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# DttP

## Documents to the People

Spring 2023 | Volume 51, No. 1 | ISSN 2688-125X

***DttP: Documents to the People*** (ISSN: 2688-125X) is published quarterly in spring, summer, fall, and winter by the American Library Association (ALA), 225 N. Michigan Ave., Suite 1300, Chicago, IL 60601. It is the official publication of ALA's Government Documents Round Table (GODORT).

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



**Distribution Manager:** ALA Subscription Department, 225 N. Michigan Ave., Suite 1300, Chicago, IL 60601; 1-800-545-2433, press 5; fax: (312) 280-1538; subscriptions@ala.org

**Subscriptions:** *DttP* is accessible to ALA/GODORT members on a per volume (annual) basis. For subscriptions, prepayment is required in the amount of $35 in North America, $45 elsewhere. Checks or money orders should be made payable to "ALA/GODORT" and sent to the Distribution Manager.

**Contributions:** Articles, news items, letters, and other information intended for publication in *DttP* should be submitted to the Lead Editor. All submitted material is subject to editorial review. Please see the website for additional information: https://journals.ala.org/index.php/dttp/about/editorialPolicies#focusAndScope.

**Indexing:** Indexed in Library Literature 19, no. 1 (1991) and selectively in PAIS 33, no 1 (2005). Library, Information Science & Technology Abstracts (2004). Full text also available in HeinOnline 1, no.1 (1972).

**Editorial Production:** ALA Production Services—Tim Clifford and Lauren Ehle.





DttP
Documents to the People
**Spring 2023 | Volume 51, No. 1 | ISSN 2688-125X**

## Columns



## Review



## Features



## 'Round the Table



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Correction to Abbott Hoduski (1992, as re-published in *DttP*, 2022). In the article, "Librarians and the Moscow Coup—August 16 to 23, 1991," by Bernadine E. Abbott Hoduski, *DttP* 50, no. 4 (2022), 5–11, https://journals.ala.org/index.php/dttp/article/view/7932/11042, there were errors in the migration of the article from the archives. Please see the original publication for the complete version: https://stacks.stanford.edu/file/kp842ng9394/kp842ng9394.pdf.

**About the Cover**: O'Halloran, Thomas J, photographer. Congresswoman Shirley Chisholm announcing her candidacy for presidential nomination / TOH. Washington DC, 1972. Photograph. https://www.loc.gov/item/2003688123/.

# Editor's Corner

Jennifer Castle

Hello, and happy new year! What a ride the first year as *DttP* editor has been. Let's take a quick look at just a few of the major events:

- GODORT celebrated its 50th anniversary.
- January 3—The number of daily infections of COVID-19 exceeded one million for the first time since the start of the pandemic.[1]
- February 24—Russia launched a military invasion of Ukraine.[2]
- March 29—President Joe Biden signed the Emmett Till Antilynching Act into law, making lynching a federal crime.[3]
- April 7—Ketanji Brown Jackson became the first Black woman confirmed as a Supreme Court Justice in a 53–47 vote.[4]
- May 2—The first version of a draft opinion by the Supreme Court of the United States was leaked. Written for the case of *Dobbs v. Jackson Women's Health Organization*, Justice Samuel Alito wrote a majority opinion overturning the landmark decisions in the cases of both *Roe v. Wade* and *Planned Parenthood v. Casey*, which would remove constitutional protections for abortion access.[5]
- June 24—The Supreme Court ruled the Constitution of the United States does not confer a right to abortion, thus overruling the 1973 case *Roe v. Wade* and its related 1992 case, *Planned Parenthood v. Casey*.[6]
- July 19—The House passed the Respect for Marriage Act, federally prohibiting discrimination against LGBT individuals and repealing the 1996 Defense of Marriage Act, which had banned federal recognition of same-sex marriage.[7]
- August 12—The Department of Justice won its bid to unseal the search warrant against Donald Trump, revealing that the former president had stored documents regarding nuclear weapons at Mar-a-Lago. This prompted the Justice Department to place him under investigation for alleged violations of federal statutes such as the Espionage Act of 1917 and the Presidential Records Act of 1978.[8]
- September 14—Mortgage loans hit a nationwide average interest rate of six percent for the first time since 2008.[9]
- October 13—The Social Security Administration announced an 8.1 percent cost of living adjustment—the largest since 1981—to begin in 2023, citing ongoing inflation.[10]
- November 30—The House Democratic Caucus elected Hakeem Jeffries to be its leader in the 118th Congress; Jeffries is the first Black lawmaker to lead a party in Congress.[11]
- December 22—The January 6 Committee released its full report on the attack on the Capitol.[12]

I'm also delighted to announce our new Advertising Coordinator Joseph Yue and our new Book Reviews Editors Dana Piazzon and Brianne Hagen. We're looking forward to their new and exciting contributions to *Documents to the People*!

**Jennifer Castle** (jcastle@tnstate.edu), Instruction and Engagement Librarian, Tennessee State University

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# From the Chair

## A Notable Year for Government Information

Kian Flynn

One of my favorite annual GODORT traditions returns this year after a one-year hiatus. This spring, our Publications Committee will release their selections for the most notable government documents of the year. This year's release will feature publications from a *two*-year span between late 2020 to late 2022, which means double the amount of gov pubs fun!

GODORT's Notable Documents list began in the early 1980s and has been published annually in *Library Journal* since 1986. Government publications in all formats and across all jurisdictions (local, federal, and international) are celebrated. Creation of the list was proposed in the hopes that the list would raise awareness of government documents in libraries and among library users.

I've been a long-time fan of year-end lists and retrospectives. I appreciate the annual opportunity to reflect back on the stretch of time we've just been through and take stock of the highs and the lows.

There is certainly a lot to reflect on in the last two years of government information and publications. It has been a significant two years not just in the weight of the topics (from climate change around the world to insurrection at the US Capitol) covered by government publications, but also in the nature of their release (from a controversial leak of a Supreme Court draft opinion to a Twitter ownership change that resulted in the reinstatement of previously banned accounts of government officials).

The mishandling of government documents also featured heavily in the news in the past year with reports of the Trump Administration using "burn bags" and the toilet to dispose of government documents in violation of the law. Controversy also erupted when the FBI executed a search warrant of the Trump residence at Mar-a-Lago and retrieved hundreds of classified documents.

There are joys in reflecting on the year in government information, too. It reminds us of the depth, breadth, and importance of the collections that we as librarians are charged with preserving and providing public access to. While we just lived through these two tumultuous years, experiencing in real time the breaking news and the headlines, too soon these years will be our distant past and these documents will be the primary sources that future generations of scholars will use to make sense of our era.

The past few years were also a reminder that significant government document releases don't just match with today's headlines, they shed light on yesterday's headlines as well. In 2021, the Biden Administration mandated the release of thousands of additional documents related to the 1963 assassination of President Kennedy. And in 2022, much to the delight of genealogists everywhere, the US Census Bureau released the full 1950 US Census records to the public, in accordance with the 72-year rule. One release fills in gaps from our nation's history and one fills in details of our own family histories while also serving as a snapshot of our nation at one point in time in a way no other primary source document can.

While we have turned the page to 2023 and there's a lot we'd like to forget about the past couple of years, it'll be worth one look back when the GODORT Notable Documents list is released in *Library Journal* this spring. Let this also serve as a reminder to be making note of the documents that catch your eye in 2023—nominations are accepted year-round at https://www.ala.org/rt/godort/godortnotabledocumentnominationform.

**Kian Flynn** (flynnk7@uw.edu), Geography and Global Studies Librarian, University of Washington.

# Documents Without Borders

## Show Me the (International) Data!

Dory Shaffer

Some research is done in carefully controlled environments—where researchers painstakingly alter variables to determine how their change affects certain outcomes. These experiments, designed to test various theories and hypotheses, are dependent on the ability of researchers to control potential variables. Yet other methodologies focus on situations where the change in variables were dictated by policy, business, or social shifts. When these shifts happen on a large scale, international data is an invaluable tool for determining actual effects. In this column I will explore several international government data sources and their use in academic research.

Sustainability, climate change, and energy are currently huge topics—attracting ample research dollars and newspaper headlines alike. A lot of climate research depends on information collected by US government bodies like the National Oceanic and Atmospheric Administration (NOAA) and the United States Department of Agriculture (USDA).[1] Using valuable government collected data, researchers can analyze the consequences of actions taken by governments, businesses, and individuals on regional climate. However, to look at larger-scale issues like the effectiveness of the Paris Climate Accords, signed by 196 parties in 2015,[2] data from international sources must be considered. When researching climate, it is often nearly impossible to consider local data only, given the interaction between effects caused by domestic policies and global efforts. This can be exemplified by research done by Emily Shaw, a recent PhD candidate at my own institution, who was investigating PCB contamination in fish in the Great Lakes.[3] Shaw considered government data collected by both the US and Canada to draw conclusions and make policy recommendations, a common tactic. To assist researchers working in this area it is important to understand how to search for data collected by international governments and agencies.

Although the COVID-19 pandemic has calmed (a statement I hope holds true when this column is published in the spring), it left an indelible mark on public health. During its height, news was coming not only from the local officials and the Centers for Disease Control and Prevention,[4] but also the World Health Organization and numerous international bodies.[5] It was hard to determine what advice to follow given seemingly mixed messages from different authorities, but it was also the nature of a sudden global pandemic that required a global response. This response, followed anxiously by millions stuck at home, provided a look into the interlocked system that is public health. Public health professionals and researchers in the US are constantly working with and pulling data from international sources to make recommendations regarding both domestic and foreign policies. To share an example, in 2014–2016 when the Ebola Virus was a growing concern in West Africa,[6] the US not only worked closely with the WHO and other international groups to track progression, but committed funding and manpower to help contain the spread.[7] Their involvement meant the world would have a better understanding of the virus and how to fight it if it hit the US while limiting that chance and providing humanitarian assistance.

A final example area where international data is valuable is in the world of finance and economic indicators. Many sources cited in news reports on the economy regarding topics like current interest rates, unemployment rates, and domestic inflation rates are from US government sources like FRED.[8] However, when a shipping accident or breakout of conflict causes noticeable changes in consumer prices, it is plain to see that the economy in the US is intrinsically tied to a global system. Economic indicators from the United Nations and European Union are valuable in understanding current issues and making forecasts. During trade disruptions, like those that occurred somewhat frequently over the past few years, the UN's trade aggregating database, Comtrade, is a helpful tool, giving researchers access to data covering more than 99% of the world's merchandise trade.[9] Data sources like Comtrade make large amounts of data accessible to policy makers, academic researchers, think tanks, and industry leaders—contributing to informed decisions and research that takes global variables impacting the economy into account. In fact, some of the economic reports by US agencies that are followed closely include global data sources like the United Nations and International Monetary Fund.[10] UN bodies also follow actions taken by the US closely. Last October, the United Nations Conference on Trade and Development (UNCTAD) made headlines after publishing its' annual *Trade and Development Report*,[11] pointing to interest rate hikes by the FED to slow down the economy in the US as the cause for potentially billions in lost future income in developing nations. As when considering climate and public health data, looking exclusively at US economic information can only illuminate a portion of an interlocked global system.

Having said all this, I want to impart a few words of caution to anyone working with international data—it's complicated. Different nations collect data and statistics using different

methodologies with different priorities, and from different cultural approaches. Comparing economic data from the US FED and data from a neighboring country could easily lead to a misuse of data when these factors are not considered. In fact, the UN Department on Economic and Social Affairs heads a Statistical Commission in part charged with managing this issue and increasing the comparability of national statistics.[12] Differences in data collection can also reveal disparities in countries for certain groups, for example, data on women and girls is often scant.[13] Furthermore, nations do have motivation to misrepresent or hide data that could cast them in a bad light. China has been repeatedly called out for their reporting related to the COVID-19 pandemic, leading to a plea from the WHO for more comprehensive COVID-19 data to be released.[14] However, these issues are not exclusive to international data sources, as data can be misunderstood and easily manipulated no matter the source.

Though the data we have access to is imperfect, it is still an important piece of research across disciplines and helps explain challenging issues. There are unique challenges to working with international data sources, but it is often vital to consider the global picture in many situations. In this column I spoke about environmental, public health, and economic data, but those examples are a small sampling of value added by understanding and integrating international government data sources into research and decision-making. Maintaining a limited scope makes information searching easier in many cases, but consistently limiting it to domestic sources would also limit our ability to fully comprehend issues that go beyond borders.

**Dory Shaffer** (dmshaffe@mtu.edu), Research, Education and Outreach Librarian, Michigan Technological University.

## Notes

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# Review

**Bouk, Dan. *Democracy's Data: The Hidden Stories in the U.S. Census and How to Read Them*. MCD Farrar, 2022. 362 p. ISBN 978-0-374-60254-3**

What a pleasure to find this book about government information listed in the New York Times Book Review 100 Notable Books of 2022! Dan Bouk is a history professor at Colgate University who "researches the history of bureaucracies, quantification, and other modern things shrouded in cloaks of boringness" (author's note). Tedium, he believes, can be a smokescreen for things that somebody deliberately wants to hide, so he's on a personal mission to cut through the superficial dullness. Bouk is certainly the right person for the job. His enthusiasm for bureaucratic data is irresistible, and his meticulously researched writing is witty, lively, and not at all boring.

The book focuses on the 1940 US, Census since that was the most recent release of raw Census data when Bouk began his research. He begins somewhat tamely with a family history of the kind that often attracts library patrons to the Census—looking up his grandfather to see how a specific person is represented by demographic data. From there he launches into a dazzling tour de force of archival research and Census-based storytelling. For instance, the chapter titled "Names and Negotiations" begins with a poem by Langston Hughes (!) about the Census, discusses how the poem is culturally meaningful though technically inaccurate, and winds up using Census data to track the life of Frederick Douglass from an unnamed slave (counted as 3/5 of a person due to the shameful influence of pro-slavery legislators) to "free colored person" and "head of household," his occupation recorded as "Editor" on the 1850 Census. In another chapter, Bouk traces the family history of a Census employee named Iwao Moriyama who escaped internment in 1942 when the Census was weaponized against Japanese Americans because his race had been recorded as "white."

Numbers present a veneer of objectivity, but any dataset is only as accurate as the tools used to collect it. Census data is influenced by factors like politics, laws, language, social attitudes and prejudices, the hiring and training of census takers, and the way people respond to or resist the questions. Bouk is particularly interested in how marginalized groups are represented in data that was designed to deny their existence. Are the "partners" shown in the 1940 Census Data business partners? Or queer couples? Who counts as "white"? How can the expansive diversity of human lives be reduced to meaningful numbers? An epilogue describes Bouk's good-faith but baffling attempt to fill out the 2020 Census form on behalf of his own nonstandard family. He is married to a transgender man and can't quite remember how he answered. "I am kicking myself for not taking a screenshot," he laments (p. 259).

Fundamentally, this is not simply a history of the Census, but a book about information literacy—the social context of how data is created and used. Bouk details how he came up with research questions and went about seeking answers, including several exhilarating tales of finding hidden treasures concealed in dusty archives. He frets about the preservation of born-digital materials, and strongly advocates data literacy as an antidote to algorithms that perpetuate inequality. By recording the existence of ordinary people, the Census guides the distribution of money and power: "Looking squarely at complicated data-making processes is becoming an essential activity for all those who wish to have a say in shaping our world," Bouk writes, "from activists to policymakers, and for every person striving to remain an informed citizen" (p. 238).

*—Amy Brunvand (amy.brunvand@utah.edu), Librarian, University of Utah*

# Automating FDLP eXchange Withdrawal Lists

Sarah Billman, James McCready, Heather Ross, and Andrew Dudash

The Penn State University Libraries (University Libraries) is a large academic research library comprising twenty-four locations and thirty campus libraries across the Commonwealth of Pennsylvania. The University Park campus is the main campus and has five libraries with many different departments that often act independently. As an example, in the main Pattee-Paterno Library, there are four libraries: George and Sherry Middlemas Arts and Humanities/Social Sciences/Education, Life Sciences (part of STEM libraries), William and Joan Schreyer Business, the Donald W. Hamer Center for Maps and Geospatial Information (Maps and GIS). As a large institution, the scope of projects can be substantial and create opportunities for departments to share their technical skills. These partnerships often manifest as technological innovations that can improve workflow across the organization and be shared with the greater library community.

The University Libraries serves all residents of Pennsylvania. In that role, it is a selective Federal Depository Library. In 1993, The University Libraries entered a selective housing agreement for maps with the regional Depository Library, the State Library of Pennsylvania. The University Libraries already had a collection of other government-issued maps, plenty of growth space, and the staff and expertise to handle this arrangement. Over the past three decades, the influx of maps from the Federal Depository Library Program (FDLP) has strained certain map collection areas and created a need to withdraw material to make space for future needs.

Even though the number of maps sent annually has dramatically decreased in the last ten years, Maps and GIS continues to receive physical maps as part of the FDLP program. One part of the collection growing beyond available space includes western states like Idaho, Colorado, etc.

While investigating candidates for withdrawal, we determined that we had many "Motor Vehicle Use" maps of national forests, mostly west of the Mississippi River. These maps are often released annually with few changes and are of locations outside Pennsylvania and surrounding states. In consultation with our Regional Depository Librarian, we determined that these maps could be treated as superseded and consequently withdrawn—keeping the latest edition only. The older maps could be offered to other depository libraries using the FDLP eXchange program.

Several issues complicated the project. The University Libraries reclasses all depository maps in the Maps and GIS collection to the Library of Congress (LC) classification system, meaning that these maps were interfiled with existing LC-classed maps. Each map sheet is given an individual barcode. Over the years, these maps were inconsistently assigned call numbers, creating call numbers and subject cutter variations. As student employees assessed the maps for withdrawal, the inconsistency of call numbers made it challenging to determine and verify the correct superseded map.

Once we discovered significant variability in the call numbers and subject headings, we realized we needed to implement some standardization moving forward. The Maps and GIS staff worked with the maps catalogers to set rules for cataloging the maps. In the LC classification system, maps are classed by geographic region, then by subject, and finally, in this case, we added the ranger district name at the end of the call number for further differentiation. For example, the call number for the Tongass National Forest in Alaska went from A 13.28:T 61/26/2020 to G4372.T6E63 2020.U5 Wrangell RD. New depository maps will be cataloged using this method, standardizing the call number using the "E63" subject heading (recreation) and adding the ranger district name at the end of the call number. Standardizing the call number will make it easier for student employees to replace superseded maps with the latest edition accurately. There are no plans to make retroactive changes to the existing map call numbers.

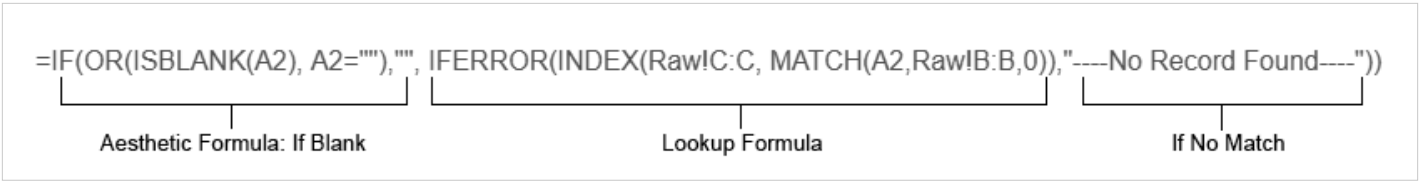


**Figure 1. Example of Excel lookup formula for FDLP eXchange template.**

In the initial stage of the withdrawal project, nearly 600 maps were identified as Motor Vehicle Use maps, with 350 of those identified as superseded. Student employees pulled the maps to be withdrawn based on a shelf list generated by the library management system's reporting module. The University Libraries use BLUEcloud Analytics from SirsiDynix Symphony. The next step was to populate the FDLP eXchange template in Excel, which had eight required fields to populate. The title, classification type, document number, number of pieces, publication start date, shipping date, format, and condition are required. During our first attempt at using the FDLP eXchange site, we manually created the list to populate the FDLP eXchange template by copying and pasting from the library catalog. After some trial and error, we loaded the sheets and waited for matches, and we felt like we learned something new about the process as the maps worked their way through the system.

After this initial process, Maps and GIS staff thought the process would benefit from automation as we felt the workflow of copying and pasting eight fields for each map could have been more sustainable, and several of those fields could have been populated from the MARC record. Not having the skills to automate the process, Maps and GIS staff reached out to the Subject Libraries team, which comprises employees from different departments across the Pattee-Paterno Library. The team had developed a method of combining library management system reports with Excel and a wireless barcode scanner to create a cloud-based physical inventory scanning system that was utilized during a large-scale inventory of the Humanities, Social Sciences, and Education Libraries. Maps and GIS staff learned about this project and requested that it be modified to populate the FDLP eXchange template to reduce data entry. After testing the template and giving feedback on the exact values needed for uploading, the Maps and GIS staff successfully tested the workflow by scanning eighty maps and uploading the file to FDLP eXchange. Some manual entry of condition and postage reimbursement remained but was manageable. One significant unresolved issue was the errors generated from items violating the FLDP rule prohibiting the withdrawal of materials at selective FDLP depository libraries that are less than five years old. In this case, these items could still be withdrawn as they were superseded, but the FDLP eXchange site would mark them as errors and have to be manually accepted on the website. Setting the dates to "no date" is not recommended as that may inhibit items matching in FDLP eXchange. One helpful tip when filling out the template is to use the FDLP eXchange data dictionary (https://www.fdlp.gov/sites/default/files/fdlp-exchange/FDLP%20eXchange%20Data%20Dictionary%20v3.pdf) for exact values. For example, the FDPL eXchange wants "Library of Congress" in the classification column, not "LoC." Using the "LoC" abbreviation will cause errors.

For more information on this process and a sample Excel sheet, see the Penn State University Libraries Government Information LibGuide (https://guides.libraries.psu.edu/government-information/automated).

The technical process for creating the reports for the scanning tool begins with downloading the template from the FLDP website (https://www.fdlp.gov/instruction/fdlp-exchange). Then a shelf list of all our maps collection was generated from BlueCloud Analytics and placed in the Raw tab of the Excel spreadsheet. The report included Call Number, Barcode or another item identifier, Item Title, Classification scheme, Publication Year (if available), and shipping year (often the same as the Publication Year). Our maps are cataloged at the sheet level, facilitating barcodes as the matching value.

Excel lookup formulas were written for each column of the FLDP eXchange template. We chose to use "INDEX/MATCH" for compatibility and flexibility. In this case, the formula matched the scanned barcode in the FDLP template in tab one with the barcode in the shelf list in the Raw tab. It then populated the desired data from the shelf list appropriate column on the FLDP eXchange template. We wrapped these functions in IF statements for purely aesthetic purposes to keep the cells blank if the dumped barcode cell is blank. It keeps the sheet clean while waiting to be filled with barcodes. Figure 1 is an example of the formula.

After the barcodes were added and the information was populated, we carefully examined the file and made any manual edits needed. We then copied and pasted the values from the Template tab into a fresh FLDP eXchange template. We kept the original file to use again.

There are several limitations and potential issues:

- The lookup formula only searches for exact matches. Non-matches are denoted by "---No record found---" and will need to be added manually
- Newer versions of Excel have more powerful lookup functions. The above formula includes the IFERROR function, which may not work in older versions.
- Mismatched Excel formatting (barcodes formatted as text vs. number).
- Leading zeros (barcodes requiring leading zeros to match correctly)
- When dates were unavailable from the MARC record, we pulled the dates from the call number, requiring additional segments in the formula.

Even though this process is partially automated, it generates serious time savings at many levels. This process also has implications for harvesting metadata from the catalog to import into other platforms and other applications yet to be determined.

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# "A Sporting Chance"

## Commemorating Fifty Years of Title IX

Kelly Bilz

> *Those that are participating in athletics, in soccer, basketball, whatever, probably assume this is the way it always was and that opportunities for girls and women were always assured under our democracy.*[1]

In June 2022, the nation celebrated the fiftieth anniversary of Title IX. This landmark legislation, part of the Education Amendments of 1972,[2] continues to have a huge impact, especially on colleges and universities, across efforts to counter harassment and discrimination based on sex. A persistently controversial aspect of Title IX is its application to intercollegiate athletics. Prior to Title IX, women had participated in athletics, whether through intramural sports or through dancing and cheerleading, which, despite being longstanding opportunities for women to express their athleticism and skill, were not always recognized as sports. Title IX, however, began a new era of equal opportunity for young women across higher education.

This article, celebrating the semicentennial of Title IX, will focus on the legislators who brought the legislation through Congress: Representative Patsy Takemoto Mink of Hawai'i, Representative Edith Starrett Green of Oregon, and Senator Birch Evans Bayh of Indiana. Additionally, hearings from the Tower Amendment, which sought to limit Title IX protections in "revenue-producing" sports will be examined. Though the amendment failed, the witnesses' testimony shows the effects of Title IX for college students—as well as how far athletic programs had to go to achieve equal opportunity. Lastly, two government reports evaluating the success of Title IX will be discussed.

### The Minds Behind the IX

It took many people to bring Title IX into existence, but this article focuses on three congressional representatives who played special roles in the legislation. First, Patsy Takemoto Mink, the representative whom Title IX was renamed after in 2002,[3] was the champion of the legislation. Born in 1927 in Hawai'i prior to its statehood, Mink was no stranger to discrimination: she was denied entry to medical schools due to her gender, so she studied law on the mainland instead. She returned to Honolulu with her husband (John Francis Mink) and daughter (Gwendolyn Mink, who recently co-authored a book about her mother titled *Fierce and Fearless*),[4] where she was involved in the territorial government. After Hawai'i became a state in 1959, Patsy T. Mink campaigned for a spot in the House of Representatives, winning the election in 1964 and becoming the first woman of color and first Asian-American woman in Congress. Her first stint in Congress lasted from 1965 to 1977, and she returned in 1989 until her death in September 2002 at age 74.[5] Mink was instrumental not only in the creation of Title IX but also in protecting the legislation. In one instance, recounted by Gwendolyn Mink in an oral history,[6] Title IX's jurisdiction over athletics was put to a vote in 1975. Representative Mink had to leave before casting her vote because Gwendolyn had been in a major car accident in Ithaca, New York, and was in intensive care. Without Mink, the vote to uphold Title IX lost by a single vote; however, House leaders called for a revote, due to the extraordinary circumstances leading to her absence. Several members changed their stance, "[saying] things like, 'Oh, she's such a nice daughter,' as their explanation for changing their vote,"[7] and Title IX was allowed to continue in its full effect. Patsy T. Mink's papers are held at the Library of Congress (LOC), and selected digitized items are available on the LOC's resource guide, "First Woman of Color in Congress: A Resource Guide for the Patsy T. Mink Papers" (https://tinyurl.com/yn8fxaj2).

Another major proponent of Title IX was Edith Starrett Green (1910–1987), the second woman elected to the House of Representatives from Oregon. She served in the House of Representatives from 1955 to the end of 1974, when she resigned to retire from her congressional career. The daughter

of schoolteachers, Green got her start in politics within educational advocacy, and in Congress, she served on the Committee on Education and Labor for eighteen years. She was nicknamed "Mrs. Education" and "Mother of Higher Education" for her work in this area,[8] including the Education Amendments of 1972. Representative Green oversaw the 1970 hearings leading up to Title IX, which invited testimony about the sexism women faced both in education and the workplace. The hearings, which are digitized on HathiTrust, do not mention athletics specifically but rather encompass a broad range of sex-based discrimination.[9] Green's leadership role in these hearings helped pave the way for Title IX.

Senator Birch Bayh, of Indiana, drafted the language of Title IX.[10] Born in 1928, he was elected to the Senate in 1962 and served until 1981. He died in 2019. Interestingly, Title IX is not mentioned in his entry of the Biographical Directory of the United States,[11] though his contributions include not only the thirty-seven words of Title IX (found in 20 U.S.C. §1681a, https://tinyurl.com/2s3pcjrp) but also his testimony in the Tower Amendment hearings,[12] which threatened to limit the legislation's reach. His contributions helped bring Title IX into law and sustain its legacy for the next fifty years.

## On Defense: Tower Amendment Hearings

Though Title IX was made law of the land, it left unanswered questions about how to enforce and measure compliance. These questions took three years to answer, after first fending off multiple attempts to exempt athletics from Title IX protections altogether. The Tower Amendment, proposed in 1975 by Senator John Tower of Texas, was one such attempt that focused on intercollegiate athletics and the allocation of revenue from "gross receipts or donations," in particular ticket or gate sales.[13] The hearings invited testimony from those who worked in college and university athletics departments, representatives from the National Collegiate Athletic Association (NCAA) and the Association of Intercollegiate Athletics for Women (AIAW), and selected college students.

The testimony suggests that the application of Title IX to athletics came as a shock and was an immediate cause for concern: then-AIAW president-elect Peggy Burke recalls, "Since November 1973, when a representative of the National Collegiate Athletic Association attended the first AIAW Delegate Assembly, and learned that title IX covered athletics, I have read and heard countless statements as to how offering women an equal opportunity in athletics was going to destroy men's athletic programs."[14] This anxiety that men's athletic programs would suffer was felt among the witnesses at the hearing. One director of athletics at a small Ohio college expressed fear that, unless football and basketball gate revenue was exempt from Title IX, "I daresay that there will be no more football and basketball programs [at the college]."[15] A quick Google search will reassure the reader that the institution in question still has its football and basketball teams today and seems to have had them throughout the 1970s.

Another concern was Title IX's effect on enrollment if scholarships had to be reconfigured. In her testimony, Margy DuVal, then-president of the Intercollegiate Association of Women Students, addressed this concern, saying, "Title IX will not be the red pencil which eliminates athletic scholarships for minority male athletes from the college budget. Indeed, title IX should provide some incentive for institutions to start to provide minority females with the same types of athletic scholarship opportunities . . . because minority women are too often overlooked in attempts to provide benefits or opportunities to minorities in general."[16] DuVal also pointed to the fact that Title IX had only been made law for three years without taking full effect yet. "HEW had already taken 3 years to promulgate the title IX regulation. To begin immediately to narrow the coverage of title IX is to tell women students—your daughters—that they don't deserve a sporting chance."[17] Here, DuVal refers to the three years between Title IX's passing in 1972 and the publication of regulations by the Department of Health, Education, and Welfare (HEW) "to effectuate" the law starting July 21, 1975.[18] Another witness, Clarissa Gilbert, made a similar point that women's teams "have not had equal opportunity to develop the ability to generate revenue"at the same level as men's teams.[19] This time factor may have prompted Gilbert to state, "We cannot believe that the unamended title IX regulations will make the colleges or universities move too fast in opening up opportunities for women in athletics."[20]

What the HEW regulations required—or specifically, what they did *not* require—was another theme throughout the hearing. Multiple statements and documents adamantly assert that Title IX did *not* require equal aggregate expenditures for women's and men's athletics. In fact, a briefing report included in the hearing, titled "Title IX: Moving Toward Implementation," said that an initial draft proposing equal expenditures between women's and men's teams "caused a panic,"[21] and Dr. Donna A. Lopiano quipped in her testimony, "My operating expenses budget for women's athletics is not even equal to the yearly telephone bill of [the university's] men's athletic program."[22] Dr. Joseph Oxendine, speaking of his institution's budget for women's athletics, said it "was developed on the assumption that women indeed know how to sew so they could make their own tunics" and fundraise with "cake sales and apples and other sorts of things that are inappropriate or

which men are unable to do."[23] Though athletics budgets are no longer based on such assumptions, the disparity between funding for men's and women's athletics remains fifty years later.[24]

The Tower Amendment hearing helps contextualize the state of women's athletics immediately after the implementation of Title IX, but most of all, the testimony sheds light on the experiences of women athletes at this time. A letter to the committee from a student who attended the same university as one of the pro-amendment witnesses described her university's training conditions: women swimmers were not granted pool time to practice, injured players could only see the athletic trainer at 8 a.m. (when the male athletes would not need them), and tennis players could only practice on the "slick and hazardous" intramural courts.[25] None of the hearing witnesses denied the existence of prejudice against women or opposed the idea of equal opportunity behind Title IX in their testimony, but these conditions show how women athletes at the time were hardly given, in the words of Margy DuVal, a "sporting chance."

Ultimately, the Tower Amendment did not pass because of the ambiguity of its language, the difficulty of defining "revenue-producing sports," and the difficulties of enforcing it across varied higher education institutions. Instead, the Javits Amendment, named for another legislator, Jacob Javits of New York, required HEW to make regulations based on the nature of different sports. These are explained in a report published by the US Commission on Civil Rights in July 1980, titled *More Hurdles to Clear*.[26]

## Playing the Long Game: Assessing the Success of Title IX

The report *More Hurdles to Clear,* in addition to summarizing athletics-related requirements for Title IX, also presents data from the NCAA and AIAW about the number of male and female athletes over time, the size of athletics budgets, and the number of sports offered. Some statistics are bleak, like the per capita expenses for men's and women's sports, where over $12,000 is allotted to men's basketball alone and just over $2,000 is allotted to all women's sports.[27] Similarly, the stark contrast between the number of female athletes compared to male athletes—about 170,000 men compared to about 64,000 women—may seem grim, but the same figures also show the rapid rise of female athletes, consistently doubling over five-year periods.[28] The data collected shows growth over a relatively short period of time, made possible by federal legislation, and it signals a new generation where young women and girls had the opportunity to compete all four years of high school and at the collegiate level.

A GAO Report from 2007, after the thirtieth anniversary of Title IX, reflects drastic changes since the *More Hurdles* report in 1980. During the intervening decades, women's college enrollment surpassed men's.[29] Additionally, in the 1990s, the number of women's teams actually exceeded the number of men's teams.[30] Women's teams grew more than men's teams, which saw "mixed or small changes in the number of teams."[31] Still, this raised "public interest" about "whether men's opportunities have decreased as a result of the increase in opportunities for women."[32] Nonetheless, GAO reported gains across both sexes in cross country, golf, hockey (both ice and field), lacrosse, and track (indoor and outdoor).[33] Only men's wrestling saw a loss greater than 5%,[34] which had spurred a lawsuit, *National Wrestling Coaches Association v. U.S. Department of Education*, which was dismissed by the courts. Fear not, wrestling fans—a Title IX lawsuit led to the establishment of the University of Iowa's women's wrestling team in 2021.[35] Title IX poses no disadvantage to athletes; it only depends on who one is willing to root for.

## The Finish Line

Title IX has evolved over its fifty years of existence, as regulations were added or modified and shaped by various lawsuits attempting to overturn the athletics component. The legislation survived and has had tangible benefits, not only for the female athletes of the past fifty years and today, but also for our nation as a whole. Our country has benefitted from the achievements of women athletes representing the US on a global level: in four World Cup wins by the US Women's National Soccer team and in all the medals won by women Olympians, from the Williams sisters to Simone Biles to Suni Lee. We no longer must argue whether women are able competitors, whether women can draw the same crowd or hold an audience's interest, or whether women should have a place on the team at all. Though women athletes may have to argue for equal pay or media coverage,[36] and there are, as the HEW report title says, "more hurdles to clear," the fiftieth anniversary of Title IX gives us a chance to celebrate how far we as a nation have come.

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## Notes

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5. "MINK, Patsy Takemoto," History, Art, and Archives, US House of Representatives, accessed November 28, 2022, https://tinyurl.com/4kz3n2ec.
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13. S.2106-94th Congress (1975–1976), https://tinyurl.com/4errswpe.
14. *Prohibition of Sex Discrimination* (statement of Peggy Burke, president-elect of AIAW, University of Iowa), 95.
15. *Prohibition of Sex Discrimination* (statement of Ed Sherman, director of athletics, Muskingum College), 34.
16. *Prohibition of Sex Discrimination* (statement of Margy DuVal, president, Intercollegiate Association of Women Students), 54.
17. *Prohibition of Sex Discrimination* (statement of Margy DuVal), 53.
18. 40 Fed. Reg. 24137 §86.1 (June 4, 1975), https://tinyurl.com/2p8at23r.
19. *Prohibition of Sex Discrimination* (statement of Clarissa Gilbert, president, National Student Association), 51.
20. *Prohibition of Sex Discrimination* (statement of Clarissa Gilbert), 50.
21. *Prohibition of Sex Discrimination* (appendix), 220.
22. *Prohibition of Sex Discrimination* (statement of Donna A. Lopiano, women's athletic director, University of Texas at Austin), 110.
23. *Prohibition of Sex Discrimination* (statement of Joseph B. Oxendine, dean of the College of Health, Physical Education, Recreation, and Dance, Temple University), 103.
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# 'Round the Table: David W. Rozkuska Scholarship

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