

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE REPORTER
WASHINGTON, D. C.

WW/mgk

October 1, 1948

Honorable Fred M. Vinson,
Chief Justice of the United States,
Washington, D. C.

Dear Mr. Chief Justice:

In order to expedite the publication of the per curiam decisions and orders and to make them available to the Bench and Bar in permanently citable form at much earlier dates than is possible under the present method, I would like to make a slight change in the method of their publication, if it meets with your approval and that of the Court.

This would seem desirable from a practical standpoint, because any lawyer preparing to try a case or to argue it before an appellate court, who has found a recent decision of a lower federal court on a point involved in his case, needs to know whether or not this Court has granted or denied a petition for a writ of certiorari to review that decision or has entered any other order affecting its standing as a precedent. It would seem that this office ought to make that information available to him through the official United States Reports as soon as possible and that it would be desirable to make it available in a permanently citable form.

PROPOSAL

In order to accomplish this, it is proposed that, instead of saving up all the orders for the period covered by an entire bound volume of the United States Reports, publishing them in Part 4 of the Preliminary Prints, and grouping all of them at the back of the bound volume, the orders for the period covered by each Preliminary Print be published in permanent form and with permanent pagination at the back of that Preliminary Print and at the corresponding four places in each bound volume. In order to make it easy to find all the orders in each bound volume, each group of orders would be preceded by a cross-reference to the pages where the other three groups of orders in that bound volume are published. In all other respects, the present form of publishing the orders would remain unchanged.

ADVANTAGES

On the basis of experience during the last Term of the Court, it is believed that the adoption of this proposal would make the orders available to the profession in permanently citable form from 72 to 130 days earlier than they are now made available. This estimate is based upon the enclosed table, which shows for each Preliminary Print containing opinions or orders of the 1947 Term the dates of the earliest and latest opinion or order contained in that part, the date of publication of the part, and the time elapsed between the dates of the earliest and latest opinion or order and the date of its publication in the Preliminary Print. This table shows that the time between the announcement and publication of the earliest opinion in each part ranged from 53 to 91 days, and that the time between the announcement and publication of the latest opinion in each part ranged from 32 to 74 days; but that, because all of the orders were grouped in Part 4 of each volume, the time between the announcement and publication of the earliest order in each volume ranged from 116 to 163 days, and that the time between the announcement and publication of the latest order in each part ranged from 57 to 69 days. As a matter of fact, the saving of time would be even greater than these figures indicate; because it would not take as long to accumulate enough material to fill each of the first three Preliminary Prints in each volume, and this would result in further expediting the publication of the opinions and greatly expediting the publication of the orders.

There would also be certain incidental advantages to the adoption of this proposal, including the following:

1. Because of the great delay in publishing the orders in permanent form under the present system, this office now publishes in the back of the Preliminary Prints a brief summary of the orders under the heading "Cases to be Reported." (For an example, see 333 U. S., Part 4, following page 883.) During the last Term of Court, this material aggregated 64 pages of nine-point type, and the Government Printing Office says that its publication cost \$540. It is of no permanent value and is not used in the bound volumes. This could be dispensed with entirely, with a corresponding saving in cost, if the orders were printed in permanent form at the back of each Preliminary Print.

2. The proposed new method would also simplify and expedite somewhat the work of this office in preparing the cumulative table of cases reported, which is published in Part 4 of the Preliminary Print of each volume of the United States Reports and later in the bound volume.

PAST PRACTICE

The past practice with respect to the publication of orders may be summarized as follows:

1. They were not published at all prior to the 1886 Term, when all of them for the entire Term were published at the back of the last volume for that Term, 122 U. S.

2. From 122 U. S. through 163 U. S., the orders for the entire Term were published at the back of the last volume for that Term.

3. Beginning with 164 U. S. and continuing down through 334 U. S., the orders for the period covered by each volume of the United States Reports have usually been published at the back of that volume.

4. When the present method of publishing the orders was adopted, the decisions of this Court were not published in Preliminary Print form, but only in bound volume form, and no delay resulted from publishing all the orders at the back of the bound volume.

5. The change now proposed would continue and bring down to date the evolution of the method of publishing these orders, and would afford to the Bench and Bar the full benefit of the improvement made when this office started publishing Preliminary Prints of the United States Reports in order to make the official text of, and the official citations to, the decisions of this Court more promptly available.

OTHER REPORTS

Each advance sheet of the Supreme Court Reporter, published by the West Publishing Company, and each advance sheet of the Lawyers' Edition, published by the Lawyers Cooperative Publishing Company, contains some of the orders of this Court; but they apparently do not cover the same period as the opinions published in the advance sheet. West Publishing Company scatters the orders throughout the bound volumes of its Supreme Court Reporter on the same pages as they were published in their

advance sheets. The Lawyers Cooperative Publishing Company re-groups them at the back of each bound volume; but this has the disadvantage of making it necessary to re-number the pages, so that the page numbers of the bound volume are different from those of the advance sheets, and the permanent citations are not available until the bound volumes are published.

A POSSIBLE ALTERNATIVE

A possible alternative method of publishing the orders would be to publish those announced on each day immediately after the decisions announced on the same day. This would have whatever advantage there may be in following the chronological order; but it is not recommended, because it would have the following disadvantages:

1. In those years when there are no opinions carried forward from a preceding Term, the first bound volume of the Term would commence with orders instead of opinions; and this would impair somewhat the appearance of those bound volumes. The method now proposed would avoid that difficulty, because the orders would follow the first opinions announced during the Term.

2. It would be a much more drastic change than that now proposed; because it would result in the orders being scattered throughout each volume instead of being grouped in four places, as now proposed. This is not believed to be very important, since anyone seeking an order granting or denying certiorari or otherwise affecting a particular case, should look for the case in the table of cases reported, which will show its location just as readily, regardless of whether the orders are grouped at the back of each volume, grouped at the back of each preliminary print, or published in strictly chronological order. However, it is a consideration which might appeal to some persons.

POSSIBLE DISADVANTAGE

After studying this problem for more than two years, discussing it with my associates, and giving it a great amount of thought, I know of no possible disadvantage to the method of publication now proposed, except that the few persons who like to read through the orders in order to compile statistics as to the numbers of petitions for writs of certiorari, petitions for re-hearing, etc., granted or denied, would have to look in four places instead of one in each bound volume. Whatever inconvenience this would cause to those few persons, however,

would be reduced to a minimum by the proposal that each group of orders be preceded by a cross-reference to the pages in the same volume at which the other three groups of orders are published.

An indication of how this proposed change would affect the appearance of the bound volumes may be obtained by looking at 320 U. S. at page 208, where the last orders of the 1942 Term were published between the last opinion of that Term and the first opinion of the 1943 Term. However, it is believed that the effect would not be quite so noticeable, because we have discontinued the dashes between the different orders.

CONCLUSION

While I dislike to recommend any change or innovation in the method of publishing the United States Reports unless there are good practical reasons for it, I believe that the practical advantages of the change now proposed are ample to justify its adoption; and I respectfully recommend its approval.

Since I assume that you would not care to pass upon this matter without conferring with the Associate Justices, I have had mimeographed copies of this letter and the attached table prepared and have delivered them to Mr. Kelley, in order to facilitate the consideration of this proposal.

Respectfully,

WALTER WYATT, Reporter

Approved:

Chief Justice of the United States

TIME OF PUBLICATION OF PRELIMINARY PRINTS

October Term, 1947

Volume and Part	Dates Announced	Date of Publication	Number of Days from Date of Announcement to Date of Publication	
			Earliest Opinion	Latest Opinion

OPINIONS

332 U.S.				
Part 3	Nov. 10-Jan. 5	Feb. 10	91	35
Part 4	Jan. 12-Jan. 19	March 17	64	57
333 U. S.				
Part 1	Feb. 2-Feb. 16	March 26	53	39
Part 2	March 8	May 7	60	60
Part 3	March 15-Apr. 19	May 21	67	32
Part 4	April 26	July 14	69	69
334 U. S.				
Part 1	May 3-May 17	July 30	88	74
Part 2	May 24-June 7	August 10	77	64
Part 3	June 7-June 14	August 23	77	70
Part 4	June 14	August 27	74	74
335 U. S.				
Part 1	June 21	September 2	73	73

ORDERS (IN PERMANENT FORM)

332 U. S.				
Part 4	Oct. 6-Jan. 19	March 17	163	57
333 U. S.				
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334 U. S.				
Part 4	May 3-June 21	August 27	116	67

(However, most of these orders had been published earlier in temporary form without permanent pagination. This took 64 pages of nine-point type.)

Reporter's
suggestions

COPIES SENT TO EACH OF THE JUSTICES -

10/22/48

OLU

Proposed plan to expedite
publication & provide permanent
citation at some time of the
Rev. Com. & orders of the Court.



SUPREME COURT OF THE UNITED STATES
OFFICE OF THE REPORTER
WASHINGTON, D. C.

*See note in re
approval by Court and
last page of this
letter*

October 22, 1948.

Honorable Fred M. Vinson,
The Chief Justice of the United States,
Washington, D. C.

Dear Mr. Chief Justice:

In order to expedite the publication of the per curiam decisions and orders and to make them available to the Bench and Bar in permanently citable form at much earlier dates than is possible under the present method, I would like to make a slight change in the method of their publication, if it meets with your approval and that of the Court.

This would seem desirable from a practical standpoint, because any lawyer preparing to try a case or to argue it before an appellate court, who has found a recent decision of a lower federal court on a point involved in his case, needs to know whether or not this Court has granted or denied a petition for a writ of certiorari to review that decision or has entered any other order affecting its standing as a precedent. It would seem that this office ought to make that information available to him through the official United States Reports as soon as possible and that it would be desirable to make the permanent citation available at the same time.

PROPOSAL.

In order to accomplish this, it is proposed that, instead of saving up all the orders for the period covered by an entire bound volume of the United States Reports and publishing them in the last Preliminary Print for that volume, the orders for the period covered by each Preliminary Print would be published in permanent form and with permanent pagination at the back of that Preliminary Print; but all of the orders would continue to be grouped at the back of each bound volume, as at present.

In order to put permanent page numbers on the orders when they are published in the Preliminary Prints, thus making the permanent citations available immediately, it would be necessary to start numbering the pages of the orders with a high enough number, say 801 or 901, to leave plenty of room for all of the opinions in that volume to be printed in the bound volume ahead of the orders. This would result in a gap in the numbering of the pages of each bound volume where the opinions end and the orders begin, - e.g., the opinions might end on page 748, and the next page,

containing the first orders, might be numbered 801. Any possibility of confusion could be eliminated by a simple editorial note indicating that no pages had been omitted.

In all other respects, the present form of publishing the opinions and the orders would remain unchanged.

ADVANTAGES.

On the basis of experience during the last Term of the Court, it is believed that the adoption of this proposal would make the orders available to the profession in permanently citable form from 72 to 130 days earlier than they are now made available. This estimate is based upon the enclosed table, which shows for each Preliminary Print containing opinions or orders of the 1947 Term the dates of the earliest and latest opinion or order contained in that part, the date of publication of the part, and the time elapsed between the dates of the earliest and latest opinion or order and the date of its publication in the Preliminary Print. This table shows that the time between the announcement and publication of the earliest opinion in each part ranged from 53 to 91 days, and that the time between the announcement and publication of the latest opinion in each part ranged from 32 to 74 days; but that, because all of the orders were grouped in Part 4 of each volume, the time between the announcement and publication of the earliest order in each volume ranged from 116 to 163 days, and that the time between the announcement and publication of the latest order in each part ranged from 57 to 69 days. As a matter of fact, the saving of time would be even greater than these figures indicate, because it would not take as long to accumulate enough material to fill each of the first three Preliminary Prints in each volume, and this would result in further expediting the publication of the opinions and greatly expediting the publication of the orders.

There would also be certain incidental advantages to the adoption of this proposal, including the following:

1. Because of the great delay in publishing the orders in permanent form under the present system, this office now publishes in the back of the Preliminary Prints a brief summary of the orders under the heading "Cases to be Reported." (For an example, see 333 U. S., Part 4, following page 883.) During the last Term of Court, this material aggregated 64 pages of nine-point type, and the Government Printing Office says that its publication cost \$540. It is of no permanent value and is not used in the bound volumes. This could be dispensed with and the cost thereof saved. However, this saving in cost would be offset, in part, by an increase in the size of the table of cases reported in each Preliminary Print.

2. The proposed new method would also expedite somewhat the work of this office in preparing the cumulative table of cases reported, which is published in Part 4 of the Preliminary Print of each volume of the United States Reports and later in the bound volume.

CONCLUSION.

While I dislike to recommend any change or innovation in the methods of publishing the United States Reports unless there are good practical reasons for it, I believe that the practical advantages of the slight change now proposed are ample to justify its adoption; and I respectfully recommend its approval.

Since you may not care to pass upon this matter without conferring with the Associate Justices, I have had mimeographed copies of this letter and the attached table prepared and have delivered them to Mr. Kelley, in order to facilitate the consideration of this proposal.

Respectfully,

Walter Wyatt, Reporter.

The foregoing recommendations was considered by the Court in Conference, November 13, 1948, and approved for adoption.

Approved:

/s/ FRED M. VINSON
Chief Justice of the United States.

NOV 16 1948

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Talked with Mr. ~~WXXX~~ Wyatt, 11:10am, Oct. 22nd.
He will withdraw his letter of October 1st and
prepare another letter for consideration of the
Court and submit it the first of next week.

This letter will outline the proposition as
set forth in his letter of Oct. 21st -

k

*James H. Hume
10/22 - nice call*

Supreme Court of the United States
Office of the Reporter
Washington, D. C.

October 21, 1948.

Dear Mr. Chief Justice:

Mr. Kelley has told me about your suggestion with reference to the method of expediting the publication of the orders discussed in my letter of October 1, and I think the problem can be solved along the line you suggested. The use of a separate system of numbering the pages of the orders would involve technical difficulties and might create confusion; but I think the problem can be solved in this way:

Use the same kind of page numbers we use now, but start numbering the pages of the orders with a high enough number, say 801 or 901, to leave plenty of room for all the opinions which will precede the orders in that bound volume. Then the citations to the orders would look just as they do now (e. g. 335 U. S. 845); all the orders would be published at the back of the bound volume as heretofore; and the only changes from the present method would be the following:

1. Instead of saving all the orders for an entire volume for publication in the fourth Preliminary Print for that volume, each Preliminary Print would contain the orders for the same period as the opinions contained therein, but the page numbers for the orders would start with the number 801 or 901, so that the orders could be grouped at the back of the bound volume without changing the page numbers; and

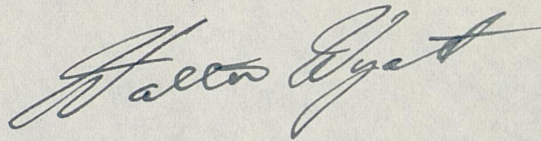
2. In the bound volume, the orders would start as they do now on the first odd-numbered page following the last page of the opinions in that volume, but there would be a gap in the numbering. E. g., the last page of opinions might be numbered 748 and the orders would begin on the very next page, which would be numbered 801. (An editorial footnote of two or three lines could explain this gap in numbering, if that is thought advisable.)

This would accomplish everything which I wish to accomplish by the proposal made in my letter of October 1 and would do it by such a slight change in present methods that I believe I could do it on my own authority without bothering you or the Court about it. I am sorry I bothered you, but this simple solution of the problem did not occur to me or to any member of my staff until it was stimulated by a consideration of your suggestion.

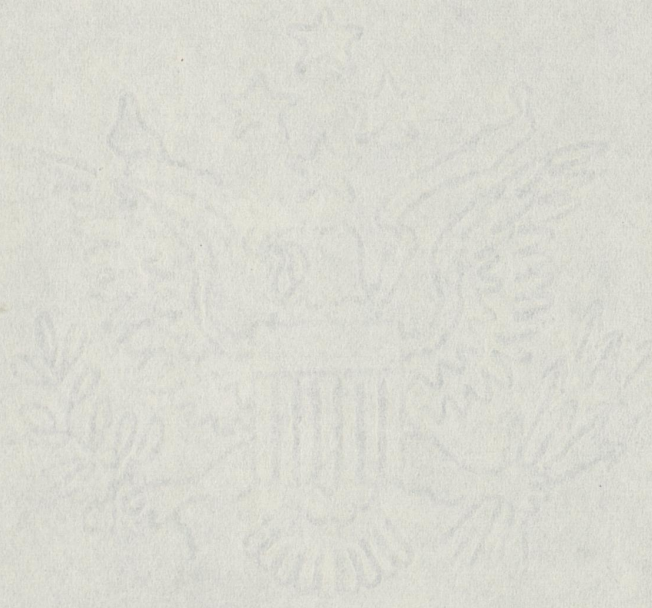
2.

If you have no objection, I shall adopt the method here proposed without further ado. If, however, you consider it advisable to submit the matter to the Court, I would like to rewrite my letter of October 1, so that the Court would have the revised and simplified proposal before it in a single letter presenting the entire picture.

Sincerely,

A handwritten signature in cursive script, appearing to read "Walter Wyatt".

Walter Wyatt, Reporter.

A faint, circular embossed seal of the United States, featuring an eagle with spread wings and a shield on its chest, surrounded by stars.

Honorable Fred M. Vinson,
The Chief Justice of the United States.

Supreme Court of the United States
Office of the Reporter
Washington, D. C.

October 1, 1948.

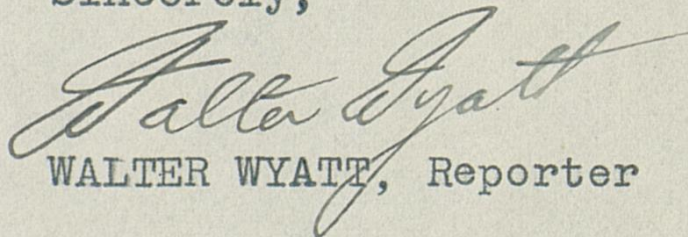
Dear Mr. Kelley,

Herewith is a letter which I am addressing to the Chief Justice with reference to a proposed change in the method of publishing the Court's per curiam decisions and orders.

I shall appreciate it if you will kindly present it to the Chief Justice at the earliest opportunity when it will be convenient for him to consider it.

I have had mimeographed copies made and am handing them to you herewith; because I anticipate that the Chief Justice will wish to consult the Associate Justices about this matter, and the availability of mimeographed copies for distribution to them may facilitate its consideration.

Sincerely,


WALTER WYATT, Reporter

Mr. Paul L. Kelley,
Chambers of the Chief Justice.

Supreme Court of the United States
Office of the Reporter
Washington, D. C.

October 1, 1948

Honorable Fred M. Vinson,
Chief Justice of the United States,
Washington, D. C.

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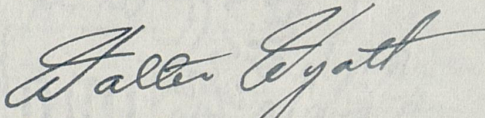
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CONCLUSION

While I dislike to recommend any change or innovation in the method of publishing the United States Reports unless there are good practical reasons for it, I believe that the practical advantages of the change now proposed are ample to justify its adoption; and I respectfully recommend its approval.

Since I assume that you would not care to pass upon this matter without conferring with the Associate Justices, I have had mimeographed copies of this letter and the attached table prepared and have delivered them to Mr. Kelley, in order to facilitate the consideration of this proposal.

Respectfully,



WALTER WYATT, Reporter

Approved:

Chief Justice of the United States

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HAROLD M. STEPHENS
CHIEF JUDGE

HENRY W. EDGERTON
BENNETT CHAMP CLARK
WILBUR K. MILLER

E. BARRETT PRETTYMAN

JAMES M. PROCTOR

DAVID L. BAZELON

CHARLES FAHY

GEORGE THOMAS WASHINGTON
CIRCUIT JUDGES

D. LAWRENCE GRONER
RETIRED CHIEF JUDGE

UNITED STATES COURT OF APPEALS

DISTRICT OF COLUMBIA CIRCUIT

WASHINGTON 1, D. C.

February 7, 1951

RECEIVED

FEB 8 3 38 PM '51

CHAMBERS OF THE
CHIEF JUSTICE

Honorable Fred M. Vinson
Chief Justice of the United States
Washington 13, D. C.

My dear Mr. Chief Justice:

At the Judicial Conference which met in September, 1950, I presented a resolution of the judges of the United States Court of Appeals for the District of Columbia Circuit stating that the Council for the Circuit urged the enactment of legislation permitting the printing of slip opinions for this court at public expense by commercial printers, as is the authorized practice in other circuits. I supported this resolution and recommendation by a memorandum. I enclose herewith for your convenience a copy of the recommendatory resolution and of the supporting memorandum.

You will, I think, remember that at the time this matter was brought to the attention of the Judicial Conference--it was at a late point on the agenda--you recommended that the item be referred to the Advisory Committee, with authority to act, and it was so referred.

However, there has been thus far no opportunity for the Advisory Committee to pass upon the matter, there having been no meeting of that committee since the adjournment of the Judicial Conference. I write to express the hope that during the week of February 12th (when both the Library Fund Committee and the Venue and Jurisdiction Committee will be in Washington holding meetings) a meeting of the Advisory Committee will be held and that the item above referred to will be presented to it for action. Judge Parker, Judge Phillips and Judge Biggs will all three be here during the week mentioned attending the committee meetings referred to, and I hope that your health will permit you to be present. It appears at the present time that I will not be able to be present. I am still confined at home recuperating from virus pneumonia.

I heard only recently that you had yourself been ill. I hope this finds you recovered.

With personal respects, I am

Sincerely yours,

Harold M. Stephens

RESOLUTION OF JUDICIAL COUNCIL
of the
DISTRICT OF COLUMBIA CIRCUIT

Adopted September 25, 1950

* * * * *

RESOLVED, that Sec. 111, Title 44, United States Code, should be amended so as to permit the printing of slip opinions of the United States Court of Appeals for the District of Columbia Circuit at the expense of the United States by a commercial printer, as is done in each of the other ten Courts of Appeals, unless arrangements satisfactory to the Court can be made for prompt printing by the Government Printing Office.

RECOMMENDATION CONCERNING PROVISIONS
FOR PRINTING OPINIONS IN NON-GOVERNMENT CASES ^{1/}

1. Opinions of circuits other than District of Columbia Circuit are printed by commercial printers at expense of the United States.
2. From 1931 to 1936 opinions of District of Columbia Circuit were printed at Government Printing Office at expense of the United States, with an appellant's fee of \$12.00 paid into Treasury and taxed as costs.
3. In 1936 appropriation became exhausted and court then created a Special Fund, increased the fee to \$14.50, selected a commercial printer, and did not cover fee into Treasury, although court did continue to tax fee as costs. This fund in 1939 was supplemented by the sale of opinions under subscriptions and over the counter. The appellant's fee has varied since 1936, as has also subscription costs, depending on the variation in the cost of printing and the state of the printing fund -- variation in fee from as low as \$5.00 to as high as \$20 (the present figure); variation in subscription fee has been from \$5 to \$10 (present charge).
4. The present practice should be discontinued because:
 - (1) The practice and fees should be uniform throughout the circuits. Litigants in District of Columbia now pay \$20 fee; elsewhere, nothing;
 - (2) Any substantial fee is unfair to the litigant in whose case

^{1/}
All cases, except cases in which the United States or the District of Columbia is appellant, and cases in which the appellant is in forma pauperis.

the opinion is short, but the system and substantial fee are necessary since, in the absence of a general fund (made up of substantial fees, plus subscriptions and sales), each appellant would pay the actual cost of the opinion in his case, and this would be prohibitive in the case of a long opinion. (At present rates a one-page opinion costs \$3.80 for 50 copies; \$7.93 for 600 copies. A 6-page opinion costs \$22.80 for 50 copies; \$47.58 for 600 copies. A 27-page opinion costs \$102.60 for 50 copies; \$214.11 for 600 copies).

5. The court has continued the present practice because it takes from 2 to 7 days to get first proof from Government Printing Office, and another 2 to 3 days for final print -- i.e., 4 to 10 days after submission of copy before an opinion can be filed, if but one proof is necessary. Commercial printer returns first proof in one day, and final print in one day. Also Government Printing Office is more expensive than commercial printer, (a one-page opinion costs \$14.86 for 600 copies; a 6-page opinion costs \$65.51 for 600 copies; a 27-page opinion costs \$301.69 for 600 copies.)

RECOMMENDATION: Under Sec. 111, Title 44,^{2/} the opinions of District of Columbia Circuit, if printed at expense of the United States, must be

^{2/} "Government printing to be done at Government Printing Office. All printing, binding, and blank-book work for Congress, the Executive Office, the judiciary, and every executive department, independent office, and establishment of the Government shall be done at the Government Printing Office, except such classes of work as shall be deemed by the Joint Committee on Printing to be urgent or necessary to have done elsewhere than in the District of Columbia for the exclusive use of any field service outside of said District." Sec. 111, Title 44, United States Code.

printed at the Government Printing Office. The court recommends an amendment to that section, permitting this court to print at government expense but by a commercial printer. No fee would then be charged, and moneys received from sales of opinions would be covered into the Treasury as earnings.

If arrangements could be made for prompt service at the Government Printing Office (as for the Supreme Court), same would be an acceptable alternative, but this has not thus far been feasible.

The foregoing recommendation, of course, would require an additional appropriation. Based on the cost of printing 206 opinions for the fiscal year 1950 (at both commercial printer and the Government Printing Office), an additional appropriation of \$8300 annually would be necessary. If 50 more opinions are printed during the fiscal year than in the fiscal year 1950, the appropriation would have to be increased by one-fourth, namely, \$2075, or a total of \$10,375 annually.

UNITED STATES COURT OF APPEALS
WASHINGTON 1, D. C.

RECEIVED
FEB 13 11 13 AM '51
CHAMBERS OF THE
CHIEF JUSTICE

February 12, 1951

To the Honorable Fred M. Vinson,
Honorable John Biggs, Jr.,
Honorable John J. Parker,
Honorable Orrie L. Phillips,
Members of the Advisory Committee
of the Judicial Conference of the
United States,

and to the Honorable Henry W. Edgerton,
Acting Member of the Advisory Committee
of the Judicial Conference of the United States.

Gentlemen:

In reference to the resolution of the Judicial Council
of the District of Columbia Circuit adopted September 24, 1950,
and the recommendation supporting that resolution, which resolution
and recommendation have been referred to you by the Judicial
Conference:

My attention has today for the first time been called
to the fact that by the Act of July 5, 1949, c. 296, 63 Stat. 405,
Sec. 111 of Title 44, United States Code, has been amended to read
as follows:

"Government printing to be done at Government Printing
Office. All printing, binding, and blank-book work for
Congress, the Executive Office, the Judiciary (other than
the Supreme Court of the United States), and every executive
department, independent office, and establishment of the
Government, shall be done at the Government Printing Office,
except (1) such classes of work as shall be deemed by the
Joint Committee on Printing to be urgent or necessary to have
done elsewhere; and (2) printing in field printing plants
operated by any such executive department, independent office,
or establishment from allotments for contract field printing,
if approved by the Joint Committee on Printing." (As amended
July 5, 1949, ch. 296, 63 Stat. 405.)

In its previous form, which was referred to in the resolution of the Judicial Council, it read as follows:

"Government printing to be done at Government Printing Office. All printing, binding, and blank-book work for Congress, the Executive Office, the judiciary, and every executive department, independent office, and establishment of the Government shall be done at the Government Printing Office, except such classes of work as shall be deemed by the Joint Committee on Printing to be urgent or necessary to have done elsewhere than in the District of Columbia for the exclusive use of any field service outside of said District."

It occurs to me that it may be possible, under exception (1) in the amended form of the statute, for the Administrative Office to obtain authority from the Joint Committee on Printing to print the opinions of the United States Court of Appeals for the District of Columbia Circuit elsewhere than at the Government Printing Office, as a class of work deemed to be urgent or necessary to have done elsewhere. Therefore, if the Advisory Committee should be favorable to the resolution of the Judicial Council seeking legislation permitting the printing of the slip opinions of the court at the expense of the United States by a commercial printer unless arrangements satisfactory to the court can be made for prompt printing by the Government Printing Office, the Advisory Committee may wish to make its approval of such legislation contingent also upon inability of the Administrative Office to secure favorable action of the Joint Committee on Printing under exception (1) of the statute above referred to.

Sincerely yours,

Harley M. Stephens

IN RE:--Printing of Opinions of the United States Court of Appeals for the District of Columbia.

§111, Title 44, U.S.C. c 364, Tit. II, 43 Stat. 1028, Feb. 27, 1925, provides, in part as follows:

Section 111. Government printing to be done at Government Printing Office; Supreme Court excepted.

All printing, binding, and blank-book work for Congress, the Executive Office, the Judiciary, and every executive department, independent office, and establishment of the Government shall be done at the Government Printing Office, except such classes of work as shall be deemed by the Joint Committee on Printing to be urgent or necessary to have done elsewhere than in the District of Columbia for the exclusive use of any field service outside of said district.....(language omitted refers to exception provisions in re. the Supreme Court)....." [*Italics supplied*].

Section 111, Title 44, as amended July 5, 1949, provides in part as follows:

Section 111.-Government printing to be done at Government Printing Office:

All printing, binding and blank-book work for Congress, the Executive office, the Judiciary (other than the Supreme Court of the United States), and every executive department, independent office, and establishment of the Government, shall be done at the Government Printing Office, except (1) such classes of work as shall be deemed by the Joint Committee on Printing to be urgent or necessary to have done elsewhere....."

Under a topical heading "Explanation of the Bill" (U.S. Cong. Service - Vol. 2, 81st Cong. 1st. Sess. Leg. History, etc., pp 1515-1516) the following statement appears:

"The purpose of this bill is to modify the law in order to permit essential Government printing to be produced in the best interest of the Government. A recent survey developed that obvious savings of time and expense can be effected by producing much printing within the area where use is required if approved by the Joint Committee on Printing, which committee has jurisdiction over the establishment of Government field printing plants and the establishment of field-service offices in the Government Printing Office. It is the opinion of the Committee that, because of the obvious need for the continued operation of such printing plants, based on consideration of efficient, economical operation and justifiable service requirements.....the bill should be passed.

It is my understanding that, prior to the enactment of the July 5th, 1949 amendment, it was considered without the purview of the Joint Committee on Printing's authority to authorize the printing of the opinions of the CCA for the DC by other than the GPO (i.e., at Government expense); (1) because the D.C. was not considered a field office, and (2) because of the specific language with reference to the D. of Columbia.

Therefore, it would seem to me that the elimination of this language in the amendment to the statute of July 5, 1949 would place the DC in the same position as the other circuits of the federal judiciary, and, thus, permit an authorization for the printing of their opinions by other than the GPO, provided approval therefor was given by the Joint Comm. on Printg.

While I am of the opinion that the original, as well as the amendatory, statute intended to provide the Joint Committee on Printing with the authority to establish necessary GPO field offices throughout the country for the purpose of providing necessary printing facilities for the various government agencies in as an efficient and proper manner as could be done, and did not intend to invest the committee to authorize commercial printing at government expense (see Leg. His. in re. amendatory stat. with respect to the committee's jurisdiction), I am, nevertheless, inclined, because of the fact that under the prior stat. (1925) throughout the years it has been thought that such work, as within the discretion of the Joint Comm. was deemed necessary or urgent could be allocated to a commercial printer, that such procedure, under the amendatory act, should now be made available to the CCA for the DC.

With respect to any action that your Committee should take: it occurs to me that it could, and probably should, follow one of the following courses:

1. Direct the Director of the Admn. Office to seek the approval of the Joint Committee on Printing which would authorize the printing of the CC^A for the D.C. opinions by a commercial printer - or
2. Find that the printing of the opinions of the CC^A for the DC is a matter of extreme urgency and should be expedited as much as possible in the interest of efficient judicial administration, as well as proper treatment of litigants; that such printing would be in the best interest of the government, and, further, based upon experience a considerable savings of time and expense would be effected thereby, and that such printing would result in a most efficient and economical operation, as well as a more justifiable service to the parties involved; that, in view of such findings, the Committee directs that the Director of the Administrative Office transmit such views and conclusions to the Joint Comm. on Printing of the Congress of the United States, together with the Committee's recommendations that the necessary approval of the Committee by which the printing of the opinions of the CC^A for the DC could be performed by a commercial printer be promptly given.

In support of the Conference's position, the Director could by merely referring to the data outlined in the mimeographed memorandum accompanying Judge Stephens' letter to you with respect to the time element, costs, quality, etc., in my opinion make out a very substantial case.-

I don't know whether this ~~would~~ will be of any use to you or not, but it is a random expression of my thoughts in connection with the matter.

February 13, 1951

PROPOSED RESOLUTION REGARDING PRINTING OF OPINIONS
Submitted on Behalf of the
United States Court of Appeals for the District of Columbia Circuit

(1) RESOLVED, that opinions of the United States Court of Appeals for the District of Columbia Circuit should be printed, as opinions in the other Circuits are, at the expense of the United States.

(2) RESOLVED, that unless arrangements satisfactory to the United States Court of Appeals for the District of Columbia Circuit can be made for prompt printing of its opinions by the Government Printing Office, the Director of the Administrative Office is directed (a) to request the Joint Committee on Printing to find the printing of these opinions to be urgent and necessary to have done elsewhere, as authorized by Sec. 111 of Title 44, United States Code, as amended; and (b) if such a finding is not made, to seek an amendment of Title 44, Sec. 111 to permit printing elsewhere.

✓
file
Supreme Court of the United States
Office of the Reporter
Washington, D. C.

March 8, 1951.

Dear Mr. Chief Justice:

For your information, there are respectfully submitted herewith copies of S. 973 and H. R. 2956, two companion bills relating to the printing, binding and distribution of the Statutes at Large and the United States Reports, which were introduced on February 26 and February 27, 1951, respectively. They came to my attention for the first time yesterday afternoon.

These bills originated with the Department of Justice and were the subject of a favorable report to the Bureau of the Budget by the Director of the Administrative Office of the United States Courts under date of June 30, 1950, which I understand that you approved. I have conferred with Mr. Whitehurst and he tells me that these bills are in accordance with the views expressed in that report. Neither he nor I see any reason to object to them.

The principal purposes and effects of these bills are (1) to relieve the Department of Justice of the burden of furnishing to certain other Departments of the Government copies of the Federal Reporter and privately-published

digests of the decisions of the Supreme Court and the lower federal courts; and (2) to bring the law with respect to the free distribution of copies of the Statutes at Large and the United States Reports into line with existing practices. They were analyzed in a memorandum dated May 10, 1950, addressed by Mr. Whitehurst to Mr. Chandler, a copy of which is attached for your convenience. I do not have a copy of the report made to the Bureau of the Budget by the Director of the Administrative Office; but I understand that it was based upon that memorandum, as modified in accordance with the attached memorandum which I addressed to Mr. Whitehurst under date of May 26, 1950, after discussing this subject with you.

In my conversation with Mr. Whitehurst this afternoon, he told me that he had been called unexpectedly to a hearing on one of these bills this morning and that he intends to inform you of what transpired at that hearing. It is my impression from my conversation with him that the only thing which transpired that would be of any particular interest to the Court was a request by the Department of Defense that the number of copies of the United States Reports distributed free to it be increased by 100 and a question raised by one member of the Committee as to why copies should not be furnished to all Senators and Representatives, instead of only to the Committees of Congress.

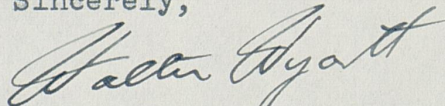
3.

Any increase in the total number of copies on the list for free distribution would increase the Court's expenses by approximately \$4.00 for each copy of each volume; because all of the copies for free distribution are paid for out of the Court's appropriation for printing and binding its opinions and the United States Reports. Unless the opinions announced during the remainder of this term aggregate an extraordinarily large number of pages, the current appropriation for this purpose is ample to take care of any probable increase in the number of volumes of the United States Reports required for free distribution.

Because of the fact that hearings are already being held on these bills, I have not delayed this memorandum until I could clear it with the Clerk, the Marshal and the Librarian; but I have told them about this matter, and I am sending them copies of this memorandum for their information.

If you desire any further information on this subject or wish me to do anything about it, of course I am at your service.

Sincerely,


Walter Wyatt, Reporter.

Encls.

Honorable Fred M. Vinson,
The Chief Justice of the United States.

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS
Supreme Court Building
Washington 13, D. C.

(COPY)

Henry P. Chandler
Director

May 10, 1950

Elmore Whitehurst
Assistant Director

MEMORANDUM FOR MR. CHANDLER:

In compliance with your request I have given consideration to the proposed bill drafted by the Department of Justice relating to the printing, binding, and distribution of the Statutes at Large and the United States Reports, which was referred to us by the Bureau of the Budget with a request for an expression of our views.

The first section of the bill has no application to our office and I see no objection to it.

The second section of the bill relates to the printing and distribution of the Statutes at Large. This section contains a provision that the Public Printer shall bind and deliver to the Superintendent of Documents as many copies of the Statutes at Large as may be required for distribution to a long list of officials and agencies. One paragraph of this section on page 2 of the draft provides for furnishing "To the Administrative Office of the United States Courts, including those for the judges and officers of the United States and Territorial Courts, not to exceed 400 copies." I am informed by the Service Officer that our mailing list for the Statutes at Large presently numbers 368. The limit of 400 therefore leaves little room for expansion to meet additional needs which may arise in the future. Therefore, I suggest that the number of not

to exceed 400 copies be increased to not to exceed 500 copies.

The third section of the bill is an amendment of the analysis of Chapter 19, Title 28, United States Code, to which I see no objection.

Section 4 of the bill amends section 411 of the recent revision of Title 28, United States Code, relating to the printing, binding, and distribution of Supreme Court Reports and Digests. The present law provides that the Attorney General shall distribute one copy of each volume of the Reports to a long list of Government officials and agencies. The Attorney General wishes to relieve himself of this responsibility by transferring it to the Superintendent of Documents, to which I see no objection. However, the present law also provides that "The Director of the Administrative Office of the United States Courts shall distribute one copy of each volume to the Clerk and one copy to the Marshal of the Supreme Court of the United States and one copy to each justice or judge of the United States and of the courts of the Territories and Possessions, and to each place where a court of appeals or district court is regularly held." The bill proposes to transfer this responsibility also to the Superintendent of Documents. On page 5 of the draft at the end of subsection (a) it is provided that the Superintendent of Documents shall distribute one copy of each volume to "each justice and judge of the United States and of the courts of the Territories and Possessions; and to each place where a court of appeals or district court is regularly held." I recommend that this language be stricken out and that instead at the end of subsection (b) the following be inserted: "Additional copies of such decisions in the number

specified by the Director of the Administrative Office of the United States Courts not to exceed 650 copies shall be distributed by the Superintendent of Documents as such Director shall direct for the use of the courts defined in section 610 of Title 28, United States Code." This would give more flexibility and permit us to make the best possible use of the copies of the Reports allotted for the use of the courts. The copies for the Supreme Court are taken care of by the second paragraph of subsection (b) which provides that "Additional copies of such decisions, in the number specified by the Chief Justice of the United States, shall be furnished by the Superintendent of Documents to the Supreme Court of the United States for the use of justices, retired justices, officers and employees, and the library of such Court." One effect of the amendment of subsection (c) of section 411 as proposed by the bill would be to eliminate the requirement that the Attorney General shall distribute Digests to the executive officers entitled to receive the Reports, and the Director of the Administrative Office shall distribute the Digests to the judges and courts. I am in accord with this amendment. Digests are not published by the Government but by private law publishers. I do not blame the Attorney General for wishing to rid himself of the obligation of furnishing such books to other agencies at the expense of his appropriations. So far as the Administrative Office is concerned the provision is not necessary in view of the provisions of sections 604 (a)(9) of Title 28, United State Code, that the Director of the Administrative Office, under the supervision and direction of the Judicial Conference of the United States shall "Purchase, exchange, transfer, distribute, and assign the custody of law books, equipment and supplies needed for the maintenance and operation of the courts

and the Administrative Office and the offices of United States Commissioners."

The first sentence of section 412 of Title 28 now reads: "The cost of furnishing reports of the decisions of the Supreme Court in bound volumes and pamphlets shall be charged to the proper appropriation for the Department of Justice or the Judiciary as the case may be." The bill would amend this sentence so as to eliminate the Department of Justice and provides that the cost shall be charged to the proper appropriation for the Judiciary. As a matter of fact the entire cost of printing the Decisions of the Supreme Court is now being borne by the Judiciary. The appropriation which is in the amount of \$91,200 is now among the appropriations in the Administrative Office section of the Judiciary Appropriation Act, but for the next fiscal year the appropriation is being transferred to the Supreme Court section pursuant to a suggestion of the Bureau of the Budget.

Apparently all costs of composition are charged against the copies supplied under the appropriation inasmuch as I am informed, that while the Judiciary appropriation is charged \$6.00 a copy for the bound volumes necessary to make the statutory distribution, the Superintendent sells the same books to the public at approximately \$3.00 per copy.

I see no objection to the proposed amendment to section 413 of Title 28 of the United States Code which is made by section 6 of the bill if the amendments which I have suggested above are adopted.

(Initialed) E. W.

Assistant Director

(COPY)

OFFICE OF THE MARSHAL,
Supreme Court of the United States
Washington, D. C.

May 19, 1950

MEMORANDUM TO: Mr. Whitehurst

My observations regarding the proposed bill to amend Section 73 of the Act of March 3, 1873, as amended, relating to the Printing, Binding and Distribution of the Statutes at Large and Sections 411, 412 and 413 of Title 28, U.S.C. etc., are:

44 U.S.C. 196a. "**** To the Library of the Supreme Court of the United States, for distribution to the Chief Justice and Associate Justices, the Officers of the Court, and for the use of the Library, not to exceed ~~twenty~~ thirty-six copies:"

The above increase in the number of copies is desirable, I am informed by our Librarian, to meet our present requirements as the number of statutes distributed controls the numbers of Codes we receive.

28 U.S.C. 411 (a) The proposed bill: "Clerk of the Supreme Court of the United States, the Marshal of the Supreme Court of the United States, each justice and judge of the United States and of the Courts of the Territories and Possessions and to each place where a court of appeals or district court is regularly held." The part of this relating to the Clerk, Marshal and our Justices may be unnecessary as they are probably covered by the subsequent section "additional copies of such decisions, in the number specified by the Chief Justice of the United States, shall be furnished by the ~~Director of the Administrative Office of U. S. Courts~~ Superintendent of Documents to the Supreme Court of the United States for the use of the justices, retired justices, officers and employees, and the library of ~~the~~ such Court."

28 U.S.C. 412. Why should the entire cost of U. S. Reports be borne by our appropriation? Why not pro-rate it among the users? Or could we arrange to have done as is now done in the case of the statutes at large and have the Government Printing Office provide them.

Is the underlying reason for the cheap price of the reports and advance sheets distributed by the Superintendent of Documents the fact that the Court may have in the past wished to obtain wide distribution of their official reports and as a result may be indirectly responsible for the disproportionate price paid for those for official distribution as against those sold over the counter. If the Court is not interested in the wide distribution of the reports at a cheap price, I am heartily in favor of the suggestion that the question be explored as to whether an arrangement should be worked out with the Government Printing Office by which all should pay their fair share.

(Initialed) T E W

May 26, 1950.

Dear Mr. Whitehurst:

This refers to my conversation with you regarding the attached file, which pertains to a letter addressed to Mr. Chandler by the Bureau of the Budget under date of March 27, 1950, requesting a report on a proposed bill drafted by the Department of Justice "To amend section 73 of the Act of March 3, 1873, as amended, relating to the printing, binding, and distribution of the Statutes at Large, and sections 411, 412 and 413 of title 28, U. S. Code, relating to the printing, binding, and distribution of decisions of the Supreme Court of the U. S. and for other purposes."

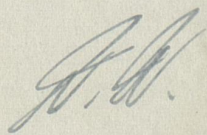
I understand that the memorandum from you to Mr. Chandler dated May 10, 1950 is intended as the basis for a report on this bill.

I have discussed this matter with the Chief Justice; and I understand that your proposed report would be satisfactory to him, if the following changes are made therein:

1. Eliminate next to the last paragraph; and
2. Add to the letter a paragraph stating, in effect, that the proposed bill contains matters of interest to the Supreme Court of the United States, that your office is not authorized to speak for the Court, and that it would be advisable for the Bureau of the Budget to obtain the Court's views respecting the proposed legislation.

I understand from our conversation that these changes would be entirely agreeable to you.

It is my personal view that it would be unwise to raise the question raised in the next to the last paragraph of your memorandum or the questions raised in the last two paragraphs of Mr. Waggaman's memorandum of May 19, 1950, until we have



had adequate time to explore the possible consequences of raising these questions and to consider carefully what affirmative recommendations, if any, should be made with reference thereto. After an adequate study of the entire problem has been made, the Court might also wish to suggest that some additional amendments be made to the provisions of existing law regarding the printing and distribution of the United States Reports. There is not time to give adequate consideration to these questions and to obtain the Court's views thereon before the Court adjourns for the summer.

Since § 412 of Title 28 U. S. C. refers only to the cost of printing and binding the United States Reports and the preliminary prints thereof, the reference in the first paragraph commencing on the last page of your memorandum to the appropriation of \$91,200 may be misleading; because this appropriation covers also the cost of all the printing work done for the Court in connection with the preparation and printing of the slip opinions. The latest complete figures available are those for the Fiscal Year ending June 30, 1949; and Mr. Drake informs me that they show the following breakdown on the expenditures under this appropriation:

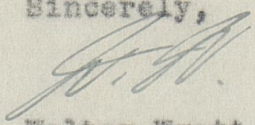
Preparation and printing of the slip opinions \$40,034.

Printing and binding of the United States Reports
\$38,353.

I have not discussed this detail with the Chief Justice; but I personally think that, in order to avoid any misunderstanding on this point, it would be desirable to insert immediately after the figures \$91,200 the following: "(which also covers the cost of the printing work done for the Court in connection with the preparation and printing of the slip opinions)".

The attached file on this subject came to my attention for the first time yesterday; and I regret that it has not been possible for me to give the problem sufficient study to enable me to make more constructive suggestions.

Sincerely,


Walter Wyatt,
Reporter of Decisions.

Encl.

P, S. I have shown this letter to Mr. Kelley and he says that the final draft of your letter to the Bureau of the Budget should be submitted to the Chief Justice before it is sent.

Supreme Court of the United States
Office of the Reporter
Washington, D. C.

March 14, 1951.

Dear Mr. Chief Justice:

In accordance with your request, I conferred informally yesterday afternoon with Mr. Murray Burnhardt, a member of the staff of the House Judiciary Committee, who is working for Representative Bryson, Chairman of the Subcommittee, on H. R. 2956, a bill relating to the printing, binding and distribution of the Statutes at Large and the United States Reports. At Mr. Burnhardt's suggestion, I also discussed the matter with Mr. Zinn, another member of the staff.

The following are the impressions I received from these conversations:

1. Apparently, the committee has abandoned the idea of abolishing the free distribution of copies of the United States Reports to Government agencies and requiring them to buy the copies they need from the Superintendent of Documents.

2. Apparently, they are now thinking of amending 28 U. S. C. § 411 so as to abolish the statutory list of Government agencies to receive free copies of United States Reports and provide that:

(a) The Supreme Court shall receive as many

copies as it requests;

(b) The Administrative Office of the United States Courts shall receive as many copies (not to exceed 650) as it requests for distribution to the lower federal courts; and

(c) The Congressional Joint Committee on Printing shall determine how many additional copies shall be provided for free distribution to Congress and the executive agencies and who shall get the free copies. (I was told that this provision would be patterned on 44 U. S. C. § 149, which provides that "the number and distribution of [the Congressional Directory] shall be under the control of the Joint Committee on Printing.")

Messrs. Burnhardt and Zinn did not know that the amendment to § 412 would change the price at which United States Reports are sold to the public and they were surprised to learn of its effect. However, they did not express any opinion regarding the desirability of this change.

At the suggestion of the Marshal, I had brought these bills to the attention of Mr. Justice Burton, because of their possible bearing on the pending appropriation for printing and binding the Court's opinions and the United States Reports. At the request of Mr. Justice Burton, Messrs. Waggaman and Whitehurst and the undersigned conferred with him on this subject this morning and told him what we know about the bills

and the amendments to them which are being considered. In view of the proposal to let the Joint Committee on Printing determine how many copies of the United States Reports shall be printed for free distribution to Congress and the executive agencies, we reached the conclusion that it is impossible to predict whether the cost to the Court will be increased or, if so, how much.

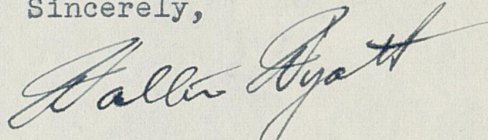
Mr. Justice Burton was puzzled, as we are, as to the practical effect of increasing the price at which the Superintendent of Documents is to sell the United States Reports to the public. I told him that the Superintendent of Documents says that the proposal to let him give book dealers a discount of 25%, as he does on other government documents, would tend to increase sales to the public notwithstanding the increase in price.

Mr. Justice Burton called attention to an inconsistency in the language of the bill (p. 7, lines 12 and 17) which might create the impression that only the Library of Congress is to receive copies of the preliminary prints of the United States Reports. He suggested that this language ought to be changed so as to obviate any confusion on this point. I find that the same ambiguity occurs several times in 28 U. S. C. § 411, both as it appears in the present law and as it would be amended by this bill. The frequent references to printing, binding and distributing the "decisions" of the Supreme Court could give rise to questions whether this means the slip opinions,

the preliminary prints of the United States Reports, the bound volumes of the United States Reports, or all three. At present, both the preliminary prints and the bound volumes of the United States Reports go to all persons on the free list; but they do not get the slip opinions.

I agree with Mr. Justice Burton that, while 28 U. S. C. § 411 is being revised, this ambiguity should be eliminated. Therefore, if you see no objection, I would like to suggest to Mr. Burnhardt that the language be clarified so as to eliminate this ambiguity and conform to the present practice.

Sincerely,

A handwritten signature in cursive script, appearing to read "Walter Wyatt".

Walter Wyatt, Reporter.

Honorable Fred M. Vinson,
The Chief Justice of the United States.

RECEIVED

APR 9 12 35 PM '51

CHAMBERS OF THE
CHIEF JUSTICE

Supreme Court of the United States
Office of the Reporter
Washington, D. C.

April 9, 1951.

Dear Mr. Chief Justice:

Subject: H. R. 2956, A Bill relating to the distribution of the Statutes at Large and the United States Reports.

The above Bill, with drastic amendments which are not entirely satisfactory, has been approved by the subcommittee of the House Judiciary Committee which is planning to report it to the full committee tomorrow, April 10. (A copy of the Bill with proposed amendments is attached.) We have been asked to submit our views regarding it before the close of business today. However, I may be able to get the subcommittee to postpone reporting it to the full committee until after the Court has had an opportunity to consider it.

When I last talked to Mr. Burnhardt, a member of the staff of the House Judiciary Committee about this Bill, which was the week before Easter, he promised me that, when he had worked out some amendments, he would show me a typewritten copy and go over it with me in order to make sure it was in proper form. However, Mr. Burnhardt telephoned this office Friday (while I was out of town) that he had drafted an amendment which had been approved by the subcommittee and that it would be reported to the full committee on Tuesday; and that

any views we wished to express about it should be submitted before the close of business on Monday.

Mr. Collins obtained over the telephone the text of the amendment to the Bill, copies of which are attached.

The amendment is intended to leave entire control of the distribution of the United States Reports to the Supreme Court; but it is subject to two objections which I have noticed on first examination and may be subject to other objections. The two objections I have already noticed are these:

1. It would place upon the Court the burden of deciding which Executive agencies and which of the lower federal courts are to receive copies of the United States Reports for official use without cost to them. This might result in the Court being flooded with requests from the Executive agencies to have their names added to the list for official distribution. The distribution to the lower federal judiciary, however, could be handled without difficulty by the Administrative Office.

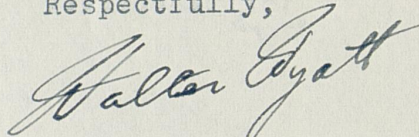
2. The wording of the proposed amendment to § 411 (a) is such that it might be construed as transferring from the Reporter to the Public Printer the duty now imposed upon the Reporter by 28 U. S. C. § 673 to "prepare the decisions of the Court for publication" in United States Reports—i.e., to draft the headnotes and do the other editorial work. I assume that this is an inadvertence resulting from a lack of familiarity with existing practice and the requirements of 28 U. S. C. § 673.

3.

I have been unable to talk to Mr. Burnhardt this morning, because he was tied up in a hearing; but I have talked with Miss Velma Smedley, in point of service, one of the oldest and most experienced members of the staff House Judiciary Committee, and she thinks that she can arrange for the subcommittee to postpone the reporting the Bill to the full committee until the Court has had an opportunity to consider it. However, if she is unable to do this, we will need to submit our suggestions to the subcommittee before the close of business today.

I shall work on the problem as diligently and rapidly as possible, keep you informed of developments, and try to arrange a conference on the subject with other officers of the Court this afternoon, if that is necessary.

Respectfully,

A handwritten signature in cursive script, appearing to read "Walter Wyatt".

Walter Wyatt, Reporter.

Encl.

Honorable Fred M. Vinson,
The Chief Justice of the United States.

See pp. 5 and 9 for amendments.

82^D CONGRESS
1ST SESSION

H. R. 2956

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 1951

Mr. CELLER introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend section 73 of the Act of January 12, 1895, as amended, relating to the printing, binding, and distribution of the Statutes at Large, and sections 411, 412, and 413 of title 28, United States Code, relating to the printing, binding, and distribution of decisions of the Supreme Court of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 3 of the Act approved March 3, 1873 (17 Stat.
4 578; R. S. 387; 5 U. S. C. 339), is hereby repealed.

5 SEC. 2. That so much of section 73 of the Printing Act,
6 approved January 12, 1895 (28 Stat. 601, 615) as amended,
7 as relates to the printing, binding, and distribution of the

1 Statutes at Large (44 U. S. C. 196a), is hereby further
2 amended to read as follows:

3 "§ 196a. Same; distribution.

4 "The Public Printer shall print, and after the final ad-
5 journment of each regular session of Congress, bind and
6 deliver to the Superintendent of Documents as many copies
7 of the Statutes at Large as may be required for distribution
8 as follows:

9 "To the President of the United States, four copies, one
10 of which shall be for the library of the Executive Mansion;

11 "To the Vice President of the United States, two copies;

12 "To each Senator, Representative, Delegate, and Resi-
13 dent Commissioner in Congress, one copy;

14 "To the office of the Parliamentarian of the House of
15 Representatives, two copies;

16 "To the offices of the Legislative Counsel of the Senate
17 and the House of Representatives, one copy each;

18 "To the Senate Library, not to exceed seventy-five
19 copies;

20 "To the House Library, not to exceed one hundred
21 copies;

22 "To the Library of Congress for international exchange
23 and for official use in Washington, District of Columbia, not
24 to exceed one hundred and fifty copies;

1 "To the library of the Supreme Court of the United
2 States, for distribution to the Chief Justice and Associate
3 Justices, the officers of the Court, and for use of the library,
4 not to exceed thirty-six copies;

5 "To the Administrative Office of the United States
6 Courts, including those for the judges and officers of the
7 United States and Territorial courts, not to exceed five
8 hundred copies;

9 "To the Architect of the Capitol, one copy;

10 "To the Public Printer, two copies;

11 "To the National Archives, not to exceed five copies;

12 "To the Department of State, including those for the
13 use of embassies, legations, and consulates, not to exceed
14 six hundred copies;

15 "To the Department of the Treasury, including those
16 for the use of officers of customs, not to exceed three hundred
17 copies;

18 "To the Department of Defense, including those for the
19 Department of the Air Force, the Department of the Army,
20 and the Department of the Navy, not to exceed three
21 hundred and twenty-five copies;

22 "To the Department of the Interior, including those
23 for the use of the United States supervisors of surveys and
24 registers and receivers of public-land offices, not to exceed
25 three hundred copies;

- 1 "To the Post Office Department, not to exceed fifty
- 2 copies;
- 3 "To the Department of Justice, including those for the
- 4 officers of the Immigration and Naturalization Service, not
- 5 to exceed four hundred and fifty copies;
- 6 "To the Department of Agriculture, not to exceed one
- 7 hundred copies;
- 8 "To the Department of Commerce, not to exceed one
- 9 hundred copies;
- 10 "To the Department of Labor, not to exceed one hundred
- 11 and twenty-five copies;
- 12 "To the offices of the Governors of Alaska, Hawaii,
- 13 Puerto Rico, and the Virgin Islands, two copies each;
- 14 "To the office of the Governor of the Panama Canal,
- 15 three copies;
- 16 "To the library of the court of last resort of each State,
- 17 Territory, and insular possession, and of the District of
- 18 Columbia, one copy;
- 19 "To each designated depository library in each State,
- 20 Territory, and insular possession one copy;
- 21 "To each independent office and establishment of the
- 22 Government now in Washington, District of Columbia, or
- 23 which hereafter may be created, not to exceed six copies;
- 24 and

1 "To the library of the municipal government of the
2 District of Columbia, the Naval Observatory, and the Smith-
3 sonian Institution, one copy each.

4 "In addition to the foregoing the Public Printer shall
5 print one thousand two hundred copies of the Statutes at
6 Large, of which three hundred copies shall be for the
7 use of the Senate and nine hundred copies for the use of the
8 House of Representatives. The 'usual number' shall not
9 be printed."

10 SEC. 3. The analysis of chapter 19 of title 28, United
11 States Code, is hereby amended to read as follows:

"Sec.

"411. Supreme Court reports; printing, binding, and distribution.

"412. Supreme Court reports; cost and sale.

"413. Publications; distribution to courts.

"414. Transmittal of books to successors.

"415. Court of Claims decisions."

12 SEC. 4. Section 411 of title 28, United States Code, as
13 amended, is hereby further amended to read as follows:

14 "§ 411. Supreme Court reports; printing, binding, and
15 distribution.

Insert in H. R. 2956, p. 5, under § 411, the following:

"(a) The Public Printer, or other printer designated by the Supreme Court of the United States, shall, as soon as practicable after rendition of decisions by the Court, prepare the preliminary prints and bound volumes of the United States Reports, to be charged to the proper appropriation for the Judiciary. The number and distribution of the copies shall be under the control of the Supreme Court of the United States."

1 "To the library of the municipal government of the
2 District of Columbia, the Naval Observatory, and the Smith-
3 sonian Institution, one copy each.

4 "In addition to the foregoing the Public Printer shall
5 print one thousand two hundred copies of the Statutes at
6 Large, of which three hundred copies shall be for the
7 use of the Senate and nine hundred copies for the use of the
8 House of Representatives. The 'usual number' shall not
9 be printed."

10 SEC. 3. The analysis of chapter 19 of title 28, United
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"411. Supreme Court reports; printing, binding, and distribution.

"412. Supreme Court reports; cost and sale.

"413. Publications; distribution to courts.

"414. Transmittal of books to successors.

"415. Court of Claims decisions."

12 SEC. 4. Section 411 of title 28, United States Code, as
13 amended, is hereby further amended to read as follows:

14 "§ 411. Supreme Court reports; printing, binding, and
15 distribution.

16 ~~"(a) The decisions of the Supreme Court of the United~~
17 ~~States shall be printed, bound, and distributed as soon as~~
18 ~~practicable after rendition. The Superintendent of Docu-~~
19 ~~ments shall distribute one copy of each volume to: The~~
20 ~~President; Secretary of State; Secretary of Defense; Secretary~~
21 ~~of the Treasury; Secretary of the Army; Secretary of the~~

1 Navy; Secretary of the Air Force; Secretary of the Interior;
2 Postmaster General; Attorney General; Secretary of Agri-
3 culture; Secretary of Commerce; Secretary of Labor; Solici-
4 tor General; the Assistant to the Attorney General; each
5 Assistant Attorney General; each United States Attorney;
6 each Assistant Secretary of each Executive Department; each
7 Assistant Postmaster General; Secretary of the Senate for
8 use of the Senate; Clerk of the House of Representatives for
9 use of the House; Senate Office of the Legislative Counsel;
10 House Office of the Legislative Counsel; Governors of the
11 Territories; Legal Adviser for Department of State; Treas-
12 urer of the United States; General Counsel for Treasury
13 Department; Comptroller General of the United States;
14 Assistant Comptroller General; General Counsel of General
15 Accounting Office; each chief of division in the General
16 Accounting Office; Comptroller of the Currency; Director of
17 the Budget; Assistant Director of the Budget; Commissioner
18 of Internal Revenue; Director of the Mint; General Counsel
19 of Bureau of the Budget; Judge Advocate General of the
20 Army; Chief of Finance, Department of the Army; Judge
21 Advocate General of the Navy; Judge Advocate General of
22 the Air Force; Paymaster General of the Navy; Commis-
23 sioner of Indian Affairs; Director of the Bureau of Land
24 Management; Administrator of Veterans' Affairs; Com-

1 ~~missioner of Patents; Commissioner of Education; Com-~~
2 ~~missioner of Customs; Commandant of the Coast Guard;~~
3 ~~Commissioner of Immigration and Naturalization; Director of~~
4 ~~the Geological Survey; Director of the Census; Chief of~~
5 ~~Forest Service, Department of Agriculture; Purchasing~~
6 ~~Agent of the Post Office Department; Federal Trade Com-~~
7 ~~mission; Naval Academy; Military Academy; the heads of~~
8 ~~such other executive offices as may be provided by law of~~
9 ~~equal grade with any of such offices; Clerk of the Supreme~~
10 ~~Court of the United States; the Marshal of the Supreme~~
11 ~~Court of the United States.~~

12 “(b) Additional copies of such decisions, in the number
13 specified, shall be distributed by the Superintendent of Docu-
14 ments to: Interstate Commerce Commission—sixteen copies;
15 Library of Congress for use of the law library and for inter-
16 national exchange—not to exceed one hundred and fifty
17 copies each of the bound and advance editions; Law Library
18 of the Department of the Interior—two copies; Law Library
19 of the Department of Justice—five copies; Law Library of
20 the Judge Advocate General of the Army—two copies;
21 Secretary of the Senate for the use of committees of the
22 Senate—thirty copies; Clerk of the House of Representa-
23 tives for the use of committees of the House—thirty-five
24 copies; Secretary of the Army for military headquarters

1 which exercise general court-marital jurisdiction—such num-
2 ber as the Secretary may specify, but not to exceed twenty-
3 five copies in time of peace.

4 “Additional copies of such decisions, in the number
5 specified by the Chief Justice of the United States, shall be
6 furnished by the Superintendent of Documents to the Su-
7 preme Court of the United States for the use of Justices,
8 retired Justices, officers and employees, and the library of
9 such Court.

10 “Additional copies of such decisions, in the number
11 specified by the Director of the Administrative Office of the
12 United States Courts, not to exceed six hundred and fifty
13 copies, shall be distributed by the Superintendent of Docu-
14 ments as such Director shall direct for the use of the courts
15 defined in section 610 of title 28, United States Code.

b / 16 “(c) Reports printed prior to June 12, 1926, shall
17 not be furnished the Secretary of the Army for military
18 headquarters.

19 “(d) The Public Printer, or other printer designated
20 by the Supreme Court of the United States, upon request,
21 shall furnish to the Superintendent of Documents the reports
22 required to be distributed under the provisions of this
23 section.”

~~1 SEC. 5. Section 412 of title 28, United States Code, is~~

~~2 hereby amended to read as follows:~~

~~3 "§ 412. Supreme Court reports; cost and sale.~~

~~4 "The cost of furnishing reports of the decisions of the
5 Supreme Court of the United States in bound volumes and
6 pamphlets shall be charged to the proper appropriation for
7 the Judiciary. The Public Printer, or other printer desig-
8 nated by the Supreme Court of the United States, shall
9 print such additional bound and pamphlet copies of such
10 reports as may be required for sale to the public. Such
11 additional copies shall be sold by the Superintendent of Docu-
12 ments as provided by law."~~

13 SEC. 6. Section 413 of title 28, United States Code, as
14 amended, is hereby further amended to read as follows:

15 "§ 413. Publications; distribution to courts.

16 "Distribution of publications to Federal courts in ac-
17 cordance with the provisions of this chapter shall not be
18 made to any place where such court is held in a building
19 not owned or controlled by the United States unless such
20 publications are committed to the custody of an officer of
21 the United States at such building."

5/

82ND CONGRESS
1ST SESSION

H. R. 2956

A BILL

To amend section 73 of the Act of January 12, 1895, as amended, relating to the printing, binding, and distribution of the Statutes at Large, and sections 411, 412, and 413 of title 28, United States Code, relating to the printing, binding, and distribution of decisions of the Supreme Court of the United States, and for other purposes.

By Mr. Celler

FEBRUARY 27, 1951

Referred to the Committee on the Judiciary

April 10, 1951.

H. R. 2956 RE PRINTING, BINDING AND DISTRIBUTION OF
STATUTES AT LARGE AND UNITED STATES REPORTS.

Changes in the Bill recently agreed upon by
Subcommittee of House Judiciary Committee.

Analysis -- Comments -- Suggested Improvements.

Attached is a copy of H. R. 2956 marked so as to show changes recently agreed upon by a subcommittee of the House Judiciary Committee with the intention of reporting the bill as so amended to the full committee on April 10, 1951. The amendments pertaining to the United States Reports are on page 5, line 10, through page 9, line 21.

It is understood that the subcommittee has agreed informally to postpone for a short time reporting the bill to the full committee in order to afford the Court or its staff an opportunity to consider it and to suggest any changes which might be desired. However, prompt action is necessary; because the subcommittee has been working on this for quite a while and it might report the bill to the full committee without awaiting the Court's suggestions if there is too much delay.

It is understood that the purpose of the drastic revision of 28 U. S. C. § 411 (a), which appears on page 5, line 16, is to abolish the statutory list of officials of the Government receiving free copies of the United States Reports for official

use and to leave it to the Court to decide which officials of the Government shall receive free copies for official use. An attempt has been made also to incorporate certain language in this revision of § 411 (a) to make it possible to repeal § 412, which appears in amended form on page 9, lines 3-12. The language of the revision of § 411 (a) is unsatisfactory and needs improvement; but this detail will be discussed later.

It is believed that the proposal to abolish the statutory list and to vest in some body the authority to revise this list from time to time to meet changing conditions is sensible. The organization of the Government is changing constantly and it is not practicable for Congress to amend § 411 (a) every time there is a reorganization or change of title of some agency or official of the Government.

At first blush, it would seem that this proposal would impose an undesirable burden on the Court, because it might subject the Court to numerous requests that names be added to the list. However, the subcommittee has had quite a struggle deciding where to place this responsibility and has concluded that it could most appropriately and safely be entrusted to the body which bears the expense of printing and binding the copies to be distributed for official use. This seems to be a logical conclusion; and objection to it might result in the responsibility being placed in some other organization which might be too liberal at the Court's expense and might conceivably interfere with the Court's control over its own reports. With some changes in the language of the

bill, it is believed that this duty could be discharged in a manner which would impose no real burden on the Court. The Court could delegate to some member of its staff the duty of revising this list from year to year and submitting a revised list for the approval of the Court or The Chief Justice. All requests that names be added to the list could be referred to this staff member for consideration in preparing the next revision of the list.

The effective date of this amendment ought to be postponed until the beginning of the next term of the Court following the enactment of the bill. This would allow time for the preparation and approval of a revised list and for the issuance of requisitions for the printing and binding work on the United States Reports, which must specify the number of copies to be printed and bound for this purpose and must be issued before the work on each volume of the United States Reports is begun.

The proposed revision of § 411 (a) is worded in such a way that it might be construed as transferring from the Reporter of Decisions of the Supreme Court to the Public Printer the duty now imposed upon the Reporter by 28 U. S. C. § 673 (c) to "prepare the decisions of the Court for publication" in the United States Reports — i. e., to prepare the headnotes, tables of cases, indexes, etc., and to do the other editorial work on the United States Reports. This could be avoided by following more closely the language of existing law; and a proposed revision for this purpose is set forth below.

Language should also be added to make it clear that the actual distribution of copies for official use shall be made by the Superintendent of Documents. This is the present practice and is the most economical and efficient method of handling the distribution. It is what was contemplated by the Bill as originally introduced; and there appears to have been no intention to change this practice.

In this connection, it is believed that it would be desirable to retain subsection (d), appearing on page 8, lines 19-23, which require the printer to furnish copies to the Superintendent of Documents for such distribution.

It is understood that the reference to the printer and to the appropriation to which the cost of the work is to be charged were inserted in the proposed revision of § 411 (a) in order to make it possible to repeal § 412 entirely. It is understood that the intention was to repeal § 412; but, through a drafting error, the changes in the bill indicated on page 9, lines 1-12, would have the effect of striking out the proposed revision of § 412 and letting that section remain as it appears in existing law.

It is unnecessary to specify in § 411 (a) which printer is to do the printing and binding work; because that subject is fully covered by 28 U. S. C. § 676 (a).

It is understood that the main purposes of the proposed revision of § 412 were:

1. To bring the law into line with existing practice by

providing that the entire cost of printing and binding the copies of the United States Reports distributed to officials of the Government for official use shall be charged to the proper appropriation for the Judiciary. The present law provides that this expense shall be divided between the appropriation for the Judiciary and that for the Department of Justice; but the practice is for all of it to be borne by the appropriation for the Judiciary.

2. The change in the last sentence of § 412 was suggested by the Superintendent of Documents to get away from the present requirement that he sell copies of the United States Reports to the public at cost plus 10% and to enable him to handle the United States Reports as he handles all other documents under 44 U. S. C. § 72 (a) — i. e., sell them to the public at cost plus 50% but allow book dealers a 25% discount to enable them to stock and handle the United States Reports without a loss. While this would increase the cost of the United States Reports to the public, the Superintendent of Documents says that it would tend to increase their distribution. He says that, under present law, he cannot afford to stock an adequate supply for public sale and that book dealers cannot afford to handle the sale of the United States Reports, because they are confronted with the alternatives of either (a) selling them at the same price that they have to pay the Superintendent of Documents for them and thus lose the cost of handling them or (b) trying to sell them at a higher price than the official price established

by the Superintendent of Documents and printed on the title page of each bound volume. It is believed that, in proposing this amendment, the Superintendent of Documents was acting in good faith and that, in view of his broad experience in handling the sale of public documents, it would be wise to defer to his judgment and withhold any objection to this amendment.

A possible objection to the repeal of § 412 is that the reference therein to the "cost of furnishing reports of the decisions of the Supreme Court" may be the only substantive provision of law which justifies the appropriation for printing the slip opinions and the Journal; and the repeal of this provision might some day result in a point of order being made against the appropriation for this purpose.

In view of all these considerations, it would seem desirable to retain the proposed revision of § 412 but with the first sentence changed to read as follows:

"The cost of printing and binding the decisions of the Supreme Court of the United States shall be charged to the proper appropriation for the Judiciary."

Consideration has been given to mentioning specifically in this section the slip opinions, the Journal and the preliminary prints and bound volumes of the United States Reports; but this might provoke a lot of discussion and might lead to a change in the language of § 411 requiring the Court to bear the expense of distributing to all officials and agencies on the free list copies of the slip opinions and Journal, as well as copies of the preliminary prints and bound volumes of the United States

Reports. At present, only a very limited number of copies of the slip opinions and Journal are printed at the Court's expense for its own use and for distribution to the press and to parties in the cases decided by the Court; but the Superintendent of Documents offers them for sale to the public at very moderate cost.

SUGGESTIONS.

In view of all the above considerations, it is suggested that no objection be made to the substance of the proposed amendments, but that the following changes in their text be suggested informally to the subcommittee:

1. Page 5, line 13, before the colon at the end of the line, insert a comma and the following:

"effective at the beginning of the next term of the Supreme Court of the United States following the enactment of this Act"

2. Change the proposed revision of § 411 (a) commencing on page 5, line 16 of the bill, to read as follows:

"(a) The decisions of the Supreme Court of the United States shall be printed, bound and distributed in the preliminary prints (advance sheets) and bound volumes of the United States Reports as soon as practicable after rendition. The number and distribution of the copies for official use shall be under the control of the Supreme Court of the United States or The Chief Justice; but the actual distribution shall continue

to be made by the Superintendent of Documents, as heretofore.

3. Retain subsection (d), as it appears in the Bill as originally introduced, page 8, lines 19-23.

4. Do not repeal 28 U. S. C. § 412; but enact the revision of it appearing in the original bill at page 9, lines 4-12, with the first sentence of the text (lines 4-7) changed to read as follows:

"The cost of printing and binding the decisions of the Supreme Court of the United States shall be charged to the proper appropriation for the Judiciary."

April 11, 1951.

PRINTING AND DISTRIBUTION OF UNITED STATES REPORTS
"HIGH SPOT" COMPARISON OF
PRESENT LAW, ORIGINAL BILL, H. R. 2956,
AND PROPOSED COMMITTEE AMENDMENTS.

The Present Law.-

28 U. S. C. § 411 contains a long list of officials of the Legislative, Executive and Judicial Departments of the Government to receive copies of the United States Reports for official use. The Director of the Administrative Office of United States Courts is required to distribute copies to the Judiciary and the Attorney General is required to distribute the others. (In practice, The Superintendent of Documents makes the actual distribution in accordance with lists furnished to him.) The Attorney General and the Administrative Office are also required to furnish privately published digests of the Reports to substantially the same officials and agencies.

28 U. S. C. § 412 provides that the cost of furnishing the Reports shall be charged to the proper appropriation for the Department of Justice or the Judiciary as the case may be; but, in practice, they are paid for entirely out of the Court's appropriation. This section also requires the Public Printer to print additional copies for sale by the Superintendent of Documents at cost plus 10%.

28 U. S. C. § 413 authorizes the Attorney General and the

Administrative Office to furnish copies of the Federal Reporter and digests thereof to certain federal courts and certain Government officials.

28 U. S. C. § 414 requires that such books be marked "The Property of the United States" and transmitted to successors in office. (This would not be changed by the original bill or any of the proposed amendments.)

The Original Bill.-

The original bill, H. R. 2956, was introduced at the request of the Department of Justice; and its principal purposes and effects are to:

1. Revise the list in § 411 to conform to changes in the organization of the Government and in official titles which have taken place since the list was last revised.

2. Provide that copies of the United States Reports for official use shall be distributed by the Superintendent of Documents, instead of the Attorney General and the Administrative Office.

3. Relieve the Attorney General and the Administrative Office of the burden of furnishing the Federal Reporter and privately published digests to other agencies and officials of the Government.

4. Eliminate the provision requiring the Department of Justice to bear part of the cost of furnishing copies of the United States Reports to other agencies and officials.

5. Eliminate the requirement that copies be sold to the public at cost plus 10% and permit the Superintendent of Documents to charge cost plus 50% but allow a 25% discount to book dealers, as he does with reference to most public documents.

Proposed Amendments to the Bill.-

It is believed that the proposed amendments to the Bill are intended to have substantially the same effects, except that:

1. The statutory list of government officials to receive copies of the United States Reports would be abolished; and
2. The Supreme Court would be given the responsibility of deciding who should receive copies of the United States Reports for official use.

However, the proposed amendments are in unsatisfactory form, and they may have other effects which are not intended. This is discussed in another memorandum.

File Memorandum:-

The Chief Justice discussed this matter with the Director, Mr. Chandler, and the Reporter, Mr. Wyatt this morning.

It was concluded that the Court should not assume the responsibility, as is proposed under the measure, H.R. 2956, for determining who in the Executive and Legislative Branches should receive "free" copies of the U.S. Reports.

Because of the complexities that would be involved in endeavoring to spread the costs of printing and binding the Reports among the recipients of the "free" copies, it was deemed advisable to continue the present practice of the Court bearing the entire costs.

Mr. Wyatt was directed to informally advise Mr. Burnhardt, a member of the staff of the Committee on the Judiciary of the House as to the conclusions reached.

April 25th, 1951.

W. J. Nathan
4/26/51

File

Supreme Court of the United States
Office of the Reporter
Washington, D. C.

April 11, 1951.

Dear Mr. Chief Justice:

You will recall that, on March 12, 1951, I brought to your attention a Bill recently introduced in Congress, H. R. 2956, relating to the printing, binding and distribution of the Statutes at Large and the United States Reports. Hearings on the Bill had just been completed by a subcommittee of the House Judiciary Committee headed by Hon. Joseph R. Bryson of South Carolina; the subcommittee was considering some drastic amendments; and the Court had not been afforded an opportunity to consider the matter or present its views.

You asked me to discuss the matter informally with the member of the staff of the House Judiciary Committee (Mr. Murray Burnhardt) who was working on the matter, find out all I could about what was being considered, and keep you informed of any important developments. I conferred with Mr. Burnhardt the next day and reported to you on March 14 what I had learned. On March 16, I again discussed the matter with Mr. Burnhardt; and he assured me that no early action was contemplated and that, when he had worked out a proposed solution of the problem, he would let me see a copy of what he had drafted and discuss it with me.

I heard nothing further about the matter until Mr. Burnhardt

telephoned my office on Friday, April 6, that the subcommittee had already agreed upon amendments to the Bill which would be reported to the full Committee on Tuesday, April 10, and that our suggestions should be submitted before the close of business on Monday, April 9.

I had just left town for the week end; but Mr. Collins, Assistant Reporter, obtained copies of the proposed amendments and brought them to my attention on Monday morning. I sent a copy to you with my preliminary comments before noon the same day; and later in the day I talked to Mr. Burnhardt and obtained his promise that the reporting of the amendments to the full Committee would be deferred temporarily to give the Court an opportunity to consider the matter and submit its comments or suggestions.

Mr. Burnhardt tried to get me to say that this would be done within two weeks; but I told him that the Court was very busy and I did not know when it could consider the matter. However, if there is too much delay, the Committee may report the Bill without awaiting the Court's views.

The Court's views have not been requested, and the matter has been handled on an informal inter-staff basis; but the proposed amendments are somewhat radical, they are in very unsatisfactory form, and they present at least two questions of policy which the Court may wish to consider:

(1) Whether the Court is willing to accept the responsibility of deciding which agencies and officials of the

Government shall receive free copies of the United States Reports for official use; and

(2) Whether the Court has any objection to a proposal which would increase by about one-third the price at which the United States Reports are sold to the public, but which the Superintendent of Documents thinks would increase sales to the public by enabling him to carry an adequate stock and enabling book dealers to sell them without a loss.

To aid in considering this matter, there are enclosed herewith:

1. A copy of the Bill with the proposed amendments noted thereon;

2. A concise memorandum comparing the "high spots" of the present law on this subject, the original bill, and the amendments proposed by the subcommittee; and

3. A longer memorandum analyzing and discussing the problem and suggesting further amendments to clarify and improve those suggested by the subcommittee.

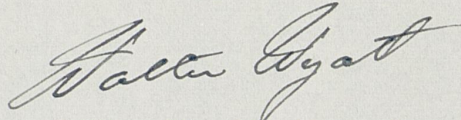
The last memorandum is the result of much study of the general subject during the past month, an intensive study of the proposed committee amendments during the past two or three days, and consultations with the Clerk, the Marshall, the Librarian, the two Assistant Reporters, the Superintendent of Documents, and Mr. Burnhardt. An earlier draft was submitted to the Clerk, the Marshal and the Librarian; and I understand

4.

that they are in accord with the views expressed and the suggestions made in this memorandum.

Your advice as to anything further you desire me to do about this is respectfully awaited.

Sincerely,

A handwritten signature in cursive script, reading "Walter Wyatt". The signature is fluid and elegant, with a long horizontal flourish extending from the end.

Walter Wyatt, Reporter.

Encls.

Honorable Fred M. Vinson,
The Chief Justice of the United States.

See pp. 5 and 9 for amendments.

82D CONGRESS
1ST SESSION

H. R. 2956

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 1951

Mr. CELLER introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend section 73 of the Act of January 12, 1895, as amended, relating to the printing, binding, and distribution of the Statutes at Large, and sections 411, 412, and 413 of title 28, United States Code, relating to the printing, binding, and distribution of decisions of the Supreme Court of the United States, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That section 3 of the Act approved March 3, 1873 (17 Stat.
- 4 578; R. S. 387; 5 U. S. C. 339), is hereby repealed.
- 5 SEC. 2. That so much of section 73 of the Printing Act,
- 6 approved January 12, 1895 (28 Stat. 601, 615) as amended,
- 7 as relates to the printing, binding, and distribution of the

1 "To the Post Office Department, not to exceed fifty
2 copies;

3 "To the Department of Justice, including those for the
4 officers of the Immigration and Naturalization Service, not
5 to exceed four hundred and fifty copies;

6 "To the Department of Agriculture, not to exceed one
7 hundred copies;

8 "To the Department of Commerce, not to exceed one
9 hundred copies;

10 "To the Department of Labor, not to exceed one hundred
11 and twenty-five copies;

12 "To the offices of the Governors of Alaska, Hawaii,
13 Puerto Rico, and the Virgin Islands, two copies each;

14 "To the office of the Governor of the Panama Canal,
15 three copies;

16 "To the library of the court of last resort of each State,
17 Territory, and insular possession, and of the District of
18 Columbia, one copy;

19 "To each designated depository library in each State,
20 Territory, and insular possession one copy;

21 "To each independent office and establishment of the
22 Government now in Washington, District of Columbia, or
23 which hereafter may be created, not to exceed six copies;

24 and

1 "To the library of the municipal government of the
2 District of Columbia, the Naval Observatory, and the Smith-
3 sonian Institution, one copy each.

4 "In addition to the foregoing the Public Printer shall
5 print one thousand two hundred copies of the Statutes at
6 Large, of which three hundred copies shall be for the
7 use of the Senate and nine hundred copies for the use of the
8 House of Representatives. The 'usual number' shall not
9 be printed."

10 SEC. 3. The analysis of chapter 19 of title 28, United
11 States Code, is hereby amended to read as follows:

"Sec.

"411. Supreme Court reports; printing, binding, and distribution.

"412. Supreme Court reports; cost and sale.

"413. Publications; distribution to courts.

"414. Transmittal of books to successors.

"415. Court of Claims decisions."

12 SEC. 4. Section 411 of title 28, United States Code, as
13 amended, is hereby further amended to read as follows:

14 "§ 411. Supreme Court reports; printing, binding, and
15 distribution.

Insert in H. R. 2956, p. 5, under § 411, the following:

"(a) The Public Printer, or other printer designated by the Supreme Court of the United States, shall, as soon as practicable after rendition of decisions by the Court, prepare the preliminary prints and bound volumes of the United States Reports, to be charged to the proper appropriation for the Judiciary. The number and distribution of the copies shall be under the control of the Supreme Court of the United States."

1 "To the library of the municipal government of the
2 District of Columbia, the Naval Observatory, and the Smith-
3 sonian Institution, one copy each.

4 "In addition to the foregoing the Public Printer shall
5 print one thousand two hundred copies of the Statutes at
6 Large, of which three hundred copies shall be for the
7 use of the Senate and nine hundred copies for the use of the
8 House of Representatives. The 'usual number' shall not
9 be printed."

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"414. Transmittal of books to successors.

"415. Court of Claims decisions."

12 SEC. 4. Section 411 of title 28, United States Code, as
13 amended, is hereby further amended to read as follows:

14 "§ 411. Supreme Court reports; printing, binding, and
15 distribution.

16 ~~"(a) The decisions of the Supreme Court of the United~~
17 ~~States shall be printed, bound, and distributed as soon as~~
18 ~~practicable after rendition. The Superintendent of Docu-~~
19 ~~ments shall distribute one copy of each volume to: The~~
20 ~~President; Secretary of State; Secretary of Defense; Secretary~~
21 ~~of the Treasury; Secretary of the Army; Secretary of the~~

~~1 Navy; Secretary of the Air Force; Secretary of the Interior;
2 Postmaster General; Attorney General; Secretary of Agri-
3 culture; Secretary of Commerce; Secretary of Labor; Solici-
4 tor General; the Assistant to the Attorney General; each
5 Assistant Attorney General; each United States Attorney;
6 each Assistant Secretary of each Executive Department; each
7 Assistant Postmaster General; Secretary of the Senate for
8 use of the Senate; Clerk of the House of Representatives for
9 use of the House; Senate Office of the Legislative Counsel;
10 House Office of the Legislative Counsel; Governors of the
11 Territories; Legal Adviser for Department of State; Treas-
12 urer of the United States; General Counsel for Treasury
13 Department; Comptroller General of the United States;
14 Assistant Comptroller General; General Counsel of General
15 Accounting Office; each chief of division in the General
16 Accounting Office; Comptroller of the Currency; Director of
17 the Budget; Assistant Director of the Budget; Commissioner
18 of Internal Revenue; Director of the Mint; General Counsel
19 of Bureau of the Budget; Judge Advocate General of the
20 Army; Chief of Finance, Department of the Army; Judge
21 Advocate General of the Navy; Judge Advocate General of
22 the Air Force; Paymaster General of the Navy; Commis-
23 sioner of Indian Affairs; Director of the Bureau of Land
24 Management; Administrator of Veterans' Affairs; Com-~~

1 ~~missioner of Patents; Commissioner of Education; Com-~~
2 ~~missioner of Customs; Commandant of the Coast Guard;~~
3 ~~Commissioner of Immigration and Naturalization; Director of~~
4 ~~the Geological Survey; Director of the Census; Chief of~~
5 ~~Forest Service, Department of Agriculture; Purchasing~~
6 ~~Agent of the Post Office Department; Federal Trade Com-~~
7 ~~mission; Naval Academy; Military Academy; the heads of~~
8 ~~such other executive offices as may be provided by law of~~
9 ~~equal grade with any of such offices; Clerk of the Supreme~~
10 ~~Court of the United States; the Marshal of the Supreme~~
11 ~~Court of the United States.~~

12 “(b) Additional copies of such decisions, in the number
13 specified, shall be distributed by the Superintendent of Docu-
14 ments to: Interstate Commerce Commission—sixteen copies;
15 Library of Congress for use of the law library and for inter-
16 national exchange—not to exceed one hundred and fifty
17 copies each of the bound and advance editions; Law Library
18 of the Department of the Interior—two copies; Law Library
19 of the Department of Justice—five copies; Law Library of
20 the Judge Advocate General of the Army—two copies;
21 Secretary of the Senate for the use of committees of the
22 Senate—thirty copies; Clerk of the House of Representa-
23 tives for the use of committees of the House—thirty-five
24 ~~copies; Secretary of the Army for military headquarters~~

1 ~~which exercise general court-marital jurisdiction—such num-~~
2 ~~ber as the Secretary may specify, but not to exceed twenty-~~
3 ~~five copies in time of peace.~~

4 ~~“Additional copies of such decisions, in the number~~
5 ~~specified by the Chief Justice of the United States, shall be~~
6 ~~furnished by the Superintendent of Documents to the Su-~~
7 ~~preme Court of the United States for the use of Justices,~~
8 ~~retired Justices, officers and employees, and the library of~~
9 ~~such Court.~~

10 ~~“Additional copies of such decisions, in the number~~
11 ~~specified by the Director of the Administrative Office of the~~
12 ~~United States Courts, not to exceed six hundred and fifty~~
13 ~~copies, shall be distributed by the Superintendent of Docu-~~
14 ~~ments as such Director shall direct for the use of the courts~~
15 ~~defined in section 610 of title 28, United States Code.~~

16 ~~“(c) Reports printed prior to June 12, 1926, shall~~
17 ~~not be furnished the Secretary of the Army for military~~
18 ~~headquarters.~~

19 ~~“(d) The Public Printer, or other printer designated~~
20 ~~by the Supreme Court of the United States, upon request,~~
21 ~~shall furnish to the Superintendent of Documents the reports~~
22 ~~required to be distributed under the provisions of this~~
23 ~~section.”~~

1 ~~SEC. 5. Section 412 of title 28, United States Code, is~~
2 hereby amended to read as follows:

3 “§ 412. Supreme Court reports; cost and sale.

4 “The cost of furnishing reports of the decisions of the
5 Supreme Court of the United States in bound volumes and
6 pamphlets shall be charged to the proper appropriation for
7 the Judiciary. The Public Printer, or other printer desig-
8 nated by the Supreme Court of the United States, shall
9 print such additional bound and pamphlet copies of such
10 reports as may be required for sale to the public. Such
11 ~~additional copies shall be sold by the Superintendent of Docu-~~
12 ~~ments as provided by law.”~~

13 SEC. 6. Section 413 of title 28, United States Code, as
14 amended, is hereby further amended to read as follows:

15 “§ 413. Publications; distribution to courts.

16 “Distribution of publications to Federal courts in ac-
17 cordance with the provisions of this chapter shall not be
18 made to any place where such court is held in a building
19 not owned or controlled by the United States unless such
20 publications are committed to the custody of an officer of
21 the United States at such building.”

5/

82ND CONGRESS
1ST SESSION

H. R. 2956

A BILL

To amend section 73 of the Act of January 12, 1895, as amended, relating to the printing, binding, and distribution of the Statutes at Large, and sections 411, 412, and 413 of title 28, United States Code, relating to the printing, binding, and distribution of decisions of the Supreme Court of the United States, and for other purposes.

By Mr. Celler

FEBRUARY 27, 1951

Referred to the Committee on the Judiciary

April 26, 1951.

INFORMAL SUGGESTIONS RE H. R. 2956
and the
AMENDMENTS THERETO PROPOSED ON APRIL 6, 1951.

It is understood that the principal purposes of the amendments to H. R. 2956 (p. 5, line 12, through p. 9, line 12) proposed on April 6, 1951, were:

1. To abolish the statutory list of officials of the Legislative, Executive and Judicial Branches of the Government who receive copies of the United States Reports for official use; and

2. To entrust to the Supreme Court of the United States the duty of deciding which officials of the Legislative, Executive and Judicial Branches of the Government should receive copies of the United States Reports for official use.

It is believed that the abolition of the statutory list is desirable, because it is impractical to amend the statute every time there is a change in the organization of the Government or in the title of an official or agency of the Government.

However, it is believed that the duty of determining which officials of the Legislative and Executive Branches of the Government should receive copies of the United States Reports for official use should not be imposed upon the Supreme Court of the United States, for the following reasons: (1) To impose this duty on the Supreme Court of the United States would be inconsistent in principle with the separation of the

Legislative, Executive and Judicial powers of the Government contemplated by the Constitution; and (2) As a practical matter, it would impose upon the Supreme Court an administrative function which it is not equipped to perform and which should not be superimposed upon its very heavy judicial duties.

Whether a particular official of the Government should receive free copies of the United States Reports for official use ought to depend upon his actual need for such copies for official use; and the Supreme Court of the United States would not be in a position to know which officials of the Legislative and Executive Branches of the Government actually need copies of the United States Reports for use in the performance of their official duties.

It would seem that this determination could be made more appropriately and more soundly with reference to the Legislative Branch of the Government by someone in the Legislative Branch, such as the Vice-President, the Speaker of the House, the Joint Committee on Printing, the Judiciary Committees, the Librarian of Congress, or the Committee having jurisdiction over the Library of Congress. It would seem that it could most appropriately and more soundly be determined with reference to the Executive Branch of the Government by someone in the Executive Branch of the Government, such as the Attorney General.

As to the copies needed for the Judicial Branch of the Government, it is believed that the problem could best be handled in the manner provided on page 8, lines 4-15 of the

3.

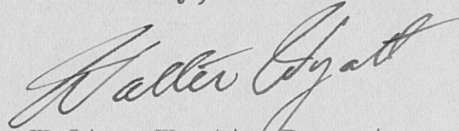
proper appropriation for the Judiciary." I suppose that the conflict between these two provisos would be resolved on the principle that the latest enactment controls.

For your further information, there are enclosed herewith copies of the following:

1. The memorandum dated April 26 which I gave Mr. Bernhardt;
2. A memorandum dated May 2 summarizing my conversation with Mr. Bernhardt; and
3. The substitute Bill, H. R. 4109.

In view of our last conversation on this subject, I assume that there is nothing further you desire me to do about this until the bill has passed the House and is ready for consideration by the Senate Judiciary Committee.

Sincerely,


Walter Wyatt, Reporter.

Encls.

Honorable Fred M. Vinson,
The Chief Justice of the United States.

and that it did not contain the provision which he desired making it possible for him to sell the United States Reports at cost plus 50% and allow book dealers a 25% discount to encourage them to handle the United States Reports.

A copy of H. R. 4109 is enclosed herewith. The provisions relating to the United States Reports are on page 2, line 10, through page 3, line 18. They place the entire control of the distribution of the United States Reports (including the copies to be furnished to this Court and to the other federal courts) under the control of the Joint Committee on Printing. This would mean that the Court would have to apply to the Joint Committee on Printing for the copies of its own reports which it desires for its own use.

In other respects, I see nothing in the Bill to which serious objection might be taken. It is very concise and is not as clear as it might be. It does not contain a specific requirement that the Superintendent of Documents shall continue to make the actual distribution of the United States Reports; but an implication to that effect may be found on page 3, lines 6-9. It makes no change in the existing provision of 28 U. S. C. § 412 which, inter alia, provides that the cost "shall be charged to the proper appropriation for the Department of Justice or the Judiciary as the case may be"; but there is tacked on to the end of the first sentence of § 411 (page 2, lines 19-20) the words "to be charged to the

Supreme Court of the United States
Office of the Reporter
Washington, D. C.

May 23, 1951.

Dear Mr. Chief Justice:

Bills relating to the Printing, Binding and
Distribution of the United States Reports.

This is solely for your information and requires no action, unless you desire me to do something about it.

Following my conversation with you and Mr. Chandler on April 25 regarding the Bill, H. R. 2956 relating to the printing, binding and distribution of the United States Reports, I prepared an unsigned memorandum opposing the placing upon the Court of the responsibility for determining who shall receive copies of the United States Reports for official use and also suggesting the technical amendments which I thought were needed for clarification of the Bill. This memorandum was cleared with Messrs. Cropley, Waggaman, Kelly, Whitehurst and Miss Newman. Subsequently, Mr. Whitehurst and I had a conference with Mr. Murray Bernhardt, the member of the staff of the House Judiciary Committee who is working on this problem; and I gave him the memorandum and discussed the subject with him.

I heard nothing further about this until May 21, when Mr. Roy Eastin, the Superintendent of Documents, called me on the telephone and informed me that a substitute Bill, H. R. 4109, had been introduced on May 15; that it was very short;

Bill as originally introduced.

In this connection, it is well to bear in mind that any free distribution of copies of United States Reports for other than official use is prevented by 28 U. S. C. § 414, which requires that all books furnished to officials under 28 U. S. C. § 411 shall be plainly marked "The Property of the United States" and shall be passed on to successors in office. It is understood that no amendment to this section is proposed.

SUGGESTED AMENDMENTS TO THE BILL.

Because of their indirect, and probably unintended, effects on other provisions of law, it is believed that the amendments proposed on April 6 need clarification; and the following amendments are suggested for that purpose and for the purpose of eliminating the requirement that the Supreme Court control the distribution of copies of the United States Reports for official use:

I.

Change the proposed revision of § 411 (a) commencing on page 5, line 16 of the Bill, to read as follows:

"(a) The decisions of the Supreme Court of the United States shall be printed, bound and distributed in the preliminary prints (advance sheets) and bound volumes of the United States Reports as soon as practicable after rendition. The actual distribution shall continue to be made by the Superintendent of Documents, as heretofore."

Chandler last week, I gathered the impression that The Chief Justice felt that, if the House Judiciary Committee reports the Bill in an unsatisfactory form, it would be advisable to refrain from making any further effort to get the matter straightened out until it reaches the Senate Judiciary Committee. I heartily concur in this view. Therefore, in the absence of instructions to the contrary, I shall assume that I am not expected to do anything more about it until it reaches the Senate Judiciary Committee.

However, if we are not too rushed when the House Committee reports the Bill, I may obtain copies of the House Committee report and the bill as reported and bring them to the attention of The Chief Justice and my colleagues on the staff of the Court and the Administrative Office.

A handwritten signature in dark ink, appearing to be 'W. A. Wyatt', written in a cursive style.

Walter Wyatt, Reporter.

The principal purpose of this suggestion is to eliminate the requirement (contained in the amendment proposed on April 6) that the Supreme Court shall control the distribution of copies to officials in the Legislative, Executive and Judicial Branches of the Government -- for the reasons explained above.

The language here suggested is also intended to make it perfectly clear which copies of the "decisions of the Supreme Court" should be distributed for official use. Under the present practice, only the preliminary prints (advance sheets) and bound volumes of the United States Reports are distributed to the officials listed in 28 U. S. C. § 411; and it is assumed that Congress does not wish to change this practice. The decisions (but not the opinions) are printed also in the Journal and the opinions are also printed separately in "slip opinion" form. Only a very small number of the Journal and "slip opinions" are printed for the Court's own use and for distribution to counsel for the parties in cases decided by the Court; and copies are not distributed to the officials now listed in 28 U. S. C. § 411. However, the Journal and "slip opinions" are offered for sale on a subscription basis by the Superintendent of Documents at moderate cost.

The amendment to § 411 (a) proposed on April 6 is worded in such a way that it might be construed as transferring from the Reporter of Decisions of the Supreme Court to the Public Printer the duty now imposed upon the Reporter of Decisions by 28 U. S. C. § 673 (c) to "prepare the decisions of the Court for publication" in the United States Reports -- *i. e.*, to prepare the headnotes, list of counsel, subject indexes, and tables of cases, and do the other editorial work on the United States Reports, under the direction of the Court or The Chief Justice. The substitute language suggested above would avoid any confusion on this point.

Language should also be added to make it clear that the actual distribution of copies for official use shall be made by the Superintendent of Documents. This is the present practice and is the most economical and efficient method of handling the distribution. It is what was contemplated by the Bill as originally introduced; and there appears to have been no intention to change this practice.

It is unnecessary to specify in § 411 (a) which printer is to do the printing and binding work; because that subject is fully covered by 28 U. S. C. § 676 (a).

II.

On page 8 of the Bill as originally introduced, retain

lines 4-15; but strike out the word "Additional" from line 4.

It is believed that this portion of the original Bill would provide the most satisfactory method of controlling the distribution of copies of the United States Reports to the federal judiciary. It would permit The Chief Justice to determine how many copies shall be furnished for the use of the Supreme Court and permit the Director of the Administrative Office of the United States Courts to control the distribution to the other federal courts. It would be in harmony with the spirit of the Act (28 U. S. C. §§ 601-610) creating the Administrative Office of the United States Courts and would keep the Judiciary free from dependence upon the Executive Branch of the Government for copies of the United States Reports.

III.

Retain subsection (d), as it appears in the Bill as originally introduced, page 8, lines 19-23.

It is believed that it is desirable to retain this language of the original Bill, in order to make it clear that the Public Printer is required to furnish copies of the United States Reports to the Superintendent of Documents for distribution in accordance with the requirements of 28 U. S. C. § 411, as amended. However, under § 412, the cost of the printing and binding would continue to be borne by the Supreme Court.

IV.

Do not repeal 28 U. S. C. § 412; but enact the revision of it appearing in the original Bill at page 9, lines 4-12, with the first sentence of the text (lines 4-7) changed to read as follows:

"The cost of printing and binding the decisions of the Supreme Court of the United States shall be charged to the proper appropriation for the Judiciary."

It is believed that to repeal 28 U. S. C. § 412, as intended by the amendments proposed on April 6, would cause confusion and that this section ought to be retained with the clarification indicated above.

May 2, 1951.

H. R. 2956.

After studying the memorandum enclosed in my letter of April 26, 1951 on the above subject, Messrs. Cropley, Waggonman, Kelley and Whitehurst and Miss Newman advised me that they thought it was satisfactory and that they had no changes to suggest.

Therefore, I telephoned Mr. Bernhardt yesterday and offered to go to the office of the House Judiciary Committee to discuss the subject with him. At his suggestion, however, he, Mr. Whitehurst and I had lunch together and later returned to my office for a discussion of the subject.

I gave Mr. Bernhardt the original of my memorandum of April 26 containing informal suggestions regarding this Bill. He read it and asked whether I had any objection to his using portions of it in a committee report on the Bill. I told him that I had no objection whatever — provided that he did not attribute it to the Court, The Chief Justice or to me.

From our general conversation, I gathered the impression that Mr. Bernhardt was inclined to revise 28 U. S. C. § 411 so as to place the control of the distribution of the United States Reports in the Joint Committee on Printing — provided that the small staff of the Joint Committee on Printing is willing to undertake the task.

Making it perfectly clear that I was not representing

the views of anyone except myself, I suggested that, if he wishes to place this responsibility in someone with a sizeable staff, he could require the Attorney General to control the distribution to officials in the Executive Branch of the Government and the Librarian of Congress to control the distribution to officials in the Legislative Branch of the Government. I do not know how much of an impression this made on Mr. Bernhardt; but I thought it might suggest a way out of his dilemma.

In considering the technical amendments suggested in the memorandum, Mr. Bernhardt seemed reluctant to retain the specific requirement that actual distribution shall continue to be made by the Superintendent of Documents, the language on page 8, lines 9-23 of the original Bill, or the proposed revision of 28 U. S. C. § 412. He seemed bent upon writing an extremely concise revision of 28 U. S. C. § 411, in which he would attempt to cover everything now covered by §§ 411 and 412. I told him that this was likely to get him into trouble and that the repeal of § 412 and other provisions of existing law might cause confusion, regardless of whether or not their retention is absolutely necessary. However, I am not sure that this made much impression upon him. I hope that it will make more of an impression when he has time to think it over.

During my conversation with The Chief Justice and Mr.

82D CONGRESS
1ST SESSION

H. R. 4109

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 1951

Mr. CELLER introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend section 73 of the Act of January 12, 1895, as amended, relating to the printing, binding, and distribution of the Statutes at Large, and sections 411, 412, and 413 of title 28, United States Code, relating to the printing, binding, and distribution of decisions of the Supreme Court of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 3 of the Act approved March 3, 1873 (17
4 Stat. 578; R. S. 387; 5 U. S. C. 339), is hereby repealed.
5 SEC. 2. That so much of section 73 of the Printing Act,
6 approved January 12, 1895 (28 Stat. 601, 615), as
7 amended, as relates to the printing, binding, and distribution

1 of the Statutes at Large (44 U. S. C. 196a), is hereby
2 further amended to read as follows:

3 “§ 196a. Same; distribution.

4 “The Public Printer shall, after the final adjournment
5 of each regular session of Congress, print and bind copies
6 of the Statutes at Large to be charged to the congressional
7 allotment for printing and binding. The number and distri-
8 bution of the copies shall be under the control of the Joint
9 Committee on Printing.”

10 SEC. 3. The analysis of chapter 19 of title 28, United
11 States Code, is hereby amended to read as follows:

“Sec.

“411. Supreme Court reports; printing, binding, and distribution.

“412. Supreme Court reports; cost and sale.

“413. Publications; distribution to courts.

“414. Transmittal of books to successors.

“415. Court of Claims decisions.”

12 SEC. 4. Section 411 of title 28, United States Code, as
13 amended, is hereby further amended to read as follows:

14 “§ 411. Supreme Court reports; printing, binding, and
15 distribution.

16 “(a) The decisions of the Supreme Court of the United
17 States shall be printed, bound, and distributed in the pre-
18 liminary prints and bound volumes of the United States
19 Reports as soon as practicable after rendition, to be charged
20 to the proper appropriation for the judiciary. The number

1 and distribution of the copies shall be under the control of
2 the Joint Committee on Printing.

3 “(b) Reports printed prior to June 12, 1926, shall not
4 be furnished the Secretary of the Army, the Secretary of the
5 Navy, or the Secretary of the Air Force.

6 “(c) The Public Printer, or other printer designated
7 by the Supreme Court of the United States, upon request,
8 shall furnish to the Superintendent of Documents the reports
9 required to be distributed under the provisions of this section.”

10 SEC. 5. Section 413 of title 28, United States Code, as
11 amended, is hereby further amended to read as follows:

12 “§ 413. Publications; distribution to courts

13 “Distribution of publications to Federal courts in accord-
14 ance with the provisions of this chapter shall not be made
15 to any place where such court is held in a building not owned
16 or controlled by the United States unless such publications are
17 committed to the custody of an officer of the United States at
18 such building.”

82D CONGRESS
1ST SESSION

H. R. 4109

A BILL

To amend section 73 of the Act of January 12, 1895, as amended, relating to the printing, binding, and distribution of the Statutes at Large, and sections 411, 412, and 413 of title 28, United States Code, relating to the printing, binding, and distribution of decisions of the Supreme Court of the United States, and for other purposes.

By Mr. Celler

MAY 15, 1951

Referred to the Committee on the Judiciary

File

Supreme Court of the United States
Office of the Reporter
Washington, D. C.

Reporter

June 29, 1951.

Dear Mr. Chief Justice:

Subject: H. R. 4109, a Bill relating to the
Printing, Binding and Distribution
of the United States Reports.

Yesterday morning Mr. Murray Bernhardt called me on the above subject. He said that the House Judiciary Committee had ordered the Bill reported sometime ago, but that the formal report had been delayed because of a request by the Superintendent of Documents that there be restored to the Bill an amendment contained in the original bill which would have the effect of permitting the Superintendent of Documents to sell the United States Reports for cost plus 50% (instead of cost plus 10%) and allow book dealers a 25% discount to encourage them to handle the books. Mr. Bernhardt wanted to know our views on that subject.

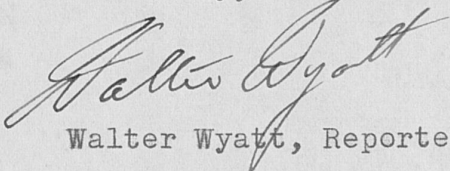
I told Mr. Bernhardt that I had discussed the subject with the Superintendent of Documents sometime ago; he assured me that the effect of the amendment would be to tend to broaden the sale of the United States Reports; that the Superintendent of Documents is very experienced in this business, knows much more about it than I do, and I have confidence in him; and that, on my recommendation, The Chief Justice decided sometime ago not to interpose any

objection to this amendment. Accordingly, in my informal memorandum of April 26, 1951, to Mr. Bernhardt, I had recommended that the proposed revision of 28 U. S. C. § 412 (which contains this amendment) be retained in the Bill with a slight change of phraseology. However, all amendments to § 412 had been omitted from the revised Bill, H. R. 4109, when it was introduced, thus leaving the existing law on this point unchanged.

Mr. Bernhardt did not say whether or not this amendment would be restored to the Bill; but, in view of what I told him, I think it probably will be restored. Therefore, I requested that, if this amendment is restored, he look at my memorandum of April 26 and put the revision of 28 U. S. C. § 412 in the form suggested in that memorandum. He made no comment on this, but I hope that he will follow this suggestion.

Mr. Bernhardt indicated that the Bill probably will be reported in about two weeks. He says he knows of no action in the Senate on the companion bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "Walter Wyatt".

Walter Wyatt, Reporter.

Honorable Fred M. Vinson,
The Chief Justice of the United States.

8/10/51

Supreme Court of the United States
Office of the Reporter
Washington, D. C.

August 9, 1951.

Dear Mr. Chief Justice:

The Bill, H. R. 4109, relating to the printing, binding and distribution of the United States Reports and the Statutes at Large, was reported by the Judiciary Committee to the House of Representatives on August 2, 1951. Copies of the committee report and the bill as reported are enclosed herewith. The provisions of the bill relating to the United States Reports are on page 2, line 10, through page 4, line 6. I believe that they are satisfactory from the standpoint of the Court.

The following are the principal changes from existing law relating to the United States Reports which will be made by the bill in its present form:

1. The statutory list of persons and agencies to receive free copies for official use would be abolished and the distribution of copies for this purpose would be placed under the control of the Joint Committee on Printing.

2. The amended law would require the cost to be charged to "the proper appropriation for the judiciary" (which is the present practice); and the present requirement of 28 U. S. C. § 412 that this cost be borne by "the

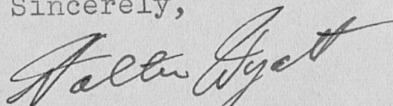
proper appropriation for the Department of Justice or the Judiciary as the case may be" would be eliminated.

3. The Department of Justice and the Administrative Office of United States Courts would be relieved of all statutory duties regarding the distribution of the Reports.

4. The present requirement of 28 U. S. C. § 412 that the Reports be sold to the public by the Superintendent of Documents at cost plus 10% would be changed so that he could handle them as he does all other public documents under 44 U. S. C. § 72 (a) -- i. e., price them at cost plus 50% but allow book dealers a 25% discount to encourage them to handle sales.

The bill contains no specific requirement that the Superintendent of Documents shall handle the actual distribution; but it is believed that this may be implied from the requirement (p. 3, lines 7-10) that the printer "shall furnish to the Superintendent of Documents the reports required to be distributed under the provisions of this section." At any rate, there is nothing in the bill which could be construed as requiring the actual distribution to be handled by the Court or any of its staff.

Sincerely,



Walter Wyatt, Reporter.

Encls.

Honorable Fred M. Vinson,
The Chief Justice of the United States.

PRINTING, BINDING, AND DISTRIBUTION OF UNITED
STATES REPORTS AND STATUTES AT LARGE

AUGUST 2, 1951.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. CRUMPACKER, from the Committee on the Judiciary, submitted
the following

R E P O R T

[To accompany H. R. 4109]

The Committee on the Judiciary, to whom was referred the bill (H. R. 4109) to amend section 73 of the act of January 12, 1895, as amended, relating to the printing, binding, and distribution of the Statutes at Large, and sections 411, 412, and 413 of title 28, United States Code, relating to the printing, binding, and distribution of decisions of the Supreme Court of the United States, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 2, between lines 11 and 12, change the chapter analysis heading for section 412 to "412. Sale of Supreme Court reports."

Page 3, between lines 9 and 10, insert the following new section:

SEC. 5. Section 412 of title 28, United States Code, is hereby amended to read as follows:

"The Public Printer or other printer designated by the Supreme Court of the United States, shall print such additional bound volumes and preliminary prints of such reports as may be required for sale to the public. Such additional copies shall be sold by the Superintendent of Documents, as provided by law."

Page 3, line 10, change the section designation "5" to "6".

STATEMENT

As originally introduced at the request of the Attorney General in the form of H. R. 2956, Eighty-second Congress, this bill was designed to amend or repeal certain provisions of existing law with respect to the distribution of the Statutes at Large, reports of decisions of the United States Supreme Court, and digests of such reports. After extensive study of the bill, including public hearings, the committee

concluded that the amendments actually required to the archaic statutes involved went so far beyond the mild adjustments sought by the Attorney General as to demand a sweeping simplification and reduction of the statutes so as to provide greater flexibility plus congressional control to avoid waste. Accordingly, we introduced a clean bill (H. R. 4109) which is reported and explained herewith.

Section 1

Section 1 of the bill repeals section 3 of the act of March 3, 1873 (17 Stat. 578; R. S. 387; 5 U. S. C. 339), which requires the Attorney General to keep a register of the Statutes at Large and the reports of the decisions of the United States Supreme Court, showing the quantity of each received from the Secretary of the Interior and, in addition, a record of their distribution. Since the duty of the Secretary of the Interior to furnish copies of these documents to the Attorney General pursuant to the act of March 3, 1873 (R. S. 386) has been heretofore abolished by a repeal of that statute, section 3 of the act of March 3, 1873 (citation supra), no longer serves a purpose and is eligible for repeal.

Section 2

Section 2 of the bill vastly simplifies section 73 of the Printing Act of January 12, 1895 (28 Stat. 601, 615), as amended (44 U. S. C. 196a), which relates to the printing, binding, and distribution of the Statutes at Large. The present law requires the Superintendent of Documents to deliver copies of the Statutes at Large (paid for out of a congressional appropriation for printing and binding), in the number specified to an elaborate, detailed list of Government officials, agencies, and offices. For practical purposes the Joint Committee on Printing has assumed the function of determining distribution, and periodically canvasses the list of recipients entitled by law to receive a certain number of copies, ascertains their requirements, passes upon their need for requested quantities up to the legal limit, and then directs the Superintendent of Documents to perform the physical delivery which is done via the mails. We judged the present law to be overly cumbersome and insufficiently flexible, because it is impractical to amend the statute every time there is a change in the organization of the Government or in the title of an official or agency of the Government. Therefore, in preparing and reporting the instant bill we abolished the statutory list of recipients and, in its place, substituted language directing the Public Printer to print and bind copies of the Statutes at Large at stated intervals, to be charged to the congressional allotment for printing and binding, and empowered the Joint Committee on Printing to control the number and distribution of copies. As under present procedure, the physical delivery of the copies will be attended to by the Superintendent of Documents as directed by the joint committee.

Our examination of the current distribution of Statutes at Large showed that most of the recipients have been relatively modest in their requirements and in most cases have been requesting from the Joint Committee on Printing allocations below their statutory entitlement. It was suggested that if the statute were changed so as to require each recipient to pay for what it orders an economy might be effected, due to the natural tendency for an agency to restrict its de-

mands when it must itself make payment. However, we learned that, while theoretically true, savings would not materialize in practice since the cost of paper work prospectively involved in each recipient going through the red tape of its own procurement procedure would collectively outweigh by far the charges now involved in a free distribution from the funds of the congressional appropriation for printing and binding. The net effect of the committee's recommendation in support of this section of the bill will be to formalize the very practical procedure now followed, and to eliminate a mass of unnecessary verbiage from the law.

Section 3

Section 3 of the bill amends the chapter analysis of chapter 19 of title 28, United States Code, so as to accommodate the altered catch line required by the amendments to sections 412 and 413 of title 28 in sections 5 and 6 of the bill.

Section 4

Section 4 (a) of the bill amends subsections (a) and (b) of section 411 of title 28, United States Code, with respect to printing, binding, and distribution of the preliminary prints (advance sheets) and bound volumes of United States Reports. In general, it accomplishes as to United States Reports improvements analogous in effect to those made by section 2 of the bill as to Statutes at Large. Under existing law the Attorney General and the Director of the Administrative Office of the United States Courts are charged with the responsibility for distributing copies of the reports of decisions of the United States Supreme Court to the officials, agencies, courts, and officers enumerated in those subsections. As a practical matter, such copies are distributed by the Superintendent of Documents pursuant to instructions issued by the Department of Justice and the Administrative Office of the United States Courts. The present statute provides in a detailed enumeration the precise number of copies which may be supplied to the named recipients. In addition, title 28, United States Code, section 411 (c) requires the Attorney General to supply a set of the digest of the United States Reports to the executive officers entitled to receive them, and to each United States attorney. These digests are prepared and sold by private publishers. The Department of Justice is presently required by law to purchase and supply 168 sets of them (including 149 sets for departments other than itself) at a cost of approximately \$23,000, and is without funds to discharge the obligation. It occurs to us that it is entirely reasonable to have each department in need of the digest, to buy its own from the private publisher.

Moreover, as we said with respect to Statutes at Large, the constant flux going on amongst our governmental agencies makes a statute imposing a rigid distribution formula covering United States Reports entirely too inelastic. For that reason, we recommend to the House of Representatives the simplified language of section 4 of the bill, which considerably shortens the present law by leaving the number and distribution of preliminary prints and bound volumes of the United States Reports under the control of the Joint Committee on Printing, with the cost of printing and binding to be borne by the proper appropriation for the Judiciary. Currently the costs involved

4 PRINTING OF UNITED STATES REPORTS AND STATUTES AT LARGE

with respect to these reports are charged to annual special appropriations to the Judiciary earmarked for that purpose at an annual cost of about \$90,000. Under our amendment the Reporter of the Decisions of the Supreme Court will continue to function, as he has historically done, in preparing the decisions of the Court for publication, i. e. preparing the headnotes, list of counsel, subject indexes, and tables of cases, plus other editorial work.

We encountered some reluctance on the part of several interested organizations in the executive and judicial branches of the Government to assume the task of determining the number and distribution of the copies. The Joint Committee on Printing offered to undertake this task. Since the Joint Committee already attends to the distribution of Statutes at Large in a highly efficient manner, we elected to give them this further burden as an insurance against waste.

Section 4 (b) prohibits the furnishing of reports printed prior to June 26, 1926, to the military departments. The similar provision in section 411 of title 28, United States Code, is amended so to eliminate the words "and digests", which becomes unnecessary in view of section 4 (a) of the reported bill. Section 4 (b) also adds a reference to the Secretaries of the Navy and Air Force, in order to conform with the separation of the latter Department and to include the former.

Section 4 (c) changes subsection (c) of section 411, title 28, slightly so as to require the furnishing of reports to the Superintendent of Documents for distribution rather than to the Attorney General and the Director of the Administrative Office of the United States Courts.

Section 5 (by committee amendment)

The inclusion of this amendment to section 412 of title 28, United States Code, will permit the Superintendent of Documents to sell United States Reports to book dealers at a 25 percent discount just as section 72a of title 44, United States Code, authorizes him to do as to other Government publications. Present law (28 U. S. C. 412) restricts him to granting a 10 percent discount as to United States Reports, which does not allow an adequate margin of profit on resale to induce book dealers to handle the sale of these volumes on a quantity basis. The letters from the Superintendent of Documents included in this report amplify the foregoing reasons for the amendment. We have slightly altered some phraseology in the amendment proposed by the Superintendent of Documents so as to make it conform to preferred language used elsewhere in the bill, but this meets with his approval.

It will also be observed that this section of the bill, in reenacting title 28, United States Code, section 412 in altered form, omits the opening sentence of the present section which charges the cost of printing United States Reports to the proper appropriation for the Judiciary or the Department of Justice. This was omitted because section 4 of the bill makes adequate provision.

Section 6

This provision is substantially identical with that now contained in the last paragraph of section 413, title 28, broadened to include the prohibition now contained in the second sentence of subsection (a) of section 411, title 28, which has been deleted from the proposed revision of section 411. In addition, however, the proposed amend-

ment adds the words "or controlled" after the words "in a building not owned." This change is to permit delivery where the United States controls the building, as well as where the United States holds title thereto.

The following letter from the Department of Justice, which initiated this legislation, is addressed to its original form as H. R. 2956, but is of value in describing the operation of the present law and in explaining the need for certain of the changes which we have recommended:

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, February 9, 1951.

The SPEAKER, HOUSE OF REPRESENTATIVES,
Washington, D. C.

MY DEAR MR. SPEAKER: The Department of Justice recommends the enactment of legislation to amend or repeal certain provisions of existing law with respect to the distribution of the Statutes at Large, reports of decisions of the United States Supreme Court, and digests of such reports, and submits herewith a draft of a bill to effectuate such recommendation.

The first section of the attached draft would repeal section 3 of the act of March 3, 1873 (17 Stat. 578; R. S. 387; 5 U. S. C. 339), which requires the Attorney General to keep a register of the Statutes at Large and the reports of the decisions of the Supreme Court, showing the quantity of each received from the Secretary of the Interior and, in addition, when, where, and to whom such statutes and reports have been distributed and delivered.

Section 2 of the act approved March 3, 1873 (R. S. 386), which required the Secretary of the Interior to furnish copies of the Statutes at Large and reports of the decisions of the Supreme Court to the Attorney General has been repealed, and such publications are no longer received from the Secretary of the Interior. It is apparent, therefore, that section 3 of the act is obsolete and no longer serves any useful purpose.

Section 2 of the draft of the proposed legislation would amend section 73 of the Printing Act approved January 12, 1895 (28 Stat. 601, 615), as amended (44 U. S. C. 196a), which section relates to the printing, binding, and distribution of the Statutes at Large. The act requires the Superintendent of Documents to deliver copies of the Statutes at Large, in the number specified, to certain officials, agencies, and offices, and contains a provision that there shall be delivered "To the Department of Justice, including those for the judges and officers of the United States and Territorial courts, not to exceed eight hundred copies." In addition, it is provided that there shall be furnished the "Department of Labor, including those for the officers of the Immigration and Naturalization Service, not to exceed one hundred and seventy-five copies."

Since the last amendment to section 73 of the Printing Act, the Administrative Office of the United States Courts has been established, and the Immigration and Naturalization Service has been transferred from the Department of Labor to the Department of Justice. Because one-half of the copies provided under existing law for the Department of Justice are distributed to the judges and officers of the United States and Territorial courts, and 50 of the copies supplied the Department of Labor actually are turned over to this Department for the Immigration and Naturalization Service, it is felt that existing law should be amended to reflect the recent changes in the administration of the courts and the Immigration and Naturalization Service. Accordingly, the attached draft would provide for the distribution of not to exceed 500 copies of the Statutes at Large to the Administrative Office of the United States Courts, including those for the judges and officers of the United States and Territorial courts, not to exceed 450 copies to the Department of Justice, including those for the officers of the Immigration and Naturalization Service; and not to exceed 125 copies to the Department of Labor.

In addition, and because of the recent establishment of the Department of Defense, the proposed draft would delete the language now contained in section 73 with respect to the distribution of copies to the War and Navy Departments (providing 200 copies for the former and 100 copies for the latter), and would substitute therefor the following: "To the Department of Defense, including those for the Department of the Air Force, the Department of the Army, and the Department of the Navy, not to exceed three hundred and twenty-five copies;".

Section 2 of the draft also contains certain other amendments of a minor nature which have been made for the sake of clarity and uniformity. None of these amendments changes the substantive provisions of existing law.

The following section of the draft would amend the analysis of chapter 19 of title 28 of the United States Code to reflect the substantive amendments to sections 411, 412, and 413 of title 28 which would be effected under sections 4, 5, and 6, respectively, of the proposed legislation.

Section 4 of the attached draft would amend subsections (a) and (b) of section 411 of title 28 of the United States Code in several respects. Under existing law, the Attorney General and the Director of the Administrative Office of the United States Courts are charged with the responsibility for distributing copies of the reports of decisions of the United States Supreme Court to the officials, agencies, courts, and officers enumerated in those subsections. As a practical matter, such copies are distributed by the Superintendent of Documents pursuant to instructions issued by this Department and the Administrative Office of the United States Courts. Since such instructions are concerned only with changes in names, addresses, and the like, there would seem to be no valid reason why the statute should not provide, as in the case of that governing the distribution of the Statutes at Large, that distribution shall be by the Superintendent of Documents.

In addition to the change outlined above, the draft would eliminate the second sentence of subsection (a) of section 411. The matter eliminated is, however, covered in the proposed amendment to section 413 of title 28, which amendment is contained in section 6 of the proposed legislation.

Subsection (c) of section 411 presently requires the Attorney General to furnish one set of the decisions of the Supreme Court and one set of the digests therefor to the executive officers entitled to receive such reports and who have not yet received them, and to each United States attorney who has not yet received such reports. A similar obligation is imposed on the Director of the Administrative Office of the United States Courts with respect to each judge of the United States and the courts of the Territories and possessions and to each place where courts of appeals and district courts are held to which such reports have been distributed. Because of the provisions of this subsection, the Department of Justice alone is now confronted with the legal requirement to purchase 168 sets of the new United States Supreme Court Reports Cooperative Digest at a cost of approximately \$23,000—149 of these sets would be for other departments and agencies of the Government, and the remaining 19 for the Department of Justice. In the past it has been necessary for the Department to do without publications considered necessary in order to fulfill its obligations under the statute to other departments and agencies. At the present time this Department does not have the funds required to carry out this obligation. Moreover, in view of the fact that all of the departments and agencies to which such publications would be distributed are provided funds for the purchase of necessary law books, it appears most illogical for the Department of Justice to be required to furnish these items.

With respect to the elimination of the requirement for furnishing copies of the volumes of decisions of the Supreme Court which have not been received by those officers, agencies, courts, and offices which are entitled to such reports, the recommendation is based on the fact that the volumes containing the earlier decisions of the Court are out of print and unavailable and, for that reason, it is practically impossible to carry out the mandate of the statute.

The provision which prohibits the furnishing of reports printed prior to June 12, 1926, to the Secretary of the Army for military headquarters, is presently included within section 411. However, the words "and digests" have been deleted in the proposed amendment to bring the provision in line with other proposed changes in section 411 which, in the draft of the proposed bill, contains no reference to such digests.

The language of subsection (d) of the attached draft is also contained in subsection (c) of section 411 of the existing law. The only change recommended is that the reports be furnished to the Superintendent of Documents, rather than to the Attorney General and to the Director of the Administrative Office of the United States Courts. This amendment is necessary, of course, in order to enable the Superintendent of Documents to carry out the obligations which would be imposed upon him under subsections (a) and (b).

In addition to the foregoing, a number of minor amendments relating to form have been included in the revision of section 411. None of these amendments affects, in any way, the substantive provisions of existing law.

Section 5 of the draft of the proposed measure would amend section 412 of title 28 of the United States Code to provide that the cost of furnishing reports of decisions of the Supreme Court in bound volumes or in pamphlets be charged to the proper appropriation for the judiciary, rather than to the appropriation "for the Department of Justice or the Judiciary, as the case may be." The proposed change is based on the fact that since the time when all administrative matters with respect to the United States courts were transferred to the Administrative Office of the United States Courts, the cost of printing the United States Reports has been paid from the appropriations made for the judiciary. Thus, the proposed amendment would change existing law to conform to present practice. Section 5 would also amend section 412 to place the sale of Supreme Court Reports on the same basis as the sale of other Government publications. This appears to be desirable to eliminate the administrative problems which arise in the Division of Public Documents, Government Printing Office, because other publications are priced in accordance with section 72a, title 44, United States Code.

The final section of the proposed bill would delete from section 413 of title 28 those provisions which grant permission to the Attorney General and the Director of the Administrative Office of the United States Courts to distribute complete sets of the Federal Reporter, or other publication containing the decisions of the courts of appeals, former circuit courts, and district courts, and digests and continuations thereof, to certain officials, agencies, courts, and officers of the Government.

The elimination of these provisions of section 413 is recommended for the reason that the section serves no useful purpose. While its provisions are permissive only and do not impose upon either the Department of Justice or the Administrative Office of the United States Courts the burdens imposed by section 411, this Department does not have funds available for the purchase of the reports and digests. Moreover, since each agency which requires such publications may be provided with appropriated funds with which to purchase the necessary reports and digests, the repeal of the provisions will not, it appears, result in any inconvenience.

Section 413 as proposed in the attached draft provides merely that the distribution of publications to Federal courts in accordance with the provisions of chapter 19, of title 28, shall not be made to any place where such court is held in a building not owned or controlled by the United States unless such publications are committed to the custody of an officer of the United States at such building. This provision is substantially identical with that now contained in section 413, broadened to include the prohibition now contained in the second sentence of subsection (a) of section 411, which has been deleted from the proposed revision of section 411. In addition, however, the proposed amendment adds the words "or controlled" after the words "in a building not owned." This change is to permit delivery where the United States controls the building, as well as where the United States holds title thereto.

For your convenience, there is also attached a copy of the draft of the proposed legislation showing in detail the changes proposed to be made in existing law.

The Director of the Bureau of the Budget has advised that the enactment of the proposed legislation would be in accord with the program of the President.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

The following letters from the Superintendent of Documents set forth the reasons for the committee amendment to the bill as to section 412 of title 28, United States Code:

UNITED STATES GOVERNMENT PRINTING OFFICE,
DIVISION OF PUBLIC DOCUMENTS,
Washington, D. C., June 5, 1951.

HON. EMANUEL CELLER,
House of Representatives,
House Office Building, Washington 25, D. C.

DEAR MR. CELLER: I have just seen a copy of H. R. 4109, providing for the amendment of sections 411, 412, and 413 of title 28, United States Code, relating to the printing, binding, and distribution of decisions of the Supreme Court of the United States. This bill, which you introduced on May 15, was referred to the Committee on the Judiciary. Despite the title of the bill, no mention is made in the text of section 412 of the United States Code, which governs the sale to the

8 PRINTING OF UNITED STATES REPORTS AND STATUTES AT LARGE

public by this Office of bound and pamphlet copies of the decisions of the Supreme Court of the United States.

I should like to recommend that there be inserted in the text of H. R. 4109 the following language immediately following section 4 on page 3:

"SEC. 5. Section 412 of title 28, United States Code, as amended, is hereby further amended to read as follows:

"The Public Printer, or other printer designated by the Supreme Court of the United States, shall print such additional bound and pamphlet copies of such reports as may be required for sale to the public. Such additional copies shall be sold by the Superintendent of Documents, as provided by law."

The inclusion of this language will enable us to sell decisions of the Supreme Court priced in accordance with title 44, section 72a, of the United States Code, in the same manner as all other Government publications sold by the Superintendent of Documents. The 10-percent markup provided by section 412 of the United States Code in its present form is not sufficient to allow us to offer the 25-percent discount which book dealers receive. This means that book dealers must either handle these reports without profit or sell them at a price higher than that which is printed in the book and at which the volume may be purchased directly from the Superintendent of Documents. Such a practice is not popular with either book dealers or their clientele, and the result is a curtailment in distribution of Supreme Court Reports by the reduction of the quantity sold through book-dealer channels.

The proposed amendment of section 412 of the United States Code appeared in an earlier bill (H. R. 2956) on this subject, but has been omitted from the current bill. Its inclusion will make it possible for us to place the sale of Supreme Court Reports on the same basis as the sale of other Government publications, and will result in a more effective distribution and wider circulation of these reports. It will make it easier for us to handle orders for all Government publications by having United States Reports for sale on the same basis as all other Government publications. We now have to give special training to all members of our staff in order to handle the sale of United States Reports to book dealers on a different basis than we handle other Government documents.

Sincerely,

ROY B. EASTIN,
Superintendent of Documents.

UNITED STATES GOVERNMENT PRINTING OFFICE,
DIVISION OF PUBLIC DOCUMENTS,
Washington 25, D. C., June 27, 1951.

HON. EMANUEL CELLER,
House of Representatives,
House Office Building, Washington 25, D. C.

DEAR MR. CELLER: In further reference to my letter of June 5, concerning the sale of Supreme Court Reports, I want to assure you that the language suggested would not in any manner increase costs to the Government but would actually result in an increase in revenue to the Treasury.

At the present time we are pricing Supreme Court Reports in accordance with section 412, title 28, United States Code, which provides for the selling price to be the cost plus 10 percent. If we are given the authority to price these reports in the same manner as all other Government publications (title 44, sec. 72a), we would price them at cost plus 50 percent. This would, of course, increase the selling price to the public, but would result in increased revenues to the Treasury. In addition, as outlined in my previous letter, we would be in a position to allow the 25-percent discount book dealers usually receive on purchases from this Office.

Sincerely,

ROY B. EASTIN,
Superintendent of Documents.

CHANGES IN EXISTING LAW MADE BY BILL AS REPORTED BY COMMITTEE

In compliance with clause 2a of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill as reported by the committee are shown as follows (existing law proposed to be

omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

(17 STAT. 578)

[SEC. 3. That a register of such books shall be kept, under the authority of the head of the Department of Justice, showing the quantity of each kind received by him in pursuance of this act; and it shall be his duty to cause to be entered in such register, and at the proper time, when, where, and to whom the same, or any part of them, have been distributed and delivered, and to report the same to Congress in his annual report.]

(28 STAT. 615)

[After the close of each Congress the Secretary of State shall have edited, printed, and bound a sufficient number of the volumes containing the Statutes at Large enacted by that Congress to enable him to distribute copies, or as many thereof as may be needed, as follows:

[To the President of the United States, four copies, one of which shall be for the library of the Executive Mansion; to the Vice-President of the United States, one copy; to each Senator, Representative, and Delegate in Congress, one copy; to the Librarian of the Senate, for the use of Senators, one hundred copies; to the Librarian of the House, for the use of Representatives and Delegates, two hundred copies; to the Library of Congress, fourteen copies, including four copies for the Law Library; to the Department of State, including those for the use of the legations and consulates, three hundred and eighty copies; to the Treasury Department, including those for the use of officers of customs, three hundred copies; to the War Department, seventy-five copies; to the Navy Department, seventy-five copies; to the Department of the Interior, including those for the use of surveyors-general and registers and receivers of public land offices, two hundred and fifty copies; to the Post-Office Department, fifty copies; to the Interstate Commerce Commission, ten copies; to the Department of Labor, five copies; to the Civil Service Commission, three copies; to the Department of Justice, including those for the use of the Chief Justice and associate justices of the Supreme Court, and the judges and the officers of the United States and Territorial courts and to State supreme court libraries, five hundred copies; to the Department of Agriculture, fifty copies; to the Smithsonian Institution, two copies; to the Government Printing Office, one copy, and the Public Printer shall deliver five hundred copies of the Statutes at Large to the superintendent of documents for distribution to State and Territorial libraries and to designated depositories. And the Secretary of State is authorized to have as many additional copies printed and bound as may in his opinion be needed for distribution and sale at cost thereof, not exceeding in any one year one thousand copies of the laws of any one Congress.]

(49 STAT. 1551, 1552)

[196a. SAME; DISTRIBUTION.—The Public Printer shall print, and after the final adjournment of each session of Congress, bind and deliver to the Superintendent of Documents as many copies of the Statutes at Large as may be required for distribution as follows:

[To the President of the United States, four copies, one of which shall be for the library of the Executive Mansion;

[To the Vice President of the United States, two copies;

[To each Senator, Representative, Delegate, and Resident Commissioner in Congress, one copy;

[To the office of the Parliamentary of the House of Representatives, two copies;

[To the offices of the Legislative Counsel of the Senate and House of Representatives, each, one copy;

[To the Senate Library, not to exceed twenty-five copies;

[To the House Library, not to exceed fifty copies;

[To the Library of Congress for international exchange and for official use in Washington, District of Columbia, not to exceed one hundred and fifty copies;

[To the library of the Supreme Court of the United States, for distribution to the Chief Justice and Associate Justices, the officers of the Court, and for use in the library, not to exceed twenty copies;

10 PRINTING OF UNITED STATES REPORTS AND STATUTES AT LARGE

- ¶To the Architect of the Capitol, one copy;
 - ¶To the Public Printer, two copies;
 - ¶To the National Archives, not to exceed five copies;
 - ¶To the Department of State, including those for the use of embassies, legations, and consulates, not to exceed six hundred copies;
 - ¶To the Treasury Department, including those for the use of officers of customs, not to exceed three hundred copies;
 - ¶To the War Department, not to exceed two hundred copies;
 - ¶To the Navy Department, not to exceed one hundred copies;
 - ¶To the Department of the Interior, including those for the use of the United States Supervisors of Surveys and registers and receivers of public-land offices, not to exceed three hundred copies;
 - ¶To the Post Office Department, not to exceed fifty copies;
 - ¶To the Department of Justice, including those for the judges and the officers of the United States and Territorial courts, not to exceed eight hundred copies;
 - ¶To the Department of Agriculture, not to exceed one hundred copies;
 - ¶To the Department of Commerce, not to exceed one hundred copies;
 - ¶To the Department of Labor, including those for the officers of the Immigration and Naturalization Service, not to exceed one hundred and seventy-five copies;
 - ¶To the government of the Philippine Islands, at Manila, ten copies;
 - ¶To the offices of the Governors of Alaska, Hawaii, Puerto Rico, and the Virgin Islands, each, two copies;
 - ¶To the office of the Governor of the Panama Canal, three copies;
 - ¶To the library of the court of last resort of each State, Territory, and insular possession, and of the District of Columbia, each, one copy;
 - ¶To each designated depository library in each State, Territory, and insular possession, one copy;
 - ¶To each independent office and establishment of the Government now in Washington, District of Columbia, or which hereafter may be created, not to exceed six copies; and
 - ¶To the library of the municipal government of the District of Columbia, the Naval Observatory, and the Smithsonian Institution, each, one copy.
- ¶In addition to the foregoing the Public Printer shall print one thousand two hundred copies of the Statutes at Large, of which three hundred copies shall be for the use of the Senate and nine hundred copies for the use of the House of Representatives. The "usual number" shall not be printed.】

§196a. *Same; distribution.*

"The Public Printer shall, after the final adjournment of each regular session of Congress, print and bind copies of the Statutes at Large to be charged to the congressional allotment for printing and binding. The number and distribution of the copies shall be under the control of the Joint Committee on Printing.

(52 STAT. 761)

¶SEC. 2. That so much of chapter 23, section 73 (28 Stat. 615), of the Printing Act, approved January 12, 1895, as amended (U. S. C., Supp. III, title 44, sec. 196a), as relates to the printing, binding, and distribution of the United States at Large, be, and is hereby, amended as follows:

¶(196a. SAME; DISTRIBUTION.) In the phrase "and after the final adjournment of each session of Congress", insert the word "regular" before the word "session", so that such phrase will read as follows: "and after the final adjournment of each regular session of Congress".

¶In the phrase "To the Senate Library, not to exceed twenty-five copies;" strike out the word "twenty-five" and insert "seventy-five", so that the phrase will read as follows: "To the Senate Library, not to exceed seventy-five copies;"

¶In the phrase "To the House Library, not to exceed fifty copies;" strike out the word "fifty" and insert "one hundred", so that the phrase will read as follows: "To the House Library, not to exceed one hundred copies;"】

TITLE 28, UNITED STATES CODE

§411. Supreme Court reports (and digests); printing, binding, and distribution.

¶(a) The decisions of the Supreme Court shall be printed, bound, and issued as soon as practicable after rendition. Distribution under this section shall not be made to any place where the court is held in a building not owned by the United States unless the volumes are committed to the custody of the United States officer there.

【The Attorney General shall distribute one copy of each volume to: The President; Secretary of State; Secretary of the Treasury; Secretary of War; Secretary of the Navy; Secretary of the Interior; Postmaster General; Attorney General; Secretary of Agriculture; Secretary of Commerce; Secretary of Labor; Solicitor General; the Assistant to the Attorney General; each Assistant Attorney General; each United States attorney; each Assistant Secretary of each executive department; each Assistant Postmaster General; Secretary of the Senate for use of Senate; Clerk of the House of Representatives for use of House; Senate Office of the Legislative Counsel; House Office of the Legislative Counsel; Governors of the Territories; Legal Adviser for Department of State; Treasurer of United States; General Counsel for Treasury Department; Comptroller General of the United States; Assistant Comptroller General; General Counsel of General Accounting Office; each chief of divisions in the General Accounting Office; Comptroller of the Currency; Director of the Budget; Assistant Director of the Budget; Commissioner of Internal Revenue; Director of the Mint; General Counsel of Bureau of the Budget; Judge Advocate General of the Army; Chief of Finance, War Department; Judge Advocate General of the Navy; Paymaster General of the Navy; Commissioner of Indian Affairs; Commissioner of the General Land Office; Administrator of Veterans' Affairs; Commissioner of Patents; Commissioner of Education; Chief of the Bureau of Marine Inspection and Navigation; Commissioner of Immigration and Naturalization; Director of the Geological Survey; Director of the Census; Chief Forester, National Park Service, Department of the Interior; Purchasing Agent of Post Office Department; Federal Trade Commission; Naval Academy; Military Academy; the heads of such other executive offices as may be provided by law of equal grade with any of such offices.

【The Director of the Administrative Office of the United States Courts shall distribute one copy of each volume to the Clerk and one copy to the Marshal of the Supreme Court of the United States and one copy to each justice or judge of the United States and of the courts of the Territories and Possessions, and to each place where a court of appeals or district court is regularly held.

【(b) Additional copies of such decisions, in the number specified, shall be distributed by the Attorney General to: Interstate Commerce Commission—sixteen copies; Library of Congress for the use of the law library and for international exchange—not to exceed one hundred and fifty copies each of the bound and advance editions; Law Library of the Department of the Interior—two copies; Law Library of the Department of Justice—five copies; Law Library of the Judge Advocate General of the Army—two copies; Secretary of the Senate for the use of committees of the Senate—thirty copies; Clerk of the House of Representatives for the use of committees of the House—thirty-five copies; Secretary of War for military headquarters which exercise general courtmartial jurisdiction—such number as the Secretary may specify, but not to exceed twenty-five copies in time of peace.

【Additional copies of such decisions, in the number specified by the Chief Justice of the United States, shall be furnished by the Director of the Administrative Office of the United States Courts to the Supreme Court for use of the justices, retired justices, officers and employees, and library of the Supreme Court.

【(c) The Attorney General shall distribute one set of reports and one set of digests thereof to the executive officers entitled to receive such reports who have not received them and to each United States attorney who has not received them. The Director of the Administrative Office of the United States Courts shall distribute one set of reports and one set of digests thereof to each judge of the United States and of the courts of the Territories and Possessions who has not received them and to each of the places where courts of appeals or district courts are held to which reports have not been distributed.】

(a) *The decisions of the Supreme Court of the United States shall be printed, bound, and distributed in the preliminary prints and bound volumes of the United States Reports as soon as practicable after rendition, to be charged to the proper appropriation for the judiciary. The number and distribution of the copies shall be under the control of the Joint Committee on Printing.*

(b) Reports [and digests] printed prior to June 12, 1926, shall not be furnished [to] the Secretary of [War for military headquarters.] the Army, the Secretary of the Navy, or the Secretary of the Air Force.

(c) The Public Printer or other printer designated by the Supreme Court [.] of the United States, upon request, shall furnish to the [Attorney General or to the Director of the Administrative Office of the United States Courts, as the case

12 PRINTING OF UNITED STATES REPORTS AND STATUTES AT LARGE

may be,] *Superintendent of Documents* the reports required to be distributed under this section.

§ 412. *Sale of Supreme Court reports* [; cost and sale].

[The cost of furnishing reports of the decisions of the Supreme Court in bound volumes and pamphlets shall be charged to the proper appropriation for the Department of Justice or the Judiciary as the case may be.] The Public Printer, or other printer designated by the Supreme Court [;] *of the United States*, shall print such additional bound *volumes* and [pamphlet copies] *preliminary prints* of such reports as may be required for sale to the public. Such additional copies shall be sold by the Superintendent of Documents, *as provided by law*, [at cost, plus 10 per centum, without limit as to the use, number of copies to any one applicant, or resale at a reasonable profit.]

§ 413. [Reports, digests, and other publications; purchase and distribution]
Publications; distribution to courts

[The Attorney General may procure and distribute a complete set of the Federal Reporter or other publication containing the decisions of the courts of appeals, former circuit courts, and district courts, digests and continuations thereof to the Department of Justice, the Solicitor General, the General Counsel for the Department of the Treasury, the Solicitor of the Department of the Interior, the Commissioner of Patents, and the Interstate Commerce Commission.

[He may also procure and distribute three complete sets to the Secretary of the Senate for use of the Senate and to the Clerk of the House of Representatives for use of the House.

[The Director of the Administrative Office of the United States Courts may procure and distribute a complete set of such publications to each judge of the United States and to the Court of Claims, Court of Customs and Patent Appeals, Customs Court, Tax Court, and each place where a court of appeals or district court is regularly held.

[Whenever any such court, office, or officer has a partial set of any such reports or digests already purchased or owned by the United States, the Attorney General or the Director, as the case may be, shall distribute only sufficient volumes to make a complete set thereof.]

Distribution of publications to federal courts in accordance with the provisions of this chapter [under this section] shall not be made to any place where such court is held in a building not owned or controlled by the United States, unless [the volumes] *such publications* are committed to the custody of [a] *the United States* [officer there.] *at such building.*

Union Calendar No. 243

82D CONGRESS
1ST SESSION

H. R. 4109

[Report No. 785]

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 1951

Mr. CELLER introduced the following bill; which was referred to the Committee on the Judiciary

AUGUST 2, 1951

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend section 73 of the Act of January 12, 1895, as amended, relating to the printing, binding, and distribution of the Statutes at Large, and sections 411, 412, and 413 of title 28, United States Code, relating to the printing, binding, and distribution of decisions of the Supreme Court of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 3 of the Act approved March 3, 1873 (17
4 Stat. 578; R. S. 387; 5 U. S. C. 339), is hereby repealed.

5 SEC. 2. That so much of section 73 of the Printing Act,
6 approved January 12, 1895 (28 Stat. 601, 615), as
7 amended, as relates to the printing, binding, and distribution

1 of the Statutes at Large (44 U. S. C. 196a), is hereby
2 further amended to read as follows:

3 “§ 196a. Same; distribution.

4 “The Public Printer shall, after the final adjournment
5 of each regular session of Congress, print and bind copies
6 of the Statutes at Large to be charged to the congressional
7 allotment for printing and binding. The number and distri-
8 bution of the copies shall be under the control of the Joint
9 Committee on Printing.”

10 SEC. 3. The analysis of chapter 19 of title 28, United
11 States Code, is hereby amended to read as follows:

“Sec.

“411. Supreme Court reports; printing, binding, and distribution.

“412. ~~Supreme Court reports; cost and sale.~~ *Sale of Supreme Court reports.*

“413. Publications; distribution to courts.

“414. Transmittal of books to successors.

“415. Court of Claims decisions.”

12 SEC. 4. Section 411 of title 28, United States Code, as
13 amended, is hereby further amended to read as follows:

14 “§ 411. Supreme Court reports; printing, binding and
15 distribution.

16 “(a) The decisions of the Supreme Court of the United
17 States shall be printed, bound, and distributed in the pre-
18 liminary prints and bound volumes of the United States
19 Reports as soon as practicable after rendition, to be charged

1 to the proper appropriation for the judiciary. The number
2 and distribution of the copies shall be under the control of
3 the Joint Committee on Printing.

4 “(b) Reports printed prior to June 12, 1926, shall not
5 be furnished the Secretary of the Army, the Secretary of the
6 Navy, or the Secretary of the Air Force.

7 “(c) The Public Printer, or other printer designated
8 by the Supreme Court of the United States, upon request,
9 shall furnish to the Superintendent of Documents the reports
10 required to be distributed under the provisions of this section.”

11 *SEC. 5. Section 412 of title 28, United States Code, is*
12 *hereby amended to read as follows:*

13 “§ 412. *Sale of Supreme Court reports*

14 “*The Public Printer, or other printer designated by the*
15 *Supreme Court of the United States shall print such addi-*
16 *tional bound volumes and preliminary prints of such reports*
17 *as may be required for sale to the public. Such additional*
18 *copies shall be sold by the Superintendent of Documents, as*
19 *provided by law.”.*

20 *SEC. 6. Section 413 of title 28, United States Code, as*
21 *amended, is hereby further amended to read as follows:*

22 “§ 413. *Publications; distribution to courts*

1 "Distribution of publications to Federal courts in accord-
 2 ance with the provisions of this chapter shall not be made
 3 to any place where such court is held in a building not owned
 4 or controlled by the United States unless such publications are
 5 committed to the custody of an officer of the United States
 6 at such building."

Union Calendar No. 243

82ND CONGRESS
 1ST SESSION

H. R. 4109

[Report No. 785]

A BILL

To amend section 73 of the Act of January 12, 1895, as amended, relating to the printing, binding, and distribution of the Statutes at Large, and sections 411, 412, and 413 of title 28, United States Code, relating to the printing, binding, and distribution of decisions of the Supreme Court of the United States, and for other purposes.

By Mr. Celler

MAY 15, 1951

Referred to the Committee on the Judiciary

AUGUST 2, 1951

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

noted
10-16-51

Supreme Court of the United States
Office of the Reporter
Washington, D. C.

RECEIVED
OCT 16 3 24 AM '51
CHAMBERS OF THE
CHIEF JUSTICE
October 16, 1951.

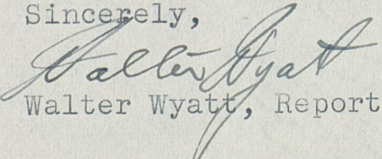
Dear Mr. Chief Justice:

I was informed yesterday that the Senate Judiciary Committee had neither taken nor scheduled any action on H. R. 4109, the Bill relating to the printing, binding and distribution of the Statutes at Large and the United States Reports. Of course, this means that no further action will be taken before the next session of Congress.

For your information, there is enclosed a copy of the Bill in the form in which it passed the House on August 20, 1951. There were no amendments except those incorporated in the Bill as reported by the House Judiciary Committee on August 2. My letter of August 9 points out the principle changes it would make in the law relating to the United States Reports, if enacted in this form. I believe it is satisfactory from the standpoint of the Court.

There was very little discussion of the Bill when it passed the House. This may be found on pages 10558-9 of the Congressional Record for August 20, 1951.

Sincerely,


Walter Wyatt, Reporter.

Encl.

Honorable Fred M. Vinson,
The Chief Justice of the United States.

82D CONGRESS
1ST SESSION

H. R. 4109

IN THE SENATE OF THE UNITED STATES

AUGUST 21 (legislative day, AUGUST 1), 1951

Read twice and referred to the Committee on the Judiciary

AN ACT

To amend section 73 of the Act of January 12, 1895, as amended, relating to the printing, binding, and distribution of the Statutes at Large, and sections 411, 412, and 413 of title 28, United States Code, relating to the printing, binding, and distribution of decisions of the Supreme Court of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 3 of the Act approved March 3, 1873 (17
4 Stat. 578; R. S. 387; 5 U. S. C. 339), is hereby repealed.

5 SEC. 2. That so much of section 73 of the Printing Act,
6 approved January 12, 1895 (28 Stat. 601, 615), as
7 amended, as relates to the printing, binding, and distribution
8 of the Statutes at Large (44 U. S. C. 196a), is hereby
9 further amended to read as follows:

1 “§ 196a. Same; distribution.

2 “The Public Printer shall, after the final adjournment
3 of each regular session of Congress, print and bind copies
4 of the Statutes at Large to be charged to the congressional
5 allotment for printing and binding. The number and distri-
6 bution of the copies shall be under the control of the Joint
7 Committee on Printing.”

8 SEC. 3. The analysis of chapter 19 of title 28, United
9 States Code, is hereby amended to read as follows:

“Sec.

“411. Supreme Court reports; printing, binding, and distribution.

“412. Sale of Supreme Court reports.

“413. Publications; distribution to courts.

“414. Transmittal of books to successors.

“415. Court of Claims decisions.”

10 SEC. 4. Section 411 of title 28, United States Code, as
11 amended, is hereby further amended to read as follows:

12 “§ 411. Supreme Court reports; printing, binding and
13 distribution.

14 “(a) The decisions of the Supreme Court of the United
15 States shall be printed, bound, and distributed in the pre-
16 liminary prints and bound volumes of the United States
17 Reports as soon as practicable after rendition, to be charged
18 to the proper appropriation for the judiciary. The number
19 and distribution of the copies shall be under the control of
20 the Joint Committee on Printing.

1 “(b) Reports printed prior to June 12, 1926, shall not
2 be furnished the Secretary of the Army, the Secretary of the
3 Navy, or the Secretary of the Air Force.

4 “(c) The Public Printer, or other printer designated
5 by the Supreme Court of the United States, upon request,
6 shall furnish to the Superintendent of Documents the reports
7 required to be distributed under the provisions of this
8 section.”

9 SEC. 5. Section 412 of title 28, United States Code, is
10 hereby amended to read as follows:

11 “§ 412. Sale of Supreme Court reports

12 “The Public Printer, or other printer designated by the
13 Supreme Court of the United States shall print such addi-
14 tional bound volumes and preliminary prints of such reports
15 as may be required for sale to the public. Such additional
16 copies shall be sold by the Superintendent of Documents, as
17 provided by law.”.

18 SEC. 6. Section 413 of title 28, United States Code, as
19 amended, is hereby further amended to read as follows:

20 “§ 413. Publications; distribution to courts

21 “Distribution of publications to Federal courts in accord-
22 ance with the provisions of this chapter shall not be made
23 to any place where such court is held in a building not owned

82^d CONGRESS
1ST SESSION

H. R. 4109

AN ACT

To amend section 73 of the Act of January 12, 1895, as amended, relating to the printing, binding, and distribution of the Statutes at Large, and sections 411, 412, and 413 of title 28, United States Code, relating to the printing, binding, and distribution of decisions of the Supreme Court of the United States, and for other purposes.

AUGUST 21 (legislative day, AUGUST 1), 1951

Read twice and referred to the Committee on the
Judiciary

File

Supreme Court of the United States
Office of the Reporter
Washington, D. C.

June 13, 1952.

Dear Mr. Chief Justice:

After lying dormant since August 21, 1951, H. R. 4109, the bill relating to the printing and distribution of the Statutes at Large and the United States Reports, was reported by the Senate Judiciary Committee on Monday, June 9, 1952.

The Committee recommended some amendments; but none of them affected the part relating to the printing and distribution of the United States Reports, which passed the House in a form believed to be satisfactory from the standpoint of the Court.

The following are the principal changes from existing law relating to the United States Reports which will be made by the bill in its present form:

1. The statutory list of persons and agencies to receive free copies for official use would be abolished and the distribution of copies for this purpose would be placed under the control of the Joint Committee on Printing.

2. The amended law would require the cost to be charged to "the proper appropriation for the judiciary" (which is the present practice); and the present requirement of 28 U. S. C. § 412 that this cost be borne by "the proper appropriation for the Department of Justice or the Judiciary as the case may be" would be eliminated.

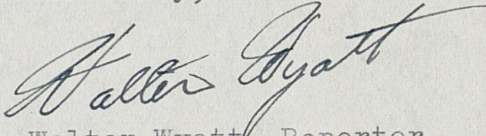
2.

3. The Department of Justice and the Administrative Office of United States Courts would be relieved of all statutory duties regarding the distribution of the Reports.

4. The present requirement of 28 U. S. C. § 412 that the Reports be sold to the public by the Superintendent of Documents at cost plus 10% would be changed so that he could handle them as he does all other public documents under 44 U. S. C. § 72 (a) -- i. e., price them at cost plus 50% but allow book dealers a 25% discount to encourage them to handle sales.

Copies of the committee report and of the bill as reported by the Senate Committee are enclosed herewith.

Sincerely,


Walter Wyatt, Reporter.

Encls.

Honorable Fred M. Vinson,
The Chief Justice of the United States.

CHIEF OF BUREAU
CHRYSLER
JAN 12 11 30 AM '33
RECEIVED

Calendar No. 1645

82D CONGRESS }
2d Session }

SENATE

} REPORT
No. 1714

PRINTING, BINDING, AND DISTRIBUTION OF UNITED STATES REPORTS AND STATUTES AT LARGE

JUNE 9 (legislative day, JUNE 5), 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4109]

The Committee on the Judiciary, to which was referred the bill (H. R. 4109) to amend section 73 of the act of January 12, 1895, as amended, relating to the printing, binding, and distribution of the Statutes at Large, and sections 411, 412, and 413 of title 28, United States Code, relating to the printing, binding, and distribution of decisions of the Supreme Court of the United States, and for other purposes, having considered the same, reports favorably thereon, with amendments, and recommends that the bill, as amended, do pass.

AMENDMENTS

(1) On page 4, after line 3, insert the following new section:

SEC. 7. Section 56 of the Printing Act, approved January 12, 1895 (28 Stat. 609), as amended, relating to the printing and distribution of public and private laws, postal conventions, and treaties in slip form (44 U. S. C. 191), is hereby further amended to read as follows:

"SEC. 56. The Public Printer shall print in slip form copies of public and private laws, postal conventions, and treaties, to be charged to the congressional allotment for printing and binding. The number and distribution of copies shall be under the control of the Joint Committee on Printing."

(2) On page 2, line 1, delete the following:

§ 196a. Same; distribution.

The proposed amendment No. 1 is added pursuant to the suggestion of the General Services Administration, with the agreement of the Joint Committee on Printing. The proposed amendment is in accord with the general objective of the bill, and will bring up to date and

simplify an additional obsolete provision of law relating to the printing and distribution of copies in slip form of public and private laws, postal conventions and treaties, by providing for flexibility in the administration of this function under congressional control.

The proposed amendment No. 2 is of a technical nature to perfect the form of the bill.

PURPOSE

The purpose of the proposed legislation, as amended, is to amend sections 56 and 73 of the act of January 12, 1895, as amended, relating to the printing, binding, and distribution of copies in slip form of public and private laws, postal conventions and treaties, and of the Statutes at Large, respectively; and sections 411, 412, and 413 of titles 28, United States Code, relating to the printing, binding, and distribution of the decisions of the Supreme Court of the United States, so as to place the control of said functions under the Joint Committee on Printing, and so as to revise the provisions for public sale of the preliminary prints and the bound volumes of the decisions of the Supreme Court of the United States.

STATEMENT

The report of the House Committee on the Judiciary to accompany this bill (H. Rept. No. 785, 82d Cong., 1st sess.) contains an illuminating account of the genesis of this bill as it was passed by the House of Representatives, and an excellent sectional analysis of sections 1 through 6 of this proposed legislation.

(Section 7 has been added by amendment in the Senate Committee on the Judiciary, as explained above, and further explanation of section 7 is to be found in the letter dated March 14, 1952, to Hon. Pat McCarran, chairman of the committee, from Hon. Jess Larson, Administrator of the General Services Administration, which letter is appended to and made a part of this report.)

For informational purposes the major portion of the House report, referred to above, is adopted and incorporated herein, as follows:

As originally introduced at the request of the Attorney General in the form of H. R. 2956, Eighty-second Congress, this bill was designed to amend or repeal certain provisions of existing law with respect to the distribution of the Statutes at Large, reports of decisions of the United States Supreme Court, and digests of such reports. After extensive study of the bill, including public hearings, the committee concluded that the amendments actually required to the archaic statutes involved went so far beyond the mild adjustments sought by the Attorney General as to demand a sweeping simplification and reduction of the statutes so as to provide greater flexibility plus congressional control to avoid waste. Accordingly, we introduced a clean bill (H. R. 4109) which is reported and explained herewith.

Section 1

Section 1 of the bill repeals section 3 of the act of March 3, 1873 (17 Stat. 578; R. S. 387; 5 U. S. C. 339), which requires the Attorney General to keep a register of the Statutes at Large and the reports of the decisions of the United States Supreme Court, showing the quantity of each received from the Secretary of the Interior and, in addition, a record of their distribution. Since the duty of the Secretary of the Interior to furnish copies of these documents to the Attorney General pursuant to the act of March 3, 1873 (R. S. 386) has been heretofore abolished by a repeal of that statute, section 3 of the act of March 3, 1873 (citation supra), no longer serves a purpose and is eligible for repeal.

Section 2

Section 2 of the bill vastly simplifies section 73 of the Printing Act of January 12, 1895 (28 Stat. 601, 615), as amended (44 U. S. C. 196a), which relates to the printing, binding, and distribution of the Statutes at Large. The present law requires the Superintendent of Documents to deliver copies of the Statutes at Large (paid for out of a congressional appropriation for printing and binding), in the number specified to an elaborate, detailed list of Government officials, agencies, and offices. For practical purposes the Joint Committee on Printing has assumed the function of determining distribution, and periodically canvasses the list of recipients entitled by law to receive a certain number of copies, ascertains their requirements, passes upon their need for requested quantities up to the legal limit, and then directs the Superintendent of Documents to perform the physical delivery which is done via the mails. We judged the present law to be overly cumbersome and insufficiently flexible, because it is impractical to amend the statute every time there is a change in the organization of the Government or in the title of an official or agency of the Government. Therefore, in preparing and reporting the instant bill we abolished the statutory list of recipients and, in its place, substituted language directing the Public Printer to print and bind copies of the Statutes at Large at stated intervals, to be charged to the congressional allotment for printing and binding, and empowered the Joint Committee on Printing to control the number and distribution of copies. As under present procedure, the physical delivery of the copies will be attended to by the Superintendent of Documents as directed by the joint committee.

Our examination of the current distribution of Statutes at Large showed that most of the recipients have been relatively modest in their requirements and in most cases have been requesting from the Joint Committee on Printing allocations below their statutory entitlement. It was suggested that if the statute were changed so as to require each recipient to pay for what it orders an economy might be effected, due to the natural tendency for an agency to restrict its demands when it must itself make payment. However, we learned that, while theoretically true, savings would not materialize in practice since the cost of paper work prospectively involved in each recipient going through the red tape of its own procurement procedure would collectively outweigh by far the charges now involved in a free distribution from the funds of the congressional appropriation for printing and binding. The net effect of the committee's recommendation in support of this section of the bill will be to formalize the very practical procedure now followed, and to eliminate a mass of unnecessary verbiage from the law.

Section 3

Section 3 of the bill amends the chapter analysis of chapter 19 of title 28, United States Code, so as to accommodate the altered catch line required by the amendments to sections 412 and 413 of title 28 in sections 5 and 6 of the bill.

Section 4

Section 4 (a) of the bill amends subsections (a) and (b) of section 411 of title 28, United States Code, with respect to printing, binding, and distribution of the preliminary prints (advance sheets) and bound volumes of United States Reports. In general, it accomplishes as to United States Reports improvements analogous in effect to those made by section 2 of the bill as to Statutes at Large. Under existing law the Attorney General and the Director of the Administrative Office of the United States Courts are charged with the responsibility for distributing copies of the reports of decisions of the United States Supreme Court to the officials, agencies, courts, and officers enumerated in those subsections. As a practical matter, such copies are distributed by the Superintendent of Documents pursuant to instructions issued by the Department of Justice and the Administrative Office of the United States Courts. The present statute provides in a detailed enumeration the precise number of copies which may be supplied to the named recipients. In addition, title 28, United States Code, section 411 (c) requires the Attorney General to supply a set of the digest of the United States Reports to the executive officers entitled to receive them, and to each United States attorney. These digests are prepared and sold by private publishers. The Department of Justice is presently required by law to purchase and supply 168 sets of them (including 149 sets for departments other than itself) at a cost of approximately \$23,000, and is without funds to discharge the obligation. It

4 PRINTING OF UNITED STATES REPORTS AND STATUTES AT LARGE

occurs to us that it is entirely reasonable to have each department in need of the digest to buy its own from the private publisher.

Moreover, as we said with respect to Statutes at Large, the constant flux going on amongst our governmental agencies makes a statute imposing a rigid distribution formula covering United States Reports entirely too inelastic. For that reason, we recommend to the House of Representatives the simplified language of section 4 of the bill, which considerably shortens the present law by leaving the number and distribution of preliminary prints and bound volumes of the United States Reports under the control of the Joint Committee on Printing, with the cost of printing and binding to be borne by the proper appropriation for the Judiciary. Currently the costs involved with respect to these reports are charged to annual special appropriations to the Judiciary earmarked for that purpose at an annual cost of about \$90,000. Under our amendment the Reporter of the Decisions of the Supreme Court will continue to function, as he has historically done, in preparing the decisions of the Court for publication, i. e., preparing the headnotes, list of counsel, subject indexes, and tables of cases, plus other editorial work.

We encountered some reluctance on the part of several interested organizations in the executive and judicial branches of the Government to assume the task of determining the number and distribution of the copies. The Joint Committee on Printing offered to undertake this task. Since the Joint Committee already attends to the distribution of Statutes at Large in a highly efficient manner, we elected to give them this further burden as an insurance against waste.

Section 4 (b) prohibits the furnishing of reports printed prior to June 26, 1926, to the military departments. The similar provision in section 411 of title 28, United States Code, is amended so to eliminate the words "and digests", which becomes unnecessary in view of section 4 (a) of the reported bill. Section 4 (b) also adds a reference to the Secretaries of the Navy and Air Force, in order to conform with the separation of the latter Department and to include the former.

Section 4 (c) changes subsection (c) of section 411, title 28, slightly so as to require the furnishing of reports to the Superintendent of Documents for distribution rather than to the Attorney General and the Director of the Administrative Office of the United States Courts.

Section 5 (by committee amendment)

The inclusion of this amendment to section 412 of title 28, United States Code, will permit the Superintendent of Documents to sell United States Reports to book dealers at a 25-percent discount just as section 72a of title 44, United States Code, authorizes him to do as to other Government publications. Present law (28 U. S. C. 412) restricts him to granting a 10-percent discount as to United States Reports, which does not allow an adequate margin of profit on resale to induce book dealers to handle the sale of these volumes on a quantity basis. The letters from the Superintendent of Documents included in this report amplify the foregoing reasons for the amendment. We have slightly altered some phraseology in the amendment proposed by the Superintendent of Documents so as to make it conform to preferred language used elsewhere in the bill, but this meets with his approval.

It will also be observed that this section of the bill, in reenacting title 28, United States Code, section 412, in altered form, omits the opening sentence of the present section which charges the cost of printing United States Reports to the proper appropriation for the Judiciary or the Department of Justice. This was omitted because section 4 of the bill makes adequate provision.

Section 6

This provision is substantially identical with that now contained in the last paragraph of section 413, title 28, broadened to include the prohibition now contained in the second sentence of subsection (a) of section 411, title 28, which has been deleted from the proposed revision of section 411. In addition, however, the proposed amendment adds the words "or controlled" after the words "in a building not owned." This change is to permit delivery where the United States controls the building, as well as where the United States holds title thereto.

The following letter from the Department of Justice, which initiated this legislation, is addressed to its original form as H. R. 2956, but is of value in describing the operation of the present law and in explaining the need for certain of the changes which we have recommended:

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, February 9, 1951.

The SPEAKER, HOUSE OF REPRESENTATIVES,
Washington, D. C.

MY DEAR MR. SPEAKER: The Department of Justice recommends the enactment of legislation to amend or repeal certain provisions of existing law with respect to the distribution of the Statutes at Large, reports of decisions of the United States Supreme Court, and digests of such reports, and submits herewith a draft of a bill to effectuate such recommendation.

The first section of the attached draft would repeal section 3 of the act of March 3, 1873 (17 Stat. 578; R. S. 387; 5 U. S. C. 339), which requires the Attorney General to keep a register of the Statutes at Large and the reports of the decisions of the Supreme Court, showing the quantity of each received from the Secretary of the Interior and, in addition, when, where, and to whom such statutes and reports have been distributed and delivered.

Section 2 of the act approved March 3, 1873 (R. S. 386), which required the Secretary of the Interior to furnish copies of the Statutes at Large and reports of the decisions of the Supreme Court to the Attorney General has been repealed, and such publications are no longer received from the Secretary of the Interior. It is apparent, therefore, that section 3 of the act is obsolete and no longer serves any useful purpose.

Section 2 of the draft of the proposed legislation would amend section 73 of the Printing Act approved January 12, 1895 (28 Stat. 601, 615), as amended (44 U. S. C. 196a), which section relates to the printing, binding, and distribution of the Statutes at Large. The act requires the Superintendent of Documents to deliver copies of the Statutes at Large, in the number specified, to certain officials, agencies, and offices, and contains a provision that there shall be delivered "To the Department of Justice, including those for the judges and officers of the United States and Territorial courts, not to exceed eight hundred copies." In addition, it is provided that there shall be furnished the "Department of Labor, including those for the officers of the Immigration and Naturalization Service, not to exceed one hundred and seventy-five copies."

Since the last amendment to section 73 of the Printing Act, the Administrative Office of the United States Courts has been established, and the Immigration and Naturalization Service has been transferred from the Department of Labor to the Department of Justice. Because one-half of the copies provided under existing law for the Department of Justice are distributed to the judges and officers of the United States and Territorial courts, and 50 of the copies supplied the Department of Labor actually are turned over to this Department for the Immigration and Naturalization Service, it is felt that existing law should be amended to reflect the recent changes in the administration of the courts and the Immigration and Naturalization Service. Accordingly, the attached draft would provide for the distribution of not to exceed 500 copies of the Statutes at Large to the Administrative Office of the United States Courts, including those for the judges and officers of the United States and Territorial courts, not to exceed 450 copies to the Department of Justice, including those for the officers of the Immigration and Naturalization Service; and not to exceed 125 copies to the Department of Labor.

In addition, and because of the recent establishment of the Department of Defense, the proposed draft would delete the language now contained in section 73 with respect to the distribution of copies to the War and Navy Departments (providing 200 copies for the former and 100 copies for the latter), and would substitute therefor the following: "To the Department of Defense, including those for the Department of the Air Force, the Department of the Army, and the Department of the Navy, not to exceed three hundred and twenty-five copies;".

Section 2 of the draft also contains certain other amendments of a minor nature which have been made for the sake of clarity and uniformity. None of these amendments changes the substantive provisions of existing law.

The following section of the draft would amend the analysis of chapter 19 of title 28 of the United States Code to reflect the substantive amendments to sections 411, 412, and 413 of title 28 which would be effected under sections 4, 5, and 6, respectively, of the proposed legislation.

Section 4 of the attached draft would amend subsections (a) and (b) of section 411 of title 28 of the United States Code in several respects. Under existing law, the Attorney General and the Director of the Administrative Office of the United States Courts are charged with the responsibility for distributing copies of the reports of decisions of the United States Supreme Court to the officials, agencies,

courts, and officers enumerated in those subsections. As a practical matter, such copies are distributed by the Superintendent of Documents pursuant to instructions issued by this Department and the Administrative Office of the United States Courts. Since such instructions are concerned only with changes in names, addresses, and the like, there would seem to be no valid reason why the statute should not provide, as in the case of that governing the distribution of the Statutes at Large, that distribution shall be by the Superintendent of Documents.

In addition to the change outlined above, the draft would eliminate the second sentence of subsection (a) of section 411. The matter eliminated is, however, covered in the proposed amendment to section 413 of title 28, which amendment is contained in section 6 of the proposed legislation.

Subsection (c) of section 411 presently requires the Attorney General to furnish one set of the decisions of the Supreme Court and one set of the digests therefor to the executive officers entitled to receive such reports and who have not yet received them, and to each United States attorney who has not yet received such reports. A similar obligation is imposed on the Director of the Administrative Office of the United States Courts with respect to each judge of the United States and the courts of the Territories and possessions and to each place where courts of appeals and district courts are held to which such reports have been distributed. Because of the provisions of this subsection, the Department of Justice alone is now confronted with the legal requirement to purchase 168 sets of the new United States Supreme Court Reports Cooperative Digest at a cost of approximately \$23,000—149 of these sets would be for other departments and agencies of the Government, and the remaining 19 for the Department of Justice. In the past it has been necessary for the Department to do without publications considered necessary in order to fulfill its obligations under the statute to other departments and agencies. At the present time this Department does not have the funds required to carry out this obligation. Moreover, in view of the fact that all of the departments and agencies to which such publications would be distributed are provided funds for the purchase of necessary lawbooks, it appears most illogical for the Department of Justice to be required to furnish these items.

With respect to the elimination of the requirement for furnishing copies of the volumes of decisions of the Supreme Court which have not been received by those officers, agencies, courts, and offices which are entitled to such reports, the recommendation is based on the fact that the volumes containing the earlier decisions of the Court are out of print and unavailable and, for that reason, it is practically impossible to carry out the mandate of the statute.

The provision which prohibits the furnishing of reports printed prior to June 12, 1926, to the Secretary of the Army for military headquarters, is presently included within section 411. However, the words "and digests" have been deleted in the proposed amendment to bring the provision in line with other proposed changes in section 411 which, in the draft of the proposed bill, contains no reference to such digests.

The language of subsection (d) of the attached draft is also contained in subsection (c) of section 411 of the existing law. The only change recommended is that the reports be furnished to the Superintendent of Documents, rather than to the Attorney General and to the Director of the Administrative Office of the United States Courts. This amendment is necessary, of course, in order to enable the Superintendent of Documents to carry out the obligations which would be imposed upon him under subsections (a) and (b).

In addition to the foregoing, a number of minor amendments relating to form have been included in the revision of section 411. None of these amendments affects, in any way, the substantive provisions of existing law.

Section 5 of the draft of the proposed measure would amend section 412 of title 28 of the United States Code to provide that the cost of furnishing reports of decisions of the Supreme Court in bound volumes or in pamphlets be charged to the proper appropriation for the judiciary, rather than to the appropriation "for the Department of Justice or the Judiciary, as the case may be." The proposed change is based on the fact that since the time when all administrative matters with respect to the United States courts were transferred to the Administrative Office of the United States Courts, the cost of printing the United States Reports has been paid from the appropriations made for the judiciary. Thus, the proposed amendment would change existing law to conform to present practice. Section 5 would also amend section 412 to place the sale of Supreme Court Reports on the same basis as the sale of other Government publications. This appears to be

desirable to eliminate the administrative problems which arise in the Division of Public Documents, Government Printing Office, because other publications are priced in accordance with section 72a, title 44, United States Code.

The final section of the proposed bill would delete from section 413 of title 28 those provisions which grant permission to the Attorney General and the Director of the Administrative Office of the United States Courts to distribute complete sets of the Federal Reporter, or other publication containing the decisions of the courts of appeals, former circuit courts, and district courts, and digests and continuations thereof, to certain officials, agencies, courts, and officers of the Government.

The elimination of these provisions of section 413 is recommended for the reason that the section serves no useful purpose. While its provisions are permissive only and do not impose upon either the Department of Justice or the Administrative Office of the United States Courts the burdens imposed by section 411, this Department does not have funds available for the purchase of the reports and digests. Moreover, since each agency which requires such publications may be provided with appropriated funds with which to purchase the necessary reports and digests, the repeal of the provisions will not, it appears, result in any inconvenience.

Section 413 as proposed in the attached draft provides merely that the distribution of publications to Federal courts in accordance with the provisions of chapter 19, of title 28, shall not be made to any place where such court is held in a building not owned or controlled by the United States unless such publications are committed to the custody of an officer of the United States at such building. This provision is substantially identical with that now contained in section 413, broadened to include the prohibition now contained in the second sentence of subsection (a) of section 411, which has been deleted from the proposed revision of section 411. In addition, however, the proposed amendment adds the words "or controlled" after the words "in a building not owned." This change is to permit delivery where the United States controls the building, as well as where the United States holds title thereto.

For your convenience, there is also attached a copy of the draft of the proposed legislation showing in detail the changes proposed to be made in existing law.

The Director of the Bureau of the Budget has advised that the enactment of the proposed legislation would be in accord with the program of the President.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

The following letters from the Superintendent of Documents set forth the reasons for the committee amendment to the bill as to section 412 of title 28, United States Code:

UNITED STATES GOVERNMENT PRINTING OFFICE,
DIVISION OF PUBLIC DOCUMENTS,
Washington, D. C., June 5, 1951.

HON. EMANUEL CELLER,
*House of Representatives,
House Office Building, Washington 25, D. C.*

DEAR MR. CELLER: I have just seen a copy of H. R. 4109, providing for the amendment of sections 411, 412, and 413 of title 28, United States Code, relating to the printing, binding, and distribution of decisions of the Supreme Court of the United States. This bill, which you introduced on May 15, was referred to the Committee on the Judiciary. Despite the title of the bill, no mention is made in the text of section 412 of the United States Code, which governs the sale to the public by this Office of bound and pamphlet copies of the decisions of the Supreme Court of the United States.

I should like to recommend that there be inserted in the text of H. R. 4109 the following language immediately following section 4 on page 3:

"SEC. 5. Section 412 of title 28, United States Code, as amended, is hereby further amended to read as follows:

"The Public Printer, or other printer designated by the Supreme Court of the United States, shall print such additional bound and pamphlet copies of such reports as may be required for sale to the public. Such additional copies shall be sold by the Superintendent of Documents, as provided by law."

The inclusion of this language will enable us to sell decisions of the Supreme Court priced in accordance with title 44, section 72a, of the United States Code, in the same manner as all other Government publications sold by the Superin-

8 PRINTING OF UNITED STATES REPORTS AND STATUTES AT LARGE

tendent of Documents. The 10-percent mark-up provided by section 412 of the United States Code in its present form is not sufficient to allow us to offer the 25-percent discount which book dealers receive. This means that book dealers must either handle these reports without profit or sell them at a price higher than that which is printed in the book and at which the volume may be purchased directly from the Superintendent of Documents. Such a practice is not popular with either book dealers or their clientele, and the result is a curtailment in distribution of Supreme Court Reports by the reduction of the quantity sold through book-dealer channels.

The proposed amendment of section 412 of the United States Code appeared in an earlier bill (H. R. 2956) on this subject, but has been omitted from the current bill. Its inclusion will make it possible for us to place the sale of Supreme Court Reports on the same basis as the sale of other Government publications, and will result in a more effective distribution and wider circulation of these reports. It will make it easier for us to handle orders for all Government publications by having United States Reports for sale on the same basis as all other Government publications. We now have to give special training to all members of our staff in order to handle the sale of United States Reports to book dealers on a different basis than we handle other Government documents.

Sincerely,

ROY B. EASTIN,
Superintendent of Documents.

UNITED STATES GOVERNMENT PRINTING OFFICE,
DIVISION OF PUBLIC DOCUMENTS,
Washington 25, D. C., June 27, 1951.

HON. EMANUEL CELLER,
House of Representatives,
House Office Building, Washington 25, D. C.

DEAR MR. CELLER: In further reference to my letter of June 5, concerning the sale of Supreme Court Reports, I want to assure you that the language suggested would not in any manner increase costs to the Government but would actually result in an increase in revenue to the Treasury.

At the present time we are pricing Supreme Court Reports in accordance with section 412, title 28, United States Code, which provides for the selling price to be the cost plus 10 percent. If we are given the authority to price these reports in the same manner as all other Government publications (title 44, sec. 72a), we would price them at cost plus 50 percent. This would, of course, increase the selling price to the public, but would result in increased revenues to the Treasury. In addition, as outlined in my previous letter, we would be in a position to allow the 25-percent discount book dealers usually receive on purchases from this Office.

Sincerely,

ROY B. EASTIN,
Superintendent of Documents.

GENERAL SERVICES ADMINISTRATION,
Washington 25, D. C., March 14, 1952.

HON. PAT McCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR McCARRAN: Reference is made to H. R. 4109, pending before your committee after passage by the House, to amend section 73 of the act of January 12, 1895, as amended, relating to the printing, binding, and distribution of the Statutes at Large, and sections 411, 412, and 413 of title 28, United States Code, relating to the printing, binding, and distribution of decisions of the Supreme Court of the United States, and for other purposes.

There is submitted herewith, and recommended for favorable action by your committee, a proposed amendment to H. R. 4109, headed "Slip laws amendment" and including provision that the number and distribution of copies in slip form of public and private laws, postal conventions, and treaties shall be under the control of the Joint Committee on Printing; to be in substitution for the present outmoded statute enumerating in detail the precise number of copies to be supplied to designated recipients.

Effectuation of this legislative proposal calls for amendment of section 56 of the Printing Act approved January 12, 1895 (28 Stat. 609; 44 U. S. C. 191),

which contains the provision that there shall be printed in slip form 2,110 copies of public laws and 760 copies of private laws, postal conventions, and treaties, and then specifies the exact number of copies to be distributed to named organizations in the Government. The amendment which we recommend would provide merely that the Public Printer would print in slip form copies of public and private laws, postal conventions, and treaties, to be charged against the congressional allotment for printing and binding, and that the number and distribution of copies shall be under the control of the Joint Committee on Printing.

We believe that the appropriate and simplest method of accomplishing the desired change would be amendment of H. R. 4109. The purpose of that bill is to simplify certain archaic statutes relating to the printing, binding, and distribution of the Statutes at Large and of the decisions of the Supreme Court, in order to provide greater flexibility in administration together with congressional control to avoid waste. This purpose would be achieved by replacing language enumerating in detail the precise number of copies to be distributed to designated recipients with an authorization for the control of distribution by the Joint Committee on Printing. The objective of H. R. 4109 impresses this Administration as a worthy one. We urge, however, that the measure be broadened to simplify, as we are proposing, the similar archaic provision of section 56 of the Printing Act of 1895 relating to the printing and distribution in slip form of public and private laws (for the publication of which the General Services Administration is now responsible under Reorganization Plan No. 20 of 1950) and of postal conventions and treaties.

The Bureau of the Budget has advised this Administration that there is no objection to the presentation of the enclosed amendment to the Congress.

Sincerely yours,

JESS LARSON, *Administrator.*

Enclosure.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

17 STATUTE 578, AS AMENDED; 5 UNITED STATES CODE 339

[SEC. 3. That a register of such books shall be kept, under the authority of the head of the Department of Justice, showing that the quantity of each kind received by him in pursuance of this act; and it shall be his duty to cause to be entered in such register, and at the proper time, when, where, and to whom the same, or any part of them, have been distributed and delivered.]

28 STATUTE 615, AS AMENDED; 44 UNITED STATES CODE 196A

[The Public Printer shall print, and after the final adjournment of each regular session of Congress, bind and deliver to the Superintendent of Documents as many copies of the Statutes at Large as may be required for distribution as follows:

[To the President of the United States, four copies, one of which shall be for the library of the Executive Mansion;

[To the Vice President of the United States, two copies;

[To each Senator, Representative, Delegate, and Resident Commissioner in Congress, one copy;

[To the office of the Parliamentarian of the House of Representatives, two copies;

[To the offices of the Legislative Counsel of the Senate and House of Representatives, each, one copy;

[To the Senate Library, not to exceed seventy-five copies;

[To the House Library, not to exceed one hundred copies;

[To the Library of Congress for international exchange and for official use in Washington, District of Columbia, not to exceed one hundred and fifty copies;

10 PRINTING OF UNITED STATES REPORTS AND STATUTES AT LARGE

[To the library of the Supreme Court of the United States, for distribution to the Chief Justice and Associate Justices, the officers of the Court, and for use in the library, not to exceed twenty copies;

[To the Architect of the Capitol, one copy;

[To the Public Printer, two copies;

[To the National Archives, not to exceed five copies;

[To the Department of State, including those for the use of embassies, legations, and consulates, not to exceed six hundred copies;

[To the Treasury Department, including those for the use of officers of customs, not to exceed three hundred copies;

[To the Department of the Army, not to exceed two hundred copies;

[To the Navy Department, not to exceed one hundred copies;

[To the Department of the Interior, not to exceed three hundred copies;

[To the Post Office Department, not to exceed fifty copies;

[To the Department of Justice, including those for the judges and the officers of the United States and Territorial courts, not to exceed eight hundred copies;

[To the Department of Agriculture, not to exceed one hundred copies;

[To the Department of Commerce, not to exceed one hundred copies;

[To the Department of Labor, including those for the officers of the Immigration and Naturalization Service, not to exceed one hundred and seventy-five copies;

[To the offices of the Governors of Alaska, Hawaii, Puerto Rico, and the Virgin Islands, each, two copies;

[To the office of the Governor of the Canal Zone, three copies;

[To the library of the court of last resort of each State, Territory, and insular possession, and of the District of Columbia, each, one copy;

[To each designated depository library in each State, Territory, and insular possession, one copy;

[To each independent office and establishment of the Government now in Washington, District of Columbia, or which hereafter may be created, not to exceed six copies; and

[To the library of the municipal government of the District of Columbia, the Naval Observatory, and the Smithsonian Institution, each, one copy.

[In addition to the foregoing the Public Printer shall print one thousand two hundred copies of the Statutes at Large, of which three hundred copies shall be for the use of the Senate and nine hundred copies for the use of the House of Representatives. The "usual number" shall not be printed.

[The Public Printer shall print and, after the end of each calendar year, bind and deliver to the Superintendent of Documents a number of copies of the United States Treaties and Other International Agreements not exceeding the number of copies of the Statutes at Large required for distribution in the manner provided by law.]

The Public Printer shall, after the final adjournment of each regular session of Congress, print and bind copies of the Statutes at Large to be charged to the congressional allotment for printing and binding. The number and distribution of the copies shall be under the control of the Joint Committee on Printing.

TITLE 28, UNITED STATES CODE

CHAPTER 19.—DISTRIBUTION OF REPORTS AND DIGESTS

[Sec.

411. Supreme Court reports and digests; printing, binding, and distribution.

412. Supreme Court reports; cost and sale.

413. Reports, digests, and other publications, purchase and distribution.

414. Transmittal of books to successors.

415. Court of Claims decisions.]

Sec.

411. Supreme Court reports; printing, binding, and distribution.

412. Sale of Supreme Court reports.

413. Publications; distribution to courts.

414. Transmittal of books to successors.

415. Court of Claims decisions.

TITLE 28, UNITED STATES CODE

§411. Supreme Court reports (and digests); printing, binding, and distribution.

[(a) The decisions of the Supreme Court shall be printed, bound, and issued as soon as practicable after rendition. Distribution under this section shall not be made to any place where the court is held in a building not owned by the United States unless the volumes are committed to the custody of the United States officer there.]

[The Attorney General shall distribute one copy of each volume to: The President; Secretary of State; Secretary of the Treasury; Secretary of War; Secretary of the Navy; Secretary of the Interior; Postmaster General; Attorney General; Secretary of Agriculture; Secretary of Commerce; Secretary of Labor; Solicitor General; the Assistant to the Attorney General; each Assistant Attorney General; each United States attorney; each Assistant Secretary of each executive department; each Assistant Postmaster General; Secretary of the Senate for use of Senate, Clerk of the House of Representatives for use of House, Senate Office of the Legislative Counsel; House Office of the Legislative Counsel; Governors of the Territories, Legal Adviser for Department of State; Treasurer of United States; General Counsel for Treasury Department; Comptroller General of the United States; Assistant Comptroller General; General Counsel of General Accounting Office; each chief of divisions in the General Accounting Office; Comptroller of the Currency; Director of the Budget; Assistant Director of the Budget; Commissioner of Internal Revenue; Director of the Mint; General Counsel of Bureau of the Budget; Judge Advocate General of the Army; Chief of Finance, War Department; Judge Advocate General of the Navy; Paymaster General of the Navy; Commissioner of Indian Affairs; Commissioner of the General Land Office; Administrator of Veterans' Affairs; Commissioner of Patents; Commissioner of Education; Chief of the Bureau of Marine Inspection and Navigation; Commissioner of Immigration and Naturalization; Director of the Geological Survey; Director of the Census; Chief Forester, National Park Service, Department of the Interior; Purchasing Agent of Post Office Department; Federal Trade Commission; Naval Academy; Military Academy; the heads of such other executive offices as may be provided by law of equal grade with any of such offices.]

[The Director of the Administrative Office of the United States Courts shall distribute one copy of each volume to the Clerk and one copy to the Marshal of the Supreme Court of the United States and one copy to each justice or judge of the United States and of the courts of the Territories and Possessions, and to each place where a court of appeals or district court is regularly held.]

[(b) Additional copies of such decisions, in the number specified, shall be distributed by the Attorney General to: Interstate Commerce Commission—sixteen copies; Library of Congress for the use of the law library and for international exchange—not to exceed one hundred and fifty copies each of the bound and advance editions; Law Library of the Department of the Interior—two copies; Law Library of the Department of Justice—five copies; Law Library of the Judge Advocate General of the Army—two copies; Secretary of the Senate for the use of committees of the Senate—thirty copies; Clerk of the House of Representatives for the use of committees of the House—thirty-five copies; Secretary of War for military headquarters which exercise general court-martial jurisdiction—such number as the Secretary may specify, but not to exceed twenty-five copies in time of peace.]

[Additional copies of such decisions, in the number specified by the Chief Justice of the United States, shall be furnished by the Director of the Administrative Office of the United States Courts to the Supreme Court for use of the justices, retired justices, officers and employees, and library of the Supreme Court.]

[(c) The Attorney General shall distribute one set of reports and one set of digests thereof to the executive officers entitled to receive such reports who have not received them and to each United States attorney who has not received them. The Director of the Administrative Office of the United States Courts shall distribute one set of reports and one set of digests thereof to each judge of the United States and of the courts of the Territories and Possessions who has not received them and to each of the places where courts of appeals or district courts are held to which reports have not been distributed.]

(a) The decisions of the Supreme Court of the United States shall be printed, bound, and distributed in the preliminary prints and bound volumes of the United States Reports as soon as practicable after rendition, to be charged to the proper appropriation for the judiciary. The number and distribution of the copies shall be under the control of the Joint Committee on Printing.

12 PRINTING OF UNITED STATES REPORTS AND STATUTES AT LARGE

(b) Reports [and digests] printed prior to June 12, 1926, shall not be furnished [to] the Secretary of [War for military headquarters.] *the Army, the Secretary of the Navy, or the Secretary of the Air Force.*

(c) The Public Printer or other printer designated by the Supreme Court [.] of the United States, upon request, shall furnish to the [Attorney General or to the Director of the Administrative Office of the United States Courts, as the case may be,] *Superintendent of Documents* the reports required to be distributed under this section.

§ 412. *Sale of Supreme Court reports* [; cost and sale].

[The cost of furnishing reports of the decisions of the Supreme Court in bound volumes and pamphlets shall be charged to the proper appropriation for the Department of Justice or the Judiciary as the case may be.] The Public Printer, or other printer designated by the Supreme Court [.] of the United States, shall print such additional bound volumes and [pamphlet copies] *preliminary prints* of such reports as may be required for sale to the public. Such additional copies shall be sold by the Superintendent of Documents, *as provided by law.* [at cost, plus 10 per centum, without limit as to the use, number of copies to any one applicant, or resale at a reasonable profit.]

§ 413. [Reports, digests, and other publications; purchase and distribution] *Publications; distribution to courts*

[The Attorney General may procure and distribute a complete set of the Federal Reporter or other publication containing the decisions of the courts of appeals, former circuit courts, and district courts, digests and continuations thereof to the Department of Justice, the Solicitor General, the General Counsel for the Department of the Treasury, the Solicitor of the Department of the Interior, the Commissioner of Patents, and the Interstate Commerce Commission.

[He may also procure and distribute three complete sets to the Secretary of the Senate for use of the Senate and to the Clerk of the House of Representatives for use of the House.

[The Director of the Administrative Office of the United States Courts may procure and distribute a complete set of such publications to each judge of the United States and to the Court of Claims, Court of Customs and Patent Appeals, Customs Court, Tax Court, and each place where a court of appeals or district court is regularly held.

[Whenever any such court, office, or officer has a partial set of any such reports or digests already purchased or owned by the United States, the Attorney General or the Director, as the case may be, shall distribute only sufficient volumes to make a complete set thereof.]

Distribution of publications to federal courts in accordance with the provisions of this chapter [under this section] shall not be made to any place where such court is held in a building not owned or controlled by the United States, unless [the volumes] *such publications* are committed to the custody of [a] the United States [officer there.] *at such building.*

28 STATUTE 609; 44 UNITED STATES CODE 191

[SEC. 56. There shall be printed in slip form one thousand eight hundred and ten copies of public and four hundred and sixty of private laws, postal conventions, treaties, which shall be distributed as follows: To the House document room, one thousand copies of public and one hundred copies of private laws; to the Senate document room, five hundred and fifty copies of public and one hundred copies of private laws; to the Department of State, five hundred copies of all laws; and to the Treasury Department, sixty of all laws. Postal conventions and treaties shall be distributed as private laws.]

SEC. 56. The Public Printer shall print in slip form copies of public and private laws, postal conventions, and treaties, to be charged to the congressional allotment for printing and binding. The number and distribution of copies shall be under the control of the Joint Committee on Printing.

Calendar No. 1645

82D CONGRESS
2D SESSION

H. R. 4109

[Report No. 1714]

IN THE SENATE OF THE UNITED STATES

AUGUST 21 (legislative day, AUGUST 1), 1951

Read twice and referred to the Committee on the Judiciary

JUNE 9 (legislative day, JUNE 5), 1952

Reported by Mr. McCARRAN, with amendments

[Omit the part struck through and insert the part printed in italic]

AN ACT

To amend section 73 of the Act of January 12, 1895, as amended, relating to the printing, binding, and distribution of the Statutes at Large, and sections 411, 412, and 413 of title 28, United States Code, relating to the printing, binding, and distribution of decisions of the Supreme Court of the United States, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That section 3 of the Act approved March 3, 1873 (17
- 4 Stat. 578; R. S. 387; 5 U. S. C. 339), is hereby repealed.
- 5 SEC. 2. That so much of section 73 of the Printing Act,
- 6 approved January 12, 1895 (28 Stat. 601, 615), as
- 7 amended, as relates to the printing, binding, and distribution

1 of the Statutes at Large (44 U. S. C. 196a), is hereby
 2 further amended to read as follows:

3 ~~"§ 196a. Same; distribution.~~

4 "The Public Printer shall, after the final adjournment
 5 of each regular session of Congress, print and bind copies
 6 of the Statutes at Large to be charged to the congressional
 7 allotment for printing and binding. The number and distri-
 8 bution of the copies shall be under the control of the Joint
 9 Committee on Printing."

10 SEC. 3. The analysis of chapter 19 of title 28, United
 11 States Code, is hereby amended to read as follows:

"Sec.

"411. Supreme Court reports; printing, binding, and distribution.

"412. Sale of Supreme Court reports.

"413. Publications; distribution to courts.

"414. Transmittal of books to successors.

"415. Court of Claims decisions."

12 SEC. 4. Section 411 of title 28, United States Code,
 13 as amended, is hereby further amended to read as follows:

14 "§ 411. Supreme Court reports; printing, binding and
 15 distribution.

16 "(a) The decisions of the Supreme Court of the United
 17 States shall be printed, bound, and distributed in the pre-
 18 liminary prints and bound volumes of the United States
 19 Reports as soon as practicable after rendition, to be charged
 20 to the proper appropriation for the judiciary. The number

1 and distribution of copies shall be under the control of
2 the Joint Committee on Printing.

3 “(b) Reports printed prior to June 12, 1926, shall not
4 be furnished the Secretary of the Army, the Secretary of the
5 Navy, or the Secretary of the Air Force.

6 “(c) The Public Printer, or other printer designated
7 by the Supreme Court of the United States, upon request,
8 shall furnish to the Superintendent of Documents the reports
9 required to be distributed under the provisions of this
10 section.”

11 SEC. 5. Section 412 of title 28, United States Code, is
12 hereby amended to read as follows:

13 “§ 412. Sale of Supreme Court reports
14 “The Public Printer, or other printer designated by the
15 Supreme Court of the United States shall print such addi-
16 tional bound volumes and preliminary prints of such reports
17 as may be required for sale to the public. Such additional
18 copies shall be sold by the Superintendent of Documents, as
19 provided by law.”.

20 SEC. 6. Section 413 of title 28, United States Code, as
21 amended, is hereby further amended to read as follows:

22 “§ 413. Publications; distribution to courts.

23 “Distribution of publications to Federal courts in accord-

1 loance with the provisions of this chapter shall not be made
2 to any place where such court is held in a building not owned
3 or controlled by the United States unless such publications
4 are committed to the custody of an officer of the United
5 States at such building."

6 *SEC. 7. Section 56 of the Printing Act, approved Janu-*
7 *ary 12, 1895 (28 Stat. 609), as amended, relating to the*
8 *printing and distribution of public and private laws, postal*
9 *conventions, and treaties in slip form (44 U. S. C. 191),*
10 *is hereby further amended to read as follows:*

11 *"SEC. 56. The Public Printer shall print in slip form*
12 *copies of public and private laws, postal conventions, and*
13 *treaties, to be charged to the congressional allotment for*
14 *printing and binding. The number and distribution of copies*
15 *shall be under the control of the Joint Committee on*
16 *Printing."*

Passed the House of Representatives August 20, 1951.

Attest: RALPH R. ROBERTS,

Clerk.

Calendar No. 1645

82ND CONGRESS
2ND SESSION

H. R. 4109

[Report No. 1714]

AN ACT

To amend section 73 of the Act of January 12, 1895, as amended, relating to the printing, binding, and distribution of the Statutes at Large, and sections 411, 412, and 413 of title 28, United States Code, relating to the printing, binding, and distribution of decisions of the Supreme Court of the United States, and for other purposes.

AUGUST 21 (legislative day, AUGUST 1), 1951

Read twice and referred to the Committee on the
Judiciary

JUNE 9 (legislative day, JUNE 5), 1952

Reported with amendments

File

Supreme Court of the United States
Office of the Reporter
Washington, D. C.

July 18, 1952.

Dear Mr. Chief Justice:

The Bill, H. R. 4109, relating to the printing, binding and distribution of the Statutes at Large and United States Reports, finally passed Congress and was approved by the President on July 10, 1952. It has been printed as Public Law 490 - 82d Congress - 2d Session - Chapter 632. A copy of the slip law is enclosed herewith through the courtesy of the Court's Library.

On June 13, 1952, I sent you a copy of the Bill as reported by the Senate Committee on the Judiciary and a copy of that Committee's report thereon. It passed in exactly the same form except for the addition in the following paragraph at the end of 28 U. S. C. § 413:

"The Attorney General and the Director in the procurement of law books, books of reference or periodicals may exchange or sell similar items and apply the allowance or proceeds to payment in whole or in part of the cost of the items procured."

The following are the principal changes from existing law relating to the United States Reports made by this Act:

1. The statutory list of persons and agencies to receive free copies for official use is abolished and the distribution of copies for this purpose is placed under the control of the Joint Committee on Printing.

2. The amended law requires the cost to be charged to "the proper appropriation for the judiciary" (which is the present practice); and the former requirement of 28 U. S. C. § 412 that this cost be borne by "the proper appropriation for the Department of Justice or the Judiciary as the case may be" is eliminated.

3. The Department of Justice and the Administrative Office of United States Courts are relieved of all statutory duties regarding the distribution of the Reports.

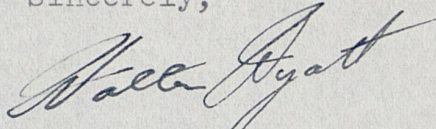
4. The former requirement of 28 U. S. C. § 412 that the Reports be sold to the public by the Superintendent of Documents at cost plus 10% is changed so that he can handle them as he does all other public documents under 44 U. S. C. § 72 (a) -- i.e., price them at cost plus 50% but allow book dealers a 25% discount to encourage them to handle sales.

Since the revision of 28 U. S. C. § 411 eliminates the language authorizing the Chief Justice to determine how many copies of the United States Reports shall be furnished to the Court for use of the Justices, retired Justices, officers and employees, and Library of the Supreme Court, and places the entire control over the distribution of copies for official use in the Joint Committee on Printing, it may be necessary for you to notify the Joint Committee on Printing how many copies will be required for these purposes. In addition to the number sent to the Librarian for the use of the members of the Court, retired Justices, the Library and other officers

3.

and employees of the Court (which I believe was 35 copies), this office needs 12 copies of each preliminary print and 9 copies of each bound volume for use in its work.

Sincerely,

A handwritten signature in cursive script, appearing to read "Walter Wyatt".

Walter Wyatt, Reporter.

Encl.

Honorable Fred M. Vinson,
The Chief Justice of the United States.

Public Law 490 - 82d Congress
Chapter 632 - 2d Session
H. R. 4109

AN ACT

To amend section 73 of the Act of January 12, 1895, as amended, relating to the printing, binding, and distribution of the Statutes at Large, and sections 411, 412, and 413 of title 28, United States Code, relating to the printing, binding, and distribution of decisions of the Supreme Court of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act approved March 3, 1873 (17 Stat. 578; R. S. 387; 5 U. S. C. 339), is hereby repealed. Printing and binding of certain publications.

SEC. 2. That so much of section 73 of the Printing Act, approved January 12, 1895 (28 Stat. 601, 615), as amended, as relates to the printing, binding, and distribution of the Statutes at Large (44 U. S. C. 196a), is hereby further amended to read as follows:

"The Public Printer shall, after the final adjournment of each regular session of Congress, print and bind copies of the Statutes at Large to be charged to the congressional allotment for printing and binding. The number and distribution of the copies shall be under the control of the Joint Committee on Printing." Statutes at Large.

SEC. 3. The analysis of chapter 19 of title 28, United States Code, is hereby amended to read as follows: Supreme Court reports.
62 Stat. 904.

"Sec.

"411. Supreme Court reports; printing, binding, and distribution.

"412. Sale of Supreme Court reports.

"413. Publications; distribution to courts.

"414. Transmittal of books to successors.

"415. Court of Claims decisions."

SEC. 4. Section 411 of title 28, United States Code, as amended, is hereby further amended to read as follows:

66 Stat. 540.

66 Stat. 541.

"§ 411. Supreme Court reports; printing, binding, and distribution.

"(a) The decisions of the Supreme Court of the United States shall be printed, bound, and distributed in the preliminary prints and bound volumes of the United States Reports as soon as practicable after rendition, to be charged to the proper appropriation for the judiciary. The number and distribution of the copies shall be under the control of the Joint Committee on Printing.

"(b) Reports printed prior to June 12, 1926, shall not be furnished the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force.

"(c) The Public Printer, or other printer designated by the Supreme Court of the United States, upon request, shall furnish to the Superintendent of Documents the reports required to be distributed under the provisions of this section."

SEC. 5. Section 412 of title 28, United States Code, is hereby amended to read as follows:

"§ 412. Sale of Supreme Court reports

"The Public Printer, or other printer designated by the Supreme Court of the United States shall print such additional bound volumes and preliminary prints of such reports as may be required for sale to the public. Such additional copies shall be sold by the Superintendent of Documents, as provided by law."

SEC. 6. Section 413 of title 28, United States Code, as amended, is hereby further amended to read as follows:

"§ 413. Publications; distribution to courts

"Distribution of publications to Federal courts in accordance with the provisions of this chapter shall not be made to any place where such court is held in a building not owned or controlled by the United

All 66 Stat. 541.

States unless such publications are committed to the custody of an officer of the United States at such building.

"The Attorney General and the Director in the procurement of law books, books of reference or periodicals may exchange or sell similar items and apply the allowance or proceeds to payment in whole or in part of the cost of the items procured."

SEC. 7. Section 56 of the Printing Act, approved January 12, 1895 (28 Stat. 609), as amended, relating to the printing and distribution of public and private laws, postal conventions, and treaties in slip form (44 U. S. C. 191), is hereby further amended to read as follows:

"SEC. 56. The Public Printer shall print in slip form copies of public and private laws, postal conventions, and treaties, to be charged to the congressional allotment for printing and binding. The number and distribution of copies shall be under the control of the Joint Committee on Printing."

Approved July 10, 1952.

Slip laws,
etc.