

Inside this issue:

Message from the Chair	1,3
Member to Know: Shari Laster	2-3
Marta Lange/SAGE-CQ Press Award	4
LPSS Forum at ALA: Political Cartoonists	5
Vendor/Publisher Review: Sources for Election Results	6-8
Member News & Publications	9
LPSS listserv	9
Digital Commons Network: Political Science	10-12
ACRL/Choice call for reviewers	12
Overview Legislative History, Originalism, Textualism	13-17
Contributor guidelines	17
LPSS Officers & Chairs	18



Message from the LPSS Chair

Rosalind Tedford, Wake Forest University

Hello and I hope all of you are finally seeing spring in your neck of the woods. Seems to have come to NC, left again and may be returning this week!

The big news of the spring, of course, is the LPSS name change. Thanks to all who provided thoughtful feedback to the Executive Committee and who voiced their opinions in our polls. The final verdict is that we will submit a proposal to the ACRL Board

of Directors to change the name of the section to the Politics, Policy and International Relations Section (PPIR). They will review it and decide on it at the ALA Annual meeting in Orlando in June.

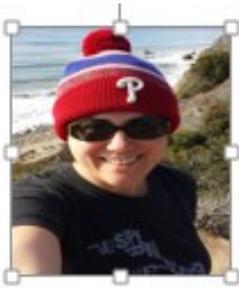
And speaking of ALA Annual we have full schedule of meetings and events. Starting on Saturday, June 25th we will have our Executive Committee Meeting and our forum on Political Cartoons from 3pm – 4pm. Then on Sunday June 26th we will have our Marta Lange /SAGE-CQ Press Awards breakfast (a change from the lunch formats of previous years) followed by our general membership meeting. And finally, on Monday June 27th we are co-sponsoring a session with GODORT on government data centers. Below are the specifics of places and times for Annual.

Executive and All-Committees Meeting (ACRL LPSS)	6/25	8:30 AM	10:00 AM	Lake Highland Hilton
LPSS/Arts Section Forum: Political Cartoonists	6/25	3:00 PM	4:00 PM	Florida Ballroom 5-7 Hilton
Marta Lange/SAGE-CQ Press Award Breakfast	6/26	8:30 AM	10:00 AM	Lake Eola A Hilton
General Membership Meeting (ACRL LPSS)	6/26	10:30 AM	11:30 AM	Lake George Hilton
Government Data Centers: A Look Under the Hood (LPSS/GODORT co-sponsored)	6/27	1:00 PM	2:30 PM	W 102 A Orange County Convention Center (OCCC)

Continued page 3

Member To Know - By Rebecca Hyde

Shari Laster



The LPSS Member to Know for this issue is Shari Laster of the University of California, Santa Barbara. Prior to becoming the Government Data & Information Librarian at UCSB Library in 2014, Shari served as the Government Documents Librarian at the University of Akron and received her MSLS from the University of North Carolina at Chapel Hill. I virtually sat down with Shari and asked her a mix of professional and personal questions to get to know her better. Here's what she had to say!

Where did you grow up?

I'm originally from the borough of West Chester, Pennsylvania, which is about 30 miles west of Philadelphia. I moved to Houston for my undergraduate degree, so I consider myself to be a bit of a Pennsylvanian.

How did you become active in LPSS?

I've been an active member of GODORT my entire career. Because I work with users looking for law and public policy resources, as well as those seeking government information and social sciences data, I felt like joining LPSS would be a great fit for me when I finally took the plunge and joined ACRL.

What do you consider your biggest challenge in your job/career?

As a government information librarian, I want to help expose and explore the tensions inherent in current models and practices for disseminating, accessing, describing, storing, and preserving content from government sources. Sometimes this requires pushing different perspectives on library collections, services, and collaboration than the ones currently in vogue, and so I am trying to become a better communicator and advocate.

What's your favorite part of your job?

Working with students! They inspire me to think creatively about challenges and opportunities in the academic environment, and they're so much fun to be around.

What does a work day look like for you?

Like many librarians, I don't think I have a typical day. I help to staff the library's reference desk, chat reference service, and data services desk on a weekly basis. Outside of those hours, I might be working with library staff who are handling our federal documents collection, meeting with graduate students about resources and strategies for their research, planning an instruction session, or untangling any of the myriad mysteries that seem to follow government information wherever it goes.

[Continued p. 3](#)

*Is there an LPSS member whom you'd like to know better through a profile in the LPSS News?
Is there a member you could profile in 500-600 words who would interest the rest of the section?
Email your suggestions to the editors at merrill.stein@villanova.edu or dennis.lambert@villanova.edu.*

[Continued from page 2](#)

Of course, I also spend time in face-to-face and virtual meetings, and a lot of time replying to email. I try to check in on Twitter throughout the day to stay abreast of what's happening and help me keep a healthy sense of balance.

What books are you currently reading?

I just finished reading a graphic novel called *Daytripper*, by Fábio Moon and Gabriel Bá. It's a lovely, meditative piece on mortality and human relationships. Next up, I'm reading *The Thrilling Adventures of Lovelace and Babbage: The (Mostly) True Story of the First Computer*, by Sydney Padua. I'm looking forward to some steampunky fun with history!

What's your favorite new app, program or website? How has it made your life/work easier?

As a long-time sucker for Google products, I've quickly become a fan of Google Keep: it connects a list and note-taking function with your calendar, documents, and email inbox. I hope it doesn't go the way of Google Reader, but I'm keeping my expectations low.

What do you do in your spare time?

I like to take advantage of the Central Coast's amazing weather and scenery, with long urban walks, beach walks, and hikes. When I have the time, I'm often on the road to LA or the Bay Area. I also spend a lot of time talking at my cat, even though I'm not sure he's really listening to me.

Lastly, how can people connect with you? (LinkedIn, email, twitter, etc.)

I'm @rhonabwy on Twitter; come find me and say hello!



[Continued from page 1](#)

We are also looking at some changes to the wording of the Marta Lange/SAGE-CQ Press Award criteria and may be proposing that to the ACRL Board of Directors as well. Generally we are trying to broaden the range of people eligible for the award by adding in some new categories while keeping the significance of contributions to politics librarianship at the forefront. More to come on that as the plans develop.

More issues may arise between now and the meeting in Orlando and I will have a final agenda posted in ALA Connect in December.

For now, I hope the semester continues well for all of you and I'll see you in Orlando!

Rosalind Tedford, Wake Forest University

ACRL Marta Lange/SAGE-CQ Press Award

Congratulations to our 2016 Marta Lange/SAGE-CQ Press Award winner, Chad Kahl, interim associate dean for public services and information technology at Illinois State University!



The Marta Lange/SAGE-CQ Press award honors academic librarians who have made distinguished contributions to librarianship in political science related fields.

Chad's extensive contributions to legal and political science librarianship spans from service to scholarship, continually demonstrating his knowledge of the field, and passion for civic engagement. He has played an active role in the Law and Political Science section of ACRL, having served on numerous committees, and as the section chair, vice-chair/chair-elect, and past chair. Within LPSS he has developed the strategic direction of the section, assisted with programming, and spearheaded efforts to resurrect the *Statistical Resources on the Web* guide.

Professionally, Chad has worked to create a politically engaged campus at Illinois State University, serving on the task force to create a Center for Civic Engagement, and chairing the Political Engagement Project Coordinating Council. His scholarship also highlights his contributions to the legal and political science librarianship with publications and presentations that focus on the intersection of libraries and government, including his chapter in *Privacy in the Digital Age*, 'Library Patrons and the National Security State.' His bibliographic reference source *International Relations, International Security, and Comparative Politics: A Guide to Reference and Information Services* is widely held within libraries and an invaluable reference source for political science and international relations.

The award sponsor, SAGE-CQ Press, will present Chad with a plaque and \$1,000 award at the 2016 ALA Annual Conference in Orlando, Florida on Sunday, June 26th at the Marta Lange/SAGE-CQ Press Award Breakfast.

Further details about the award breakfast including our invitation to join us in celebrating Chad's achievements are forthcoming.

If you know of a deserving librarian we hope you will submit nominations for the 2017 award starting in September.



LPSS Forum at ALA Annual Convention in Orlando

Editorial Cartooning - The Art of Politics with Michael Osbun



Mr. Osbun was born and raised in Clifton, New Jersey. Growing up he realized early on that he wanted to create his own comic strip and was influenced by reading and studying the classics of the time, Blondie, Peanuts, Beetle Bailey, and Hagar the Horrible.

While attending Montclair State College and working part time at the North Jersey Herald News, he continued to write and submit comic features to professional cartoonists and syndicates to solicit opinions on how to improve his writing skills and artwork.

After graduating college with a degree in marketing he continued working in various positions at the North Jersey Herald News, and later in the advertising department of a major Northeast supermarket chain, all the while still pursuing his artwork.

In 1992, he decided to relocate to Florida with his new wife Jackie. He took a temporary position with the Walt Disney Company that gave him enough free time to throw all of his energy towards pursuing his goal of becoming a full-time freelancer. At that time, he branched out into Editorial Cartooning, getting his works published in a variety of local weekly papers - the Sumter County Times, the Chiefland Citizen, the Riverland News and the Brevard Reporter - as well as a daily newspaper, the Citrus County Chronicle. He has won numerous Florida Press Association awards for his work.

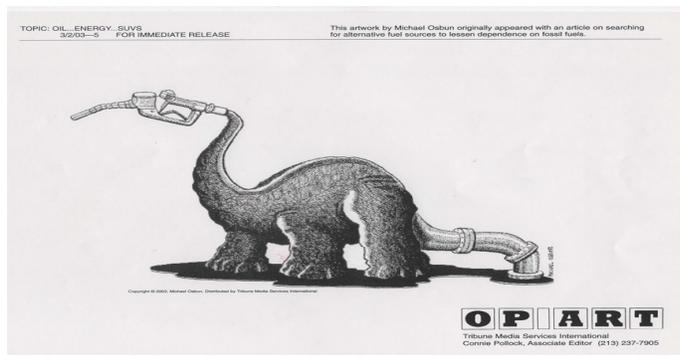
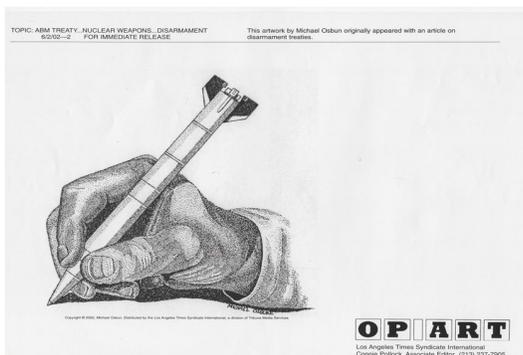
He eventually left the Walt Disney Company, worked part-time for a brief period at the Sumter County Times and eventually reached his goal of being a full-time freelance writer and artist.

His major break into the field of Editorial Commentary occurred in 1999 when he was accepted as an Editorial Opinion Arts contributor for the Los Angeles Times Syndicate, distributed in both national and international markets.

At the same time, he began writing gags for well-known comic features. He continues to do so today, and his clients include the likes of Dennis the Menace, Dustin, Wizard of Id, B.C., Marmaduke and Animal Crackers, as well as the (sadly) now retired Grin & Bear It.

When he can tear himself away from his drawing board and the computer, he enjoys traveling and reading, with interests in World War II, Colonial America, the classic literature and is a great admirer of Arthur Conan Doyle's Sherlock Holmes. *(Biographical text submitted by Brian Coutts and Linda Colding)*

Forum co-sponsored by the LPSS and Arts Sections of ACRL



Sources for Election Results

By [Nadine Hoffman](#), [Carol Spector](#), [Sarah Maximiek](#), and [Catherine Morse](#) (Chair) on behalf of the 2015-2016 LPSS Vendor/ Publisher Review Committee

The US presidential election coming up in November means we are all hearing about elections these days. Many researchers, especially those doing comparative politics or studying electoral systems, are interested in election results from all over the world. The Vendor/Publisher Review Committee took a look at some sources for election results. The first four resources listed provide results for multiple countries, the last two focus solely on Canada and the US respectively. All of the following resources make most if not all of their information freely available.

[Lijphart Election Archive](#)



Lijphart Elections Archive

The Lijphart Elections archive is named after Arend Lijphart, a Research Professor Emeritus of Political Science at the University of California, who specializes in comparative politics and elections.

The archive's original scope was print copies of national election results in hard-copy format for the lower or only house of the legislature and for any directly elected upper house in the West European democracies plus the United States, Canada, Costa Rica, India, Israel, Japan, Australia, and New Zealand. The scope has grown over the years to include more countries (now up to 46). Some election results are available online in html or ascii files. This is a static research archive, with the latest results added from 2003.

One thing that is particularly useful about this resource are the links to election statistics publications in the library catalog of the University of California San Diego. If a researcher needs to know the result of a referendum from the 1940s, then finding the title of the serial where those results are published is a good place to start. The Lijphart Elections Archive website is useful for a researcher looking for election results from older democracies between 1945 and 2003. This archive can be useful for identifying titles of election result serials that may be available in print.

[CLEA](#)

Constituency-Level Elections Archive (CLEA)

CLEA stands for Constituency-Level Elections Archive. CLEA is a repository of election results for lower houses of parliament or legislative elections at the constituency level from around the world. For the US, CLEA has House of Representatives elections results at the Congressional district level from 1788 to 2013. CLEA aims to make election results comparable across countries and within countries over time.

[Continued page 7](#)

[Continued from page 6](#)

CLEA has data for 1,494 elections from 129 countries. The entire data set can be downloaded in SPSS or STATA files. There is an [online subsetting tool](#) that you can use to extract a smaller data set, say just a few years or just a few countries. CLEA also provides GeoReferenced Electoral Districts Datasets, a collection of shapefiles that can be used for geographic information systems (GIS) analysis along with a party nationalization dataset that provides the number of parties as well as measures of nationalization.

CLEA is a great choice for the researcher who wants to extract a large data set of legislative election results for analysis in a statistical package or download electoral district shapefiles for working with GIS.

[Psephos: Adam Carr's Election Archive](#)

**Welcome to Psephos
Adam Carr's Election Archive**

Psephos is an incredibly useful website for finding election data for countries all over the world. The website's creator, Adam Carr, began collecting Australian election data in 1985 and branched out across the globe from there. The website now provides election data for 182 countries. For each country, the following information is typically available: total number of registered voters, number of votes cast for each political party, and regional breakdowns. Candidates' names and corresponding votes are also sometimes included.

Carr gathers and archives election data and provides free access in a standardized format. Electoral maps are available for many countries. The archive strives to be comprehensive, permanent, and simple to use. Nothing too flashy here, just the facts.

And in case you were wondering, the website's name comes from the Greek word for pebble, referencing the way folks in ancient times cast votes with pebbles. The study of elections and voting statistics is known as "psephology".

[African Elections Database](#)

AFRICAN ELECTIONS DATABASE

African Elections Database provides election result data for the 49 countries of Sub-Saharan Africa. Data goes back to 1990 and is available for presidential and parliamentary elections, along with some sub-national elections and constitutional referenda results. In addition to results, a brief profile is provided of the country's contemporary political history.

[Continued page 8](#)

[Continued from page 7](#)

African Elections Database posts the official, definitive election results, rather than preliminary results that news organizations may make available immediately following the election. Data is obtained from online sources such as the national electoral authorities and gazettes for each country. Since governments often treat the national election results webpages as temporary, the African Elections Database helps fulfill a preservation role by saving these results. Data is not easily extracted for download as a set from African Elections Database. This resource is useful for a user who needs to look up results from a small number of countries or years.



[Elections Canada](#)

The Elections Canada website provides free, open access to federal parliamentary election data since Confederation in 1867. Data since 1996 is the most robust, covering all federal general and by-elections as well as referendums. It includes a complete list of candidates, expenses and limits of parties and candidates, and a list of registered third parties. This website also includes a table of voter turnout.

Rather than duplicating the History of the Federal Electoral Ridings since 1867 list, Elections Canada links to the list provided through the Parliament of Canada's website (<http://www.lop.parl.gc.ca/About/Parliament/FederalRidingsHistory/HFER.asp>) which contains a searchable database of ridings (the Canadian equivalent of constituencies or electoral districts), candidates, general elections, by-elections, cities/towns/districts, and women candidates in general elections. Under each category previously listed, you can search by multiple criteria (e.g., province name).

As Elections Canada runs federal elections in Canada, the data provided on their website are the official election results. Canadian provincial election results can be found for most provinces through their equivalent department or agency.

[Dave Leip's Atlas of U.S. Presidential Elections](#)



Dave Leip's Atlas of US Presidential Elections

has maps and election result data going back to 1789. Maps and tables are viewable but can only be downloaded if they have been purchased. The first thing a new user notices about the election results maps is that red is associated with Democrats and blue with Republicans. The sources for this data include the official election agencies in each state, the official statistical almanacs or "blue books" published by states, and CQ's Presidential Elections 1789-2000.

Dave Leip offers some valuable tabulations of election results that can be hard to obtain elsewhere such as presidential, gubernatorial, senate and house results by county and voter registration and turnout by county. This website is valuable to a user who needs to look up results or view historical results maps, and it would be useful to a librarian interested in purchasing additional tabulations of US election results.



Member News and Publications

- Jeremy Darrington, Politics Librarian at Princeton University, has been promoted to the rank of Librarian with Continuing Appointment.
- Rosalind Tedford, Binh Le and Jeremy Darrington all ran for ALA Council in the spring election. Also, LeRoy LaFleur ran for ACRL Board of Directors.
- Lynda Kellam, Data Services & Government Information Librarian, University of North Carolina at Greensboro (UNCG), is also now part-time Assistant Director of the International & Global Studies program at UNCG.
- Peter Kraus, Faculty Services Librarian at J. Willard Marriott Library, University of Utah, who just returned from a six-month sabbatical, including a residence at St. Stephen's House Oxford, has recently published:

Kraus, P. L. (2015). Giving Guidance When You Don't Have the Resources of a Swiss Bank: Answering Everyday Questions that Deal with Financial Literacy. Community & Junior College Libraries, 21(1/2), 19-26.

Kraus, Peter L. "A Primer on Grant Writing for Foundation Support For First Time Grant Writers in Academic Libraries: Challenges and Opportunities" (2015) Library Philosophy & Practice. Paper 1313. Published, 02/2016.
<http://digitalcommons.unl.edu/libphilprac/1313/>

Kraus, Peter L. "A Librarian run's for political office (or Cincinnatus looks outside the Ivory Tower" (2015). Library Philosophy & Practice. Paper 1303. Published, 12/2015.
<http://digitalcommons.unl.edu/libphilprac/1303/>

Kraus, Peter L "Grant Writing Instruction and Research at University of Utah, 2002-2015: Case Study" Journal of the Utah Academy of Sciences, Arts & Letters. 2015 (92). Published Abstract, 03/2016.

Connect with other Law and Political Science Librarians -- Join the LPSS Discussion List

To subscribe send an e-mail to:

listserv@listserv.kent.edu

Note: The subject line should be empty and the body of the message MUST only contain:

Subscribe lpss-l Firstname Lastname

Did you know that LPSS-L has a searchable archive?

Archives of LPSS-L are maintained at Kent State University and updated every week. Messages are arranged by date, and searchable by keyword, with archives dating back to August 2007. To access the LPSS-L archives, point your Web browser to <http://listserv.kent.edu/archives/lpss-l.html> .

The LPSS-L Archives are available only to subscribers to the LPSS-L list. The first time you access this URL, you will be prompted for your email address (as your account ID) and a password of your choice. You will need to reply to the email to confirm access.

Digital Commons Network: Access to Political Science Literature

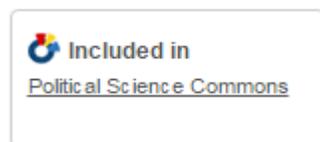
Brett Cloyd, University of Iowa Libraries

brett-cloyd@uiowa.edu

Several years ago, my university began using [BePress' Digital Commons](#) tool to manage its institutional repository needs. The local name of the tool is [Iowa Research Online](#) (IRO), and it has continued to grow in terms of content and the sophistication of its search tools. Several years ago, I worked with Libraries' staff and Political Science faculty members to include digital copies of some their selected scholarly works into IRO. The Libraries' also works with the University's Graduate College to include digitized copies of Masters Theses and PhD dissertations. Of note, copies of new articles funded by the [University's Open Access Fund](#) are also included in IRO. Additional material has been added as well --including journals and conference proceedings, from various academic disciplines. I am including a screenshot that provides an overview of the types of content available locally.



By explaining the contents of Iowa's institutional repository, I mean to illustrate the various "Commons" that make up the subject areas of the [Digital Commons Network](#) (or "the Network"). Customers of BePress' Digital Commons (largely college and university institutional repositories) contribute their local content and metadata. This content can then be shared in the central discovery tool, the Network. Currently all content in the Network adds up to nearly 2 million works. Linkages between local repositories and the Network are strong and allow for interested researchers to make useful connections.



[*Continued page 11*](#)

[Continued from page 10](#)

Recently, I followed a link from IRO that was labelled “[Political Science Commons](#).” I wanted to share a few thoughts about this experience. First I was impressed with the display. I was able to see that the database contained more than 20,000 full-text political science articles. Then I saw that 200 universities were participating in this subject area. I also appreciated the animated map which showed me when scholarship is accessed, and from where, on the globe.



The Political Science Commons, and the other subject areas included in the Digital Commons Network, rely on the contributions of subscribing institutions. Only a selection of the scholarly output of faculty and students are included: copyright and publishing agreements as well as staffing levels impact the completeness of the scholarly corpus. Of course, universities and libraries need to balance staffing and workflow issues to decide how much might appear in their local version of Digital Commons. In addition, participation is limited by subscribers. Being at a CIC Institution (Committee on Institutional Cooperation), I noticed there are only a few CIC peers included. To be thorough in one’s research, other tools may need to be consulted. It helps to understand what is included in institutional repositories, which is why I included a brief summary of Iowa’s contributions in my opening paragraph.

Still, I am a happy user of the Digital Commons Network. I have set alerts to notify me regularly about updates to Political Science Commons. I like seeing the “Popular Articles” section to identify what topics and authors are “trending.” I learned from a colleague that the usage that is calculated to determine “Popular Articles” can come from both Digital Commons and an institution’s repository site which I thought was useful to know.

[Continued page 12](#)

[Continued from page 11](#)

I also learned that sub-disciplines used in the Political Science Commons are assigned by the home institution's staff. At Iowa, my colleagues have not been assigning "International Relations" or "Political Theory." Instead all items in this field are tagged "Political Science." Be careful not to filter too deeply in your searches.

Researchers may be coming to the Digital Commons Network or your institutional repository from Google, Google Scholar, or other search tools. Becoming familiar with these tools can help you anticipate problems or issues before they arise. One final point I want to mention: during preparation of this article I learned about a new tool called "[Share](#)" from the Open Science Framework. It utilizes institutional repository metadata and content, too, and may be of interest to LPSS members.

ACRL/Choice publication seeks peer reviewers

Resources for College Libraries (RCL) invites librarians with collection development experience in the social sciences and science and technology disciplines to participate as peer reviewers. RCL is an online [database](#) recommending over 85,000 essential titles across 61 subjects for academic libraries and is co-published by the Association of College & Research Libraries' *Choice* together with ProQuest.

We are currently seeking peer reviewers for the following subjects of particular interest to LPSS members: Law, Political Science

Referees will be responsible for evaluating and providing feedback on the RCL subject's core title selections, along with its taxonomic organization. This is a one-time professional service opportunity and all referee work is scheduled for completion by August 15, 2016. To volunteer, submit a CV and a brief description of collection development or assessment experience to [Anne Doherty](mailto:adoherty@ala-choice.org) (adoherty@ala-choice.org), RCL Project Editor. Past referees have called RCL review work a "rewarding experience" and a "very good collection development exercise."

Learn more about RCL [here](#).



A Quick Librarian Overview of Legislative History, Originalism, and Textualism

By Bryan M. Carson, Western Kentucky University Libraries



The February 13, 2016, death of Associate Justice Antonin Scalia has brought the debate over textualism and legislative history back into the public eye. It can truly be said that Antonin Scalia remade the rules of statutory interpretation. A search of *HeinOnline*, the *Index to Legal Periodicals*, and the *Social Science Citation Index* (Web of Science) since 1981 (the year that Ronald Reagan began his presidency) shows that in the pre-Scalia era, few articles questioned the acceptability of legislative history. Instead, most articles discussed scope and process.

As librarians, we need to be aware of the issues and definitions, and have some sources to which we can refer people when we receive questions. I expect that questions will only increase as Supreme Court and lower court confirmation battles heat up in this election year. Therefore, this article contains brief definitions of legislative history, textualism, and originalism. I will point out some important cases and articles for students to consult, and suggest a few things to keep in mind. It is a brief synopsis of what you should know, and where you should go to find it.

Legislative History

Black's Law Dictionary (2009, ninth ed., p. 983) defines legislative history as: “[t]he background and events leading to the enactment of a statute, including hearings, committee reports, and floor debates.” While not binding, these materials help courts to discern the intent of the legislature. There are some excellent online guides to finding federal legislative history, and many law libraries have guides to legislative history sources for their own states.

To find articles, I recommend going beyond legal sources and looking at general social science and political science resources. While “legislative history” is the most common term, “legislative intent” is also a good keyword. Students should also read the first case to use legislative history, *Holy Trinity Church v. United States*, 143 U.S. 457 (1892), and related articles. Some of the resources that I think students should review include:

- Batt, Steven. (2015). Federal Legislative History and Analysis. University of Connecticut Libraries. <http://classguides.lib.uconn.edu/content.php?pid=203130>
- Bavis, Barbara, and Robert Brammer, Robert. (2016). *Compiling a Federal Legislative History: A Beginner's Guide*. Law Library of Congress. <https://blogs.loc.gov/law/category/research-guide-2/?loclr=bloglaw>
- Carson, Bryan M. (2011). *Finding the Law: Legal Research for Librarians and Paralegals*. Lanham, MD: Scarecrow Press.
- *Federal Legislative History*. (2015). Florida A&M College of Law Library. <http://famv1.libguides.com/content.php?pid=341522>
- Henschen, Beth M. (1985). Judicial Use of Legislative History and Intent in Statutory Interpretation. *Legislative Studies Quarterly*, 10(3), pp. 353-371.
- *Holy Trinity Church v. United States*, 143 U.S. 457 (1892). <https://supreme.justia.com/cases/federal/us/143/457/case.html>

[Continued page 14](#)

[Continued from page 13](#)

- Jones, Ron. (2016). Federal Legislative History Guide. University of Cincinnati Law Library. http://guides.libraries.uc.edu/Federal_Legislative_History
- Legislative History Research Guide. (2016). Georgetown University Law Library. http://guides.ll.georgetown.edu/legislative_history
- Morgan, Jennifer. (2016). State Legislative History Research Guides Inventory. Indiana University Bloomington Jerome Hall Law Library. <http://law.indiana.libguides.com/state-legislative-history-guides>
- Ryan, Lee. (2016). Federal Legislative History. University of San Francisco School of Law Library. <http://legalresearch.usfca.edu/content.php?pid=164866>
- Taylor, Julia. (2013). *Legislative History Research: A Guide to Resources for Congressional Staff*. Washington: Congressional Research Service. <http://www.fas.org/sgp/crs/misc/R41865.pdf>
- Vermeule, Adrian. (1998). Legislative History and the Limits of Judicial Competence: The Untold Story of Holy Trinity Church. *Stanford Law Review*, 50(6), 1833-1896.

Presidential Signing Statements

In the mid-1980s, deputy Attorney General (and future Justice) Samuel Alito pioneered the use of presidential signing statements as a new type of legislative history. In signing statements, the president explains and interprets the legislation, identifies possible concerns or constitutional limits, and talks about how officials will administer the new law. Until President Ronald Reagan, speeches at the signing of a bill were mostly photo opportunities, with just 16 substantive signing statements from 13 presidents (Cooper, 2005, p. 517). According to Kelley (2007), it was Alito and his boss, Edwin Meese, who requested in 1986 that West Publishing include signing statements in the U.S. Code Congressional & Administrative News (U.S.C.C.A.N.).

Although every president since the 1980s has used signing statements, the all-time leader was President George W. Bush. He received substantial criticism in both academic journals and the mainstream media, and Boston Globe reporter Charlie Savage received the 2007 Pulitzer Prize for his reporting on signing statements. At a February 2007 symposium on the topic at William and Mary Law School, it was reported that Bush 43 had used signing statements over 1,100 times, almost twice as many times as all previous presidents combined (Savage, 2007, p. 2).

Remember that signing statements are available in the *U.S. Code Congressional & Administrative News* [U.S.C.C.A.N.]. The signing statement symposium papers were printed in the *William and Mary Bill of Rights Journal*. I also recommend the following sources:

- Cooper, Phillip J. (2005). George W. Bush, Edgar Allan Poe, and the Use and Abuse of Presidential Signing Statements. *Presidential Studies Quarterly*, 35(3), pp. 515–532. <http://citeseerx.ist.psu.edu/viewdoc/summary?doi=10.1.1.545.9626>
- Kelley, Christopher S. (2007, December). “The Law”: Contextualizing the Signing Statement. *Presidential Studies Quarterly*, 37(4), pp. 737-748. <http://www.jstor.org/stable/27552286>

[Continued page 15](#)

[Continued from page 14](#)

- Presidential Signing Statements and Congressional Oversight Symposium: The Last Word - The Constitutional Implications of Presidential Signing Statements [symposium issue]. (2007, October). *William and Mary Bill of Rights Journal*, 16(1), pp. 1-314. <http://scholarship.law.wm.edu/wmborj/voll16/iss1/>
- Savage, Charlie. (2006, April 30). Bush challenges hundreds of laws: President cites powers of his office. *Boston Globe*. <http://misterclark.us/wp-content/uploads/2014/02/Bush-challenges-hundreds-of-laws.doc>

Originalism and Textualism

The use of legislative history by courts contrasts with originalism (also known as intentionalism) and textualism, two distinct but related concepts that are often confused with one another, even by accomplished scholars and judges (*see, e.g.,* Easterbrook, 1988). *Originalism* argues that the Constitution must be interpreted in the way in which the framers thought it was to be interpreted. *Textualism* is the doctrine that “judges should interpret statutes according to the meaning of the enacted text” (Liu, 2015, p. 217).

Originalism is a constitutional interpretation doctrine, while textualism is used for statutes. Textualism is related to “plain meaning,” the idea that we should not use esoteric definitions, but should give words the meaning that ordinary reasonable non-lawyers expect them to have. Textualism gives words their plain meaning at the time the statute was enacted.

While first associated with conservative judges, these doctrines are neither liberal nor conservative. Justice Ruth Bader Ginsburg, a liberal, calls herself an originalist. Justice Ginsburg used original intent in *Evenwel v. Abbott* (decided April 4, 2016).

The most important judicial definitions of originalism are *Myers v United States*, 272 U.S. 52 (1926), and *District of Columbia v. Heller*, 554 US 570 (2008). The *Myers* case concerned the Appointments Clause of the Constitution and a statute that required Senate approval before the president could fire officials. In his opinion, Chief Justice Taft examined the *Annals of Congress*, Justice Story’s *Commentaries on the Constitution of the United States*, writings from *The Federalist Papers*, statements by several of the framers, and even the first appointments bill. The opinion held that the statute was unconstitutional based on what the framers thought the appointments power meant *in 1789*.

In the *Heller* case, Justice Scalia examined the Second Amendment and the meaning the words “keep and bear arms” had in the 18th century. He used definitions from dictionaries of the time period, contemporary state statutes, the commentary of William Blackstone, and other period writing. Justice Scalia examined these resources to determine what the words meant to those who proposed and passed the Second Amendment.

A recent example of textualism and plain meaning is Justice Alito’s unanimous opinion in *Nichols v. United States* (decided April 4, 2016). The case involved a convicted sex offender (not on parole or probation) who relocated to the Philippines in 2011 without notifying Kansas authorities that he was leaving. The registration statute provided that “A sex offender shall, not later than 3 business days after each change of name, residence, employment, or student status, appear in person in at least 1 jurisdiction involved. . . .”

[Continued page 16](#)

[Continued from page 15](#)

Justice Alito’s opinion examined the history of this text. The previous statute required registration in the new jurisdiction, but current text (using present tense) requires the offender to appear in the state in which the offender resides. Since Nichols had moved to the Philippines, he was (to paraphrase the *Wizard of Oz*) “not in Kansas any more,” which was no longer “involved” as a jurisdiction. The Court also noted that Nichols couldn’t be in the Philippines and appear in person in Kansas to register “not later than 3 business days” after leaving: “To be sure, one may argue that the day before his departure was “not later than 3 business days after” his departure, but no one in ordinary speech uses language in such a strained and hypertechnical way.”

When helping students with research, keywords searches include: originalism, “original understanding,” “original intent,” textualism, intentionalism, and “plain meaning.” As a beginning, I recommend students review the *Myers*, *Heller*, *Evenwel v. Abbott*, and *Nichols* cases. The following articles provide good overviews:

- Baade, Hans W. (1991, April). “Original Intent” in Historical Perspective: Some Critical Glosses. *Texas Law Review*, 69(5), 1001-1107.
- Barnett, Randy E. (1999, Winter). An Originalism for Nonoriginalists. *Loyola Law Review*, 45(4), 611-654.
- Dickerson, Reed. (1975). *The Interpretation and Application of Statutes*. Boston: Little, Brown.
- *District of Columbia v. Heller*, 554 US 570 (2008). <http://www.scotusblog.com/wp-content/uploads/2008/06/07-290.pdf>
- [District of Columbia v. Heller Symposium Issue]. (2009). *UCLA Law Review*, 56(5). <http://www.uclalawreview.org/category/print/vol56/issue56-5/>.
- Easterbrook, Frank H. (1988, Winter). The Role of Original Intent in Statutory Construction. *Harvard Journal of Law and Public Policy*, 11(1), 59-66. http://chicagounbound.uchicago.edu/journal_articles/1155/
- *Evenwel v. Abbott*, No. 14–940 (decided April 4, 2016). http://www.supremecourt.gov/opinions/15pdf/14-940_ed9g.pdf
- Federalist Papers. (2008). New Haven, CT: Lillian Goldman Law Library Avalon Project. http://avalon.law.yale.edu/subject_menus/fed.asp
- Hutchens, J. T. (2006-2007). A New New Textualism: Why Textualists Should Not Be Originalists. *Kansas Journal of Law & Public Policy*, 16(2), 108-128.
- Liu, Cory R. (2015). Textualism and the Presumption of Reasonable Drafting. *Harvard Journal of Law & Public Policy*, 38(2), 711-727.
- Manning, John W. (2014, November). The Means of Constitutional Power. *Harvard Law Review*, 128(1), 1-84.
- Meese, Edwin, III. (1985). The Attorney General’s View of the Supreme Court: Toward a Jurisprudence of Original Intention. *Public Administration Review*, 45, 701-704. <http://www.jstor.org/stable/3135023>
- *Myers v. United States*, 272 U.S. 52 (1926). <https://www.law.cornell.edu/supremecourt/text/272/52>
- *Nichols v. United States*, No. 15–5238 (decided April 4, 2016). http://www.supremecourt.gov/opinions/15pdf/15-5238_khlo.pdf

[Continued page 17](#)

[Continued from page 16](#)

- Scalia, Antonin, & Garner, Bryan A. (2012). *Reading Law: The Interpretation of Legal Texts*. St. Paul, MN : Thomson/West.
- Scalia, Antonin. (1988-1989). Originalism: The Lesser Evil. *University of Cincinnati Law Review*, 57, 849-865.
- Scalia, Antonin. (1997). *A Matter of Interpretation: Federal Courts and the Law*. Princeton, NJ: Princeton University Press.
- Story, Joseph. (1833; 2013). *Commentaries on the Constitution of the United States*. Boston: William Hilliard, Gray, and Company; Folsom, CA: The Federalist Papers Project. http://www.constitution.org/js/js_005.htm

Conclusion

Questions of textualism and originalism often involve issues that were not anticipated in 1787. One of my favorite examples comes from the oral arguments in *Brown v. Entertainment Merchants Association*, 564 U.S. 08–1448 (2011), available at <http://www.scotusblog.com/case-files/cases/eanf/>. In an important case for libraries, bookstores, publishers, films, and the music industry, the 7-2 majority ruled that the California statute regulating violent video game sales to minors was an unconstitutional infringement on speech under the First Amendment. I recommend the opinion for its important holding. But the interesting fireworks came during oral argument, and can be read in the transcript:

JUSTICE SCALIA: I am not just concerned with the vagueness. I am concerned with the vagueness, but I'm concerned with the First Amendment. . . it was always understood that the freedom of speech did not include obscenity. It has never been understood that the freedom of speech did not include portrayals of violence. . . .

JUSTICE ALITO: Well, I think what Justice Scalia wants to know is what James Madison thought about video games. (Laughter.) Did he enjoy them?

Bearing in mind that Justice Alito created the signing statement, this humorous exchange points out the real philosophical differences between justices that often vote together.

Guidelines for Contributors

The deadline for the next edition of the *LPSS News*, subject to decisions by ACRL, will be announced on the LPSS Discussion List.

Email articles, illustrations, and correspondence to: merrill.stein@villanova.edu and dennis.lambert@villanova.edu

Suggested length: 1– 3 pages.

Write in short paragraphs. Use the most direct, energetic style you can muster. Have a point, and don't be reluctant to have a point of view, too. Write as an analyst or critic, or at least as a journalist, not a booster.

Write to be useful to the membership. The format and publication frequency make features the strength of the newsletter. The LPSS listserv is the best place to post, discover, and comment on breaking events. The [LPSS website](#) is the official repository of official reports and meeting minutes. - [Newsletter Archives](#) -

LPSS Executive Committee:

Rosalind Tedford (Chair, exp. June 30, 2016)
 David Schweider (Vice-Chair, exp. June 30, 2017)
 Jeremy Darrington (Past-Chairperson, exp. June 30, 2016)
 Brett Cloyd (Secretary, exp. June 30, 2017)
 Sarah Hogan (Member-at-Large, exp. June 30, 2016)
 Lynn Thitchener (Member-at-Large, exp. June 30, 2017)
 Sara Arnold-Garza (Social Media Coordinator, exp. June 30, 2016)
 Jennifer Schwartz (Webmaster, exp. June 30, 2017)
 Lori J. Ostapowicz-Critz (Board Liaison, exp. June 30, 2016)
 Megan R. Griffin (Staff Liaison, exp. June 30, 2016)

LPSS Committee Chairs:

Communication and Publications - Chair: Emily Ford, exp. 2016
 Conference Program Planning Committee, Orlando 2016, Co-Chairs: Linda K. Colding & Brian Coutts, exp. 2016
 Professional Development/Library Instruction Committee - Co-Chairs: Kelly Janousek & Lynn Marie Thitchener, exp. 2017
 Marta Lange/SAGE-CQ Press Award Committee - Chair: Mary Oberlies, exp. 2016
 Membership Committee - Chair: Lorena O'English, & Sarah Hogan, exp. 2016
 Nominating Committee - Chair: Kelly Janousek, exp. 2017
 Review and Planning Committee - Chair: Lynda Kellam, exp. 2016
 Vendor/Publisher Liaison & Review Committee - Chair: Catherine Morse, exp. 2016

© 2016 American Library Association
 ISSN 0885-7342

LPSS News is a publication of the Law and Political Science Section
 Association of College and Research Libraries,
 ALA, 50 E. Huron Street, Chicago, IL 60611-2795.

Web: www.ala.org/acrl/lpss/

ALA Connect: wikis.ala.org/acrl/index.php/LPSS

Contact editors at:

Merrill Stein merrill.stein@villanova.edu

Dennis Lambert dennis.lambert@villanova.edu