

# The Federal Depository System: A Proposal for Change

By CLIFTON BROCK

MANY LIBRARIANS—particularly that species of the breed known as “documents” librarians—have long been concerned about the inadequacy of the present depository system for distribution of federal government publications to libraries. Much of this concern has centered on the relatively inflexible method of designating depository libraries and the gross inequities in distribution of documents resulting from this method.

In recent years awareness of the magnitude of the depository problem has filtered through to a few interested congressmen. One congressional subcommittee has noted “the long-felt need to correct the outmoded method of selecting depository libraries”<sup>1</sup> and has concluded that “the outmoded depository library law . . . is in need of major revision in order to best serve present-day needs.”<sup>2</sup> A bill to amend the depository law in certain major particulars has passed the House of Representatives three times in the last five years, but has yet to be considered in the Senate. This failure to revise what Representative Wayne Hays (D., Ohio) has called a “horse-and-buggy-law in a jet-propelled age” appears to be due in large part to lack of quantitative, summary documentation of the inadequacy of the present depository system. Even the revision bill which passed the House last August and is now pending in the Senate—while an improvement—still is not adequate for present and future needs.

A congressional resolution of January 28, 1857, amended slightly in 1859 and

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1861, provided that government publications “shall be distributed to such bodies as shall be designated to the Secretary of the Interior by each of the Senators from the several states respectively, and by the Representatives in Congress from each Congressional district, and by the Delegates from each Territory.” Thus the primary basis for designation became the congressional district through representatives, the secondary basis the state through senators. While responsibility for the functioning of the depository system was transferred to the Superintendent of Documents in 1895, the method of designation has remained unchanged for over a century. Four classes of libraries—state libraries, the libraries of land-grant colleges and service academies, and certain libraries of the executive branch of the federal government—have been designated as depositories by special laws. These designations, while adding a large number of libraries to the depository system at various times, have not altered the basic method of designation.

When this method was decided upon in 1857 there were 233 representatives in Congress. There was no limit on the number of representatives, and it was expected that as population increased and new states were admitted to the Union

<sup>1</sup> *Paperwork Management and Printing Facilities in the United States Government* (U.S. Congress, House, Committee on House Administration, Report No. 2945, Part 2, 84th Cong., 2d Sess., 1956), p. 5.

<sup>2</sup> *Ibid.*, p. 31.

more congressional districts would be added. By 1912, however, all the land area of the continental United States had been encompassed within forty-eight states. This, plus the great increase in population and the consequent increase in the number of representatives, threatened to make the House too large and unwieldy a body. Congress therefore set a limit of 435 on the number of representatives. (A temporary increase of two to accommodate Alaska and Hawaii is in effect at present.) With the depository system tied to congressional districts, this action automatically set a limit on the possible number of depository libraries. As a result, while the population of the United States has increased 100 per cent since 1910, the number of depository libraries has increased only 25 per cent.

Once a representative has designated a library as a depository in a given district, or a senator within a state, such designation cannot be changed unless the library fails to meet the standards set by law, and no additional designations can be made in that district. For example, the Drury College Library in the Seventh district of Missouri was designated in 1874 by Representative Harrison Havens. Since that date no subsequent representative from Missouri's Seventh district has been able to designate a depository.

Over the years the congressional district boundaries of many states have been redrawn as a result of reapportionment following a decennial census. Since designations cannot be withdrawn, many instances exist where a given district as it stands today has more than one depository. The Tenth district of Massachusetts has three designated by congressmen and one (the state library) by law. The first South Dakota district has four congressionally designated depositories and two (the state library and a land-grant college library) by law. Thus, because of political processes unrelated to the need for government publications, some districts

are far better supplied with depositories than others.

Being tied to congressional districts, the depository system is related, by rough extension, to population. In recent years, however, the relationship has become very tenuous. When the district system was made mandatory upon the states in 1842, the theory was that districts would be approximately equal in population, thus providing equality of representation. This theory was never closely followed in practice, and in 1929 the legal requirement that districts contain as nearly as practicable an equal number of inhabitants was dropped. The result today is that congressional districts vary widely in population, ranging from a low of 177,431 for the Twelfth district of Michigan to a high of 1,014,460 for the Twenty-eighth district of California. Despite the fact that the California district now has two depositories, the ratio of depositories per person is 1 to 177,431 for the Michigan Twelfth and 1 to 507,230 for the California Twenty-eighth.

There seems to be wide agreement that the libraries of academic institutions have greater need for documents than other types of libraries. At least, Superintendent of Documents Carper Buckley, and Representative Wayne Hays—who do not often agree on matters relating to the depository system—have agreed on this point.<sup>3</sup> This generalization is not invalidated by the obvious fact that the library of a college with an enrollment of two thousand students cannot have as great a need for documents as the New York Public Library. The generalization implies no more than the equally obvious fact that, given the extensive and intensive information requirements of students and faculty, academic libraries generally will experience heavier demands for government publications than public or special libraries generally. The method

<sup>3</sup> *Hearings, Sale and Distribution of Government Publications by the Superintendent of Documents* (U. S. Congress. House. Committee on House Administration, 84th Cong., 2d Sess., 1956), p. 8.

TABLE 1

STATE	POPULATION	CONGRESSIONAL DISTRICTS	ACADEMIC POPULATION*	NUMBER COLLEGES AND UNIVERSITIES*	NUMBER OF ACADEMIC DEPOSITORIES
Massachusetts.....	5,148,578	14	103,210	49	8
Florida.....	4,951,560	8	44,671	11	7

\* Data in these two tables taken from *American Universities and Colleges*, 1960 edition.

of designating depository libraries, however, does not take direct account of the varying concentrations of academic population or the location of colleges and universities. It does so very indirectly only through the loose correlations between congressional districts and general population, between general population and academic population, and between congressional districts and the location of academic institutions. Table 1 indicates that the correlations among all these factors can be very loose.

Thus Massachusetts, which has about the same population as Florida, almost twice as many congressional districts, over twice as many students, more than four times as many colleges and universities, has only one more depository in colleges and universities.

The law specifies that in order to qualify as a depository a library must have one thousand volumes other than government publications and must be open to the public. College libraries are not required even to have one thousand volumes other than government publications. Not surprisingly, there is apparently no case on record of the depository privilege being withdrawn from a library because it failed to meet these standards.

For many years depository libraries were sent all documents printed for distribution by the government, whether they wanted them or not. Beginning in 1923, depositories were allowed to select the publications which they wished to receive. A 1956 survey disclosed that over 50 per cent of the depositories selected less than 50 per cent of the documents available to them. Twenty-five per cent

selected less than 25 per cent available, and 12 per cent selected less than 10 per cent of the documents available.<sup>4</sup> Therefore, to say that there are so many depository libraries in the country or in a given state or congressional district is not very meaningful in terms of the overall distribution of government publications. Nor does the fact that a given library is a depository indicate very much about the range of government publications available to that library's clientele.

All these aspects of the depository system in conjunction have operated to produce such situations as the following:

1. The state of North Dakota, with a population one-seventh that of Missouri, has one-third as many depository libraries as Missouri. Missouri, with a population little more than one-fourth that of California, has more than one-half as many depositories as California.

2. The First Congressional District of New York, with a population of 906,187, has one depository library. The First Congressional District of South Dakota, with a population of 497,669, has six depositories.

3. The Snow College Library of Ephraim, Utah, with a collection of 11,000 volumes and serving 379 students, is a depository. The Boston University Library, with a collection of over 500,000 volumes and serving 19,809 students, cannot become a depository.

4. The library of Kent State Univer-

<sup>4</sup> Benjamin E. Powell and William R. Pullen, "The Depository Library System—An Examination with Recommendations for Increasing Its Effectiveness," *Hearings, Revision of Depository Library Laws*, (U. S. Congress. House. Committee on House Administration. 85th Cong., 1st Sess., 1958), p. 173.

sity, which serves an enrollment of over eight thousand students, cannot become a depository because the Hiram College Library, which serves an enrollment of six hundred students, has the designation for Ohio's Eleventh district.

5. The library of Chico State College of California, serving an enrollment of over three thousand students and containing eighty thousand volumes, cannot become a depository because the Shasta County Public Library of Redding, located seventy miles away and containing forty thousand volumes, has the depository designation for California's Second district.

6. The Public Library of Charlotte, North Carolina, which serves a population of over two hundred thousand and contains almost three hundred thousand volumes, cannot become a depository because the library of Queens College, which serves an enrollment of 642 students and has 38,000 volumes, has the designation of the Tenth North Carolina district.

These aspects of the depository system, in conjunction with the growth of the nation over the past hundred years, have operated to nullify the original intent of the depository law and to render it inadequate to present and future needs, particularly to educational needs. The depository revision bill presently pending in Congress also is inadequate to meet these needs. Several examples of the inequities and absurdities of the present system have been given, but it can rightly be argued that a few isolated instances are not necessarily proof. In an effort to supply proof the public documents class of the University of North Carolina Library School has participated in an analysis of the present and proposed depository systems. Some of the results are summarized here.

Under present law each congressional district is allowed one depository library by congressional designation. Most of these opportunities for designation have

been used. Out of an upper limit of 663 possible depositories, including those by congressional designation and by law, 592 have been named. In all but a few cases, the opportunities not used fall in districts where there are no libraries of any size available to accept designation. Representative John McCormack of Massachusetts complained recently that his district had no depository, that he had inquired to see if any library was interested but had found none which could qualify.<sup>5</sup> This is an example of one of the most absurd aspects of the present system, that vacancies exist in some districts where they are not needed while opportunities are closed in other districts where they are badly needed.

In an effort to open up additional opportunities, the pending bill (H.R. 8141) would allow each representative to designate one depository library in his district if that district now has only one *congressionally designated* depository. (The bill makes no provision for additional senatorial designation.) Thus Representative Durward Hall of the Seventh Missouri district could name another depository. Representative Samuel Devine of the Ohio Twelfth district, which now contains three depositories, could designate one more because only one of the three is by congressional designation, the other two having been named by law. But Representative John Lindsay of the New York Seventeenth, which already has two congressionally designated depositories, could not name another. Mr. McCormack, if he could find any takers, could designate two depositories.

There has been a good deal of confusion about this provision of the bill. Some librarians apparently have assumed that the bill would allow another depository in every district, regardless of the number of depositories in a district or how they were designated. The pertinent section of H.R. 8141 reads:

<sup>5</sup> *Congressional Record*, CV (1959), Part 3, 4277.

Government publications . . . shall be distributed to depository libraries specifically designated by law and to such libraries as may have been designated by each of the Senators from the several states, respectively, [note: this represents no change from the present law] and as have been or shall be designated by the Representative in Congress from each Congressional district . . . : Provided, That additional libraries within areas served by Representatives may be designated by them to receive Government publications to the extent that a total of not more than two such libraries, other than those specifically designated by law . . . may be designated within each area. . . .

When a question was raised about this language during hearings on an earlier version of H.R. 8141, Representative Hays explained that the bill "would allow an additional depository in each congressional district if there is now only one congressional designated depository."<sup>6</sup> The clear implication is that if a district has two congressionally designated depositories it would not be eligible for another one. If the bill should pass in its present form and a question arose about legislative intent, Hays's reply undoubtedly would be controlling.

There also has been much confusion about the total number of new depositories which would result from passage of the Hays bill. Mr. Buckley, for instance, has testified that the bill "would provide for roughly doubling the number of depository libraries."<sup>7</sup> Apparently, this is one factor behind his opposition to the bill. Careful analysis indicates that the bill could theoretically result in a total of 342 new depositories, an increase of 58 per cent, not of 100 per cent. Actu-

ally, it is extremely unlikely that the total number would be higher than 244. Beyond this, precise statements cannot be made, but a realistic estimate would seem to place the probable number of new depositories somewhere between one hundred and one hundred and fifty.

These figures are much lower than those normally estimated and are likely to be questioned. Table 2 summarizes the data for the nation as a whole and for each state.

In compiling Table 2 the appendix to the hearing on *Sale and Distribution of Government Publications*, containing a list of depositories in existence on August 13, 1956, was used. The list is by states, and indicates the name of the depository, congressional district, and method of designation. This list was brought up to date by using the list of depositories in the September 1961 issue of the *Monthly Catalog*. (The table has not been altered to reflect changes in congressional districts subsequent to the 1960 census. Further research, however, indicates that such changes would have little effect in a number of opportunities available for designation of libraries as depositories.) If a given district does not have a depository by congressional designation, it was assumed that one depository could be named in that district under present law. For example in Alabama there are no congressionally-designated depositories in the Second, Third, Fifth, or Seventh districts. There are two congressionally-designated depositories in the First and Ninth districts; no new depositories could be named in these districts. There is one congressionally-designated depository in each of the Fourth, Sixth, and Eighth districts; one new depository could be added in each district. One new depository could be added in each of the Second, Third, Fifth, and Seventh districts, since these districts do not now have any congressionally-designated depositories. In all, a total of seven new depositories are possible in Alabama

<sup>6</sup> *Hearings, Revision of Depository Library Laws* (U. S. Congress. . . .), p. 102.

<sup>7</sup> *Hearings, Legislative Branch Appropriations for 1960*, (U. S. Congress. House, Committee on Appropriations, 86th Cong., 1st Sess.), p. 256.

TABLE 2

NUMBER OF NEW DEPOSITORIES POSSIBLE AND PROBABLE UNDER PROPOSED LAW

STATE	NEW DEPOSITORIES POSSIBLE UNDER PRESENT LAW	NEW DEPOSITORIES POSSIBLE UNDER PROPOSED LAW	NEW DEPOSITORIES PROBABLE UNDER PROPOSED LAW
Alabama . . . . .	4	7	3
Alaska . . . . .	1	1	0
Arizona . . . . .	2	2	0
Arkansas . . . . .	1	5	4
California . . . . .	6	24	18
Colorado . . . . .	0	1	1
Connecticut . . . . .	1	2	1
Delaware . . . . .	0	1	1
District of Columbia . . . . .	0	0	0
Florida . . . . .	2	6	4
Georgia . . . . .	5	8	3
Hawaii . . . . .	1	1	0
Idaho . . . . .	0	1	1
Illinois . . . . .	8	19	11
Indiana . . . . .	0	9	9
Iowa . . . . .	1	5	4
Kansas . . . . .	0	3	3
Kentucky . . . . .	0	7	7
Louisiana . . . . .	1	7	6
Maine . . . . .	1	2	1
Maryland . . . . .	2	6	4
Michigan . . . . .	4	16	12
Massachusetts . . . . .	4	13	9
Minnesota . . . . .	0	8	8
Mississippi . . . . .	1	6	5
Missouri . . . . .	3	7	4
Montana . . . . .	0	1	1
Nebraska . . . . .	0	3	3
Nevada . . . . .	0	0	0
New Hampshire . . . . .	0	1	1
New Mexico . . . . .	0	0	0
New Jersey . . . . .	4	11	7
New York . . . . .	16	35	19
North Carolina . . . . .	4	10	6
North Dakota . . . . .	0	0	0
Ohio . . . . .	3	19	16
Oklahoma . . . . .	0	3	3
Oregon . . . . .	0	2	2
Pennsylvania . . . . .	12	26	14
Puerto Rico . . . . .	0	1	1
Rhode Island . . . . .	0	1	1
South Carolina . . . . .	3	6	3
South Dakota . . . . .	0	1	1
Tennessee . . . . .	2	7	5
Texas . . . . .	3	20	17
Utah . . . . .	0	0	0
Vermont . . . . .	0	0	0
Virginia . . . . .	1	8	7
Washington . . . . .	2	5	3
West Virginia . . . . .	0	6	6
Wisconsin . . . . .	0	8	8
Wyoming . . . . .	0	1	1
United States . . . . .	98	342	244



under the proposed law. The notation of probable depositories assumes that a district which has not taken advantage of its depository privilege under present law is extremely unlikely to take advantage of additional opportunity under the proposed law. In Alabama there are four districts in this situation. For the proposed law to be operational for one of these districts, two depositories would have to be named where none is apparently now needed. This seems improbable. While it would theoretically be possible for seven new depositories to be added in Alabama under the proposed law, actually four of these possibilities are very unlikely to be used.

The total of 244 "probable" new depositories is far too high. This total assumes that every district which now has one congressionally-designated depository would take advantage of the proposed law to add one more, and the assumption is unrealistic. The Sixth Alabama district would be entitled to a new depository. The University of Alabama Library is now the district's depository. The largest eligible library in the district would be the Friedman Public Library of Tuscaloosa, which has 42,000 volumes and an annual budget of \$37,000. It seems improbable that this library would wish to become a depository. The largest library in the Sixth district outside of Tuscaloosa is the Judson College Library in Marion (population 2,822) with

23,000 volumes and an enrollment of 245 students. It would be tedious and unproductive to try to determine how many similar situations exist across the country. In any case, H.R. 8141 requires that, before a new depository is designated in a district, the need for such a depository must be certified by the head of every existing depository within the district or by the head of the library authority of the state. This provision would act as a brake on unnecessary designations. With these factors in mind, the educated guess of one hundred to one hundred fifty new depositories resulting from the proposed law seems fairly liberal.

To compile evidence that both the present and proposed depository systems are inadequate to meet present and future needs, two major assumptions were made by the students: that academic libraries have greater need for documents than other types of libraries, and that this need varies with the size of the school. Each of the twenty-four students working on the project was assigned a state or states to analyze. A worksheet was completed for each academic depository library in each state. With the worksheets as data, each student filled in the summary sheet for his state or states.

Table 3 shows the results for each state and for the country as a whole. It should be noted that in this procedure two unrealistic assumptions were made:

1. The possible designation of public

DEPOSITORY PROJECT SUMMARY SHEET

WEIGHTED TOTAL	NO. OF SCHOOLS	NO. OF DEPOSITORIES	SCHOOLS EXCLUDED UNDER PRESENT LAW	SCHOOLS EXCLUDED UNDER PROPOSED LAW
under 1,000 .....	11	0	9	6
1,001-3,000 .....	18	4	13	8
3,001-5,000 .....	0	—	—	—
5,001-10,000 .....	3	2	1	1
over 10,000 .....	4	2	2	2
Totals	36	8	25	17

State: Massachusetts

and other libraries was ignored. When vacancies existed under present and proposed systems, it was assumed that academic libraries would fill these vacancies.

2. A further assumption was made that among academic libraries those with the greatest need for documents, as measured by a weighted total arrived at by doubling the number of graduate students and faculty members and adding the resultant figure to the number of undergraduates, would take precedence.

Certainly some public or other libraries would be designated in place of some academic libraries, and among academic libraries the logic assumed by the weighted total progression would not follow. Therefore Table 3 pushes both the present and proposed systems to the extreme optimistic limit in so far as academic libraries are concerned. Despite these assumptions, we find that the libraries of one-half of the colleges and universities in the country with weighted totals of 1,000 or higher cannot become depositories under the present system and that one-fourth still would be excluded under the proposed system.

There may be some differences of opinion as to whether every school in the country with a weighted total over 1,000 should have a depository library. Presumably there would be no question that any school with a weighted total over 5,000 should be accorded the opportunity to have a depository library. Table 4 lists schools with 5,000-plus weighted totals excluded by present law. Those which would be excluded even under the proposed law are indicated by an asterisk.

Table 4 shows that 43 schools are excluded by present law. Despite the fact that the procedure employed heavily favored these large schools in the assignment of vacancies, 28—or 65 per cent—still would be excluded under the proposed law. Some particularly anomalous situations exist. Hunter College, for instance, has two branches, one in the Sev-

enteenth New York district, the other in the Twenty-fourth, either of which could be used as a location for depository designation. Since two congressionally designated depositories already exist in both districts, however, Hunter would be excluded under the proposed law.

While the depository revision bill would bring about some improvement over the existing situation, it would not be adequate for present needs, even if the needs of nonacademic institutions are not considered. Its inadequacy in the face of future needs is undeniable. A recent study projects a 1980 college and professional school enrollment which is 235 per cent higher than the 1960 enrollment.<sup>8</sup> Enrollments of the schools analyzed in this study are going to increase dramatically in the next twenty years, and their requirements for government publications will increase accordingly. Many new colleges and universities will be founded. By 1980 schools not yet in existence will have over 5,000 students. Many, if not most, of these new schools will be so located that they could not benefit from the proposed depository law.

With these factors in mind, one could make a strong case against passage of the depository bill in its present form. Congress has not changed the essentials of the depository law for over a hundred years. If the Senate should pass the pending bill this session, we would hardly expect another revision within the next twenty years. If the depository system is to be revised now, it would seem wise to do it with a realistic view of present and future needs in mind.

Many proposals have been made for changing the method of designating depository libraries. In 1938 the late Jerome K. Wilcox suggested that designations be made "dependent entirely on three factors—heavy population concentrations, large library centers, and re-

<sup>8</sup> Philip M. Hauser and Martin Taitel, "Population Trends—Prologue to Library Development," *Library Trends*, X (1961), 59.



TABLE 3  
SUMMARY OF EFFECT OF PRESENT AND PROPOSED DEPOSITORY LAWS ON SCHOOLS WITH  
WEIGHTED TOTALS OVER 1,000

STATE	NUMBER OF SCHOOLS	NUMBER OF DEPOSITORIES	SCHOOLS EXCLUDED BY PRESENT LAW	SCHOOLS EXCLUDED BY PROPOSED LAW
Alabama.....	11	8	2	0
Alaska.....	0	—	—	—
Arizona.....	3	3	—	—
Arkansas.....	10	5	4	2
California.....	35	13	21	13
Colorado.....	10	8	2	2
Connecticut.....	10	4	6	5
Delaware.....	1	1	—	—
District of Columbia...	6	0	6	6
Florida.....	8	7	1	0
Georgia.....	8	3	5	4
Hawaii.....	1	1	—	—
Idaho.....	3	3	—	—
Indiana.....	14	8	6	1
Iowa.....	10	4	6	3
Illinois.....	27	8	17	12
Kansas.....	7	6	1	0
Kentucky.....	12	5	7	5
Louisiana.....	14	8	5	2
Maine.....	2	2	—	—
Maryland.....	8	4	3	0
Massachusetts.....	25	8	16	11
Michigan.....	16	7	8	3
Minnesota.....	16	6	10	5
Mississippi.....	7	4	3	2
Missouri.....	13	9	3	2
Montana.....	3	3	—	—
Nebraska.....	6	2	4	1
Nevada.....	1	1	—	—
New Hampshire.....	1	1	—	—
New Jersey.....	17	6	9	5
New Mexico.....	3	2	1	0
New York.....	59	20	33	19
North Carolina.....	15	9	6	5
North Dakota.....	3	3	—	—
Ohio.....	30	12	15	4
Oklaohma.....	11	9	2	2
Oregon.....	11	5	5	4
Oregon.....	8	3	—	—
Pennsylvania.....	44	10	29	13
Puerto Rico.....	4	2	2	1
Rhode Island.....	4	2	2	1
South Carolina.....	7	4	2	0
South Dakota.....	5	2	3	2
Tennessee.....	12	6	6	3
Texas.....	31	16	14	7
Utah.....	3	3	—	—
Vermont.....	2	2	—	—
Virginia.....	15	8	7	4
Washington.....	7	3	3	0
West Virginia.....	9	5	4	1
Wisconsin.....	17	8	9	5
Wyoming.....	1	1	—	—
United States.....	595	278	288 (48.4%)	155 (26.0%)

TABLE 4  
LIST OF SCHOOLS WITH WEIGHTED TOTAL OVER 5,000 EXCLUDED BY PRESENT AND  
PROPOSED DEPOSITORY LAWS

SCHOOL	WEIGHTED TOTAL	UNWEIGHTED ENROLLEMNT	VOLUMES IN LIBRARY
*Boston University . . . . .	25,286	19,809	527,025
*Northeastern University . . . . .	19,271	16,245	82,500
*George Washington University . . . . .	15,734	9,653	332,000
*University of Buffalo . . . . .	14,984	10,768	355,065
San Jose State College . . . . .	14,439	11,508	193,643
*San Diego State College . . . . .	12,785	9,703	240,281
*Hunter College . . . . .	12,781	8,755	214,404
*Marquette University . . . . .	12,717	10,094	274,000
Long Beach State College . . . . .	12,189	9,301	95,000
*Georgetown University . . . . .	10,714	5,860	374,582
*Depaul University . . . . .	10,052	8,298	152,592
*Boston College . . . . .	9,894	7,416	493,649
*Illinois Institute of Technology . . . . .	9,668	7,641	128,792
Kent State University . . . . .	9,447	7,778	168,120
*Western Michigan University . . . . .	9,123	7,804	133,344
*Sacramento State College . . . . .	8,927	6,369	95,000
Fresno State College . . . . .	8,319	6,436	139,462
*American University . . . . .	8,090	5,242	165,000
Adelphi College . . . . .	7,798	5,332	94,829
*Georgia Tech . . . . .	7,697	6,493	215,525
Drake University . . . . .	7,546	6,229	161,992
Youngstown University . . . . .	7,353	6,044	93,088
Villanova University . . . . .	6,752	5,862	206,758
*Hillyer College . . . . .	6,668	5,120	30,000
*Catholic University . . . . .	6,600	3,830	555,706
*Howard University . . . . .	6,589	4,347	353,460
*Carnegie Institute of Technology . . . . .	6,584	5,173	151,069
Rennselaer Polytechnic . . . . .	6,439	4,447	85,000
*University of Dayton . . . . .	6,349	5,915	95,234
*Georgia State University of Business Adminis- tration . . . . .	6,183	5,668	103,831
Eastern Michigan University . . . . .	6,156	4,882	121,059
*Duquesne University . . . . .	6,136	4,998	108,893
*California State Poly . . . . .	6,134	5,300	72,825
*Yeshiva University . . . . .	5,710	2,560	153,000
*Roosevelt University . . . . .	5,663	4,558	125,000
*Xavier University (Cincinnati) . . . . .	5,559	4,285	111,407
University of Akron . . . . .	5,498	4,782	118,283
Butler University . . . . .	5,424	4,067	180,000
*Colorado State University . . . . .	5,349	4,285	160,000
*State University of New York—Buffalo . . . . .	5,295	3,945	78,479
University of Bridgeport . . . . .	5,202	4,296	83,150
Mankato State College . . . . .	5,188	4,581	65,661
University of San Francisco . . . . .	5,075	4,116	105,850

gional designation for the sparsely settled regions," although he did not indicate whether he would do away with the method of designation through senators and representatives.<sup>9</sup> In 1956 Representative Hays suggested that all state univer-

sities be designated.<sup>10</sup> Representative Paul Schenck (R., Ohio) proposed that any public university whether state or privately supported, should have the de-

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<sup>9</sup> J. K. Wilcox, "Proposed Survey of Federal Depository Libraries," American Library Association, *Public Documents, 1938*, (Chicago, 1938), p. 33.

<sup>10</sup> *Hearings, Sale and Distribution of Government Publications . . .* (U. S. Congress . . .), p. 8.

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pository privilege.<sup>11</sup> During the same hearing Hays also suggested that any school with an enrollment of three thousand to five thousand students should have the opportunity to become a depository.<sup>12</sup>

During hearings on an earlier version of H.R. 8141, one librarian proposed that the "entire urban area," rather than the congressional district, be made the base for designation. Another librarian "wondered if somehow perhaps a more rational approach to the whole problem might be made on the basis of population and proximity to large libraries."<sup>13</sup> Wilcox contended that "distribution should be based upon geographical location or population centers rather than upon political expediency." Proposing size of student body as the criteria for designation of academic libraries, Wilcox suggested that 750 students be the level above which an academic library would become eligible for designation.<sup>14</sup>

The Hays subcommittee seemed most receptive to these proposals for increasing the number of depository libraries. At one point Hays, after explaining that his bill would permit only one depository in districts which had only one by congressional designation, said: "The subcommittee, however, will be open-minded on this matter and, if the testimony we adduce around the country brings out the necessity for more than that, then I am sure that the subcommittee will be willing to entertain such an idea."<sup>15</sup> Hays, in fact, appeared puzzled about the lack of widespread or intensive interest in his efforts to improve the depository system: "The depository law itself is rather an ancient one and I pre-

sume the reason nothing has been done about it before is because the people most affected by it have never brought any pressure on the Congress to do anything about it. As a matter of fact, none has been brought yet."<sup>16</sup>

In the late 1930's a chairman of the Joint Congressional Committee on Printing gave the library profession a virtual *carte blanche* to "rewrite the federal depository distribution act."<sup>17</sup> Whether or not Congress itself would have made good on the offer, the invitation was not accepted. The Board of Resources of ALA, asked to back a comprehensive survey of depositories as a basis for revision of the law, contended that "most of the facts to be sought were already known and declined to support it. . . . Lack of agreement on the sort of survey to be conducted, lack of money with which to conduct it, lack of conviction that one was needed, and a variety of other reasons" operated to kill the idea.<sup>18</sup>

Today the profession has no such broad mandate to rewrite the depository law. H.R. 8141 may be as extensive a revision as we can hope to get at this time.<sup>19</sup> The bill's provisions for additional depositories are inadequate, however. Fortunately, the evidence seems to indicate that Congress might be receptive to an amendment to H.R. 8141 broadening these provisions. Ideally, a comprehensive study of library needs and future development should precede an effort towards that end. Standards should be set which would assure the depository privilege to those libraries which need it and deny it to those present depositories which, in the words of the Powell Report, use it "only as a convenient method for obtaining a small handful of government publications from a central

<sup>11</sup> *Ibid.*, p. 89.

<sup>12</sup> Jerome K. Wilcox, "Report of Status of H.R. 5471," American Library Association, *Public Documents, 1937*, (Chicago, 1937), p. 17.

<sup>13</sup> *Revision of Depository Library Laws*, (U. S. Congress . . .), p. 172.

<sup>14</sup> H.R. 8141 contains several important provisions in addition to expansion of the number of depositories. See the bill itself and House Report 724, 87th Cong., 1st Sess., for details.

<sup>11</sup> *Ibid.*, p. 10.

<sup>12</sup> *Ibid.*, p. 12.

<sup>13</sup> *Hearings, Revision of Depository Library Laws*, (U. S. Congress . . .), p. 49.

<sup>14</sup> *Ibid.*, p. 118-19.

<sup>15</sup> *Ibid.*, p. 39.

source."<sup>20</sup> Such a study might follow some of the suggestions made by Wilcox and others and could well result in a recommendation to depart altogether from the congressional-designation method.

Considerations of time and politics operate against such an ideal approach. H.R. 8141 has passed the House, and there is ample time for Senate passage this session if complicated changes are not made. In any case, a study such as the one contemplated could not be completed speedily. With these factors in mind, it would seem wise to make the amendment as simple and as attractive to the Senate as possible. Fortunately, it appears that this might be done.

H.R. 8141 makes no provision for additional Senatorial designation of depositories. Very likely, the Senate will object to this. While the right of designation is largely formal and relatively unimportant, it is a means by which a legislator can please at least one small group of constituents without antagonizing other groups. Representatives and senators do not spurn such opportunities. Therefore it would seem possible to broaden the provisions for new depositories and, at the same time, make the bill more palatable to the Senate. An amendment to H.R. 8141 allowing each senator to designate one new depository for every one million population in his state would achieve two major objectives:

1. Allow opportunities for immediate designation of approximately 360 depositories. In many states, of course, few additional depositories would be needed and the opportunities would not be fully exploited. But the provision would allow new depositories where they are needed instead of, as in the present bill, allowing many where they are not needed. In California, for instance, the amendment would open up thirty-two opportunities on a statewide basis. In those congres-

sional districts excluded by the present provisions of H.R. 8141, the California senators could use their designations to rectify the situation.

2. The amendment would allow the depository system to grow with future needs. As it now stands, H.R. 8141 would open up a few vacancies on a one-time basis but would leave the system inflexible in the face of future developments. The amendment could be written so as to tie in with official Census Bureau population estimates. The 1960 population figures for each state could be used as the base. Thus, when a state's population increased one million over 1960 figures, each senator would be allowed one more designation. When population has increased another million over 1960, each senator would get another opening. By this provision new opportunities would be opened up periodically in states with growing population and a corresponding need for more depositories. Since a few states have less than one million population today and are unlikely to add a million in the foreseeable future, the amendment should allow every senator one new designation, regardless of his state's population. Even if these designations are never used, the provision might make the amendment acceptable to small-state senators. By allowing both senators from a state one designation each for every million population in their state, rather than one designation for one senator for every five hundred thousand, the amendment should prevent any possibility of the depository system becoming involved in partisan or personal politics.

Getting such an amendment through Congress would require careful timing and, perhaps, intensive lobbying by the library profession. Given the present stage of H.R. 8141 in the legislative process, the most feasible procedure might be:

1. Try to persuade the Senate Rules and Administration Committee, to which the bill has been referred, to accept the amendment as a committee amendment.

<sup>20</sup> *Revision of Depository Library Laws*, (U.S. Congress . . .), p. 173.

2. If the amended version of the bill passes the Senate, it would have to go back to the House. This seems likely in any case, since the Senate probably will tack on some kind of senatorial-designation amendment, even if it leaves the other provisions intact. Once in the House, Representative Hays might persuade the House to accede to the Senate version without asking for a conference. If this could be done, the danger of expiration of the bill toward the end of the session could be avoided. In any case, there would be little to lose and much to gain. Even if the bill does not get through this session and has to be reintroduced in the Eighty-eighth Congress, this would be preferable to passage in its present form.

The proposed amendment has one additional major advantage. Presumably, it would be endorsed by the Superintendent of Documents, since the idea of expanded senatorial designation is his own. There is not space nor reason to discuss Mr. Buckley's opposition to H.R. 8141 here. So far as the public record shows, his opposition is directed primarily at that provision of the bill requiring him to distribute to depositories those government publications not printed at the Government Printing Office and at the provision which might, sometime in the future, require him to furnish microfacsimile copies of documents to the proposed regional depositories. So far as additional depositories are concerned, Mr. Buckley has registered opposition primarily to the "piecemeal" designation of depositories. And when asked by Representative Hays if he had any suggestions about an equitable way to expand the depository system, Mr. Buckley replied:

"In view of the fact that in many cases the congressional district designation does not appear to provide adequate service, consideration might be given to expanding the designations for the states at large, which would be the senators' designation."<sup>21</sup>

As for the cost of new depositories, the Hays subcommittee has estimated an \$1,100 annual cost per depository. Assuming that the amended version of H.R. 8141 passes and is exploited to the limit, a most unrealistic assumption, we might have as many as six hundred new depositories at an annual cost of \$660,000. (A realistic estimate would be three hundred at a cost of \$330,000.) Last year Mr. Buckley testified that in fiscal 1961 the profits returned to the Treasury from the sale of government publications "for the first time in the history of the office covered not only the cost of the sales program but also the cost of all the other programs with which the office is charged by law." For fiscal 1962 Mr. Buckley foresaw profits of \$5,600,000, which would be \$876,000 more than the entire appropriation for the Documents Office.<sup>22</sup> Thus the expanded depository program could be financed without any increase in appropriations. This would be true even if the cost of all the other provisions of H.R. 8141 are included.

This is, of course, a specious argument. While a program with its way already paid may have smooth sailing in Congress, the taxpayers still would be out \$660,000, and the question of the program's justification remains. In writing the original depository law, Congress assumed that it was a good thing for government publications to be distributed to libraries and to be made accessible through libraries to the public. This assumption is basic to democratic government, and it still underlies the whole depository program. Additional justifications can be advanced for distribution to and accessibility through libraries rather than directly to individuals.

Increasingly in recent years, the federal government has assumed that the

<sup>21</sup> *Hearings, Sale and Distribution of Government Publications*, (U.S. Congress . . .), p. 10.

<sup>22</sup> *Hearings, Legislative Branch Appropriations for 1962*, (U.S. Congress, House, Committee on Appropriations, 87th Cong., 1st Sess.), 1961, pp. 279-80.



national interest requires the appropriation of large sums for aid to higher education. Particular emphasis has been placed upon stimulating and aiding research in colleges and universities. One relatively cheap method of furthering these ends would be to expand the depository program to take in more academic libraries. Too often the depository system has been viewed by government officials as a means by which libraries get something for nothing. With few exceptions, the libraries pay many times over for the privilege. While some libraries have abused the privilege at the expense of others, most depositories serve in effect as agents of the government in disseminating its publications. It is literally true that if depositories did not exist in public, academic, and other libraries, the government would have to invent them

and have to subsidize them. An expanded depository program would be a very good bargain for the federal government.

The taxpayer pays either way. No public or academic library today can provide adequate service without government publications. If Kent State University cannot become a depository and obtain documents free except for postage, it must buy them. The taxpayers of Ohio still foot the bill, and the bill is higher because Kent State cannot take advantage of the automatic and very efficient distribution service of the Documents Office.

To sum up, the passage of an amended version of H.R. 8141, while not an ideal solution in all respects, would lead to a depository system geared to the realities of the 1960's and 1970's, not those of 1857.

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