

Leaving Paradise: Dropping Out of the Federal Depository Library Program*

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After nearly twenty years of participating in the Federal Depository Library Program as a selective depository library, Suffolk University Law Library chose to leave the program. The authors examine the rationales behind the decision to leave, including a balancing of the expense of participating in the program versus the costs of replacing materials upon leaving the program. They also discuss the process followed, with individual accounts of the authors' personal experiences. A selective annotated bibliography is appended.

¶1 Suffolk University Law Library became a selective federal depository library in 1981. Over the years, the library selected approximately 11 percent of the material available from the Government Printing Office (GPO) under the Federal Depository Library Program (FDLP). The majority of the depository collection was housed in Pallot Library, the law library's "satellite" facility, separate from the main library but on the same floor of the law school building. Pallot Library offered complete public access to the depository material and staffing that was in accordance with the FDLP rules. The main law library and the university's Sawyer Library held a few depository documents that could also be used by the public.

¶2 In 1997, the law library staff began to consider the possibility of leaving the depository system. We began the process of leaving before we moved from our old space into our new building. During that time, our government documents librarian left, the director of the university library retired and was replaced, and the regional depository library suffered a catastrophic flood. This article details the factors behind our decision, the process of leaving, and our adventures along the way. We attempt to evaluate the results to date and offer lessons learned through our experience.

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Rationales behind the Decision to Leave

Public Access

¶13 The Federal Depository Library Program requires that “[d]epository libraries should engage in no activity that inhibits free public access.”¹ More officially, “Depository libraries shall make Government publications available for the free use of the general public. . . .”² When Suffolk University planned its new law school building, we were told that access to the building would be controlled by an identification card system. Cards would be required to enter the building and to use the elevator to enter the library on the sixth floor. Because these plans made it seem unlikely that we could meet the standards of public access demanded by the depository rules, we began to evaluate the consequences of dropping the library’s depository status.

¶14 At Suffolk University, depository materials were shared between the law library, which employed the primary government documents librarian and a clerk, and Sawyer Library which serves the undergraduate and graduate programs. We briefly considered the possibility of moving the government documents to Sawyer Library, but discarded it. Sawyer really did not have space for the documents, and, besides, such a move would require replacing many core items in the law library without gaining the advantages of leaving the program. However, we did share the decision-making process between the two libraries. In fact, a total of three directors were involved since the decision spanned the retirement of one Sawyer director and the hiring of a new director. It is a tribute to the cooperation between the libraries and people involved that such a dramatic and complex process continued smoothly across such a change in the *dramatis personae*.

¶15 Aside from the statutory obligation to provide public access, there were other access-related issues that led us to consider dropping out of the depository program. Prime among them were security concerns rising in our new location next to the Boston Common. Our old location was nearby, but on a small residential street several blocks away from the Common and much less traveled. In addition, since the old law library had held government documents in the separate “satellite” library, we had been able to restrict depository users to that discrete area. In the new building, there would be no such physical possibility. We also wanted to integrate the documents into the full law library collection, making such limited access impossible.

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1. Wayne P. Kelley, *Commentary: Access to Depository Materials*, 85 L. LIBR. J. 413, 414 (1993). Kelley, who was the Superintendent of Documents of the United States Government Printing Office at the time, was responding with great concern to two articles that had recently appeared in *Law Library Journal*: James E. Murray, *Limiting Secondary Patrons’ Use of Academic Law Libraries During Examination Periods*, 84 L. LIBR. J. 365 (1992); Barbara J. Show, *When Goals Collide: Planning and Implementing a Restricted Access Policy at the University of Michigan Law Library*, 84 L. LIBR. J. 383 (1992).
 2. 44 U.S.C. § 1911 (1994).

¶16 Lastly, we concluded that depository users would not be inconvenienced by our decision. We are located in an area with many partial depositories, and the regional depository, Boston Public Library, is only a short trolley ride away. If we had been the only depository for many miles, our decision might have been different.

Less Benefit in FDLP Membership

¶17 Another factor that led us to think about leaving the FDLP program was the feeling that changes in government publishing practices had made depository status less beneficial to our institution. More and more government agencies are providing free public access to their materials by publishing them on the Web. Although we would continue to purchase the official versions of federal statutes, decisions, and regulations, these are all duplicated many times in every law school library. We have electronic versions on LEXIS, Westlaw, and the Web, and of course, in print sets that are annotated and headnoted by commercial publishers.

¶18 Despite the legitimate concern of documents librarians over the difficulty of tracking down and acquiring “fugitive documents”—agency publications not included in the depository program—the real problem for selective depositories like Suffolk is the receipt of too many unwanted documents. Libraries select what to receive by SuDoc class number. Unfortunately, along with providing invaluable materials that a law library must have, the same class inevitably includes a number of unwanted pamphlets, reports, and miscellaneous materials. Under the depository rules, however, all publications—wanted or not—must be held for at least five years, offered on Duplicates and Exchange lists, and can be discarded only after authorization by the Superintendent of Documents.³ Selective depositories suffer more from overbroad distribution than from under-inclusion!

¶19 Another reason to question how much a library benefits from FDLP membership is the fact that depository libraries are facing new equipment costs to support government document access. The Federal Depository Library Program issues periodic updates to its recommended specifications for public access workstations in depository libraries.⁴ As government Web sites become more sophisticated and more materials are available electronically, these requirements are

3. See LIBRARY PROGRAMS SERV., U.S. GOV'T PRINTING OFFICE, INSTRUCTIONS TO DEPOSITORY LIBRARIES 17 (1992), available at FDLP Administration, U.S. Gov't Printing Office (visited May 3, 2000) <http://www.access.gpo.gov/su_docs/dpos/instruct.html> (covering “discards by selective depositories”) [hereinafter INSTRUCTIONS TO DEPOSITORY LIBRARIES].

4. See *1999 Recommended Specifications for Public Access Work Stations in Federal Depository Libraries*, ADMIN. NOTES, June 15, 1998, at 3, available at FDLP Administration, U.S. Gov't Printing Office (visited May 3, 2000) <http://www.access.gpo.gov/su_docs/dpos/mintech.html> (“recommended specifications are intended to assist depository librarians who are planning purchases of new personal computers (PCs) for public use in Federal depository libraries”).

upgraded and become more expensive. While it is true that depository libraries had to purchase equipment when documents began to be produced and distributed in microfiche format, depository status was perceived at that time as a benefit outweighing the cost of fiche readers and printers. The requirement of providing higher-end computers and printers for priority or sole use by depository patrons seems much more onerous.

¶10 Librarians have become more aware of the hidden costs of running a depository library.⁵ There are costs for the ordering and processing of government documents, which are higher than regular acquisitions costs simply because of the arcane nature of the process and of dealing with the Government Printing Office.⁶ Librarians require specialized knowledge to deal with both the acquisitions end and the reference end of government documents. This ought to translate into a higher salary for those specialized librarians. And the more seriously a library takes its promise to provide meaningful public access to government publications, the more costly it becomes. To really assist users of government information, libraries can easily spend thousands of dollars on commercially produced specialized indexes and other finding tools to supplement the government indexes.⁷ For libraries that seek to truly support their depository collections, the “hidden” costs of “free” materials include space, equipment, personnel, specialized finding aids, and the burden of complying with all the rules of the depository program regarding disposing of materials, providing public access, etc.

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5. See, e.g., Robert E. Dugan & Ellen M. Dodsworth, *Costing Out a Depository Library: What Free Government Information?* 11 GOVT. INFO. Q. 261 (1994); Laura Orr-Waters, *Love It or Leave it: Government Depositories in Law Libraries*, LEGAL REFERENCE SERVICES Q., 1996 nos. 3–4, at 143; SANDRA K. FAULL, COSTS AND BENEFITS OF FEDERAL DEPOSITORY STATUS FOR ACADEMIC RESEARCH LIBRARIES (1979).
 6. For readers unfamiliar with the process, a brief explanation may be in order. When depository materials arrive from the Government Printing Office, the library receives a shipping list. But unlike shipping lists from commercial publishers, these include every item in the shipment in SuDoc number order. This is a classification system developed and used exclusively by the Superintendent of Documents, and can include not only letters and numbers but various punctuation marks as well. The government materials do not arrive with SuDoc numbers on them. The library employee must go through the list organized by SuDoc number and attempt to match the titles of items in the shipment to verify receipt. Titles often are not listed in the same way on the shipping list as on the document itself, complicating the process. Furthermore, when items are not received, the process of claiming from the government has been described as “byzantine, a nightmare.” As can be seen from even this sketchy description, the process is labor-intensive—and expensive—as compared with processing most other materials received in a library.
 7. Libraries often purchase such commercial products as the *Index to the Code of Federal Regulations* from CIS, John Andriot’s *Guide to U.S. Government Publications*, and *GPO on SilverPlatter*, a CD-ROM product. There is a plethora of finding tools and indexes by commercial publishers designed to supplement government-produced materials whose use can often be frustrating and difficult without such supplementation. A library that wants to improve access to and utility of government documents can easily spend a good deal of money on these tools. The greater the commitment to real public access to government documents, the greater is the burden shouldered by the library.

Reaching a Decision

¶11 Suffolk has long taken seriously its responsibilities under the Depository Program, and it had good relations in the documents community. We consider the receipt of the documents to be in consideration of our agreement to make them available to the public on an equal footing with our students and faculty. We do not own the documents we receive, but hold them in trust for the American public. The depository program is founded on the proposition that it is vital that citizens in a democracy have free access to government publications. The FDLP is a key part of maintaining an informed and politically active citizenry. As well, the program returns to the community the value of tax monies spent on research by government agencies and funded by federal grants. Suffolk actually pointed to its depository status as a mark of excellence and public service in our law school catalog.

¶12 The library community as a whole has supported the depository program as key to a central mission of providing information to the public and as an important ingredient supporting development and maintenance of our democratic institutions. The values of the depository program are closely entwined with the values that brought many of us into librarianship in the first place. Making information freely available is a traditional library function. Law librarians in particular should support these values, since justice often depends on citizens' knowledge of government activities. One example is the practice of federal agencies placing proposed regulations in the *Federal Register* for public comment. Without meaningful public access, citizens would not have an opportunity to monitor and respond to these announcements. Finally, law school libraries were brought into the depository program in specific recognition of the extra value that law-trained librarians could bring to the public use of government documents.⁸

¶13 Possibly more than any other user group, these lay researchers (in the guise of *pro se* patrons) depend on access to legal materials in depository libraries. A number of them know the "magic" of depository status and make use of it to gain access to law libraries for their research needs, often using materials well beyond any loose definition of government documents. This may be the patron group that generates the most conflict between the various missions our libraries profess.

¶14 Often, law school libraries' "primary" patron groups—law students and faculty—are uncomfortable with such users in "their" library. There can be real or perceived security issues stemming from guaranteed access to the public. *Pro se* patrons may also take up enormous amounts of reference services— if allowed to—because they need assistance on a more basic and extensive level than do other patrons. In private law school libraries, this conflict often causes depository patrons to be treated as third-class users. Reference services may be withheld, and access may be denied in the evening hours, or during exam periods. Those state

8. See H.R. REP. NO. 95-650, at 2 (1977) (justifying expansion of the FDLP to include law libraries on the basis of enhanced service to lay researchers using government documents).

law school libraries with public access as a core part of their mission may have less conflict between their constituencies. While Suffolk is a private institution, and the conflict engendered by the depository mandate of public access is probably clearer at private institutions than at public ones, many law school libraries struggle with the conflicting claims of their patron groups.

¶15 Yet, regardless of conflicts with “primary” patron groups, libraries participating in the depository program commit to making government documents held in trust through the program available to the general public. It is important that every citizen have real access to courts in a democracy where the judiciary makes so much of the law. Whether they are *pro se* because of a distrust of lawyers, a preference, or a lack of funds, laypeople have a right to represent themselves in court.⁹

¶16 Suffolk took seriously the contractual obligation of the depository program to provide the public with equal access to depository materials. Ultimately, that basic premise made the decision to drop out a relatively easy one. We could not fulfill our end of the bargain, ergo, we must drop out. The other issues—security, conflicts of the program requirements with the interests of primary patron groups, desire to integrate the collection, hidden costs of participation, and the need to supply computers and printers—merely served to confirm the initial decision.

The Process of Leaving

Preliminary Steps

¶17 Before we began the process of dropping our depository status, we did a thorough investigation of the availability of the depository material through other sources. The government documents librarian prepared a list of all the material the library received from the GPO. The list was organized by SuDoc number and also contained the title of the material, format, and location.

¶18 The government documents librarian reviewed the list and determined what items the library should continue to maintain in the collection. A major consideration was the availability of the material in alternate sources to which we had access, whether print or online. We found that a large portion of the library’s depository collection was accessible to our patrons in sources that were already part of the nondepository collection. Some of the material was available in print sources we already subscribed to in a similar format, such as the annotated versions of the *United States Code* and case reporters. Many titles were also avail-

9. See *Faretta v. California*, 422 U.S. 806, 850 (1975) (Blackmun, J., dissenting) (“[S]elf-representation was common, if not required, in 18th century English and American prosecutions. The Court points with special emphasis to the guarantees of self-representation in colonial charters, early state constitutions, and § 35 of the first Judiciary Act as evidence contemporaneous with the Bill of Rights of widespread recognition of a right to self-representation.”).

able online, either free on the Internet or through fee-based services such as *CIS Compass* (now *Congressional Universe*) and LEXIS-NEXIS.

¶19 We next calculated the cost of replacing some material in print. We found that every title we wanted to continue to receive was available through private vendors and the cost was found to be within the library's budget.

¶20 The government documents librarian also contacted the regional depository librarian at this time to inquire informally about how much of our collection would be taken back by the regional depository library if we gave up our depository status. We were told that the regional depository library would only need to take back a few selected items, allowing us to retain most of our collection. This assurance was another major consideration in the decision to leave the FDLP. If we had thought that we would not be able to retain much of the material we had in the collection, our decision would have been much more difficult.

*Initiating the Process*¹⁰

¶21 The first step in initiating the process to drop depository status was to read and follow the procedure given in the Federal Depository Library Program's *Instructions to Depository Libraries*, which includes a section specifically covering "Depository Termination Procedure."¹¹ According to the *Instructions*, the law library director needed to send a letter to the Superintendent of Documents to inform him of our decision. At the same time, the regional depository librarian had to be notified that Suffolk was formally dropping its depository status.

¶22 In August 1998 the library director wrote to the Superintendent of Documents giving formal notice of our intention to leave the depository program; it took only a week to receive acknowledgment from GPO. We were surprised at the quick response to our request, and this caused a small gap in the receipt of issues of a few serials titles. There was about a two-month delay between when we stopped receiving some subscriptions through the FDLP and began receiving issues through our new commercial vendor.

¶23 After receiving confirmation from the Superintendent of Documents, the government documents librarian called the Library Programs Service office of the GPO to determine its requirements. We were told to work with GPO to stop shipments, but to work with our regional depository librarian to dispose of the collection. After the formal notice of our termination, it took about one month to stop receipt of all paper and CD-ROM shipments from GPO, and another month or so after that to stop all microform shipments.

10. Madeleine G. Wright was formerly our government documents librarian, but she left Suffolk before we began the actual process of leaving. She made the initial inquiries and first lists, but Elizabeth Gemellaro saw the process through to the end as Acting Government Documents Librarian. The smoothness of the transition between Madeleine and Beth in handling the process speaks well of both their professionalism and skill.

11. INSTRUCTIONS TO DEPOSITORY LIBRARIES, *supra* note 3, at 2.

Working with the Regional Depository Library

¶24 Next, the director sent a formal letter to the regional depository librarian to notify her of Suffolk's decision to drop its depository status. The regional depository librarian requested a list of what Suffolk had by SuDoc number, including an indication of those items that Suffolk wanted to retain in its collection. Since Suffolk had been a depository for only nineteen years, the collection was relatively small and did not contain much historical or rare material. Most of the material in the depository collection was from GPO's basic documents list. We only wanted to retain a small part of the collection. Any material that the regional depository library did not want to take *and* we did not want to retain had to be posted on the national "Needs and Offers" list. After that, we could dispose of the material as we chose.

¶25 An unexpected problem occurred at the time we sent the list to the regional depository librarian. The storage area of the government documents section of Boston Public Library was flooded, destroying many older materials.¹² Consequently, BPL needed more of the Suffolk collection than was originally anticipated. The government documents librarian had to reevaluate what the law library really wanted to keep in the collection in light of what BPL needed to replace in its damaged collection.

¶26 Since some of Suffolk's depository collection was housed in the Sawyer Library, the government documents librarian also needed to relay these instructions to its staff. They also specified material on the list they wanted to retain in the Sawyer collection. After the list was completed, the government documents librarian, college librarian, and law library director met with the regional depository librarian to negotiate how the Suffolk depository collection would be distributed.

¶27 After reaching agreement as to which materials would stay at Suffolk and which would be taken by the regional depository library,¹³ the next step was working out how and when we were going to return the material to them. Since they

12. See Beth Daley, *Soaking Destroys BPL Books, Papers; Ruptured Water Main Floods Library Basement*, BOSTON GLOBE, Aug. 17, 1998, at B1.

13. Here are some selected items that the law library was able to retain in its collection:

- Statistical Abstract* for years 1979–1998
- Decisions of the Federal Trade Commission* for years 1992–1996
- Various Justice Department handbooks and manuals for years 1988–1996
- Sourcebook of Criminal Justice Statistics* for years 1983–1997
- Treaties and Other International Agreements* for years 1979–1984
- Senate bills on microfiche for 96th–105th Congress
- Legislation on Foreign Relations* for years 1991–1997
- Country reports on human rights practices for years 1987–1994
- Serials Set* for 97th–103rd Congress

Here are some selected items that the law library returned to the regional depository library:

- Federal Register* for years 1991–1997
- Code of Federal Regulations* for years 1991–1997
- EPA Cumulative Bibliography*, various years
- Occupational Safety and Health Manuals*
- Library of Congress Annual Report*, various years
- Budget of the United States* for years 1989–1997

were still in the midst of the cleanup from the flood, they were not in any hurry to receive the material. We separated in our collection the material we were keeping from what they wanted.

¶128 Before sending the material to the regional depository library, it needed to be deaccessioned from our collection. This was not a major project since the majority of the depository collection was not cataloged; a paper check-in file for the material received was used. Most of the collection was arranged by SuDoc number on the shelves. Only a small amount of material had to be removed from the library's online catalog.

¶129 The material sent to the regional depository library was packed by the law library staff in standard cardboard moving boxes and labeled with the SuDoc numbers of the material in the boxes. We requested that the regional depository send over a delivery truck used by the Boston Public Library for pick-up. Since by then we were in the midst of moving from our old building to the new one, we packed the materials and moved them for storage until the Boston Public Library could accept them.

Personal Views of the Process

Director's View

¶130 I feel it was crucial that we had good relations with our regional depository library, the Boston Public Library, and a history of compliance with the rules of the program. It would undoubtedly have changed the outcome if our regional depository library were philosophically opposed to libraries leaving the program. It would also have changed the outcome if we had a history of antagonistic relations with either the national program or with our regional depository library. But our government documents librarian had worked closely with the depository community and had brought us through several positive inspections. I am quite sure that this and her early inquiries combined to make the process of leaving far less painful than it might have been.¹⁴

Documents Librarian's View

¶131 The whole depository termination process may take several months. Our process, from the formal notification to the Superintendent of Documents to the final shipment of material to the regional depository library, took approximately

Catalog of Federal Domestic Assistance, current year

Congressional Record for years 1991–1998

Congressional hearings, reports, and prints; we returned material that we already had as part of our Congressional Information Service microfiche collection

14. I should also give credit to the staff at the regional depository library who were truly wonderful to work with. They allowed us to tell them what documents we would be willing to return, even after Boston Public Library suffered a terrible flood in its documents area the week after our letter was mailed declaring our intent to leave the program!

ten months. Even before termination, a library should have a list of all continuing GPO subscriptions; the list should include SuDoc number, title, item number, and dates covered by the library's holdings.

¶132 Another preliminary step is to investigate whether the library's primary patrons have alternative access to the depository material in the collection through other formats or at other convenient locations. Suffolk did not have much material that could not be replaced, so the return of some items to the regional depository library did not disrupt our patrons' access. If a library has historical or rare depository material, it may want to consider whether the possible loss of this material through termination would affect the quality of its collection in a particular subject area. The library should investigate how difficult it might be to replace this material for its collection.

¶133 As discussed earlier, the expense of replacing returned material and the cost of continuing subscriptions after termination¹⁵ must be given serious consideration. Finally, be prepared to lose some or all of your collection to the regional depository or other depository libraries. This was clearly stated in the termination letter Suffolk received from the regional depository librarian: "All GPO publications received through the program remain the property of the U.S. government even after your status has been terminated."¹⁶

Acquisitions Librarian's View

¶134 The list of government documents that Suffolk wished to continue to receive after leaving the FDLP was given to the acquisitions librarian.¹⁷ Her task was to find a suitable vendor and secure our subscriptions (particularly for daily publications such as the *Federal Register* and *Congressional Record*) as fast as possible.

¶135 Vendor selection was the first step in the process. We opted not to deal directly with the Government Printing Office since we wanted to avoid having to set up a deposit account, and because prior dealings with it proved inordinately time-consuming due to the office's bureaucratic nature. There are only a handful of vendors who deal exclusively with government documents publications, each with varying degrees of service and cost, and even fewer that do not require

15. The single most expensive item from our selections to replace was the service providing every congressional bill. It cost approximately \$17,000 for a subscription to that single item! We ultimately decided that the bill tracking services on Westlaw and LEXIS, combined with other sources, would adequately replace this service. Other than that expensive subscription, the total cost of replacing depository subscriptions with commercial ones amounted for Suffolk Law Library to about \$7,000–\$8,000 per year. This represents the basic cost of purchasing the documents that were formerly provided free of charge by the depository program. It does not include service charges of the vendor.

16. Letter from Gail Fithian, Coordinator of Government Documents Department, Boston Public Library, to Elizabeth McKenzie, Suffolk University Law Library Director (Aug.13,1998) (on file with authors).

17. In hindsight, the list should have been shared with her well before we actually dropped from the FDLP, in order to avoid any gaps in the collection. As it happened, however, the actual process of dropping from the program was much faster than anyone had anticipated.

deposit accounts. Although a few librarians had very good things to say about using their local GPO bookstores, Suffolk opted instead to use Accents Publications Service, a vendor based in Maryland. Ultimately, Suffolk selected Accents because of testimonials from other librarians about its excellent customer service and product knowledge. Also, it did not require a deposit account. With the exception of microfiche, which we purchase through William S. Hein & Company, Accents was able to supply everything the Government Printing Office sells. (It is important to note that the GPO does not sell all government documents; some must be obtained directly through individual agencies.)

¶136 Our relationship with Accents, while very satisfactory, was unfortunately short-lived because it was recently purchased by Bernan Associates. Upon the recommendation of a colleague, we elected to move our subscriptions and standing orders to another government documents provider, CW Associates. Like Accents, it made the transition easy because its level of expertise and personal customer service is so high. As it turns out, CW Associates is even less expensive than Accents as it only charges 10 percent above the subscription price, and there are no service charges for standing orders. Its billing is well managed: invoices reference each and every purchase order number consistently and are easy to understand. Shipments are made in a timely fashion, and it handles all claims. Like Accents, CW Associates does not require a deposit account.

¶137 Aside from selecting a vendor, the most difficult aspect of order placement was obtaining serial holdings verification. Because our government documents were housed in a separate library, many of our GPO titles were not yet reflected on our automated library system. Therefore, it was necessary to physically check the stacks to avoid duplication. This was complicated by the fact that we had already begun to integrate some of our GPO titles into the treatise collection in preparation for our move to the new building.

¶138 Once the orders were finally placed, and we covered the few gaps incurred during the transition, everything fell into place. Reflecting on the Suffolk experience, any library thinking of dropping from the FDLP should (1) select a vendor and establish a contact well in advance of the drop; (2) set up all subscriptions and standing orders beforehand; and (3) refrain from integrating anything until final title selections have been made, holdings have been inventoried, and orders have been set up.

Conclusion

¶139 While it is still early to evaluate the impact of the decision to terminate participation in the FDLP, several points can be mentioned. Ironically, the card access system, which was the initial impetus for considering the possibility of leaving the FDLP, is used very little so far. The building is essentially open to the public Monday through Friday, from 7:30 A.M. to 9 P.M., and Saturday, 9 A.M. to 5 P.M.

This schedule does not really satisfy the depository program's ideals, which require the public to have access equal to that of the library's primary patrons.¹⁸ Freed of constraints imposed by the depository rules, we do have much more leeway to ask suspicious individuals to leave the building now. We also do not have to concern ourselves with depository requirements about acquiring, discarding, or handling materials. We no longer have directives to supply computers and printers to the general public. More subtly, our reference librarians no longer have a rationale for shunting off questions about certain areas of the collection. There is a common response among general reference librarians that if it is a "government documents" question, they refer it to that department. Now, it is *all* a law collection, and as good legal reference librarians, they are responsible for access to all of it!

¶40 We did not achieve any outright personnel savings because we did not discharge any employees or allow attrition to reduce our staff. However, in the long run we did achieve a slight cost savings. We had an enormous flurry of activity in acquisitions as alternate suppliers were set up for continuations. But that extra activity died down once suppliers were found. In the serials department, however, the activity continues, so that we ended up moving the former government documents clerk position to a permanent position in serials processing. When we filled the position, we were able to hire this new clerk at a slightly lower rate, since there is less responsibility and complexity to this new position. For family reasons, the government documents librarian left Suffolk before we dropped our depository status. Her slot was eventually filled with a general legal reference librarian at a slightly lower salary, owing more to her years of professional experience than to reduced qualifications.

¶41 Both directors agree at this point that dropping our depository status was the right thing to do. In retrospect, we were incredibly fortunate in the personnel changes and in having such a wonderful staff at Boston Public Library. Our acquisitions and serials staff had to work very hard setting up the changes, and their hard work made the switch work well. Better understanding of how fast the process works would have made our transition smoother. We did not lose any positions, but were able to redefine positions and thereby increase our staffing for other functions. We did not save any money in easily measured terms, but we are spending money in ways we feel are more beneficial to our libraries and our school.

18. See Kelley, *supra* note 1, at 413.

Appendix Selected Annotated Bibliography

- Blazek, Daniel, "Private Academe and Public Depositories: Access and Promotion," *Journal of Government Information* 24 (1997): 285–311. A survey of private colleges and universities with depository libraries, looking primarily at public access and promotional activities.
- Boeringer, Greta, "Federal Depository Library Status Dropped by Urban University Law School," *Trends in Law Library Management and Technology* 8 (November/December 1997): 1–2. A brief article about a hypothetical law school dropping out of the depository system in order to charge access fees. The author worked at Pace University Law Library at the time of publication, but was formerly an inspector for the FDLP.
- Dugan, Robert E., and Ellen M. Dodsworth, "Costing Out a Depository Library: What Free Government Information?" *Government Information Quarterly* 11 (1994): 261–84. An excellent cost analysis done at Georgetown University, comparing the institution's expenditures to the expenditures by the GPO in supporting that depository. Includes a selective bibliography of cost analyses and depository libraries generally.
- Faull, Sandra K., *Cost and Benefits of Federal Depository Status for Academic Research Libraries*. Chicago: American Library Association, 1979. Also available as an ERIC document. This report is the earliest cost analysis study and includes ARL member libraries which were then depositories. The information is dated, but the study is a model of cost analysis. It includes salary information for all staff working with documents, down to student assistants and desk aides. It factors in length of service for the personnel. It also figures the floor space, equipment costs, outreach and "program" costs, commercial reference tools, retrospective costs for materials, cost for discarding documents, cost for ordering documents, cataloging costs, and number of questions answered using federal documents.
- Kahles, William, "Congress, Higher Education and the U.S. Federal Depository Program," *Government Publications Review* 13 (1986): 233–42. Uses documents of legislative history to argue that Congress viewed the expansion of the depository program as assistance to higher education.
- Kelley, Wayne P., "Commentary: Access to Depository Materials," *Law Library Journal* 85 (1993): 413–15. A short but pithy article responding to recently published pieces in the same journal and arguing strongly that depository libraries have an obligation to provide real public access to documents. At the time of the article, the author was Superintendent of Documents. The articles to which he was responding were: James E. Murray, "Limiting Secondary

Patrons' Use of Academic Law Libraries During Examination Periods," *Law Library Journal* 84 (1992): 365–82; and Barbara J. Snow, "When Goals Collide: Planning and Implementing a Restricted Access Policy at the University of Michigan Law Library," *Law Library Journal* 84 (1992): 383–400.

Kram, Lorraine, "Why Continue to Be a Depository Library If It Is All on the Internet Anyway?" *Government Information Quarterly* 15 (1998): 57–71. In this very helpful article, the author considers how much depository material really is available on the Internet and the prospects for change in the future. She looks briefly at the costs of being a depository library and the potential savings of more electronic distribution of government information. Includes a brief annotated bibliography of cost analyses.

Larson, Kathleen T., "Establishing a New GPO Depository Documents Department in an Academic Law Library," *Law Library Journal* 72 (1980): 484–96. Interesting view of the beginnings of law school depository libraries. The author urges librarians considering whether or not to apply for depository status for their libraries to "evaluate both the benefits and drawbacks for such a step" (p.484). She correctly notes that the primary drawback for law librarians is the right of public access, but includes other issues such as shelf space as well.

Morton, Bruce, "Doc Doldrums: A Response to the Documents Librarians' Manifesto," *Government Publications Review* 20 (1993): 245–47. Argues that the depository program is an entitlement program for libraries and that the program would be better reorganized to recognize that fact.

Orr-Waters, Laura, "Love it or Leave it: Government Depositories in Law Libraries," *Legal Reference Services Quarterly* 15 no. 3/4 (1996): 133–45. Weighs the arguments for staying and for leaving the depository system. Includes cost figures for replacing basic documents and a selective bibliography.

Schlueter, Kay, "Selection of Government Documents in Law School Libraries," *Law Library Journal* 71 (1979): 477–80. Interesting for an early view of depositories in law school libraries. The author surveyed law school libraries on the number and type of depository items selected, and found remarkably little consensus. "Documents should not be considered as being free acquisitions even when available through the depository system" (p.479).

Smith, Diane H., ed., *Management of Government Information Resources in Libraries*. Englewood, Colorado: Libraries Unlimited, 1993. Includes discussions of the issues created by the shift to distributing documents in electronic form, and the costs and benefits of depository membership to libraries.

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- Willis, Paul A., and Richard G. Hutchins, "Law Libraries and the Depository Program," *Law Library Journal* 65 (1973): 190–212. Discusses benefits of depository membership. Surveys thirty-six law library depositories on their selections. Interesting illustration of law libraries' changing attitude toward depository participation.

