



OBITER DICTUM

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LIBRARY HOURS The library will be closed on Good Friday, April 14. However the library will be open from 8:00 A.M. until midnight on Easter Sunday.



For details, check the Legal Research Center web site at <http://www.sandiego.edu/lrc/about/hours.php>.

**DID YOU MISS
THE PARTY?**

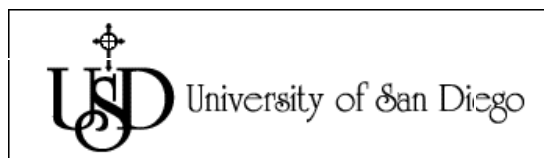


On March 14, Claire Germain, President of the American Association of Law Libraries, joined the Public Printer, the U.S. Archivist, the Solicitor General, and Senator Ted Stevens in celebrating the 70th anniversary of the publication of the Federal Register. In those 70 years, the Federal Register has progressed from a diary of completed rulemakings—usually about five items a day at first—to an Internet-based reference that allowed some 208 million documents to be downloaded in 2004. The first issue contained items about regulating the handling of milk in the St. Louis area, trade practice rules the Federal Trade Commission issued for button manufacturers, and an excise tax on employers under the Social Security Act.

President Franklin D. Roosevelt wrote the lead-off rule—really an executive order—to enlarge the Cape Romain Migratory Bird Refuge in South Carolina. The Federal Register continues to be a mirror of the public policy life of the nation. Over the past few weeks, readers have learned that the Fish and Wildlife Service will not consider a special designation for the Douglas County pocket gopher, that the Food and Drug Administration gave guidance to industry for the study of vaccines, that there's a new Medicare payment schedule for inpatient psychiatric care, and that there's an investigation into the importing of orange juice from Brazil.

Legal experts and historians who have studied the genesis of the register, modeled after England's Rules Publication Act of 1893, credit

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PARTY (cont.)

Supreme Court Justice Louis Brandeis for pulling the proper political levers to make it a reality. He was reacting to two things: the federal government's dismal central recordkeeping system (there wasn't any) and a stunning increase in regulation generated by New Deal programs. Brandeis worried about the "bigness" of government and the need to tell the public what government was doing.



A case involving two oil companies came before the Supreme Court in 1934. Embarrassingly for the Justice Department, the government was prosecuting the companies for failing to comply with a regulation that technically did not exist when they were charged. And no one could find the original. The government lost the case on a constitutional issue, but what was memorable were the blistering questions from the bench about how to find a copy of the rule. So Brandeis pushed for publication of an article in the Harvard Law Review called "Government Ignorance of the Law – a Plea for Better Publication of Executive Legislation." Then, Rep. Emanuel Celler of New York introduced a bill that became the Federal Register Act on July 26, 1935. The register and the Code of Federal Regulations, the permanent, indexed collection of those rules, became the record and road map for completed rulemakings. With passage of the Administrative Procedure Act in 1946, the register also became the vehicle for opening executive-branch proposals for public comment. *Excerpted from* Cindy Skrzycki, *The Federal Register Turns 70*, WASHINGTON POST, Mar. 7, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/03/06/AR2006030601757.html?referrer=email-article>.

**SENATE WEB
SITE WORTH A
NEW VISIT**



The Web site <http://www.senate.gov> has been around for over a decade. During that time it has gone through several incarnations and revisions. Recently, the site was completely redesigned. Visitors will definitely want to take a look at the "Senators", "Reference", and "Committees" tabs. The site contains copious amounts of information about each senator and committee, as well as a complete Senate floor schedule. "This Week in Senate History" includes a brief historical narrative on events in the Senate's distant (and not-so distant) past. The real treat here is the "Art & History" area, which allows visitors access to oral histories of the Senate and brief essays by Senate Historian Richard A. Baker discussing the development of the Senate over the past two hundred or so years. Posting by the University of Wisconsin-Madison Libraries Internet Scout Project to the Scout Report, <http://scout.wisc.edu> (Feb. 3, 2006).

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