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Response to Wayne P. Kelley

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Commentary

Response to Wayne P. Kelley*

Margaret A. Leary**

I appreciate Mr. Kelley's comments and his concern about the "fundamental legal responsibility of federal depository libraries to provide free and unrestricted access to despository materials to the general public," or, as stated in 44 U.S.C. § 1911, "Depository libraries shall make Government publications available for the free use of the general public."

I write to respond to the statements that "It is impossible to determine exactly what sort of access to depository materials is allowed at the University of Michigan Law Library from the [Snow] article," and "It appears that the . . . policy does not meet our requirements."

The University of Michigan Law Library takes most seriously its obligation to meet the statutory requirement for U.S. depository publications, no less than we take seriously our role, as part of the University of Michigan, to serve a state, national, and international body of users.

The first sentence of the "Limited Access Policy" reproduced in Barbara Snow's article states: "The University of Michigan Law School limits access to the Law Library to those who demonstrate need to use Library material."¹ "Library material" includes U.S. Government Printing Office material. This sentence simply means that those who do *not* need to use library material cannot enter, for example, to study. The remainder of that short document describes the means by which someone can enter the library to use the collection. These cover every possible situation, from those who want to look around the building to those who need to make extensive use of material in the law library.

Ms. Snow directly addresses the need to provide free access to depository material: "As a government documents depository, we checked with program officials to make certain that our policy satisfied

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1. Barbara J. Snow, *When Goals Collide: Planning and Implementing a Restricted Access Policy at the University of Michigan Law Library*, 84 LAW LIBR. J. 383 (1992).

requirements of access to the documents collection.”² Mr. Kelley’s article says that the GPO has no record of these communications; I want to respond to the implication that the GPO is not aware, and would not approve, of the public access we provide.

We have been inspected twice since implementing this policy in 1981. Both times we were rated “excellent” in “Service to the General Public,” with a point score of 100 in 1988 and 94 in 1982. In both 1982 and 1988, the inspector answered “yes” in response to the question: “The depository makes available for free use in the library by the general public all government publications.”

In 1988 the inspector reported that “the library gets heavy use by outside patrons seeking legal information.” In the comments on “Service to the General Public,” we were commended for long hours of opening and extended service hours and providing free copies of fiche to all users. We were described as “a major national resource for legal materials,” which includes government documents, and for “impressive” promotion of library and depository resources.

Because I personally spent many, many hours working to amend Title 44 to enable libraries of accredited law schools to become depositories, including testifying before Congress; because a Michigan Representative was instrumental in passage of the amendment; because of my strong personal and professional commitment to the actuality of public access to government documents; and, of course, because this library adheres to federal law, I hope these comments resolve any doubts about our policy.

2. *Id.* at 385.