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### Tuesday Morning Detective Work

Mary Whisner

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*Practicing Reference . . .***Tuesday Morning Detective Work\***

Mary Whisner\*\*

¶1 I've been feeling nostalgic for the days when I often saw lots of people during a reference shift. It wasn't uncommon to have more than one patron in the reference office and to be juggling phone calls at the same time. Sometimes two librarians or a librarian and an intern would be kept busy. Not every shift was like that, even during the peak seasons when first-year students had research assignments, and I can't say that every busy shift was fun and invigorating. But still, I miss them.

¶2 Where has everyone gone? A lot of students and other researchers are getting what they need (or what they think they need) on their computers, either in the library or at home.<sup>1</sup> But some researchers get stumped and still figure out to come to us, and when they do, their questions can be much more interesting and challenging than some of the questions that filled our busy shifts years ago. I don't have to teach law students how to Shepardize in print (even though I was pretty good at it), but there are still some questions left for me. Like the one I faced on a recent Tuesday morning.

¶3 A law student had met with me the week before to talk about her research project related to the Department of Agriculture's Dietary Guidelines. After a productive meeting, she went off to do more research. She hit a dead end and wrote to me. She'd found an article in a public health journal that stated: "initial resistance by the Department of Agriculture during the Nixon administration to begin the Special Supplemental Nutrition Program for Women, Infants, and Children demonstration program was countered successfully by a lawsuit."<sup>2</sup> The article didn't give details about the case but cited only: "Leonard RE. Recalling WIC Program's 1960s humble beginnings. *CNJ Weekly Report*. 1994;24:4-7."<sup>3</sup> And there the trail stopped. The student hadn't been able to find the article in *CNJ Weekly Report*, and searching in Westlaw hadn't yielded the case. Could I help? Because of this one question, I stayed busy during my reference shift—even though only one or two people walked through the door.

¶4 I started with the citation to *CNJ Weekly Report*. Our university library system has an eJournal called *CNJ: Caring Nursing Journal*. It didn't seem to be a likely

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\* © Mary Whisner, 2019. I'm grateful to Sara Bensley and Laina Johnson for commenting on a draft of this piece.

\*\* Research Services Librarian, Marian Gould Gallagher Law Library, University of Washington School of Law.

1. See Mary Whisner, *The Pajama Way of Research*, 99 LAW LIBR. J. 847, 2007 LAW LIBR. J. 51.

2. Mariana Chilton & Donald Rose, *A Rights-Based Approach to Food Insecurity in the United States*, 99 AM. J. PUB. HEALTH 1203, 1205 (2009).

3. *Id.* at 1210 n.48.

match, since it's from an Indonesian university. And it only began publication in 2017,<sup>4</sup> over twenty years after the article we were looking for. "CNJ" also shows up in the catalog in a government publication, *Notices of Judgment Under the Federal Food, Drug, and Cosmetic Act. Cosmetics*. The abbreviation "C. N. J." refers to "notices of judgment . . . dealing with cosmetics."<sup>5</sup>

¶5 I searched using Google, Google Scholar, and Google Books. Google Books gave me my first good clue, a classified ad in *Mother Jones Magazine*:

"If you're serious about the politics of food, you need the Community Nutrition Institute's weekly newsletter. Monitors issues from farm to table. Write: CNJ Weekly Report, Box M, 1146 19th Street N.W., Washington, D.C. 20036."<sup>6</sup>

¶6 It struck me as odd that an organization whose initials were "CNI" would publish something named "CNJ Weekly Report," but I'd work with it. I searched Google for community nutrition institute and found a skimpy LinkedIn entry.<sup>7</sup> That linked to one employee on LinkedIn, Rod Leonard.<sup>8</sup> That gave some confirmation that I was on the right trail, because the author of the elusive article was R.E. Leonard.

¶7 Back in the university library's catalog, I searched for Community Nutrition Institute. There was a record for "CNI Weekly Report." So "CNJ" was a typo—in both the endnote we started with and in the *Mother Jones* classified ad. But according to the catalog entry, *CNI Weekly Report* ceased publication in 1982 and was continued by *Nutrition Week*. Back in Google, I found other sources citing the article, but using the new title for the newsletter. Our library system doesn't have *Nutrition Week*, but if the student decides she needs it, she can request it through interlibrary loan.

¶8 I decided I had pursued that lead far enough and—like the student before me—turned to federal cases in Westlaw. Thinking that the agency would have been one of the parties, I tried searching for **ti(agriculture u.s.d.a. & "special supplemental nutrition program")**. Since we knew that it was during the Nixon administration, I limited dates to after 1968 and before 1975. No luck. I tried using the names of Nixon's secretaries of agriculture (Hardin and Butz) instead of the agency name. Still nothing. That didn't mean that there wasn't a "lawsuit"—just that it didn't result in an opinion or order that was in Westlaw.

¶9 I switched to law reviews, and searched for **w.i.c. "special supplemental" /p u.s.d.a. agriculture hardin butz /p lawsuit sue\***. I didn't find much, but I was delighted to find this:

When WIC was first established by Congress as a pilot program in 1972. . . USDA initially declined to implement it, leading FRAC to sue USDA for release of appropriated

4. CARING NURSING JOURNAL, <https://journal.umbjm.ac.id/index.php/caring-nursing/issue/archive> [https://perma.cc/5ZGQ-ZJV2].

5. James C. Munch & James C. Munch, Jr., *Notices of Judgment—Cosmetics*, 14 FOOD DRUG COSM. L.J. 399, 399 (1959).

6. *Mother Jones*, Jan. 1981, at 64, available at <https://books.google.com/books?id=c-YDAAAAMBAJ&lpg=PA64&dq=%22cnj%20weekly%20report%22&pg=PA64#v=onepage&q=%22cnj%20weekly%20report%22&f=false> [https://perma.cc/G3BG-UDHH].

7. *Cnty. Nutrition Inst.*, LINKEDIN, <https://www.linkedin.com/company/community-nutrition-institute/> (last visited Dec. 1, 2018).

8. *Rod Leonard*, LINKEDIN, <https://www.linkedin.com/in/rod-leonard-3268b286/> [https://perma.cc/9J7F-3SV4].

funds.<sup>162</sup> USDA argued that WIC would duplicate its existing efforts under the Commodity Supplemental Food Program, a direct distribution program that provided surplus commodities to pregnant women, infants, and children.<sup>163</sup> In 1973, a federal judge ordered USDA to implement the program.<sup>164</sup>

<sup>162</sup> FRAC History, *supra* note 160; Victor Oliveira et al., USDA Economic Research Service, Food Assistance and Nutrition Research Report No. 27, The WIC Program: Background Trends, and Issues 7 (2002), available at [http://www.ers.usda.gov/media/327914/fanrr27c\\_1\\_.pdf](http://www.ers.usda.gov/media/327914/fanrr27c_1_.pdf)

<sup>163</sup> See Eileen Kennedy & Edward Cooney, *Development of the Child Nutrition Programs in the United States*, 131 J. NUTRITION 431S (2001).

<sup>164</sup> OLIVEIRA, *supra* note 162.<sup>9</sup>

This was very exciting. All I'd have to do is follow note 164 to note 162 to the paper by Oliveira et al. Except (you probably saw this coming), the URL in note 162 didn't lead to the paper by Oliveira et al.<sup>10</sup> But I plugged the title into Google and found the paper in a couple of places. One on USDA's website has a URL that is similar to the broken link<sup>11</sup>—but it only includes the first four pages. A site at the University of Minnesota has the full 44-page report.<sup>12</sup> As promised in the law review article, page 7 mentions the case: "USDA took little action and in 1973 a Federal court judge ordered the agency to implement the program."<sup>13</sup> That didn't give us details about the case, but I thought it was progress to have a government report, rather than a citation to a newsletter we couldn't find.

¶10 But could there be more? When a federal court orders around a federal agency about a new program, it's newsworthy. And one paper likely to cover it is the *Washington Post*. Our university library system subscribes to a ProQuest module that includes the *Post*, 1877-2001. I searched for articles between December 1972 and January 1974 and found gold: *Contempt Charges Filed Against USDA over Food Program*.<sup>14</sup>

The contempt charge was filed by New York City's Food Research and Action Center with U.S. District Court Judge Oliver Gasch, who ordered the department in two separate decisions last summer to put the program into operation and spend the \$40 million Congress had appropriated for it.<sup>15</sup>

9. Lindsay F. Wiley, *The U.S. Department of Agriculture as a Public Health Agency? A "Health in All Policies" Case Study*, 9 J. FOOD L. & POL'Y 61, 84–85 (2013).

10. To see the 404 error message I saw, visit [<https://perma.cc/6DUG-22HR>].

11. VICTOR OLIVEIRA ET AL., USDA ECON. RES. SERV., FOOD ASSISTANCE & NUTRITION RES. REP. NO. 27, THE WIC PROGRAM: BACKGROUND, TRENDS, AND ISSUES (2002) (first four pages), [https://www.ers.usda.gov/webdocs/publications/46648/15831\\_fanrr27fm\\_1\\_.pdf?v=41063](https://www.ers.usda.gov/webdocs/publications/46648/15831_fanrr27fm_1_.pdf?v=41063) [<https://perma.cc/ER4W-BBFB>].

12. VICTOR OLIVEIRA ET AL., USDA ECON. RES. SERV., FOOD ASSISTANCE & NUTRITION RES. REP. NO. 27, THE WIC PROGRAM: BACKGROUND, TRENDS, AND ISSUES (2002), <https://ageconsearch.umn.edu/bitstream/33847/1/fa020027.pdf> [<https://perma.cc/2QTD-J3QN>].

13. *Id.* at 7. By the way, a newer edition of the report does not have this sentence. VICTOR OLIVEIRA & ELIZABETH FRAZÃO, USDA ECON. RES. SERV., ECON. INFO. BULL. NO. 134, THE WIC PROGRAM: BACKGROUND, TRENDS, AND ECONOMIC ISSUES, 2015 EDITION (2015), [https://www.ers.usda.gov/webdocs/publications/43925/50999\\_eib134.pdf?v=42402](https://www.ers.usda.gov/webdocs/publications/43925/50999_eib134.pdf?v=42402) [<https://perma.cc/A6NP-SMXQ>].

14. Austin Scott, *Contempt Charges Filed Against USDA over Food Program*, WASH. POST, TIMES HERALD, Nov. 9, 1973, at A5.

15. *Id.*

I also found a story about the November contempt proceeding in the *New York Times* (also via ProQuest Historical Newspapers).<sup>16</sup> I didn't find anything about the "two separate decisions last summer," but the student has a lot of clues and search terms to use if she wants to pursue that question.

¶11 This project was a lot of fun. But the university doesn't employ me just so I have interesting ways to spend my mornings. More important is that I was able to help a student find information that she needed and, by explaining how I found it, I taught her some research skills that she can use on her own. The students might not be swarming the reference office to ask for help finding the digest volume they need for their homework or to have us explain one more time what the *Shepard's* codes mean. But I think this new kind of busy can be better than that. Even students with good skills can use our expertise.

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16. *Agriculture Department Sued by City Group on Impoundment*, N.Y. TIMES, Nov. 9, 1973, at 7.



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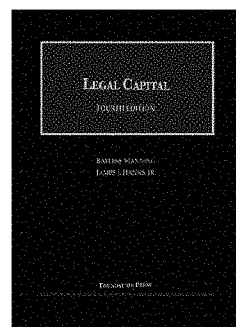




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