

From Printing to Publishing: The Next Step in the GPO Transformation

by Kelsey Chrisley

Senate Bill 1947 was reported on April 10, 2014 to rename the Government Printing Office to the Government Publishing Office. This act is also known as The Government Publishing Act of 2014. This seemingly small name change from printing to publishing is actually a representation of the GPO's continued strategic direction to move from print centric to content centric government information.

The U.S. Government Printing Office (GPO) was established in 1861 to provide free printing and dissemination of government documents to Congress and the public, thus ensuring an informed public and transparency in government. As printing technology changed, the GPO adopted the newer print technology. With the advent of the computer and the technological advances in digital information management, the GPO's business model changed to reflect these advancements while still keeping its mandate to provide governmental information free to Congress and the public. The GPO's first internet website, GPO Access, increased the dissemination of govern-

(Continued on page 3)

Legal Humor Book Display

by Elizabeth Harmon

The current OCPLL book display is a compilation of the library's books on legal humor. From courtroom antics to ridiculous laws, these books cover a wide variety of legal topics that are amusing, silly, factual or anecdotal. A brief overview of books (plus what's inside those books) that can be found in the display case consists of:

Disorder in the Court presents word-for-word exchanges between the principal parties in the courtroom. Example: The Court: Mr. E., you're charged here with driving a motor vehicle under the influence of alcohol. How do you plead, guilty or not guilty? Mr. E.: I'm guilty as hell. The Court: Let the record reflect the defendant is guilty as hell (p.28).

Dracula was a Lawyer is subtitled *Hundreds of Fascinating Facts from the World of Law*. An example of one of those "fascinating facts": the mechanical shark in the movie *Jaws* was nicknamed 'Bruce' in honor of Steven Spielberg's own lawyer, Bruce Ramer.

Explaining the Inexplicable – The Rodent's Guide to Lawyers is the author's (The Rodent) latest attempt to give the reader the low-down on lawyer life and what really happens behind the closed doors of law firms. His guide includes the *Egometer*, *Rodent Tales*, *Law Fibs*, *Power Schmoozing for Lawyers*, and *Rent a Client*.

(Continued on page 5)

Government and Minorities at the University of Michigan

by John Patrick Quigley

The Fourteenth Amendment, Section 1, to the U. S. Constitution

"...No state shall ... deny to any person within its jurisdiction the equal protection of the laws."

Previous Cases at the University of Michigan

In 2003, the United States Supreme Court, after "strict scrutiny" approved the admission policy of Michigan's law school, which considered race in addition to other factors (*Grutter v. Bollinger*, 123 S. Ct. 2325), but struck down the similar policy of a Michigan undergraduate college, which the Court felt was too much like a quota (*Gratz v. Bollinger*, 123 S. Ct. 2411). Predictably, the undergraduate college revised its policy to be more like that of the law school. (Case citations can be found in Westlaw.)

Amendment of the Michigan Constitution

In 2006, Michigan voters amended by ballot the state constitution by adding sections, including §26 (2): "The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting."

Lower Court Action to Declare the Voter Amendment Unconstitutional

The amendment was challenged by the Coalition to Defend Affirmative Action, Integration and Immigrant Rights and Fight for Equality By Any Means Necessary. In the resulting cases, this ominous sounding coalition was referred to by the acronym BAMN (rhymes with DAMN!). The District Court gave summary judgment against the coalition in 539 F. Supp. 2d 924 (2008). The Sixth Circuit Appellate Court reversed that judg-

(Continued on page 2)

IN THIS ISSUE:

Ask a Librarian	6
GPO Mobile Apps	4
Looking at the Web	5
What's Going On	6

University of Michigan
(Continued from page 1)

ment by 8-7 vote in 701 F. 3d 466 (2012), relying on Washington v. Seattle School District No. 1, 458 U. S. 457 (1982), which had used a “Political-process doctrine.”

Schuette v. Coalition to Defend Affirmative Rights, Integration and Immigration Rights and Fight for Equality By Any Means Necessary, 134 S. Ct. 1623 (2014)

In reversing the Appellate Court, a Supreme Court plurality went in three different directions. Justice Kennedy, joined by Justice Alito and Chief Justice Roberts, conceded that race-conscious policies were constitutional, and that the only question was whether they could be changed and by whom. They felt that the Appellate Court had misinterpreted the 1982 Seattle case, and “[t]here is no authority in the Constitution of the United States or in this Court’s precedents for the Judiciary to set aside Michigan laws that commit this policy determination to the voters.” (Ibid, p. 1638).

Justice Scalia concurring, joined by Justice Thomas, felt that Seattle should be overruled and its “Political-process doctrine” declared unconstitutional. “[A]ny law expressly requiring state actors to afford all persons equal protection of the laws ... does not – cannot – deny ‘to any person ... equal protection of the laws’...” (Ibid, p. 1648).

Justice Breyer also concurred, saying this case wasn’t about past discrimination and that the Seattle case was irrelevant. The only progressive Justice concurring with the plurality may hope to limit the future extent of their ruling. “We need now decide no more than whether the Federal Constitution permits Michigan to apply its constitutional amendment in [these] circumstances. I would hold that it does.” (Ibid, p. 1651).

The dissent, by Justice Sotomayor, joined by Justice Ginsburg, conceded that the racially conscious admissions policies could be eliminated, but not by voter amendment of the Michigan Constitution. The dissent relied on the “Political-process Doctrine,” used in the Seattle case: “Under this doctrine, government action deprives minority groups of equal protection when it (1) has a racial focus, targeting a policy or program that ‘inures primarily to the benefit of the minority’ . . . and (2) alters the political process in a manner that uniquely burdens racial minorities’ ability to achieve their goals through that process.” (Ibid, p. 1659). The dissent’s rationale was that requiring policy changes to be made by constitutional amendment, rather than through the Board of Regents, altered the political process and burdened the ability of racial minorities to make further changes.

The plurality dismissed this argument as follows: “To the extent Seattle is read to require the Court to determine and declare which political policies serve the ‘interest’ of a group defined in racial terms, that rationale was unnecessary to the decision in Seattle; it has no support in precedent; and it raises serious constitutional concerns.” (Ibid, p. 1634). Justice Kagan took no part in the consideration or decision of this case.

A Constitutionalist View

The earlier University of Michigan’s cases are important milestones, reported in our November 2003 *Transcript* article: “Affirmative Action, Discrimination & Diversity” www.ocpll.org/transcript/transcript_2010_05.pdf. They might be viewed as an effective legal death of affirmative action. Only three Justices voted to affirm that policy. Four Justices felt that it was an unconstitutional denial of equal rights. Justice Breyer’s vote wouldn’t have saved affirmative action. But by joining with Justice O’Connor, a less controversial policy was substituted, a compromise accomplishing nearly the same result.

No longer would college admissions be in negative terms of protecting citizens’ rights by limitations on government actions, which had evolved into the more positive, but contradictory, unequal application of law under affirmative action. The contradiction had been judicially justified as correction for the past unequal protection, which had prevailed prior to Brown v. Board of Education, 347 U. S. 483 (1954). But with the passage of time, affirmative action had become increasingly difficult to justify.

The new policy led to the empowerment of government interests; in this case, the desire for student diversity in colleges and universities. It was only one of several empowerments under a doctrine of exceptions to constitutional limitations by balancing them with compelling government interests. I had never heard of diversity used in this context before, and the new buzz-word spread into every aspect of our modern culture.

In the present case, Justice Sotomayor doesn’t refer directly to affirmative action, but spends several pages extolling the benefits of diversity and lamenting its decrease in the nation’s colleges. But while affirmative action may have legally died in those earlier Michigan cases, its ghost lingers on, haunting the analyses of scholars and jurists like Justice Sotomayor. Hence her reference to unique benefits for minorities, and the injuries to them by eliminating a policy that had only been justified as a benefit for all students.



GPO*(Continued from page 1)*

ment information by allowing the public to access government information free on the internet. Later on, an upgrade to GPO Access, the Federal Digital System (FDsys), was implemented online. This website provides free searchable access to 900,000 individual titles from all three branches of the government. (<http://www.gpo.gov/fdsysinfo/aboutfdsys.htm>) The GPO is also instrumental in the development of the House and Senate Guide app, the Congressional Record app and the U.S. Constitution Analysis and Interpretation app. It also has e-books for the public's use. For U.S. passports, the GPO has transitioned from paper to smart cards.

In January 2013, the National Academy of Public Administration (NAPA) published its results of the broad operational review of the GPO. This Congressionally directed review is entitled *Rebooting the Government Printing Office: Keeping America Informed in the Digital Age*. The NAPA panel stated that the federal government 'needs to establish a broad government-wide strategy to manage digital information through all stages of its lifecycle. The absence of such a strategy has resulted in a chaotic environment with significant implications for public access to government information-and, therefore, the democratic process-with some observers describing federal digital publishing as the "wild west." ' (National Academy of Public Administration [NAPA], 2013, p. 1) The panel report continues to state that a majority of the federal documents are digitally generated and many are not being authenticated or preserved. In addition, there are numerous fugitive digital documents and the public should have access to them. The panel also recommended that the GPO can impact the lifecycle management of 'government information by doing more in the areas of content management, metadata creation, authentication, preservation, cataloging and providing permanent public access.' (NAPA, 2013, p.2). The panel went on to make 15 recommendations to 'position the federal government for the digital age, strengthen GPO's business model and continue to build the GPO of the future' (NAPA, 2013, p. 3). The Public Printer, Davita Vance-Cooks during the GPO in 2023 : Keeping America Informed in a Post-Print World Hearing before the Committee on House Administration, House of Representative, stated that the GPO will still support printing service to support the needs of Congress, Federal agencies, and the public. The GPO is retooling its printing operation. (GPO in 2023: Keeping America, 2013, p. 9) She also addressed concerns that the GPO would start charging for access to FDsys. She states 'GPO is committed to no-fee, permanent , public access to FDsys as a fundamental element of our mission of Keeping America Informed...' (GPO in 2023: Keeping America, 2013, p. 14)

Moving forward, the GPO updated its strategic plan for 2014-2018 to reflect the recommendations from the NAPA report and to transform itself from print centric to content centric agency. The GPO's revised mission statement is "Keeping America Informed as the Official Digital, and Secure source for producing, protecting, preserving, and distributing the official publications and information products of the Federal Government." (<http://www.gpo.gov/about/strategicplan.htm>)

Transitioning government information access from print centric to content centric is not without controversy. For example, The Federal Register Modernization Act (H.R. 4195) was introduced by Rep Darrell E. Issa on March 11, 2014, to remove the outdated requirement to print the Federal Register and the Code of Federal Regulations (CFR) and remove the requirement for agencies to submit multiple copies so documents to be published in the Federal Register. The amendment will allow publishing to occur on the internet. There is doubt as to government transparency and openness when a voice vote was taken the next day. The Federal Register Modernization Act was passed in the House and the most recent action on this Act, occurred on July 15, 2014. It was received in the Senate and read twice and referred to the Committee On Homeland Security and Government Affairs. The American Association of Law Libraries (AALL) has the following concerns and urges members of Congress to oppose H. R. 4195: Members of the public must be able to access the Federal Register and CFR in print; Eliminating the indexes to the Federal Register and CFR would remove essential finding aids; H.R. 4195 would result in less transparency. Details about the AALL position may be found at <http://aallnet.org/Documents/Government-Relations/Issue-Briefs-and-Reports/2014/FRonepager.pdf>

The Government Publishing Act of 2014 signals GPO's continued strategic direction toward publishing and a business model change in the GPO and the federal government's approach to the lifecycle management of government information and data. Ensuring government transparency, openness, and the public's permanent free and easy access to government information must be considerations during the Federal Government's and the GPO's transition from print centric to content centric information and data management.

(Continued on page 4)

GPO*(Continued from page 3)***References**

National Academy of Public Administration. (2013, January). A Report by a Panel of the National Academy of Public Administration for the U.S. Congress, Congressional Research Service, and the Government Printing Office, Rebooting the Government Printing Office: Keeping America Informed in the Digital Age (Academy Project Number: 2170). Retrieved from <http://www.napawash.org/2013/1437-rebooting-the-government-printing-office.html>

The Federal Register Modernization Act, H.R. 4195, 113th Cong. (2014). Retrieved from http://thomas.loc.gov/home/gpoxmlc113/h4195_rfs.xml

The Government Publishing Act of 2014, S. 1947, 113th Cong. (2014). Retrieved from http://thomas.loc.gov/home/gpoxmlc113/s1947_rs.xml

GPO: in 2023: Keeping America Informed in a Post-Print World: Hearing before the Committee on House Administration, House of Representatives, 113th Cong. 1 (2013). Retrieved from <http://www.gpo.gov/fdsys/pkg/CHRG-113hhrg86569/pdf/CHRG-113hhrg86569.pdf>



Mobile Apps from the GPO: For current listings go to www.gpo.gov/mobile

The **Mobile Member Guide for the 113th Congress** is based on the Guide to the House and Senate Members and information in the Congressional Pictorial Directory, and allows users to browse for Members of Congress by name, state, chamber and party. Users can view Congress Members' picture, party affiliation, hometown, home state, and length of service. A future update will incorporate additional information from the Congressional Directory.



[Mobile Site](#)

The **Mobile Budget of the U.S. Government for FY15** app provides mobile users with access to the text and images of the main FY15 Budget book, including the Budget Message of the President, information on the President's priorities, and budget overviews organized by agency. Summary tables are available in pdf format. The app also includes the FY13 and FY14 Budgets.



[Mobile Site](#)

The **Plum Book** app gives users the option to search information on presidentially appointed positions within the Federal Government based on a variety of filters including branch, agency or organization as well as by position title, pay plan, appointment type and level.



[Mobile Site](#)

The **Presidential Documents** app, released in partnership with the [National Archives' Office of the Federal Register](#), is based on the [Daily Compilation of Presidential Documents](#). Comprised of documents released by the White House Press Secretary beginning in 2009, it includes executive orders, speeches, approved acts, White House announcements and press releases. Users may conduct searches by date, device-based geolocation, category, name, location and subject.



[Mobile Site](#)

Legal Humor*(Continued from page 1)*


The Judge Who Hated Red Nail Polish & Other Crazy but True Stories of Law & Lawyers has a Table of Contents that covers a wide range of topics. For instance: *Celebrities with Law Degrees* – John Cleese, actor (Cambridge, 1963); Howard Cosell, sportscaster (NYU, 1941); Julio Iglesias (Complutense University). To find out more about the judge who hated red nail polish go to page 65.

Lawyer – a Brief 5,000 Year History takes the reader on a journey through history as seen through the eyes of the author/lawyer. The journey begins in Biblical Times passing through Pagan Times, Ancient Greece, Ancient Rome, Medieval times and eventually ending in Modern Times.

Ludicrous Laws & Mindless Misdemeanors subtitle is *The Silliest Lawsuits and Unruliest Rulings of all Times* and that is what you will find in the pages of this tongue-in-cheek look at the country's legal system.

Presumed Ignorant! According to the cover, contains "Over 400 cases of legal looniness, daffy defendants, and bloopers from the Bench."

The Ultimate Lawyer Quote Book has quotes from an array of sources divided into Sections and Chapters. In Chapter 31 – *Witnesses* there is a quote from Will Rogers which says, "You never know how much a man can't remember until he is called as a witness."

You May Not Tie an Alligator to a Fire Hydrant is an assortment of the most stupid city, state, and federal laws in the country. Such as: In California it is illegal to own a snail, elephant, or sloth as a household pet; in Massachusetts it is illegal to frighten a pigeon. 

**Looking at the Web***by Mora Prestinary*

Gavel2Gavel: Courtroom Humor and Lawyer Jokes
<http://gavel2gavel.com/>

Grutter v. Bolling: 123 S. Ct. 2325 (2003)
<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=CASE&court=US&vol=539&page=306>

Gratz v. Bollinger: 123 S. Ct. 2411 (2003)
<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=CASE&court=US&vol=539&page=244>

Schuette v. Coalition to Defend Affirmative Rights, Integration and Immigration Rights and Fight for Equality By Any Means Necessary: 134 S. Ct. 1623 (2014)
<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=US&navby=case&vol=000&invol=12-682>

Brown v. Board of Education: 347 U. S. 483 (1954).
<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=347&page=483>

WHAT'S GOING ON

New!

Any member of the California Bar may now join the library. An attorney whose residence or office is outside of Orange County may join with a one-time deposit of \$200. All other borrowing rules and fines apply.

Photo Identification and California Bar card are required to register. Photo ID: A California driver's license or an ID card issued by the DMV. If no driver's license or ID card has been issued by the DMV, a registrant may use a current Passport, or other government issued ID together with proof of a current address.



September 16: New Biking Law in Effect

The law requires drivers who pass cyclists from behind to keep their vehicles 3 feet away from the cyclist; if traffic or roadway conditions prevent motorists from giving cyclists 3 feet of clearance, drivers must "slow to a speed that is reasonable and prudent" and only pass when the cyclist will not be endangered. For more information see the California Vehicle Code §§21750; §21760 (operative Sept. 16, 2014)

To find the biking laws for all 50 States:
<http://bikeleague.org/content/state-bike-laws-0>

The Library will be Closed:

November 11, 27, 28, 29, 2014



by Lu Nguyen

Q

Can I cite an unpublished case in my legal argument?

A

According to the publication titled "California Civil Appellate Practice", 3d edition, published by CEB, Sec. 21.19: "Unpublished opinions may not be cited or relied on. California Rules of Court 8.1115(a) provides in general that a court or a party in any other action or proceeding may not cite or rely on unpublished opinions..." p. 21-16

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Saturday	9 am - 5 pm

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