

Meet the Superintendent of Documents: Francis J. Buckley, Jr.

by Susan E. Tulis

On December 1, 1997, Francis J. Buckley, Jr. was sworn in as the new Superintendent of Documents of the U.S. Government Printing Office (GPO). Most recently Buckley was the Director of the Shaker Heights (Ohio) Public Library, but he comes to GPO with many years of experience as a working government documents librarian, including long service as the Regional Depository Librarian at the Detroit Public Library. Not only did he serve several terms on the ALA Council, the chief governing body of the American Library Association, he also chaired the Government Documents Round Table and the Subcommittee on Government Information of ALA's Committee on Legislation. In 1977, he testified before a Congressional committee in support of the legislation that, when finally enacted, allowed accredited law schools to become official federal depository libraries. He has spent most of his professional career advocating improved access to government information and his appointment as superintendent has been hailed in many library circles.

"So what?" you ask. "What does that have to do with me as a law librarian?" Well, perhaps a basic primer on GPO will give you an idea of how important the position of Superintendent of Documents is to the law library community. GPO is led by the Public Printer of the United States (currently Michael DiMario), who is appointed by the President. The Public Printer appoints the Superintendent of Documents. GPO is responsible for printing, binding, and distributing the publications of Congress, the judicial branch and the executive agencies of the Federal government. It is GPO that produces such things as the *United States Code*, the *Congressional Record*, the *Code of Federal Regulations*, the *Weekly Compilation of Presidential Papers*, and many other items that are key resources in any law library. The Superintendent of Documents is not only the title of a position within GPO, it is also the name of the unit headed by that position. The position—and the unit—are responsible for the three main programs in GPO that provide public access to government information: the Federal Depository Library Program (FDLP), GPO Access, and the GPO Sales Service. It is through these three programs that law libraries have guaranteed access to government information.

The FDLP is a cooperative program whereby designated depository libraries, including 156 law school libraries, receive government information in various formats in exchange for making this information available free of charge to the public. In 1997, the FDLP supplied some 1366 libraries across the country with nearly 13 million copies of approximately 30,000 titles.

GPO Access, mandated by legislation signed June 8, 1993, allows users to locate and retrieve government information via the Internet.

The GPO Sales program sells about 50 million popular government publications annually to the public by telephone,

fax, mail, or online orders, or through bookstores located throughout the country.

Being the first practicing librarian to hold this position brings with it both pluses and minuses. In facing the challenge of administering a program that is intended to ensure public access to government information, Buckley brings the perspective of a user to the task—as both a librarian and an intermediary for the information-seeking public. On the minus side, Buckley admits that living up to the high expectations of the library community will not be easy.



As he begins his new job, Buckley includes among his top priorities achieving a workable transition to electronic information, capturing fugitive documents, participating in the legislative efforts to revise Title 44, improving the efficiency and effectiveness of his unit's operation, and, most important, raising public awareness of the importance of public access to government information. He spoke with me at length on each of these topics and more in a wide-ranging conversation

this past December, on just his ninth day on the job as the new Superintendent of Documents.

Electronic Information

The rapid push toward electronic distribution of government information has alarmed depository librarians in recent years. With Congress and GPO predicting that most government information would soon be available only in electronic form, many librarians wondered how long their libraries could continue to provide patrons with ready access to government documents. Many libraries were not—and still are not—technologically capable of handling such massive amounts of information in an electronic form. Commenting on this fear, Buckley expects a much more deliberate transition from print to electronic formats. He sees the GPO

moving into a mode where we are not going to try to move faster than the agencies themselves in terms of accelerating a transition to electronic information. GPO has no plans to scan and distribute things in a format that the agency itself is not ready to produce. And in fact, where the same information is available both in print and electronic formats, GPO will still try to obtain paper copies for depository libraries but yet do a pointer on GPO Access to the electronic version for those people who want to access it that way.

Buckley commented further on the roles GPO should play as the government continues the inevitable transition to electronic formats, suggesting that GPO can:

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- assist the producing government agencies by trying to promote standardization and trying to promote the use of standard contracts to produce the information in usable formats.
- help identify government information and include it in a system of access. This system of access would include identifying the information, pointing to it, obtaining it when necessary and possible, and providing a framework for organizing, identifying and cataloging those databases to the extent that we can do both to assist libraries and the public to find the information.
- develop a system for retention and making information available as agencies no longer want to keep their data.

The latter area—ensuring *permanent* public access—is a particularly thorny one for the new Superintendent since preservation of government information is not solely the province of GPO. Other government entities, including the producing agencies themselves, the National Archives and Records Administration, the Office of Management and Budget, and the Library of Congress, play significant—though sometimes ambiguously defined—roles in this arena. Buckley sees the achievement of a collaborative solution to this complex issue as one of the key challenges he faces in his new position. “We each play a natural role now in access to printed and tangible information; they are almost the same roles we should play for electronic information, we just have to do it in different ways.” In specifying the part that he expects GPO to play in such a collaboration, Buckley noted that

the role that the FDLP now plays in achieving permanent access to information—with selective and regional depository libraries physically holding the material for the public—can be continued for electronic information as well if GPO assumes some new roles centrally We may have to increase our support for the depository libraries to enable them to function in this new environment. That whole role of GPO and the FDLP is different but complementary to what the Archives does, to what LC does, to what the individual agencies do. I hope we can move forward . . . all carrying forth these roles in new ways.

Buckley would not rule out the possibility that GPO might produce something in paper even though an agency had shifted to an electronic format. “We would have to see on a case-by-case basis I would like to have the flexibility to do such things since my concern is the usability of the information.” He recognizes there are costs to be considered as well as other issues, but hopes to be able to apply a little rationality to the whole system. “I am hoping to set a different tone for our agency. The Superintendent of Documents should not just manage a distribution process, but must be concerned about the information as information and the management of that information.”

Title 44

Buckley has been a major participant in the latest effort, mounted during the 105th Congress, to revise Title 44 of the U.S. Code, the legislative authority for public printing. He chaired the Inter-Association Working Group—a coalition of associations, including AALL—bent on ensuring that the library position on pertinent issues received full consideration. He was also involved in previous efforts to revise Title 44 that did not achieve any legislative change. But

he takes the long view on this work, noting that “such efforts have always had a positive benefit in that because of the attention paid to the problems in the system . . . inevitably changes were made, either administratively or organizationally, although not legislatively. I think we will see that this time too.”

Buckley feels that this latest effort to change the law has benefitted from the direct participation of more interested parties than ever before. He includes the Joint Committee on Printing, Office of Management and Budget, GPO, and representatives from the private sector and libraries in the list of active parties. “I think that what has been most pleasing to me in this whole process is that

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all the major players have entered the room with goals to reinforce public access to information, to reinforce the Federal Depository Library Program, to deal with issues of access to information and with fugitive documents Now how you do that is the problem and the devil is in the details.” Buckley did remind me that “the political process can be skewed from, or derailed by, issues that have nothing to do with our program or with the whole main issue.” He hesitates to predict how this will all play out in the world of politics

and legislation, but finds hope in the fact that “all the players are educated to the needs of the programs and of people in terms of access to information.”

A target for some in the Title 44 revision effort has been the Congressional Joint Committee on Printing, which has traditionally provided oversight of GPO and its functions. Proponents have used the separation of powers position articulated in *Immigration and Naturalization Service v. Chadha*, 462 U.S. 919 (1983), to assert that the legislative branch does not have authority to dictate to executive agencies how to produce and distribute their documents. Contemplating life without a JCP, Buckley said he believes

there is a need for strong oversight of the programs for access to government information. I am concerned that oversight will be diluted without a joint committee because the responsibility for it will be given to various existing committees that already have many other functions. That is not to say that effective oversight can’t happen, it is just that organizing it in that fashion provides less direct attention than with a joint committee.

Separation of powers comes up time and time again, especially when talking about “fugitive publications”—items that belong in the FDLP but slip through the cracks for a myriad of reasons. Executive branch agencies use *Chadha* as justification for why they don’t have to supply GPO with their materials for distribution through the FDLP. Some feel that only a drastic revision of Title 44 can overcome this argument; others contend that the law as it now stands adequately spells out the duty of all branches of the federal government under the FDLP. Buckley himself questions whether major revision is needed in this area, suggesting that relatively small changes in the law to shift some of the administrative functions currently exercised by the

Joint Committee on Printing to the Public Printer would solve the constitutional problem. Buckley thinks that

the bigger issue is getting the commitment of all agencies in the government, executive agencies particularly, judicial to some extent, to cooperate in making their information available, and the need to look at the philosophy of the depository program and indeed the sales program and use those mechanisms to help with effective public access.

Fugitive Documents and Privatization

Another source of fugitive documents is agencies who go outside GPO to print their materials, or in some cases, turn them over to a commercial publisher. In both instances, the materials are no longer available for depository distribution. This trend is fostered by agencies trying to cut costs by eliminating their own publication expenses or to increase revenue through royalties. Buckley feels that this situation is “going to require constant vigilance on the part of not just GPO and the Superintendent of Documents, but the library community as well to help us identify situations like that because they are happening in a decentralized fashion.” Some of the legislative proposals that have been made would strengthen the law in terms of inclusion of materials in the program as long as there is some public investment in the production of the publication. But even without greater legislative teeth, Buckley feels that he can and should go after any publications that have been privatized. But he realizes that the trend is a result of “natural forces with which we have to deal,” calling it “part of the educational process with the agencies to help them recognize our role, our mission, and the public interest we serve and which they need to serve through us.” Buckley does not see privatization as a black-and-white issue. He says, “There is a complementary role to be played by the private sector.” Amplifying, Buckley notes:

I have always felt that there is a role for the private sector in terms of adding value, repackaging, selling, providing increased dissemination, and in effect enhanced ways to access government information that go well beyond what agencies may do or what GPO may do in terms of preparing packages of information. I want to see government information out where people can get at it, where they can use it. An individual agency may be producing information in one format or for one purpose, whereas a private sector publisher may see many other uses and include it in a variety of products. I don't feel that the Superintendent of Documents operation—although we may change formats and do minor repackaging or reorganization of information—can become publishers, reorganizers, and enhancers of information. So, yes, there is definitely a place for the private sector in public information.

Buckley and Law Libraries

Twenty years ago, Fran Buckley, then a documents specialist at the Detroit Public Library, testified for ALA before a Congressional committee considering legislation authorizing the designation of accredited law schools as depository libraries. He is still a staunch supporter of the separate designation.

The change in the law enabled law libraries to obtain government information that they couldn't have obtained in any other way. That is still true today even though there is much more access via electronic and commercial services. There is still information law libraries can obtain readily through the depository program that they wouldn't otherwise

have available. I believe that if a library has a constituency to serve that needs access to this information, it can and should be part of the system because that constituency might not be served elsewhere. The demand for government information is so great that all the various types of depositories are needed—and well used. I think having law libraries designated as a category is appropriate, necessary, and to everyone's advantage.

To those that wonder—given the many rules and regulations to which a library must adhere—why any library would want depository status, Buckley responds:

Well, those are the tradeoffs. The program comes with obligations and responsibilities that have to be accepted in order to get the benefits of access and assistance in delivering service. The advice I give to all selective depositories is to be selective. Identify those things that are needed by the constituency that you can serve—your immediate institutional constituency and those who might use you from the area. If it's too much of a burden, focus on those things you need and see if you can manage the program effectively within your resources before just saying it is too much to deal with and dropping out.

Buckley feels that law libraries have added to the FDLP because their staffs with legal expertise can—in some ways—provide more assistance to individuals who come in to use government information than those in other libraries. In addition, he praised the many contributions made by law librarians interested in access to government information over the past two decades. He noted in particular those who have been active with GPO, served on the Depository Library Council, worked with ALA and other library groups, and represented AALL through its Washington Affairs office. But he hastened to add, “There is still a great deal that can and should be done with the law library community in terms of access to judicial information through the depository library program.”

Conclusion

Buckley concluded our interview by telling me how pleased he was to be appointed to the position of Superintendent of Documents. His long-held desire to improve public access to

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information has increased, not lessened, over his career, and he sees his new position as a great opportunity to contribute to the achievement of that goal. The fact that this is such a very crucial time, with so many things going on and so many areas of transition, is another reason why taking the job at this particular moment is so

exciting to him. He hopes he can contribute to both the philosophy and the mission of GPO and the programs it implements. “I know it will be a great opportunity, a great experience. And I think it will be fun too.”

Susan E. Tulis was formerly Government Documents Librarian at the University of Virginia Law Library in Charlottesville, Virginia. She also served as AALL's first Assistant Washington Affairs Representative, chaired both the AALL Government Relations Committee and the ALA Government Documents Round Table, and served two terms on the Depository Library Council. She now resides in Carbondale, Illinois.