

Practicing Reference . . .

A Manual “to Inform Every Citizen”*

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Ms. Whisner examines the history and development of an “old friend” of many reference librarians, the United States Government Manual.

¶1 We all have the *United States Government Manual* in our quick reference collections, but how well do we really know this old friend? Do we understand its history, its development, and its rich inner life—or do we take it for granted, as we so often do with those nearest to us? I decided I wanted to learn more about this stalwart, and of course I’m sharing what I learned.

¶2 The *United States Government Manual* was born early in the New Deal, as agencies were popping up and the public and lawyers were challenged to keep track of them. The tone was idealistic and democratic. The cover bore a subtitle: “A Simplified Textbook Designed to Inform Every Citizen as to Government Procedure and to Make Effectively Available All Federal Services.” And the first page had, above a facsimile of Franklin D. Roosevelt’s signature: “Only through a clear understanding by every citizen of the objectives, organization, and availability of the Government agencies can they render truly effective service and assure progress toward economic security.”¹ The passage evokes both the basic democratic ideal of citizen access to government and the grim reality that for most Americans at the time “economic security” was still some distance away.

¶3 In the fall of 1933—eight months after taking office—President Roosevelt created the National Emergency Council, a body of agency heads, to advise him and coordinate work under the National Industrial Recovery Act, the Agricultural Adjustment Act, and other new legislation.² In March 1934, the National

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1. U.S. INFO. SVC., NAT’L EMERGENCY COUNCIL, UNITED STATES GOVERNMENT MANUAL, at i (1935) [hereinafter 1935 MANUAL].
2. Exec. Order No. 6433A (Nov. 17, 1933), in 2 PUBLIC PAPERS AND ADDRESSES OF FRANKLIN D. ROOSEVELT 487 (1938). The executive order specified that the executive director of the new council could hire employees “without regard to the Civil Service laws” and make “such expenditures . . . as may be necessary to carry into the effect the provisions of this Order.” *Id.* at 488–89. I find it endearing that the expenditures explicitly included those “for law books and books of reference.” *Id.* at 488.

Emergency Council established the United States Information Service as a sort of clearinghouse, a first contact point for citizens trying to figure out where to turn in the bureaucracy.

The Service assists the public in obtaining information or contacting various departments. In addition the Service assists all Government departments in serving the public through the proper routing of inquiries and general Government business. The Service is kept currently informed on subjects relating to Executive orders, change in departmental organization, and all other developments of public interest.³

Visitors to Washington were invited to use the office and its “trained staff, equipped with charts, indexes, and files.”⁴ In March 1934, the Information Service published “a loose-leaf book, the text of which was in the form of questions and answers, under the title *Daily Revised Manual of Emergency Recovery Agencies and Facilities*.”⁵ As the title suggests, this manual focused on the agencies created in the New Deal, such as the Agricultural Adjustment Administration and the Commodity Credit Corporation, and not the full range of government agencies. The Information Service addressed the wider need on January 1, 1935, by bringing out the *United States Government Manual*.⁶

¶4 Let’s put that publication date into context. Do you remember *Panama Refining Co. v. Ryan*?⁷ This is the case in which the government attorney had to admit during oral argument that the regulation being challenged had been revoked by the time the lawsuit was filed. The Court was not amused.⁸ And it was shocking that the government attorneys, the private parties, and the courts had not been aware of the status of the regulation. “The furor resulting from the hot oil case provided the final impetus for the enactment of remedial legislation [the Federal Register Act] in 1935.”⁹ The *United States Government Manual* fit precisely in the

3. 1935 MANUAL, *supra* note 1, at v.

4. *Id.*

5. Douglas B. Maggs, Book Review, 23 GEO. L. J. 964, 964 (1935) (reviewing LAWRENCE K. SCHMECKEBIER, NEW FEDERAL ORGANIZATIONS—AN OUTLINE OF THEIR STRUCTURE AND FUNCTIONS (1934)). The cover of NAT’L EMERGENCY COUNCIL, DAILY REVISED MANUAL OF EMERGENCY RECOVERY AGENCIES AND FACILITIES PROVIDED BY THE UNITED STATES GOVERNMENT ([1934]) adds that it is “A Simplified Textbook of Federal Activities which Enables every Citizen to use Effectively, Speedily and Directly the Emergency Services which the Government has Established.” This manual includes the same epigram from Roosevelt quoted *supra* note 1.

6. Maggs, *supra* note 5, at 965. The new work was almost twice as long as its predecessor: 584 pages to 313.

7. 293 U.S. 388 (1935).

8. The Court found that the challenge to that regulation was moot, *id.* at 398, and went on to find unconstitutional the National Industrial Recovery Act’s delegation of authority to the president. Justice Cardozo dissented from the delegation holding, but he agreed that the challenge to the rescinded regulation was moot. “One must deplore the administrative methods that brought about uncertainty for a time as to the terms of executive orders intended to be law.” *Id.* at 434 (Cardozo, J., dissenting).

9. MORRIS L. COHEN, ROBERT C. BERRING & KENT C. OLSON, HOW TO FIND THE LAW 265 (9th ed. 1989). The authors cite contemporary newspaper articles as well as Erwin N. Griswold, *Government in Ignorance of the Law—A Plea for Better Publication of Executive Legislation*, 48 HARV. L. REV. 198 (1934).

middle of that iconic case: it appeared after argument (December 10 and 11, 1934) and before decision (January 7, 1935). On January 18, a correspondent wrote to the *American Bar Association Journal* of the reaction to the case: “Never before has Washington been so constitutionally minded. Officials here now eat, breathe, and dream constitutional essence. Since [the decision] there has been a notable revival of learning in all things constitutional.”¹⁰ That sounds like big news, doesn’t it? It was—but the author put it at the bottom of the page, *after* announcing the availability of the *United States Government Manual*.¹¹

¶5 For its first four years, the *Government Manual* was in a government-green loose-leaf notebook, so information could “be kept currently revised with new or substitute pages for the body of the book and the index. Changes in functions of the agencies resulting from new legislation [were] recorded from time to time.”¹² Many of the elements familiar to current users were present from the start. For instance, there are dozens of organizational charts, many of them folding out to show more detail than possible on the standard-size page. And the agencies’ descriptions seem familiar, with their citations of authorizing statutes and summaries of agency functions.

¶6 One difference is the implication that the agency heads personally reviewed the descriptions (as contemporary candidates review their ads). For example, the description of the Department of State ends with: “Approved. CORDELL HULL, *Secretary of State*.”¹³ Wow. Cordell Hull himself, secretary of state and future winner of the Nobel Peace Prize,¹⁴ took the time to read over the description of his agency before it was printed up. In the current edition, Condoleezza Rice does not apparently sign off on the description; instead the entry ends with a somewhat bureaucratic (but surely more realistic) invitation to contact the Office of Public Communication, Public Information Service, Bureau of Public Affairs, Department of State.¹⁵

10. *Washington Letter*, 21 A.B.A. J. 70, 70 (1935).

11. In addition to announcing the *Manual*, priced at \$2, the article noted three guides to agencies that were available free of charge: *Digest of the Purposes of Current Federal Agencies* (“mimeograph pamphlet of 50 pages listing 50 current federal agencies”), *Chart of the Federal Government* (one sheet), and *List of Emergency and Other New Government Agencies* (three mimeograph pages). *Id.*

12. 1935 MANUAL, *supra* note 1, at iii. The University of Washington Gallagher Law Library’s copy has some penciled notes about updates that were filed during 1935, so the promise of the loose-leaf format was kept. New material on substituted pages was indicated with asterisks. Thus, the page for National Archives was reissued in October, with two paragraphs about the Division of the Federal Register, established by a statute enacted on July 26, 1935. *Id.* at 264 (citing the Federal Register Act, ch. 417, 49 Stat. 500 (1935)).

13. 1935 MANUAL, *supra* note 1, at 6.

14. Irwin Gellman, *Hull, Cordell*, in AMERICAN NATIONAL BIOGRAPHY ONLINE (Feb. 2000), <http://www.anb.org/articles/06/06-00299.html>. Although I am an honors graduate of Cordell Hull Junior High in Seattle, Washington, I know very little about Hull.

15. OFFICE OF THE FED. REGISTER, NAT’L ARCHIVES & RECORDS ADMIN., UNITED STATES GOVERNMENT MANUAL 2006/2007, at 305 (2006) [hereinafter 2006 MANUAL].

¶7 Another difference is the arrangement. The *United States Government Manual* as I have known it has executive agencies (with their subdivisions) in alphabetical order, followed by independent agencies. The first edition had an order all its own. It began with the State Department (“the first executive agency to be established”),¹⁶ moved on to Treasury (also dating to the start of the government),¹⁷ but then leapt to a newer agency, the Bureau of the Budget.¹⁸ Mary Hotchkiss¹⁹ pointed out to me that that particular leap makes sense, since the Bureau of the Budget was originally part of Treasury.²⁰ Fair enough, but that doesn’t explain everything. For instance, why does the description of the National Youth Administration (an agency within the Works Progress Administration) begin on page 129, while the WPA itself isn’t discussed until page 557? Regardless of how the editors decided the order in which to list agencies, there is a convenient alphabetical list of contents at the front of the volume, so it doesn’t really matter.

¶8 Perhaps the most significant difference between the early volumes and today’s is the original *Manual*’s neglect of two branches of government. While we’re used to seeing entries for the legislative branch²¹ and the judicial branch,²² with the exception of three organization charts (one with the entire government, one with the Senate, and one with the House of Representatives²³), the first edition was all executive, all the time.

¶9 For the next three years, the government brought out a new edition each year, each very much like the first in appearance, format, and organization. The innovation in 1938 was adding the dates of latest revision to the contents page.

¶10 Nineteen-thirty-nine, however, was a watershed year. Gone was the government-issue olive-drab binder; in its place was a trim red hardback with gold lettering.²⁴ The National Emergency Council was out of the picture,²⁵ and the agency on the title page was the Office of Government Reports, an office within the Executive Office of the President.²⁶ The epigram was no longer FDR’s lofty words about the importance to citizens of understanding the workings of govern-

16. 1935 MANUAL, *supra* note 1, at 1 (tracing the State Department back to the Department of Foreign Affairs, established by the Act of July 27, 1789, ch. 4, 1 Stat. 28).

17. *Id.* at 7.

18. *Id.* at 23. The Bureau of the Budget was established by the Act of June 10, 1921, ch. 18, 42 Stat. 20.

19. Not only is Mary an experienced legal researcher, she also grew up inside the Beltway and has been an avid observer of the federal government, as well as serving as the White House librarian for several years.

20. It was “in the Treasury Department, but under the immediate direction of the President.” 1935 MANUAL, *supra* note 1, at 23. In 1939 it was transferred to the Executive Office of the President. Reorganization Plan No. I of 1939, 3 C.F.R. 1288 (1938–43 Comp.), *reprinted in* 5 U.S.C. app. at 66, *and in* 53 Stat. 1423 (1939).

21. *E.g.*, 2006 MANUAL, *supra* note 15, at 23–62.

22. *E.g.*, *id.* at 63–82.

23. 1935 MANUAL, *supra* note 1, at unnumbered pages between v and vii.

24. Some historians might assert that other events, such as the outbreak of World War II, were what made 1939 significant, but changes like this made 1939 a watershed year for the *United States Government Manual*.

25. The National Emergency Council was consolidated with the Executive Council in 1934 and abolished in 1939. 2006 MANUAL, *supra* note 15, at 613.

26. OFFICE OF GOV’T REPORTS, UNITED STATES GOVERNMENT MANUAL (1939).

ment. Instead there was a passage from George Washington’s Farewell Address.²⁷ For the first time we see entries for the legislative branch (pp. 1–26) and the judicial branch (pp. 27–35). Organizational charts (some still fold-out) were placed together at the end of the book (pp. 463–508).

¶11 An appendix lists “executive agencies and functions of the federal government abolished, transferred, or terminated subsequent to March 4, 1933.”²⁸ Changes included the Agricultural Adjustment Administration’s crop control programs being declared unconstitutional and the Works Progress Administration’s functions being moved to the Federal Works Agency and renamed the Works Projects Administration. Altogether, there were enough changes in just six years to fill sixteen pages of dense text (pp. 511–26).

¶12 The next two volumes are similar. But the cover and contents of the July 1940 *Manual* reflect the world situation: “This edition contains changes through August 15 and presents a new section on national defense.”

¶13 After three red hardbacks on our shelf (October 1939, January 1940, and July 1940), a parade of paperbacks with colored covers begins its march. This is the format that stuck. The volumes from the 1940s seem familiar to someone who got to know the book decades later, although I was surprised to see more than one per year. As in the red hardbacks, the organization charts are still gathered at the end of the book. The United States Constitution is included for the first time.

¶14 Of course the creation of agencies and departments for the war effort affected the contents of the *Manual*. The war is reflected in other ways, too. In fall 1942, the book was produced by the Office of War Information and the quotation from George Washington was replaced by words spoken by Roosevelt the week after Pearl Harbor:

We covenant with each other before all the world, that having taken up arms in the defense of liberty, we will not lay them down before liberty is once again secure in the world we live in. For that security we pray; for that security we act—now and evermore.²⁹

27. “Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.” *Id.* at iii. This was used as the epigram in each volume through spring 1942.

28. *Id.* at 511.

29. BUREAU OF PUB. INQUIRIES, OFFICE OF WAR INFO., UNITED STATES GOVERNMENT MANUAL, at [iv] (Fall 1942) (quoting Franklin D. Roosevelt, Bill of Rights Day Speech (Dec. 15, 1941)). That epigram was repeated until the second edition of 1945, which included revisions through September 20, when it was replaced by the following: “From this day we move forward. We move toward a new era of security at home. With the other United Nations we move toward a new and better world of peace and international good-will and cooperation.” DIV. OF PUB. INQUIRIES, BUREAU OF THE BUDGET, UNITED STATES GOVERNMENT MANUAL—1945, at [vi] (2d ed. 1945) (quoting Harry S. Truman, VJ-Day Address (Sept. 1, 1945)). The next edition again quoted Truman: “Peace is not a reward that comes automatically to those who cherish it. It must be pursued, unceasingly and unwaveringly, by every means at our command.” DIV. OF PUB. INQUIRIES, BUREAU OF THE BUDGET, UNITED STATES GOVERNMENT MANUAL—1946, at [vii] (1st ed. 1946) (quoting Harry S. Truman, Army Day Address (Apr. 6, 1946)). This quotation was used in 1947, but that was the last epigram to appear in the *Manual* (at least among the volumes I have sampled since then). Coincidentally, 1948 was when publication moved to the Division of the Federal Register—a division not used to looking for inspirational quotations.

¶15 And the next year, the war effort took away the *Manual's* hallmark organization charts:

NOTE.—The organization charts which have regularly appeared as a section of the *Manual* are discontinued for an indefinite period beginning with this issue. Omission of the charts is a result of the necessity (1) to conserve strategic metals required for their reproduction, and (2) in keeping with the limitation on the total number of pages in the *Manual*, to provide space for certain important additions to the text.³⁰

The charts returned in the first edition of 1946.

¶16 Artwork has appeared on the covers since the 1962/63 edition. At first it was line drawings—government buildings or a stylized eagle, then reproductions of the preamble of the Constitution. Since 1981/82, covers have often featured photographs.³¹ The 1984/85 cover is particularly striking. Against a pink and purple background of silicon chips we see books and computer printouts springing out of (or jumping into) a green monochrome computer monitor. It looks quaint now, but it was cutting-edge at the time.

¶17 Over the years, there have been some small changes, but the publication has been remarkably stable. Like many of our old friends, it changed much more in its childhood than it has changed in middle age. And like many adolescents and young adults, it tried out a more grown-up-sounding name (*United States Government Organization Manual* was used between 1949 and 1973), but returned in middle age to the name it had been known by all along.

¶18 We all live in a world circumscribed by law, and the *United States Government Manual* is no exception. It is required to be published, as a special edition of the *Federal Register*.³² It must include “appropriate information about the Executive, Legislative, and Judicial branches of the Federal Government,” and provide information about the functions of executive agencies, the ways the public can obtain more information, and the names of officials.³³ The director of the Federal Register may decide to include information about “quasiofficial agencies”³⁴ (such as the Legal Services Corporation and the Smithsonian Institution) and does. The current *Manual* also includes information about some multilateral

30. DIV. OF PUB. INQUIRIES, OFFICE OF WAR INFO., UNITED STATES GOVERNMENT MANUAL, at iii (Summer 1943).

31. Mary Hotchkiss tells me that she knew the Office of the Federal Register’s liaison to the Executive Office of the President when she worked at the White House Law Library. He asked her opinion of the photos they were considering for the 1988/89 volume, and they ended up using the one she liked, an aerial photo showing the White House, the Washington Memorial, and the Jefferson Memorial. The Preface credits White House Photographer Peter Souza, and mentions the man Mary knew (“Also assisting were Albert K. Kapikian. . .”), but does not say that the law librarian down the hall weighed in.

32. 1 C.F.R. § 9.1 (2006).

33. 1 C.F.R. § 9.2(a) (2006).

34. 1 C.F.R. § 9.2(b) (2006). The *Code of Federal Regulations* spells “quasiofficial” without a hyphen, but the *Manual* has one. 2006 MANUAL, *supra* note 15, at 555 (beginning section with Legal Services Corporation, Smithsonian Institution, State Justice Institute, and United States Institute of Peace).

and bilateral organizations.³⁵ Appendixes list abbreviations and acronyms;³⁶ agencies terminated, transferred, or changed in name since 1933;³⁷ and title and chapter of the CFR where different agencies’ regulations are published.³⁸

¶19 The *Manual* is now required to be available in both print (to be sold) and electronic (to be accessible through GPO Access (www.gpoaccess.gov/gmanual/index.html)) versions,³⁹ and distributed free to certain government officials.⁴⁰ Agencies have liaisons to the Office of the Federal Register for matters relating to the *Manual*.⁴¹ Agencies submit drafts of the information to be included⁴²—but their organization charts have to be prepared so they will look good on one page (no more fold-out charts!)⁴³ and the *Manual* won’t include just anything.⁴⁴ As a writer who often pushes deadlines, I appreciated the public-spirited tone of this reminder to agencies to comply with the deadlines for getting in their drafts: “Failure to do so may result in publication of an outdated statement or the omission of important material, *thus depriving members of the public of information they have a right to expect* in a particular edition of the Manual.”⁴⁵

¶20 To recap: this staple of reference originated during the New Deal in response to the proliferation and growth of federal administrative agencies. The format took several years to develop, and eventually settled in to what we know today: an annual paperback, with information about agencies, Congress, and the federal courts. Take a copy of this old friend off the shelf and have a nice visit.

35. 2006 MANUAL, *supra* note 15, at 577–87.

36. *Id.*, App. A, at 589.

37. *Id.*, App. B, at 595.

38. *Id.*, App. C, at 653.

39. 1 C.F.R. § 11.4 (2006).

40. 1 C.F.R. § 12.3 (2006).

41. 1 C.F.R. § 20.1 (2006).

42. 1 C.F.R. § 20.2 (2006).

43. 1 C.F.R. § 20.3(a) (2006).

44. 1 C.F.R. § 20.4(b) (2006) (no descriptions of units that are common to most agencies).

45. 1 C.F.R. § 20.7 (2006) (emphasis added).