counties, MSAs, and multistate regional organizations. Frequently overlooked, however, because they fall somewhere in between state and federal agencies, are regional branches of federal agencies. Many federal agencies are using regional centers to counteract the problems involved when mega-size agencies don’t have the time or staff to respond to local needs for documents, speakers, or collaborations. By creating regional centers and associated libraries, agencies can save space in their cramped main collections by depositing materials where they might logically be most used—that is, collections related to the regions involved. In addition, it is much less trouble for librarians to procure services from a regional center, due to less bureaucracy and smaller staffs eager to conduct outreach. Unfortunately, many of these regional agencies are languishing in the land of “no one knows about us,” and librarians are not taking advantage of free services for materials, speakers, and collaborations. I will examine three such regional systems and the services they offer.

With a mission to improve access to quality health information, the National Network of Libraries of Medicine (NN/LM) is a network of libraries, public health departments, and community-based organizations coordinated under the National Institutes of Health’s National Library of Medicine (NLM). The NLM has divided the country into eight districts and has contracted with medical school libraries in each district to house the regional library. Each library coordinates the NLM’s interlibrary loan system for their region and offers training, funding, and collaborative opportunities customized for each region’s needs. (For a list of the eight regional libraries, see [nnlm.gov](http://nnlm.gov).) Topics covered in the classes offered include consumer health, advanced health information, technology, evaluation, disaster

preparedness, and advocacy, all related to materials included in the NLM or available through their databases such as Medline Plus, PubMed/MEDLINE, and TOXNET. The Southwest Regional Library ([nnlm.gov/scr](http://nnlm.gov/scr)), the one I can access from Oklahoma, offers on their website an assortment of funding opportunities for outreach, collaboration, IT, disaster preparedness, and advocacy. For example, this regional hosted a collaborative eScience Symposium in 2010 in Houston. Their classes range from crazy titles such as Will Duct Tape Cure my Warts? to cutting-edge offerings such as Geeks Bearing Gifts: Unwrapping New Technology Trends. Next time your library association needs a speaker for a workshop or preconference, remember your regional NLM group. Health information is always a popular topic!

Have you ever tried to access materials at the National Archives including a trip to D.C., hotel charges, long waits, the need to write ahead, and so on. Well, the National Archives, in addition to creating a larger digital presence, has established regional centers to put those documents closer to those who need them. There are now eight National Archives regional centers (see [www.archives.gov/locations](http://www.archives.gov/locations)). For example, the National Archives at Fort Worth, my regional ([ftworth.archives@nara.gov](mailto:ftworth.archives@nara.gov)), houses more than 111,000 cubic feet of historical records from about 100 federal agencies in Arkansas, Louisiana, Oklahoma, and Texas. Particularly important to Oklahomans are the documents from the Bureau of Indian Affairs, for example, as well as the Army Corps of Engineers. Texas, of course, has a closer connection to NASA documents. This regional also has documents important to the region such as letters from athlete Jim Thorpe and from Chief Joseph as well as primary source information on such luminaries as Thomas Jefferson, Belle Starr, the Dalton Gang, “Hanging Judge” Isaac Parker, and Lyndon Johnson. Needless to say, these offices are goldmines and heavily used by historians, political scientists, environmentalists, lawyers, and government officials—in short, anyone interested in the history of the region. There is also a heavily used genealogical reading room. Sound good? These regionals partner with high schools, colleges, universities, genealogical societies, museums, and other archives and are frequent speakers at local workshops and conferences. Imagine that your state library association wants a speaker. You can pay for a car ride from a few hours away or transportation from D.C. plus a hotel. No contest! The regionals also offer training to interns and others interested in archival methodology

and occasionally offer on-site workshops and webinars.

The Environmental Protection Agency (EPA) lost some regional centers several years ago when its funding was severely cut. They have since reorganized into ten regional centers ([www.epa.gov/aboutepa/index.html#regional](http://www.epa.gov/aboutepa/index.html#regional)) spread across the country; they make available information for key environmental issues related to their part of the country. Each regional has a website providing information on current issues and events related to their area, along with online documents pertaining to their area. For example, region six, which includes Oklahoma and sixty-six tribal areas, has a copy of the *Oklahoma Clean Air Plan* on the homepage, as well as news that the Port of Houston received an environmental award. Information on grants available, as well as grants recently awarded for environment efforts, is prominently displayed. The regional EPA offices offer grants and partnerships on various environmental issues such as agriculture, air quality, water, waste management, pollution prevention, and transportation. The websites for each regional also have a section entitled “learn the issues” where someone interested in the environment can learn about issues related to their area. Sometimes this can help a student get to a dissertation topic. Issues related to your local area are always important. The regional EPA centers not only have a great deal of information online, but they are also repositories for a large number of older EPA documents. Each site gives directions for getting to the regional agency and hours of operation, but those looking for specific EPA documents can just phone the library. The librarians there can find out quickly if the document you found cited in your bibliography is a public access document and likely available online at the EPA website or on another website. If not, our regional librarian will often digitize the document and send it electronically. If the document is not meant for public use—say, a contract report—they will let you know right away so that you can start FOIA proceedings to get the document released.

These are just three of the federal agency regional center structures. All provide faster and more direct lines to information, many beyond the web presence of the agencies, and have staff willing and able to provide speakers, tours, and/or collaborations. The next time you need to find a speaker, create a workshop, or satisfy a genealogist, remember these regionals and contact them first!

Thank you to Karen Vargas from the South Center Regional NNLM; Jenny Sweeny, education specialist at the National Archives at Fort Worth; and Pat Wagner, librarian at the EPA Regional Center in Dallas for providing information on their agencies and services.

## By the Numbers

### Counting Death and Disease: International Classification of Death and Diseases

Stephen Woods

The US Census Bureau estimates that the resident population of the United States on July 7, 2011, at 1:48 p.m., was 311,820,226. They estimate that there is a birth every seven seconds, an international migration every forty-five seconds, and a death every thirteen seconds. Based on these estimates, the Bureau estimates that the population of the United States grows by one person every twelve seconds.<sup>1</sup> We are going to explore in this column two important interrelated developments in the collection of vital statistics: death registers and the emergence of the International Classification System for Disease (ICD).

#### Why should government documents librarians care about ICD?

Researchers use death and disease statistics to understand recurrent epidemics and their prevention. These types of statistics are also used to set public health policy as well as to set the agenda for scientific advancement. In short, standards for classifying morbidity and mortality statistics are necessary for tracking statistics over time as well as for making comparisons between countries.

Some countries and even individual states within the United States have collected and reported mortality data long before the development of ICD. However, the emergence of ICD provides a historical landmark in the development of coordinated national efforts in collecting mortality statistics. Furthermore, the development of ICD provides a historical milestone for comparable national mortality statistics.<sup>2</sup>

ICD also provides researchers and governments with the opportunity to identify and report on very specific causes of death as well as types of diseases. However, government documents librarians should keep in mind that the classification system has evolved and expanded over time. For example, ICD 10th revision is a three-volume set compared with ICD 9th revision, which was published as a two-volume set. Or consider another critical development that occurred in 1968 when governments



were allowed to report and track multiple causes of death.

Consequently, a particular cause of death or disease identified in later versions may not be available in earlier revisions, or it may be described in a different way.<sup>3</sup> Librarians must be conversant in showing our users tools that have been developed to assist in making comparisons across ICD versions. They also need to be aware of significant changes in order to assist users understanding limitations in time and methodology.

Finally, many ongoing surveys unrelated to vital statistics gathering are conducted by governments that use ICD codes. For example, in the United States the National Health Interview Survey and all of the National Health Care surveys use ICD. It is important to know which version of ICD is being used in order to assist researchers in using data files or reports. Users should use caution drawing comparisons between surveys that use different versions of ICD or they should be directed to the tools that will allow them to make these comparisons.

## Death registration and classification of death

Death registration has an interesting history that goes back to the fifteenth and sixteenth centuries, when it became a popular method for municipalities and nations in Europe to deal with recurring epidemics. Adherence to administrative registration policy was not consistent and was often neglected until new epidemics emerged driving political forces to reinforce compliance. Even more problematic was the inability for government to use these registers to statistically assess causes due to lack of uniformity or specificity of the registers.

John Graunt, one of the first demographers, was the first to conceive of the idea of using the death registries in England, called *Bills of Mortality*, to classify and analyze causes of death. His analysis was rudimentary, because national registration was not mandatory and reporting was ad hoc. The passage in England of the *Registration Act of 1837* established a mandatory national death registration. Of equal importance, William Farr, an epidemiologist, was appointed as the chief compiler of the data and the first to introduce an official national classification system for death.<sup>4</sup>

The first International Statistical Congress (ISC) in 1853 invited Farr and a Frenchman named Marc d'Espine to submit a uniform classification of cause of death for consideration as an international standard. Farr's classification organized diseases around anatomical sites, whereas d'Espine classified diseases according to their nature<sup>5</sup>. A universally accepted standard did not emerge until 1893 through the work of the International Statistical Institute (ISI)—a successor organization to the ISC.

Farr's anatomical approach became the guiding principle behind Jacques Bertillon's *International List of Causes of Death* published in 1893 as part of committee work for the ISI. When the ISI convened in 1899, it adopted a resolution to provide decennial revisions to the *International List of Causes of Death* (ICD) in order to keep abreast of changes. The first revision (ICD-1) in 1900 retained the basic structure of Bertillon's original work. Additionally, the revisions done in 1910 and 1920 were carried out under Bertillon's leadership.

There have been ten revisions of ICD since its adoption in 1893 (see table 1). Various governments, organizations, and associations have played key roles in maintaining the integrity and currency of the classification system. Currently, the World Health Organization (WHO) has maintained responsibility for ICD since the 6th revision in 1949. WHO works closely with ISI in developing other necessary classifications for medical statisticians and governments.

One noteworthy change occurred in 1968 with the release of ICD-8, which created an international standard for reporting multiple causes of death. Statisticians were concerned early on that important information was being lost by limiting the cause of death to a single classification.

## Classification of diseases

William Farr had indicated in his earlier work a keen interest in seeing an international classification of diseases developed and adopted. Both the Royal College of Physicians and the American Medical Association had already done significant work in developing a nomenclature for diseases. However, their classification model had never been officially incorporated as a national standard.

The newly created US Census Office was given responsibility for collecting and publishing mortality and morbidity statistics. At their request, the second revision (ICD-2) planned for 1910 was moved up to 1909 and included the development of a classification of diseases. Following the 1910 conference, the Department of Commerce and Labor published the first officially adopted classification of diseases in the publication *International Classification of Causes of Sickness and Death*.

Most notably this publication was universally accepted as the English language version of ICD-2.5. It also expanded the scope of ICD-1 by including a nomenclature for disease and maintained an organizational structure for disease based on anatomical categorization. It also paved the way for the development of classification systems focusing on issues of disability and health interventions. More importantly, it became

the adopted classification system of other governments.

### ICD on the web

WHO provides excellent resources for using ICD. They offer the ability to search or browse the ICD-10 as well as several foreign language versions. Included on their website is an excellent online tutorial for using the ICD-10.<sup>6</sup> WHO also provides updates and news items related to revisions and ICD related meetings and conferences.<sup>7</sup>

The National Center for Health Statistics (NCHS) also provides important information about ICD particularly as it pertains to statistics gathering in the United States. As previously mentioned, their website provides access to comparability tables for versions of ICD. NCHS also links users to relevant reports and data sets that utilize ICD.<sup>8</sup>

### Conclusion

It is important for government information specialists to have a rudimentary understanding of the development of national and international statistical classifications systems. Knowing when a classification system was adopted can be extremely useful in determining historical limits, critical issues concerning trends over time, and possibilities for national or sub-national comparisons.

Furthermore, understanding the scope and evolution of the classification system will make it easier to become aware of the type of information gathered as well as ways it is often reported. For example, it is significant that ICD is organized by anatomical categories rather than another classification system. Knowing this will assist the user in how they form their question as well as discovering whether or not governments collected the information they are seeking.

Finally, specialists who pursue a historical background in the development of statistical classification systems unearth some interesting historical data collections such as the previously mentioned *Bills of Mortality*

**Table 1. The ten revisions of ICD.**

ICD-1 (1900–1909)	ICD-6 (1949–1957)
ICD-2 (1910–1920)	ICD-7 (1958–1967)
ICD-3 (1921–1929)	ICD-8 (1968–1978)
ICD-4 (1930–1938)	ICD-9 (1979–1995)
ICD-5 (1939–1948)	ICD-10 (1996–Present)

that were used by John Graunt in England in the 1600s as well as local death registries from the 1500s.

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## 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.

**DttP**  
Documents to the People

# Queering the Census:

## Privacy, Accountability, and Public Policy Implications of Adding Sexual Orientation and Gender Identity Questions to the US Census

Quaid Long

### Introduction

In 2010, the US Census Bureau distributed what it heralded as one of the shortest forms in the history of the census: “10 Questions in 10 Minutes” was the slogan the Bureau employed to encourage Americans to participate in its decennial head count, which has been used since 1790 to determine each state’s representation in Congress as originally mandated in Article 1, Section 2, of the US Constitution. These ten questions asked respondents about their age, gender, race, ethnicity, tenure (length of property ownership), and relation to others in their home. As in every US census, Americans were assured that their answers were confidential and would not be shared with other government agencies; this consideration for privacy is explicitly stated in the mission statement of the US Census Bureau.<sup>1</sup>

Since the initial census, the uses of its collected data have increased. In addition to determining the distribution of congressional seats for each state, census data is now also used to allocate federal funding for community services, transportation, education, and health care. In many cases, this funding is directed to serving the needs of racial and ethnic minority communities. However, over the past few decades, gay rights groups have begun fighting for recognition of lesbian, gay, bisexual, and transgender (LGBT) citizens in the US census, which they argue would increase visibility of the LGBT community, as well as attention to gay rights issues such as same-sex marriage, adoption, discrimination in employment, and anti-gay hate crimes. In 2010, this recognition began when the Census Bureau officially started counting same-sex couples as married if they answered as such on their census forms, even if they were not legally married according to their state’s laws. The census did not ask about individual sexual orientation or gender identity. While disclosing these very personal aspects of self-identity to the federal government raises questions of privacy and confidentiality among

some in the LGBT community, many in the same community have begun to advocate for more accurate representation in the US census. In early 2010, the National Gay and Lesbian Task Force (NGLTF) rolled out its own “Queer the Census” campaign, asking LGBT citizens and their supporters to sign a petition aimed at the US Census Bureau.<sup>2</sup>

### The History and politics of the US census

The US census is meant to be a purely scientific and objective endeavor: a head count of all US citizens. Underneath all the statistics, however, lies a mess of rancorous, partisan politics in which politicians and special interest groups alike have fought for decades over who gets counted, how they get counted, and how those counts should be used. The counting—and *reporting*—of same-sex couples in the US census has stirred debate among politicians and special interest groups for the past two decades. In 1990, the Census Bureau added the “unmarried partner” option to the census form in order to count heterosexual couples living together; however, it “edited the answers of self-identified gay husbands and wives to make them appear as opposite-sex partners” since same-sex marriage was not legal in any state at that time.<sup>3</sup> According to Gregory Spencer, chief of the population projection branch at the Census Bureau, 1990 census officials routinely changed the reported gender of those counted “to preserve the married couple status. If they said they were ‘married’ to someone of the same sex, even if they were just living together, we simply changed the partner’s sex and just made them a married [heterosexual] couple.”<sup>4</sup> In 2000, gender identifications of same-sex couples remained intact and unaltered by the hands of Census Bureau employees, but same-sex couples who identified themselves as married were “re-categorized” as “unmarried partners” and their numbers were not released due to the Bush administration’s reasoning that the 1996 *Defense of Marriage Act (DOMA)* prohibited any recognition of same-sex marriage in federal statistics.<sup>5</sup> The



Census Bureau also counted same-sex couples with children as single-parent households, a decision with potentially damaging effects on child-related public policy issues.<sup>6</sup>

But in the summer of 2009, the Commerce Department, under direction of the Obama administration, ruled that it would count *and report* same-sex couples who chose “husband” or “wife” rather than “unmarried partner” on the 2010 census form exactly as they responded—as same-sex married couples—thereby reversing the Bush administration’s interpretation of *DOMA* to allow for more accurate reporting of same-sex unions, even in states where gay marriage was not legal.<sup>7</sup> As a result, gay rights groups who had thus far been “disappointed in the pace of executive action on the issue of discrimination” by President Obama since he took office welcomed this move.<sup>8</sup> Gay rights advocacy groups such as the Human Rights Campaign (HRC) applauded the Obama administration’s decision on the census as a move toward a more LGBT-inclusive representation of the American populace, while conservative groups such as the Family Research Council and Concerned Women for America warned that the new same-sex union data would be used by “homosexual activists” to “push their agenda, to force people to go along with whatever they demand.”<sup>9</sup> Yet there still remained the issue of whether questions specifically relating to one’s sexual orientation or gender identity should be included on the US census.

According to the US Census Bureau’s website, “Title 13, US Code, does not specify which subjects or questions are to be included in the decennial census. However, it does require the Census Bureau to notify Congress of general census subjects to be addressed...”<sup>10</sup> A review of the literature on the US census shows that there are many legal interpretations on just what types of questions the census does and does not allow. According to Gary Gates, a demographer from the Williams Institute at the University of California, Los Angeles School of Law who specializes in same-sex household research, the census can only ask questions on topics for which there exists federal funding, such as poverty and education.<sup>11</sup> Gates explains, “The truth is there is no federal legislation that would be relevant on having information on LGBT people.”<sup>12</sup> However, Gates’ assertion seems to overlook federal laws like *DOMA* and the recently repealed Don’t Ask, Don’t Tell (DADT) policy, the federal ban on being openly gay in the military, both of which have far-reaching implications for the LGBT community, including income tax filing status, employment discrimination, estate planning, adoption, and health-care benefits.

## Privacy and the US census

As data from the 2010 census begins to emerge, the diversity of gay and lesbian families is increasingly obvious. A January 18, 2011, article in the *New York Times* reveals census data showing that “child rearing among same-sex couples is more common in the South than in any other region of the country.”<sup>13</sup> This finding also shows that those couples are more likely to be African American or Latino, which goes against the stereotypical notion of gays and lesbians as upper class, white, and living in urban areas in the Northeast or on the West Coast. Yet the *Times* article also brings to light fears of discrimination for themselves and their children faced by many Southern gay couples who do not feel completely comfortable living openly in their communities and thus place a high value on their privacy. Gays and lesbians in the military also had reasons to be concerned about their privacy when filling out the 2010 census form, as illustrated in a 2009 *Newsweek* interview (prior to the repeal of Don’t Ask, Don’t Tell) with an active-duty soldier in Iraq, who feared that disclosing her same-sex marital status in the 2010 census might jeopardize her military service.<sup>14</sup> However, the soldier was also aware that the 2010 census was a “watershed moment” because it recognized same-sex unions for the first time.<sup>15</sup> Her concerns about her privacy and ability to serve in the military conflicted with her pride as a lesbian soldier and citizen.

In a 2004 study titled “Public Attitudes Toward the Census: Influences and Trends,” University of Connecticut sociologist David Weakliem found that “trust in government and political ideology affect attitudes toward the census.”<sup>16</sup> In discussing the effects of political ideology on census views, Weakliem argues that both conservatives and liberals might have reasons to oppose the census: “[C]onservatives might be more critical because of general opposition to activist government, or liberals might be more critical because of concerns about threats to civil liberties.”<sup>17</sup> However, he also points out that “[i]n recent years, most of the public opposition to the census has come from the right.”<sup>18</sup> Yet consider one of the arguments Weakliem sets forth, which explores the correlation between census attitudes and “general engagement in society” and cites a study by Couper, Singer, and Kulka in which they “propose that reluctance to participate reflects alienation from ‘the core institutions of society.’”<sup>19</sup> Arguably, members of the LGBT community might be more reluctant to disclose sexual orientation or gender identity in the census due to privacy concerns or because they may feel alienated from mainstream society in areas such as marriage equality.

Finally, some members of the LGBT community might not want to disclose their sexual orientation or gender identity in the census for reasons described by Marx in 2001, wherein he presents two rationales for anonymous participation that could also support an argument against sexual orientation or gender identity disclosure: (1) “[T]o obtain personal information for research in which persons are assumed not to want to give publicly attributable answers or data,” and (2) “[T]o encourage reporting, information seeking, communicating, sharing and self-help for conditions that are stigmatizing and/or which can put the person at a strategic disadvantage or are simply very personal.”<sup>20</sup> Because the US census is not anonymous, some in the LGBT community might be less willing to self-identify on the census than they would be in independent surveys that allow for anonymity.

### Confidentiality and the US census

The first argument in support of including sexual orientation and gender identity questions in the US census is the high standard of confidentiality to which the Census Bureau holds its employees. Harry A. Scarr discusses the Census Bureau’s “excellent record on protecting confidentiality” and explains the rules of conduct governing the Bureau as follows: “The Census Bureau cannot by law share information about individuals with any other government office, with law enforcement officials, tax collectors, or immigration officials. The law includes stiff penalties—fines of up to \$5,000 or imprisonment of up to 5 years—for any sworn census employee who violates the provisions.”<sup>21</sup> These strict confidentiality provisions could alleviate any worries about privacy invasions or potential harms that may come from disclosing sexual orientation in the census. Nevertheless, gay rights groups mobilized prior to the 2010 census to assure LGBT citizens that their responses to the upcoming count would be confidential.

### Accountability and the US census

A second argument in support of including questions about sexual orientation and gender identity in the census is the need for accountability and the need to forgo one’s own privacy for the greater social good. In a 1993 analysis of federal statistics, several researchers discuss the “lost opportunities” that may result from failure to provide data as well as the potential “threat[s]” to “accountability in a democracy.”<sup>22</sup> Marx also includes the possibility of assisting with research (e.g., longitudinal studies) by self-identifying rather than remaining anonymous as an “aide in accountability.”<sup>23</sup> Gary Gates points to President Obama’s 2009 passage of the *Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act*—the first federal law

that offers explicit protection for LGBT individuals—as a possible instrument in encouraging the census to ask about sexual orientation “so that it can be tracked over time, and used in further policy efforts.”<sup>24</sup>

Hopefully, these moves by the federal government can begin to alleviate any fears that self-identifying as an LGBT citizen in the US census might put one’s own privacy, livelihood, or safety at risk. Furthermore, as the LGBT community and their issues continue to become more “mainstream” (e.g., marriage, adoption, military service, protection from hate crimes), it may become clearer that an accurate count of all LGBT citizens—single and married—via self-identification (and therefore public accountability) will contribute to the greater social good.

### LGBT-specific public policies and the US census

Many conservative and religious groups disagree with counting LGBT citizens in the census, arguing that doing so “create[s] a power base that’s unrealistic and inflated,” in the words of Faith and Freedom Network president Gary Randall.<sup>25</sup> UCLA demographer Gary Gates makes a case in favor of counting individual LGBT citizens in the census: “[I]t’s not that easy for us to answer a simple question like how many LGBT people are there. When a group and data are essentially invisible, it’s hard to make an argument that they have needs or that they are treated differently. The gay groups want LGBT people to be visible in government data.”<sup>26</sup>

The need for increased LGBT visibility is echoed by Josh Friedes, executive director of Equal Rights Washington, an LGBT advocacy group in Seattle: “We simply do not have accurate data about how many gay people there are in America, where they live. The [2010] census will still leave many, if not most, LGBT people invisible.”<sup>27</sup> Toni Broaddus, executive director of the forty-five-state gay advocacy network Equality Federation, says, “We have to make sure our state legislators understand they do have lesbian and gay people and families in their districts, and it’s a demographic they need to pay attention to.”<sup>28</sup> And finally, HRC president Joe Solmonese poses the question: “Why does the census ask if people are young or old, black or white, married or single? It’s because we want to understand if the country is meeting the public-policy needs of those Americans. That’s particularly so for LGBT Americans.”<sup>29</sup> Accordingly, increasing the visibility of LGBT citizens through the US census could have significant effects in several areas of public policy and social welfare.

LGBT citizens face discrimination in areas such as employment and parenting. According to the HRC, collecting census data for LGBT households, including income and number of

children, will “show the need for more protections against job discrimination” and assist gay parents in “challeng[ing] laws limiting gay adoptions and legal guardianship.”<sup>30</sup> While each state’s adoption laws vary widely, the HRC published a report on its website ([www.rc.org](http://www.rc.org)) in February 2011 indicating that same-sex couples can jointly petition to adopt in fifteen states plus D.C. In addition, “same-sex couples have successfully petitioned to adopt in some jurisdictions” in the state of Minnesota.<sup>31</sup>

Poverty and welfare reform constitute yet another policy area in which LGBT citizens desperately need more visibility, according to sociologist and women’s studies professor Amy Lind. In a 2004 article, Lind proposes that a “heterosexual bias” adversely affects the LGBT community via US census data collection and stereotypes about LGBT citizens. She discusses the differences in “how ‘the family’ and ‘household’ are federally defined” by the US Census Bureau, differences that ultimately “privilege the institution of marriage over domestic partnerships, and the status of heterosexual families over other types of families”; this privileging leads to economic inequalities for LGBT citizens and their families.<sup>32</sup> Lind then explores the detrimental results of inaccurate assumptions often made about the income levels of LGBT citizens, namely the assumption that LGBT citizens are what she calls “HINKs (High Income, No Kids).”<sup>33</sup>

Finally, LGBT citizens could greatly benefit from more accurate representation in government statistics in the area of services for the aging and elderly. According to Karen Taylor from the New York-based group SAGE (Services and Advocacy for Gay, Lesbian, Bisexual, and Transgender Elders), social workers often experience difficulty when trying to admit aging LGBT people into programs for the elderly because of the lack of hard statistics: “When we say we’d like to talk about inclusive services that include LGBT people, they ask how many are there. We really don’t yet have a way to provide that the way we can with, say, Hispanics or women.”<sup>34</sup> The often unnoticed needs of aging and elderly LGBT citizens illustrate the diversity of the greater LGBT population, thus combating the “HINK” stereotype of which Lind writes and supporting the need for an accurate census count of all LGBT citizens in order for the federal government to better serve them in financial, health, and family-related policy areas.

## Conclusion

Several recent events suggest that there is increasing tolerance and acceptance of the notion that LGBT rights deserve equal protection under the law. In 2009, President Obama announced his support for the *Domestic Partners Benefits and Obligations Act*, which, if passed, “would extend to

the same-sex partners of Federal employees the same benefits already enjoyed by the opposite-sex spouses of Federal employees.”<sup>35</sup> In February 2011, it was reported that a growing number of major US corporations are expanding their health benefits to cover sex reassignment surgery for transgender employees.<sup>36</sup> In the same month, Attorney General Eric Holder announced that President Obama had directed the Department of Justice to stop defending the DOMA in court, declaring it unconstitutional; the decision was regarded by many gay rights advocates as one step further toward federal recognition of same-sex marriage.<sup>37</sup>

In light of these policy shifts, adding questions to the census about sexual orientation and gender identity could be advantageous for LGBT citizens in areas such as economic equality, health care, and adoption by gay parents. Furthermore, as LGBT issues such as same-sex marriage and gay soldiers serving openly in the military continue to gain traction at federal, state, and local levels, LGBT citizens might be more willing to disclose their sexuality in the US census in anticipation of the equality and benefits such disclosure could possibly influence. Making the US census more inclusive of those LGBT citizens—“queering” the census—would “show how we are raising kids and paying taxes and [that] we exist all over the US, all without legal protections.”<sup>38</sup>

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# Lilly Ledbetter

## A Tour of the Three Branches

Nina Q. Rose

Lilly Ledbetter worked in a man's world. When she discovered that her paychecks were substantially lower than those of men performing the same work, she filed a charge of pay discrimination with the Equal Employment Opportunity Commission (EEOC). The US Supreme Court held that Ledbetter's charge was filed too late, barring her claim under Title VII of the *Civil Rights Act of 1964*. The decision galvanized members of Congress to reverse it, producing legislation that ultimately became law. It also made a pay equity advocate out of Lilly Ledbetter. Because the story involves all three branches of the federal government—executive, legislative, and judicial—it provides an excellent bibliographic instruction example for government documents librarians teaching legislative history or training new staff in government documents research.

### **Ledbetter v. Goodyear Tire & Rubber Co.**

Ledbetter worked for Goodyear Tire & Rubber Co. at a plant in Gadsden, Alabama, from 1979 until she retired in 1998.<sup>1</sup> She was an area manager for most of her career, a position held by few women.<sup>2</sup> Goodyear awarded or denied raises to salaried employees based upon annual performance evaluations.<sup>3</sup> When Ledbetter started at Goodyear, her salary was comparable to that of her male counterparts.<sup>4</sup> By late 1997, however, Ledbetter was the sole female area manager and the lowest paid, earning 15 to 40 percent less than fifteen male area managers.<sup>5</sup> In 1998, Ledbetter was denied a pay raise, and received an anonymous note at work showing what the male managers earned.<sup>6</sup>

Under Title VII, before filing suit an individual must file a charge of discrimination with the EEOC within 180 days after “the alleged unlawful employment practice occurred,” or within 300 days if the individual has first initiated proceedings with a state or local enforcement agency.<sup>7</sup> In July 1998, upon receiving the anonymous note, Ledbetter filed a pay discrimination charge with the EEOC.<sup>8</sup> She later filed suit alleging gender pay discrimination under Title VII, among other claims.<sup>9</sup> The jury awarded Ledbetter \$3.8

million, an amount reduced to \$360,000 based in part on a statutory cap.<sup>10</sup> Goodyear appealed, and the US Court of Appeals for the Eleventh Circuit reversed the jury's award.<sup>11</sup>

### **High court bars Ledbetter's claim as untimely**

Ledbetter filed a petition for writ of certiorari with the US Supreme Court.<sup>12</sup> On May 29, 2007, the Court affirmed the Eleventh's Circuit's ruling. Justice Samuel A. Alito wrote the majority opinion in a 5–4 decision.<sup>13</sup> The Court held that the time for filing a pay discrimination charge starts when the challenged pay-setting decision is made and communicated to the employee.<sup>14</sup> Because Ledbetter's raise denial and the paychecks she received during the charging period were not alleged to involve discriminatory intent, they were “adverse effects resulting from the past discrimination” that are not actionable.<sup>15</sup>

To allow Ledbetter's case to proceed based upon acts not predicated on discriminatory intent, the Court reasoned, would “effectively eliminate the defining element of her disparate-treatment claim” and “distort Title VII's ‘integrated, multistep enforcement procedure.’”<sup>16</sup> In adopting a short statute of limitations, the Court stated, Congress intended to encourage “prompt resolution” of charges.<sup>17</sup> This protects employers from stale claims that are difficult to defend against because “evidence relating to intent may fade quickly with time.”<sup>18</sup> Ledbetter's claim was therefore barred as untimely.<sup>19</sup>

### **Dissent calls Congress to action**

Justice Ruth Bader Ginsburg dissented, joined by three other justices.<sup>20</sup> She adopted an approach that made it easier for hard-to-detect pay claims to survive timeliness challenges, treating the “pay-setting decision and the actual payment of a discriminatory wage” as practices that trigger the charge-filing period.<sup>21</sup> While uncharged pay-setting decisions are not actionable, “they are relevant in determining the lawfulness of conduct within the period.”<sup>22</sup> Consistent with decisions in a majority of federal appeals courts, this approach is “more faithful to precedent, more in tune with the realities

of the workplace, and more respectful of Title VII's remedial purpose."<sup>23</sup>

Among the "realities of the workplace" that concerned the dissent was the difficulty of detecting pay discrimination: pay levels are not published and employees are often prohibited from discussing them.<sup>24</sup> Not knowing an employer's reasons for a pay differential, not perceiving the smaller amount of pay to be grounds for a lawsuit, or, for some, not wanting to "mak[e] waves" in nontraditional workplaces, may weigh against filing a charge early on.<sup>25</sup> Signaling that the Court's decision was "grievously misguided," Justice Ginsburg announced her dissent from the bench:

Today's decision counsels sue early on when it is uncertain whether discrimination accounts for the pay disparity you are beginning to experience. Indeed, initially you may not know that men are receiving more for substantially similar work. Of course, you are likely to lose such a less-than-fully baked case. If you sue only when the pay disparity becomes steady and large enough to enable you to mount a winnable case, you will be cut off at the court's threshold for suing too late.<sup>26</sup>

In a dissent directed to the public and Congress, Justice Ginsburg closed: "the ball is in Congress' court. . . to correct this Court's parsimonious reading of Title VII."<sup>27</sup>

### Members of Congress seek *Ledbetter's* reversal

The *Ledbetter* decision was seized by "plaintiffs' advocates, the trial bar, and others in the civil rights community" as a "radical departure" from the "paycheck rule," while employers supported it as "directly in line with judicial precedent" interpreting Title VII.<sup>28</sup> Although there was disagreement over whether the law was uniformly applied or sufficiently settled to constitute a rule, the phrase "paycheck rule," or "paycheck accrual rule," was used to describe pre-*Ledbetter* federal court decisions that variously permitted "plaintiffs to challenge discriminatory paychecks received within the limitations period, regardless of when the discriminatory pay decision was first made . . ."<sup>29</sup>

Within a month, bills reversing *Ledbetter* were introduced in both chambers of the 110th Congress. Lilly Ledbetter personally advocated for their passage.<sup>30</sup> Of the two bills with the most traction, a successful House bill was threatened with a veto and died upon failure to defeat a Republican filibuster in the Senate, and a companion Senate bill died in committee.<sup>31</sup> At the time, Democrats controlled the House but were split with Republicans in the Senate.<sup>32</sup> The cause was taken up by the Democratic Party in

2008.<sup>33</sup> With a newly elected Democratic president and Democratic control of the 111th Congress, *Ledbetter's* reversal was imminent.<sup>34</sup>

The *Lilly Ledbetter Fair Pay Act of 2009 (LLFPA)* (S. 181) was introduced on January 8, 2009 by Sen. Barbara A. Mikulski (D-MD) and fifty-two co-sponsors.<sup>35</sup> Where Title VII provides that a charge must be filed within 180 or 300 days of the unlawful employment practice, the *LLFPA* specified that for pay discrimination claims, an unlawful employment practice occurs:

when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, **including each time wages, benefits, or other compensation is paid**, resulting in whole or in part from such a decision or other practice.<sup>36</sup>

The *LLFPA* essentially inserted the paycheck rule into the enforcement provisions of Title VII, which prohibits discrimination on the basis of race, color, religion, sex, and national origin, and extended these protections to pay claims based on age and disability.<sup>37</sup>

On January 22, *LLFPA* passed the Senate 61–36 (Republicans, 5–36; Democrats, 54–0; Independents, 2–0).<sup>38</sup> On January 27, it passed the House 250–177 (Republicans, 3–172; Democrats, 247–5).<sup>39</sup> *LLFPA* was the first bill that President Barack Obama signed into law on January 29.<sup>40</sup> Delivering his remarks in the presence of Ledbetter, the president described her as a "trailblazer," and continued, "Lilly knows that this story isn't just about her. It's the story of women across this country still earning just 78 cents for every dollar men earn—women of color even less . . ." The president called *LLFPA* an "important step," suggesting that more is needed to close the pay gap.

### Narrow reversal or comprehensive revision?

While *LLFPA* was passed swiftly, earlier versions were debated, heard, and marked up in the 110th Congress. The *Ledbetter Fair Pay Act of 2007* (H.R. 2831), introduced on June 22, 2007, by Rep. George Miller (D-CA), had the most success.<sup>41</sup> Within a month, it was favorably reported out of the House Committee on Education and Labor, but without a single Republican vote.<sup>42</sup> H.R. 2831 as reported is nearly identical to the *LLFPA* of 2009.<sup>43</sup>

In the House report on the bill, the Committee called H.R. 2831 a "narrow reversal" of *Ledbetter* that restores the paycheck rule and redresses the pay gap, while the minority claimed it "virtually



eliminates the statute of limitations with respect to almost every claim of discrimination available under federal law” and potentially creates new claims.<sup>44</sup> Meanwhile, the Congressional Budget Office concluded that H.R. 2831 does not create new claims and would not “significantly” increase EEOC charge filings.<sup>45</sup>

In fact, in FY 2009, the year the *LLFPA* was passed, 2,252 gender pay discrimination charges were filed, representing 2.4 percent of the total charges filed that year but reflecting a 30 percent increase in gender pay filings over FY 2007 to FY 2009.<sup>46</sup> In FY 2010, the EEOC experienced an all-time high in charge filings:

This **surge in charge receipts** is due in part to the expanded statutory authorities that EEOC has been given with the *ADA Amendments Act of 2008*; the *Genetic Information Nondiscrimination Act of 2008*; and the *Lilly Ledbetter Fair Pay Act of 2009*.<sup>47</sup>

Due to these “major legislative changes,” the EEOC anticipates increased filings through FY 2012 and “future increases in compensation based charge activity.”<sup>48</sup>

## Conclusion

A 2011 White House report on the status of women concluded that “the male-female pay gap persists at all levels of education for full-time workers (thirty-five or more hours per week).”<sup>49</sup> In 1979, fifteen years after the *Equal Pay Act of 1963* and Title VII were passed, the ratio of women’s to men’s earnings was 68 percent for twenty-five to thirty-four-year-olds, and 57 percent for ages forty-five to fifty-four. By 2009, the pay gap gradually narrowed to 89 percent and 74 percent respectively for these age groups.<sup>50</sup> To the extent the pay gap is a result of discrimination, *LLFPA* helps to close it by making it easier to challenge unfair pay.<sup>51</sup>

Other measures that bolster pay discrimination laws have been introduced in the 112th Congress and in congresses past.<sup>52</sup> The *Paycheck Fairness Act* would prohibit retaliation against employees for asking about, discussing, or disclosing wages, among other provisions.<sup>53</sup> More broad in scope, the *Fair Pay Act of 2011* would permit women in female-dominated professions to challenge as discriminatory the higher pay earned by men in “equivalent,” though “dissimilar,” male-dominated professions.<sup>54</sup> Lilly Ledbetter personally advocated for passage of the *Paycheck Fairness Act*, and is a model of public participation for anyone seeking government information to engage the legislative process. Her story, as told here, is a map to the many sources that are freely available online and is therefore useful for teaching and training

in legislative histories and government documents research.

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# “Free” Access to Government Information

## How the Current Budget Crisis May Affect Government Publishing and Access to Government Information

Ashley Ahlbrand

### Introduction

Access to government information has been a concern for the federal government since the founding of the nation. With the arrival of the first printing presses to the colonies in the 1600s, reports of government activities, primarily congressional, began running in newspapers for the public to read.<sup>1</sup> Since then the amount of government information published and the breadth of dissemination have greatly expanded to the point that the current Obama administration has made it their priority to ensure an “unprecedented level of openness in [g]overnment.”<sup>2</sup> However, another issue also presents a timeless concern for the government: money. In 2011, the United States faces its greatest deficit in history. With the country’s credit rating downgraded on August 5, another historical first, it is clear that federal spending must be drastically reduced. Because appropriations bills are still in the works, only time will tell what aspects of customary government spending will be most affected; however several indicators suggest that government publishing will take mighty blows. In a time when access to government information is perhaps at an historical high, conflicting government agendas may undo years of progress.

### Historical progress in access to government information

Since the arrival to the colonies of the first printing press in 1638, government publishing has occurred in some form. With the creation of the Continental Congress, the first journals recording congressional activity were commissioned. When Washington, D.C. became the official capitol of the new United States, several local newspapers emerged intermittently winning bids to print reports of congressional activity; however these early printing efforts often lacked accuracy and consistency.<sup>3</sup>

In 1818 Congress appointed a committee to determine the best means of disseminating accurate records of the debates of Congress, and, while the committee found that it was of utmost importance that the public remain informed of the activities of their elected representatives, congressmen concerned about the cost of such an initiative quieted the effort for a time.<sup>4</sup> Instead, Congress passed a resolution ordering the House of Representatives and the Senate to hire their own printers to publish their reports.<sup>5</sup>

It was not until 1819 that the idea of a national printer began to take shape, and not again until 1860 that the idea would become a reality. In 1852 Congress passed a law establishing the Superintendent of Public Printing, and with this appointment the concept of government printing expanded from congressional records to include publications of the executive branch as well.<sup>6</sup> With the cost of private printers becoming an increasing burden, and noting that other countries had already established government printers, the Government Printing Office (GPO) was officially established in 1860 to begin operations in 1861.<sup>7</sup> The *General Printing Act of 1895* established the position of Superintendent of Documents and called for the first distribution of government documents to depository libraries appointed as such by congressmen of the states.<sup>8</sup> Today the Federal Depository Library Program (FDLP) continues to ensure distribution of all government publications to designated depository libraries to ensure the public’s free access to government information.<sup>9</sup>

In the twentieth and twenty-first centuries, access to government information began to shift course, focusing ever more on free electronic access to government information.<sup>10</sup> Nowhere has this emphasis been more prevalent than with the current administration. President Obama announced his Open Government

Initiative, a fulfillment of a campaign promise, on his first day in office. The initiative began with two key memoranda: The first memorandum advised the heads of executive agencies and departments that the new administration would embrace three key values: transparency, participation, and collaboration.<sup>11</sup> This memo also instructed the director of the Office of Management and Budget (OMB) to draft guidelines with concrete steps agencies and departments should follow to infuse these values into their day-to-day operations; these guidelines have come to be known as the Open Government Directive.<sup>12</sup>

The second memorandum, addressed to the attorney general, advised that Freedom of Information Act (FOIA) requests should now be fulfilled whenever possible, to further reflect the intent of the administration to ease access to government information.<sup>13</sup> This second memorandum came in direct response to a post-9/11 memorandum issued by then-attorney general John Ashcroft cautioning executive branch agencies and departments to be wary of releasing information in response to FOIA requests and assuring them that the Department of Justice (DOJ) would incline toward upholding an agency's decision to deny such a request.<sup>14</sup> In contrast, attorney general Eric Holder rescinded this policy on FOIA treatment, stating that the DOJ would only defend a denial if fulfillment would have violated the law or if the decision to deny reasonably fell within one of FOIA's nine statutory exemptions.<sup>15</sup> By easing the fulfillment standards for FOIA requests, the Obama administration moved one step closer to a more open government.

In addition to directing agencies and departments on how to become more open and transparent, the Obama administration sought to create several interactive websites to serve as portals to government information for the public. These portals often combine data and information from several agencies and departments pertaining to similar subjects in order to ease public access. An example of such a project is Data.gov, a website that hosts datasets contributed by nearly all executive departments and agencies, the purpose of which is to simply make accessing the wealth of collected government data a simpler task.<sup>16</sup> Combined, these various efforts of the executive branch have come to be known as the Open Government Initiative, an endeavor that is well on its way toward achieving the "unprecedented level of openness" promised by the Obama administration.<sup>17</sup>

## Budget crisis of 2011

In 2011, we face our greatest deficit in history. For fiscal year 2012, Congress has spent months fruitlessly debating how to both improve our national debt and determine proper appropriations

for government spending in the coming year. Facing an imminent government shutdown in August, Congress finally reached a temporary solution, passing the *Budget Control Act of 2011*.<sup>18</sup> Among other things, this act calls for \$917 billion in federal spending cuts, divided between a "security" and "non-security" category. The security category includes "discretionary appropriations associated with agency budgets for the Department of Defense, the Department of Homeland Security, the Department of Veterans Affairs, the National Nuclear Security Administration, the intelligence community management account... and all budget accounts in budget function 150 (international affairs)."<sup>19</sup> The non-security category includes "all discretionary appropriations not included in the security category."<sup>20</sup> Both categories, therefore, include executive departments and agencies that have contributed significant government publishing over the years. This \$917 billion reduction will take place over a period of ten years, with a \$21 billion reduction to these two categories for fiscal year 2012. While the individual appropriations are left to be determined by the congressional appropriations committees in each chamber, the *Budget Control Act of 2011* instructs that the security category will receive \$684 billion in new budget authority, while the non-security category will receive \$359 billion.<sup>21</sup> Both figures represent significant cuts from what these categories have received in recent years, particularly for the non-security category.<sup>22</sup>

To make matters worse, while the *Budget Control Act's* passage may have seemed like a beacon of hope, Standard and Poor's (S&P) historic reduction of the United States' credit rating from AAA to AA+ may weaken any confidence the act's passage instilled. According to S&P, the change in rating reflects their opinion that the *Budget Control Act* measures will not provide enough strength to "stabilize the government's medium-term debt dynamics."<sup>23</sup> Time will tell how this rating reduction will affect the economy, but this reduced credit rating may significantly raise the country's borrowing costs, which may spell even greater budget cuts in coming years.<sup>24</sup> Thus far, S&P is the only one of the "big three" rating services—S&P, Fitch, and Moody's—to reduce the United States rating. With the passage of the *Budget Control Act*, Moody's announced that it would not lower the United States' rating; however, following S&P's decision to downgrade the United States, Moody's clarified their decision, stating that they too might lower the United States' rating if the country does not attend to its deficit in the next two years.<sup>25</sup> The third of the "big three" rating agencies, Fitch Ratings, recently completed its review of the United States' financial situation, and has announced that it will not downgrade the United States' credit rating for the time being, citing the country's "wealth and financial flexibility" as key motivators in their decision.<sup>26</sup> What effect S&P's downgrade will have on



government spending is as yet unclear; however, to avoid downgrades from Fitch and Moody's, the United States certainly faces the challenge of further necessitated budget cuts in the near future.

### Effect on access to government information

With appropriations bills still in the works, the precise effect of the current budget drama on government publishing remains to be seen; however, in anticipation of imminent budget cuts, several departments and agencies have begun announcing delays and outright cancellations of significant government publication programs.

On July 22, 2011, the House passed an appropriations bill that would significantly reduce the budget of the GPO.<sup>27</sup> In a report that accompanies this bill, the House Appropriations Committee suggests that the GPO may no longer be necessary, and recommends a study on the "feasibility of Executive Branch printing being performed by the General Services Administration, the transfer of the Superintendent of Documents program to the Library of Congress, and the privatization of the GPO."<sup>28</sup> Furthermore, the bill provides no funding for the maintenance of GPO's digital system, FDsys.<sup>29</sup> FDsys (Federal Digital System) is the successor to GPO's first online government information access system, GPO Access. This system provides free electronic access to official federal government publications, and is thus a mainstay for researchers as well as everyday citizens interested in the goings-on of the federal government. While many websites provide full-text coverage of various government documents, the FDsys collection is the most comprehensive, collecting publications from all three branches of government, and is the only free electronic resource for access to official versions of these documents. While its coverage is presently time-limited compared to subscription vendors with much broader historical coverage (some back to the nation's inception), FDsys is the only system providing free access to these collections.<sup>30</sup> While it would still be possible for agencies and departments to reproduce official versions of their publications on their own websites, should the GPO or FDsys be terminated, the enactment of H.R. 2551 would render access to government information more difficult by eliminating the central hub of government information and disseminating it instead across several websites. At present, this bill has been sent to the Senate and is being considered by the Senate Committee on Appropriations.<sup>31</sup>

Another significant government publication in jeopardy is the Census Bureau's preeminent publication, the *Statistical Abstract of the United States*. The *Statistical Abstract* has been published since 1878, and is "the authoritative and

comprehensive summary of statistics on the social, political, and economic reorganization of the United States."<sup>32</sup> Published annually and available in both print and electronic versions, this publication is considered so important that it makes the FDLP's list of essential titles.<sup>33</sup> In the bureau's budget estimates presented to Congress in February 2011, the bureau announced its plan to cancel the office responsible for publishing this document, the Statistical Compendia Branch.<sup>34</sup> This announcement has sent shockwaves through the library community, as many consider it the "go-to" statistical reference resource, and many argue there is no viable alternative.<sup>35</sup> While popular vendors provide compilations of statistical data, such as ProQuest Statistical, subscriptions to these cost thousands of dollars a year, inhibiting public access for libraries with limited funds. While it is likely that the data assembled in the *Statistical Abstract* will continue to be gathered by agencies and departments, without this publication to assemble it, access to this data will be greatly hindered, requiring a data hunt through several government websites, rather than scanning one document annually for the data.

Finally, the E-Government Fund, which finances major sites associated with the Open Government Initiative, anticipates an enormous budget reduction for fiscal year 2012.<sup>36</sup> In response, two new open government sites in the works have been indefinitely cancelled, while several popular open government sites, such as Data.gov and Performance.gov, will continue, but without new anticipated developments.<sup>37</sup> USASpending.gov, an open government website created during the Bush administration (sponsored by then-Senator Obama), is the only open government site mandated by law; the others were simply created at the behest of executive orders, and are not guaranteed funding.<sup>38</sup> In terms of access, the Open Government Initiative has the potential to greatly augment the public's ease of access to a variety of government information. To stifle this program in its infancy would seem "short-sighted," and if other departments and agencies are forced to follow the same path as the Census Bureau, cancelling significant publication endeavors, the public may look to open government sites more and more for access to government information.<sup>39</sup> If these sites suffer a similar fate, what resource will remain to ensure access to government information?

### What does the future hold?

With appropriations bills still forthcoming, we can only speculate as to the fate of access to government information. The ideal would see agencies and departments realizing the importance of access to government information and making budget

cuts somewhere else in their organizations. This being perhaps too idealistic, however, several less positive alternatives present themselves. One possibility is that, as with several of the open government sites, agency and department publication programs will take a brief hiatus while the economy recovers, resuming normal activity when funding becomes available. On the other hand, perhaps these publication programs will follow the Census Bureau, and we will watch more government publications die off. Still another possibility is privatization—government information will survive, but at a steep subscription cost from vendors too expensive for many libraries, effectively suffocating access to government information for many patrons. None of these possibilities are ideal, and all will result in at least temporary restriction of access to government information.

The good news is that the public can speak up and advocate for access to government information. For months, several professional organizations such as the American Library Association (ALA), the American Association of Law Libraries, the Special Libraries Association, and the Medical Library Association have been persistently lobbying for congressional support of government publishing programs.<sup>40</sup> In addition to their letters, they encourage members of the public to get involved as well. One way to get involved is to use the "Take Action" button on ALA's Washington Office website ([www.ala.org/ala/aboutala/offices/wo](http://www.ala.org/ala/aboutala/offices/wo)). By entering one's zip code, this button brings up a pre-written letter, addressed to one's local representative, urging him/her to take action against the cancellation of the *Statistical Abstract*. One has the option to edit the content of the letter, and in order to send it, one simply clicks the "Send Now" button, and the letter is emailed directly to one's congressman.<sup>41</sup> Unfortunately, the gravity of the state of access to government information appears to concern only the members of the library community at present, with the media reporting on the budget and deficit crises on their larger scales. Thus it is up to the library community to stand together against these budget cuts, to remain vocal, and to remind Congress of the importance of free access to government information, "an inherently governmental responsibility [that is] a cornerstone to a functioning democratic society."<sup>42</sup>

## Conclusion

Throughout US history, government publishing and the public dissemination of government information have remained focal concerns for elected officials of the day. Yet concern over allocation of the federal budget claims a similar historical omnipresence. Although the current administration has taken perhaps the greatest strides in recent history toward achieving optimal access to government information, it also faces the greatest

deficit in US history. As appropriations debates rage, rumors and reports of imminent cuts to significant government publication and access endeavors abound, and the future looks grim. Fortunately, with appropriations not yet final, there is still time to act. So long as the future remains unclear, it can also be changed. By continuing and strengthening advocacy initiatives to save the publication endeavors currently in jeopardy, we may be able to alert legislators to the importance of access to government information to ensure an informed democracy. The time for action is now.

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## GODORT e-Learning Interest Group Seeks Webinar Proposals

GODORT is taking a giant leap into online education for library professionals and we need volunteers!

A small working group has been charged by GODORT Steering to solicit and select a proposal for an online learning session from GODORT Members to be offered using ALA's "Online Learning" software. This pilot will be a one to two hour webinar. This working group will also guide this chosen proposal through the ALA online learning process.

How you can help: Propose a one to two hour single-session webinar on any government information topic you like.

Potential topics could include:

- census data;
- e-Government;
- congressional testimony and debate;
- urban information systems;
- federal and state regulations;
- legislative histories;
- international statistics; or
- nongovernmental organizations.

You may also propose a different topic, as long as it relates to government information.

If you are interested in developing a 1-time webinar to be offered by ALA sometime in late winter or early spring 2012, please let us know by submitting the form(<https://spreadsheets.google.com/spreadsheet/viewform?formkey=dHFVdE5Hb3BxY2xlclA5RnZ6dXNZS1E6MQ>) by **December 1, 2011**.

*Fine print: Projects must be proposed by current GODORT members. The person(s) selected will be notified before January 23, 2012 (ALA Midwinter) and the webinar must be offered before May 15, 2012, using ALA's software.*

If you have any questions, please contact Jesse Silva ([jsilva@library.berkeley.edu](mailto:jsilva@library.berkeley.edu)) or Kirsten Clark ([clark881@umn.edu](mailto:clark881@umn.edu)).

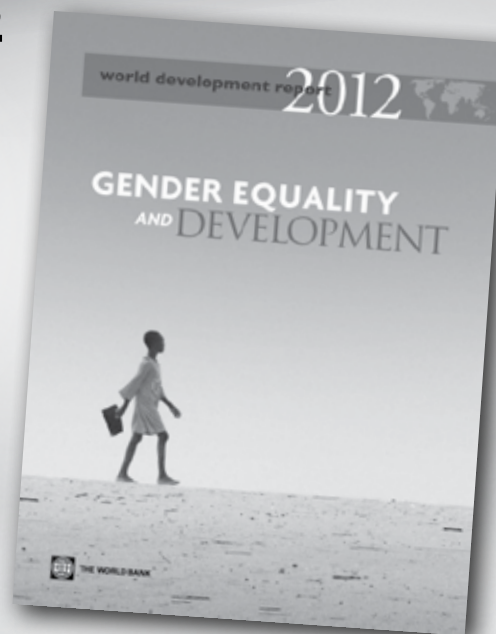


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# A Woman's Struggle for Equality:

## The Evolution of Women in the Military and Veteran Affairs System

Sarah Hughes

"...To care for **him** who shall have borne the battle and for **his** widow and orphan..."

Abraham Lincoln's Second Inauguration  
Speech, March 4, 1865<sup>1</sup>

President Lincoln's quote became the Department of Veteran Affairs (VA) motto in 1959 and remains engraved on a plaque at the entrance of the VA headquarters in Washington, D.C.<sup>2</sup> One cannot help but notice that Lincoln was referring exclusively to men in battle, and understandably so, as women did not officially serve in the military during his lifetime. While Lincoln's quote is elegantly phrased and obviously stirs emotions for veterans, it is now a dated statement that fails to acknowledge the 1.8 million living female veterans that have served next to their male counterparts.<sup>3</sup>

### History

Women were not officially involved in military until the early twentieth century but there is evidence that this did not stop them from playing a role prior to their recognition. Some of the earliest known records show that women fought on the battlefield for the Continental Army during the American Revolutionary War.<sup>4</sup> These women often disguised themselves as men during battle and went largely unnoticed.<sup>5</sup> During the Civil War more than 400 women on both sides of the conflict assumed combat roles while posed as men.<sup>6</sup> In addition to disguising themselves on the battlefields, women also took equally unconventional roles by acting as couriers, saboteurs and spies. The majority of the women who served as civilians took traditional maternal caregiver roles such as nurses and cooks.<sup>7</sup>

The first official recognition and acknowledgment of women in the army came with the establishment of the Nurse Corps. Congress passed the *Army Reorganization Act* (31 Stat. 753) making the Nurse Corps permanent corps of the Medical Department on February 2, 1901.<sup>8</sup> While the Nursing Corps was recognized as an official unit, it was still regarded with lesser status because women were given no military rank. Unsurprisingly, women also did not receive the standard benefits given to men in the military and to male veterans.<sup>9</sup> Only

with the coming World Wars did females start to be acknowledged as viable members with soon-to-be military status.

World War I is regarded as the turning point for women in the military. During this period of war a tremendous number of women assumed clerical positions that proved their skills and desire to be involved in the military. World War II saw an even sharper increase in women workers due to the drastic outreach by the military for personnel staff. Roughly 280,000 women were serving out of twelve million personnel in the armed forces at the end of World War II, with approximately 350,000 women serving in the military during the course of the war.<sup>10</sup> Due to this increase in female presence, two important bills were presented to Congress that would forever change the military landscape for women.

The Women's Army Corps (WAC) was the first women's branch in the US Army and the earliest attempt to bring equality and fairness to women in the military. WAC was originally introduced as an auxiliary unit called the Women's Army Auxiliary Corps (WAAC) and established by P.L. 554 on May 15, 1942.<sup>11</sup> Congress later changed WAAC to WAC. Despite the establishment of WAC and the significant efforts women made during wartime, many leading military figures felt that the end of the war should lead to a demobilization of female workers. However, a select group of people acknowledged the contributions made by females in the military and, in turn, strongly advocated for women to serve in the future. One supporter was then Army chief of staff, Dwight D. Eisenhower, who lobbied for legislation that eventually passed in 1947 making the WAC a regular Army and Reserve.<sup>12</sup> In 1948, President Harry Truman signed the *Women's Armed Services Integration Act* (P.L. 625), making women permanent members of the Regular and Reserve forces of the Navy, Marines, Army, and Air Force.<sup>13</sup>

The Korean Conflict in 1951 led to the development of a committee to further advocate for women in the service. The Defense Department Advisory Committee on Women in the Services (DACOWITS) was established by defense secretary George C. Marshall to provide suggestions and counsel on issues relating to the treatment, employment, integration, recruitment, and general welfare of women in the Armed Forces.<sup>14</sup> The formation of DACOWITS has been credited

with being highly valuable in recommending changes to laws and policies that are advantageous to military women.

Enormous strides were made during the Vietnam period toward gender equality in the service. President Lyndon B. Johnson signed P.L. 90-130 on November 8, 1967, which granted women eligibility to become generals and admirals.<sup>15</sup> Even more adequation was achieved with the creation of the All-Volunteer Force (AVF) in 1973.<sup>16</sup> Unfortunately, the AVF was opened up to women only due to the need to fill positions with a volunteer force. Essentially, the demand for volunteers could not be filled by male volunteers alone so it was then opened to women.<sup>17</sup>

With the growing number of women veterans rising in the early 1980s, the notion of providing female-oriented veteran programs began to develop. It is important to note that the 1980 decennial census was the first time that data was collected on women veterans and reported in a national survey.<sup>18</sup> At the time of the 1980 Census, women made up less than 3 percent of the total veteran population.<sup>19</sup> In 1982 the General Accounting Office (GAO) performed a study on women veterans returning home from war. The GAO released their results in a bluntly titled report called, "Actions Needed to Insure that Female Veterans Have Equal Access to VA Benefits."<sup>20</sup> This scathing report led to Congress passing the *Veterans' Health Care Amendments of 1983* (P.L. 98-160).<sup>21</sup> This law mandated that the VA establish an Advisory Committee on Women Veterans. The committee would be responsible for assessing the needs of female veterans in regard to providing equal access to VA services and programs. The committee would then submit a report every two years to both the VA secretary and Congress to address the needed changes. The first report submitted in 1984 showed concern over the lack of privacy and gender-specific treatment of women at VA hospitals in addition to the lack of outreach programs.<sup>22</sup>

The early 1990s saw further demands for improvement both in the military and within the VA system. It was at this time that the long-standing ban on women in combat was repealed.<sup>23</sup> Women could now fly aircraft, control missile placements, serve on ships in the Gulf, drive in the desert, and other roles making exposure to combat dangers more probable.<sup>24</sup> According to Department of Defense data, over 80 percent of the services' career positions were now open to women.<sup>25</sup> The 1991 Persian Gulf War saw at the time the largest deployment of women in military history, with approximately 41,000 women distributed during the war.<sup>26</sup> Since this time, a National Survey of Veterans report shows 12 percent of women veterans reported having served in a combat or war zone.<sup>27</sup>

Following the Persian Gulf War, GAO performed a follow-up study in 1992 on the healthcare offered to women at the VA. The report was called, "VA Health Care for Women: Despite

Progress, Improvement Needed."<sup>28</sup> One of the main issues was providing help for trauma from military sexual harassment and assault. This problematic issue led to the enactment of the *Veterans Health Care Act of 1992* (P.L. 102-585).<sup>29</sup> This law states women should receive counseling, "to overcome psychological trauma which, in the judgment of a mental health professional employed by the Department of Veterans Affairs, resulted from a physical assault, battery, or harassment of a sexual nature which occurred while the veteran was serving on active duty."<sup>30</sup> The law provides specific provisions for women's health and more deeply acknowledges female post-traumatic stress disorder. It became imperative to make sure the aftermath of sexual trauma during military duty was addressed, treated, and prevented.<sup>31</sup> A triumphant moment of recognition occurred in 1994 when the National Center for Post-Traumatic Stress Disorder created a Women's Health Sciences Division at the Boston VA Medical Center.<sup>32</sup>

The year 1994 presented further positive changes for women within the VA system. Secretary Jesse Brown established the Women Veterans Program Office within the Office of the Assistant Secretary for Policy and Planning.<sup>33</sup> Also, the *Veterans' Benefits Improvements Act of 1994* (P.L. 103-446) led to the creation of the Center for Women Veterans (CWV).<sup>34</sup> The CWV ensures that women veterans have access to VA benefits and services equal to their male counterparts. Additionally, the center helps establish VA programs which are sensitive to the gender-specific needs of women veterans. The CWV has also developed outreach programs to improve women veterans' awareness of VA services, benefits, and eligibility criteria. The center's mission is to ensure that women veterans are treated with dignity and respect.<sup>35</sup>

The coming millennium year brought female veterans' rights to the forefront yet again. In 2000, the VA set aside three million dollars to support programs specifically for women veterans who were homeless and was implemented at eleven locations across the country.<sup>36</sup> Also, the *Veterans Benefits and Health Care Improvement Act of 2000* (P.L. 106-419) authorized a Special Monthly Compensation (SMC) for women Veterans with a service related hysterectomy, mastectomy, or loss of procreative organ.<sup>37</sup> Additionally, the law provided benefits for children with birth defects born to female Vietnam veterans.<sup>38</sup> The *Veterans Benefits Act of 2002* (P.L. 107-330) authorized SMC for women veterans who lost 25 percent or more of tissues from a single breast or both breast in combination or has received radiation of breast tissues.<sup>39</sup>

Some of the more recent laws passed regarding female veterans include the *Military Reservist and Veterans Small Business Reauthorization and Opportunity Act* (P.L. 110-186).<sup>40</sup> This act established a program specifically for women veterans to have business training resource programs. *The Caregivers and Veterans*



*Omnibus Health Services Act of 2010* (P.L. 111-163) is a comprehensive study on the barriers to health care for women veterans.<sup>41</sup> This pilot program aims to provide group readjustment counseling in a retreat setting for newly separated women combat veterans. It also requires the VA to attempt a two-year pilot program to assess the prospect of offering child care to veterans.<sup>42</sup>

There were several compelling bills introduced in the 111th Congress regarding women in the military. One was the *Women Veterans Health Care Improvement Act* introduced in February 2009, which was reintroduced in the current Congress.<sup>43</sup> In May 2009, the *Women Veterans Access to Care Act* (H.R. 2583) bill was presented and referred to the Subcommittee on Health.<sup>44</sup> This bill presented some startling figures including, that in 2008, roughly one-third of women veterans sought counseling at VA centers around the country due to being a victim of rape or attempted rape during their service.<sup>45</sup> The bill in turn proposed stronger mental health services in addition to better physical health treatment with regard to reproductive health and rehabilitation for women with prosthetic limbs.<sup>46</sup>

The need for female-specific programs can also be deduced by looking at forecasted statistics. The population of male veterans is expected to decline over the coming years while the population of female veterans has projected increases.<sup>47</sup> The total female veteran population in 1980 was around 1.1 million and grew to 1.6 million by 2000.<sup>48</sup> The current 1.8 million number of servicewomen who use the VA system is projected to double over the next five years.<sup>49</sup> With the quadruple number of women serving since 2005 as opposed to those serving in the Vietnam era, it is clear that the need for women VA medical health care will dramatically rise over time.<sup>50</sup> Women who were deployed and served in Iraq and Afghanistan are enrolling in VA programs at an incredibly high pace.<sup>51</sup> Estimates show that by 2020, 15 percent of people who use VA services will be female.<sup>52</sup> To address the influx of female veterans, eight Women Veterans Comprehensive Health Centers have been established to develop programs addressing the gender-specific healthcare needs of female veterans. These centers are wisely located in major US cities such as Boston, Chicago, Los Angeles, and Tampa.<sup>53</sup>

While many challenges are still to be faced in respect to equality of female veterans, it is clear that the Department of Veterans Affairs is addressing women's issues, albeit a bit late. It is apparent that recent programs and initiatives are definitely making an impact towards helping these women with specific needs and issues. A recent report by National Public Radio featured an Army veteran from Kansas City who shared her gratitude toward the VA for keeping her off the streets and providing her with mental health care. The woman stated, "I just, I love the VA—all this help they've given me, I can't help

but love them."<sup>54</sup> Given the statistics and increased improvements made due to federal law, there is likely to be a whole incoming generation of woman equally grateful toward the modernized gender-specific services of the VA system.

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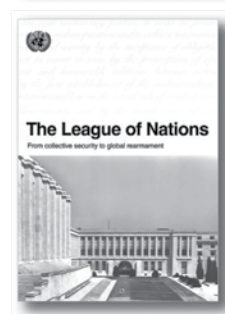
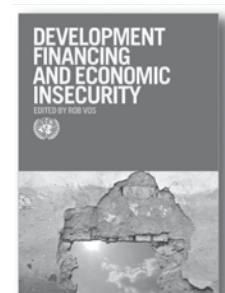
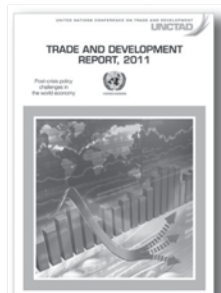
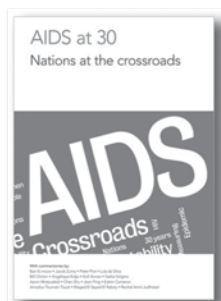
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# Review

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*Fundamentals of Government Information: Mining, Finding, Evaluating, and Using Government Resources.* Eric J. Forte, Cassandra J. Hartnett, and Andrea L. Sevetson. New York: Neal-Schuman Publishers, Inc. \$80. ISBN: 978-1-55570-737-8.

The authors of *Fundamentals of Government Information* have written a book that will quickly become a staple of government information librarianship coursework and an essential resource for librarians who work in the field. The book succeeds at something I wouldn't have thought possible—bringing clarity and coherence to the shifting kaleidoscope of government information resources and policies. In the midst of rapid changes in technology that have turned the government information landscape into a hive of moving targets, the authors guide the reader on a vivid tour of the resources available, the varieties of information they provide, and the keys to finding and using them.

Even the most seasoned government information expert will find a lot of new material here, but the book also serves a variety of other audiences well. The authors state their “ardent belief . . . that greater knowledge of government information resources can strengthen the skills of any librarian,” but they also pitch their effort to “information seekers of all kinds,” and the book often reads as if it was written primarily for the engaged citizen, eager to develop an advanced set of government information literacy tools.<sup>1</sup> To that end, the book stresses the “everydayness” of government information: how it touches the air we breathe, the food we eat, and the products we use every day.<sup>2</sup> In addition to describing the available tools, the authors help the

reader evaluate them for their strengths, shortcomings, and overall usefulness.

The bulk of the book is written by a trio of authors: Eric Forte, who held several government information librarian positions prior to his current post as a member services consultant with OCLC; Cassandra Hartnett, US documents librarian at the University of Washington and recent GODORT chair; and Andrea Sevetson, currently a trainer with ProQuest, who has held posts at LexisNexis and the Census Bureau in addition to stints as a documents librarian and editor of *DttP*. Four other authors—Susan Edwards, Jennifer Gerke, Ann Glusker, and Margaret Jobe—wrote the chapters on education, energy and environment, health, and science and technical information, respectively.

The first of the book's two parts, encompassing the first six chapters, provides a general survey of the government information landscape: what government information is, how it gets distributed, and how the information products of Congress, administrative agencies, the courts, and the White House come together to inform the public about the life of the nation. Part two zeroes in on specific topics like health and medicine, education, business and economics, science and technology, and statistics, with a discussion of the resources and dissemination patterns particular to each area of government information. At the end of each chapter, a short set of exercises gives the reader a chance to do some hands-on work with the concepts and resources the chapter covers.

The book focuses primarily on the US federal government, but state, local, and international information sources are included throughout. For example,

the chapter on regulations notes the importance of state and municipal administrative codes, and discussions of state information are included in several chapters in part two. The energy and environment chapter describes the work of international agencies, such as the Intergovernmental Panel on Climate Change and the International Energy Agency, and international laws and treaties are covered in the chapter on law.

The chapter on regulations would make a fine introduction to the topic for first-year law students. Along with a guide to the best sources for searching for regulatory information, the authors cover the more fundamental questions of why regulatory agencies come to life as legislative creations but within the executive branch, and how administrative law functions along with statutory law to establish the laws we live by.

While the chapter on statistics touches on data from the Census Bureau, the authors deem census data so important as to merit census geeks (you know who you are) deserving of a special chapter of their own. The chapter traces the history of the decennial census, right up to the significant changes in 2010, including the elimination of the long form and the emergence of the American Community Survey (ACS). The chapter helps the reader understand how the collection of data in the ACS affects the ways it can be used and interpreted.

It's distressing to note the number of resources featured in this book that are now under siege in the current political and fiscal climate. The authors describe the *Statistical Abstract*, slated for elimination in the Census Bureau's FY 2012 budget, as “far and away the single most important statistical resource. Unless one

knows otherwise, it is nearly always the place to begin a statistical search.”<sup>3</sup> The rich source notes that refer the reader to more detailed statistics make the *Statistical Abstract* “brilliantly useful” as both source and index, they contend.<sup>4</sup>

FDsys, which at this writing faces the possibility of losing the funding needed to sustain its ongoing development, is touted as “the largest cross-agency effort to provide and maintain access to federal government information,” featuring preservation capabilities designed to ensure permanent public access to government information “even as technology changes.”<sup>5</sup> Even new transparency tools like USASpending.gov and Data.gov—the latter praised by the authors as “an excellent (and growing) place to identify and access data sets,”—face funding threats.<sup>6</sup>

These threats point to another concern: while the book will have enduring value for its presentation of the overarching scope of government information, many of the specifics in the book will require frequent revisions to keep up with the rapid pace of change in government information dissemination. Much of that change will likely be spearheaded by a

new cadre of citizens and private groups using freshly available government data to craft new information tools beyond the imagination of the data providers. As these citizen-created information sources become more widespread and more valuable, their inclusion in any conversation about government information will become more important.

Overall, I’m impressed by how well the authors succeed at making the book enjoyable to read. It’s easy to pop this book open and lose half an hour. The writing is lively, and nearly every page is sprinkled with information you either wish you had before or will want to keep handy for the next time you need it. And if you’re a government information librarian still struggling to answer friends and family when they tell you, “but I’m still not really sure what exactly you do all day,” showing them this book might work better than another contorted attempt at an explanation.

*Fundamentals of Government Information* is an essential textbook for students and instructors, an invaluable how-to manual for the new or occasional government information

librarian, an informative guide for even the most experienced professional, and a fun read for anyone who loves exploring government information.—Kevin McClure, *Research & Government Documents Librarian, IIT Chicago-Kent College of Law*, [kmcclure@kentlaw.edu](mailto:kmcclure@kentlaw.edu).

## References

1. Eric J. Forte, Cassandra J. Hartnett, and Andrea L. Severson, *Fundamentals of Government Information: Mining, Finding, Evaluating, and Using Government Resources* (New York: Neal-Schuman Publishers, Inc., 2011), xv; *Ibid.*
2. *Ibid.*, xv–xvi.
3. *Ibid.*, 201–202.
4. *Ibid.*, 202 (emphasis in original).
5. *Ibid.*, 35.
6. *Ibid.*, 209; Alexandra Duszak, “Progress on Government Transparency Threatened by Proposed Budget Cuts,” *iWatch News*, September 20, 2011, [www.iwatchnews.org](http://www.iwatchnews.org).

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