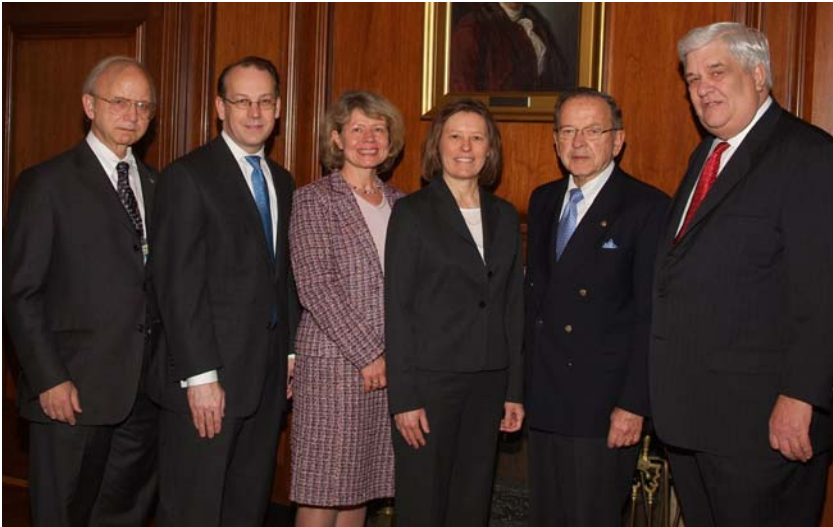


70th Anniversary Celebration of the *Federal Register*



From left: Archivist of the United States Allen Weinstein, Solicitor General Paul Clement, AALL President Claire Germain, Department of Justice staff member, U.S. Senate President Pro Tempore Ted Stevens, and Public Printer Bruce James spoke at the 70th anniversary celebration of the Federal Register at the Government Printing Office March 14.

by Claire Germain

I was honored to represent AALL at the March 14 gala event at the Government Printing Office (GPO) in Washington, D.C., commemorating the 70th anniversary of the first edition of the *Federal Register* (*FR*). Jointly sponsored by the National Archives and GPO, speakers in addition to myself included Public Printer Bruce James, Archivist of the United States Allen Weinstein, U.S. Senate President Pro Tempore Ted Stevens, and Solicitor General Paul Clement. It was an auspicious occasion before a packed auditorium that also honored five former directors of the Office of the Federal Register.

Public Printer James noted that not one day has passed since March 14, 1936, when the *FR* was first published, a remarkable record. Weinstein commended the historic partnership between the National Archives and Records Administration (NARA), the Department of Justice and GPO—the three agencies that form the Administrative Committee for the *FR*. And Sen. Stevens noted that more than 2.2 million pages had been published since he was first elected to Congress in 1968.

Solicitor General Clement provided fascinating historical details, including a reminder that it was Erwin Griswold's 1934 seminal article, titled "Government in Ignorance of the Law—A Plea for Better Publication of Executive Legislation," in the *Harvard Law Review* that led to Congress enacting legislation to create the *Federal Register*. Clement took pride in noting that Griswold worked in the Solicitor General's Office in the early 1930s and understood the crucial need to compile the unprecedented amount of legal materials resulting from New Deal legislation. Interestingly, Clement

also noted the frequency with which his office cites to the *FR* in cases before the Supreme Court and that he believes it has frequently helped the government prevail.

My role was to talk about the importance of the *FR* to the legal community, libraries, and our users. I began my remarks by noting that law librarians like the *FR* very much because it brought order to a confused mass of regulations that people did not know about. As Clement had pointed out, before 1936, no official source for rules and regulations of federal agencies existed, nor were agencies required to make their rules and regulations available to the public. In fact, in a well known instance, *Panama Refining Co. V. Ryan* reached the U.S. Supreme Court before the attorney general realized that the action was based on a regulation that had been revoked prior to the time the original action had begun (see Roy Mersky's *Fundamentals of Legal Research* 8th ed., at 259). As a result of that case, in 1935 Congress passed the *Federal Register Act*, providing for publication of the *Federal Register* beginning in 1936. It was soon accompanied by a codification of the regulations by subject in the *Code of Federal Regulations (CFR)*.

I took advantage of this wonderful occasion to compliment both hosts of the event, the National Archives and GPO, for their great Web sites that provide free online access to the *FR*. The National Archives, through its Office of the Federal Register, maintains a very useful and user friendly Web site that includes the *FR*, *CFR*, executive orders and presidential proclamations, and a "Public Inspection List" of documents to be published in the next day's *FR*. GPO Access maintains its online *FR* from 1994 forward, with PDF copies available from 1995. The GPO Access *FR* and *CFR* sites are both searchable and browseable.

I reminded the audience that historical collections of the *FR* are available in print and microform in law libraries and that members of the public can visit their local depository library for reference assistance and guidance. Often people come into the library not knowing that the response to their questions is in the *FR*. I also gently reminded the public printer and archivist that while we all embrace the transition to the electronic world, we must also ensure that the electronic versions of official legal documents—like the print—will one day be considered as official and authentic. We are not there yet at any level of U.S. government. Our hope is that the United States will follow the lead of other countries, like Belgium, a province in Canada, and a state in Australia, as well as France, where online legal materials in *Le Journal Officiel* have been certified using digital signatures to be the official, authentic versions since May 2004. This greatly enhances public access while saving a lot of money for the government.

Last summer, at my request, AALL began to develop a survey of the 50 states to determine which legal titles, if any, are considered official and authentic. The survey's findings will assist us in education and advocacy efforts at all levels of government. Currently, only the print version of statutes and court decisions are considered to be official and authentic. AALL wants to be proactive and help federal and state governments come up with trusted systems to certify their legal online information with a digital signature and chain of custody information.

I was thrilled to have this opportunity to publicly commend the Law Librarians Society of Washington, D.C., for its wonderful [*Research Guide to the Federal Register and the Code of Federal Regulations*](#), last revised in February 2006. It was especially

fitting to see its author, Richard J. McKinney, assistant law librarian at the Federal Reserve Board, in the audience enjoying the celebration.

Concluding my remarks, I reiterated that the *Federal Register* is an essential tool that provides citizens with a comprehensive publication vehicle for all the regulations issued by federal agencies and the president. As such, for the past 70 years, it has been indispensable to the government's operations and to its communication with the American public.

Joyeux Anniversaire, Happy Anniversary!