

Guide to Historical Research with Government Publications, 1789–1989

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Pt. I: Introduction and Background

From the beginning of the republic, America's founding fathers realized the power of an informed citizenry in creating a democracy. In many cases, a colony's earliest printing press was established to print its laws, legislative records, and proclamations. By 1789, the House of Representatives provided for the printing and distribution of the laws and proceedings of the new Congress. Since then, the United States government has become the largest publisher in the world. It produces information on almost every topic and format available. The historical significance of this printed output is that it constitutes the single, largest, richest collection of primary source documents for the study of U.S. history.

While an invaluable source for research, government documents have been underutilized, primarily because they have been difficult to identify and locate. They have not been cataloged or indexed well in mainstream resources late 20th century. They are not to be found in your local bookstore or mixed in with other materials on the same subject on the shelves of your local library. They have been distributed free to designated federal depository libraries since the early nineteenth century via the U.S. Government Printing Office's Federal Depository Library Program. However, the physical documents are usually tucked away in a separate collection, shelved by a completely arcane system, and inventoried in printed volumes in a way that only a specialist can understand.

Fortunately, online access to both the inventories and full-text of historical government documents is increasing at a phenomenal rate, primarily because these items are in the public domain and can be freely digitized without fear of copyright

infringement. Google Books, books.google.com, along with HathiTrust, www.hathitrust.org, a digital repository of collections from some of the nation's largest academic research libraries, provide increasing access to online historical documents.

As the availability of 200 years of government documents increases, navigating the ocean of information through hit or miss keyword searching will not be effective. An understanding of the types of government information produced, by whom and for what purpose can help librarians, and their patrons know where to start and what to expect from the search.

This article clarifies for the researcher the type of material available and its informational role within the government. The information is especially valuable for many users, including researchers, local genealogists, historians, students, and curious citizens, as well as librarians. It is organized into parts describing information resources of each branch of government (legislative, executive, judicial). The Indiana University–Purdue University Fort Wayne (IPFW), Walter E. Helmke Library maintains an up-to-date guide to the location, either online or in print, of these government publications and document series on its website at <http://historical-research.pirs.lib.ipfw.edu/>. It is hoped that through an easier process of discovery, researchers will come to a better realization of the depth and breadth of information available from government publications.

Setting the Stage: A Brief history of the Production and Distribution of Government Documents

The complex history of the production, indexing, and distribution of government publications provides necessary background for researchers and librarians to use these

information resources. The new government recognized the need to distribute news about the workings of the new government and authorized printing and distribution of the laws and *Journals* of Congress to the states, who were urged to distribute them to a "convenient place in each county" or other local governmental unit "conducive to the general information of the people" (Miller, 1980, p. 63). With a resolution in 1813, the Senate and U.S. House of Representatives ordered the printing and distribution of the public journals of the Senate and the House of Representatives, for the present and every future Congress, commencing with the present session, and of the documents published under the orders of the senate and of the House of Representatives." (Public Statutes at Large of the United States, 1846, p. 140). The legislation mandated the distribution of these documents to the executives of states and territories, each branch of every state and territorial legislature, each university and college in each state, and to the incorporated historical societies in each state. Distribution began with the State Paper Series and in 1817 with the Congressional Series of House and Senate Reports and Documents of the 15th Congress.

Government Printing and Production

Government printing in the nineteenth century was dominated by Congress and commercial printers until 1860, and afterward the U.S. Government Printing Office (GPO). The House and Senate contracted with private printers to produce documents authorized by special legislation detailing the number of copies and method of distribution. The government made such liberal expenditures for the production and distribution of documents that public printing became a lucrative patronage plum for the party in charge. By 1860 expenditures were so out-of-control that Congress created its own Government Printing Office authorized and directed to do all of the printing and binding legislated by the House and Senate, and that of the executive, and judicial departments (U.S. Government Printing Office, 1961).

In the nineteenth century while most executive department documents were printed as House and/or Senate documents and compiled as part

of the *United States Congressional Serial Set*, Congress continued to pass special legislation for printing, or purchasing from printers other titles of interest to the government and for distributing them. Sometimes Congress authorized mass printings that were distributed primarily by Congressmen. For example, four hundred thousand copies of the *Annual report of the Department of Agriculture* were issued each year from 1884 through 1891. Three hundred thousand went to House representatives for distribution, 70,000 to Senators, and 30,000 to the Department itself (Miller, 1980). On the other hand some publications were printed in very small numbers and distribution was limited to a few institutions. In the case of *United States Exploring Expedition, During the Years 1838, 1839, 1840, 1841, 1842, under the Command of Charles Wilkes, U.S.N.* (10 vols) published in 1845 only 100 copies were printed on superior paper with numerous plates. These were distributed to foreign countries, federal agencies, members of the expedition, the Library of Congress, and state governments. Efforts to expand the printing and distribution of this title failed (Miller, 1980).

Acquisition of government documents was difficult and erratic. Legislation in 1859 authorized the Secretary of the Interior to obtain from other departments and offices all duplicates not distributed or needed by the office. This resulted in locating thousands of volumes published by the government in the last 40–50 years. In 1871 Congress authorized the Department of Interior to offer the documents first to the Library of Congress and then to members of Congress to be distributed to depository libraries in their states and districts. Libraries often received documents as gifts from their Congressman (Miller, 1980). In addition, libraries could obtain copies by requesting them from the issuing agency. However, since there was no record or list of items issued, libraries had no means of knowing what had been issued or available for request, and there was no formal process for acquiring materials and no means to purchase them (U.S. Government Printing Office, 1961).

This changed in 1895 with the passage of the Printing Act. Congress passed the Printing Act in an effort to centralize, as far as possible, all of the printing and binding at GPO, and to

create a Superintendent of Documents within GPO in charge of the sale, distribution, and indexing of public documents. Distribution was expanded to include "all publications of the Executive Department, not intended for their special use, but made for distribution" and depository libraries would now also receive the *Statutes at Large*, *Congressional Record*, and *Official Register* (of Patents (28 Stat. 610)). This mandate created a one-time distribution among depository libraries of an accumulation of nearly one million volumes of old documents. In 1907 GPO's Documents Division urged more selective distribution of documents arguing that "on the one hand horses or cattle books were sent to districts in which automobiles and electric cars held sway and where cattle were represented only in butcher shops and dairies. On the other hand, rural districts were flooded with *Flags of Maritime Nations* instead of books published for their use" (U.S. Government Printing Office, 1961, p. 90). Libraries also complained that they were being inundated with materials that they did not want or need and did not have the space or time to process. Libraries were instructed to send back unwanted publications to GPO, but this was a costly process for both the libraries and GPO and some materials were discarded rather than returned to the Superintendent of Documents for redistribution or sale (U.S. Government Printing Office, 1961).

Fugitive Documents

Prior to the first World War, the amount of printing done outside the Government Printing Office was comparatively small. The GPO received, distributed and indexed the majority of documents printed. During WWI Congress authorized some executive departments and war boards to have their printing done at commercial plants. After the war, Congress attempted to rein back printing operations established outside GPO by issuing legislation restating that all printing and binding for the Executive Office, executive departments, independent offices, and judiciary be provided by GPO. Unfortunately, printing had become a political tool in the power struggle between Congress and the executive branch and the number of documents printed by executive agency printing operations outside the GPO umbrella increased exponentially (Walters, 1996).

As the United States became a complex industrial society and a participant in the world economic and political stage, the power of the President and executive branch expanded rapidly. The President used printing powers to bypass Congress and advance his social agenda and programs directly to the people. The executive branch sought to increase printing to distribute the results of a greatly expanded government-sponsored research program in all areas of science, medicine, and technology. Congress sought to control the power of the President and executive agencies by controlling the number and types of items that could be submitted for publication by GPO and severely limiting appropriations to agencies for printing. While Congress appropriated large sums for research, they consistently failed to increase printing appropriations to print the research. Executive agencies complained that hundreds of important manuscripts went unpublished for lack of funding and that this was impeding the spread of scientific knowledge. This hostile Congressional environment forced the executive branch to find other funds and printing options to produce their documents (Walters, 1996). By 1962 the Joint Committee on Printing estimated that 60–65% of government documents were produced on over 352 presses outside the control of GPO (Hernon, 1985).

These non-GPO-published documents, called fugitive documents, were not made available for distribution to depository libraries or indexed in the *Monthly Catalog*. The consequence of this trend for the researcher is that large numbers of documents, especially technical reports, were printed outside the control of GPO, and therefore, escaped the required indexing and distribution functions of GPO and the Superintendent of Documents. In general, if GPO printed a document it was listed in the government sales and document indexes and copies made available for distribution to federal depository libraries and GPO's Public Documents Library. The Depository Library Act of 1962 required all government publications, including those labeled as non-GPO publications, ones printed at field printing plants by federal agencies and not printed at GPO, to be sent to GPO for distribution to federal depository libraries. Agencies failed to comply whole-heartedly

with this new mandate because it required them to significantly increase their print runs for the distribution of additional copies to federal depository libraries. Vast numbers of documents still eluded GPO's distribution and indexing system. In 1977 to reduce this burden and increase cooperation, the Joint Committee on Printing agreed to allow agencies to send just two copies of non-GPO materials to GPO, one to be used as a master and the other to create microfiche copies for distribution to depository libraries. Today, fugitive documents still remain a significant problem for the researcher. By the late twentieth century it is estimated that over 50% of tangible documents are not printed or routed through GPO, bypassing the indexing, cataloging, and distribution system that makes government information available to the public (Hernon, 1985).

Part II: U.S. Legislative Branch Publications, 1789-1989

Introduction

The legislative branch of the United States government consists of the House of Representatives and the Senate, collectively known as Congress. Article 1, Section 8 of the Constitution of the United States, lists a wide range of powers delegated to Congress (U.S. CONST. art I, § 8, cl.1-18). Its primary responsibility is to make all laws for the government of the United States. Primary among these is the control over government taxing and spending. Congress is also responsible for regulating commerce, printing and coining money, declaring war, raising and supporting the military, appointing courts below the Supreme Court, approving federal appointments, approving treaties, conducting investigations, impeaching and trying federal officials, and proposing amendments to the Constitution.

GPO makes many of the legislative documents described freely available via GPO Access' legislative branch services page, www.gpoaccess.gov/legislative.html. GPO Access is in the process of migrating to the Federal Digital System (FDsys), www.gpo.gov/fdsys/search/home.action, which is a platform that will provide the public better access to archived and authoritative online government

information resources as technology changes. Migration from GPO Access to FDsys should be complete by the end of 2010.

House and Senate Rules and Procedures of Lawmaking

House and Senate manuals are issued every Congress and contain the rules, standing orders, and other operating procedures for their respective chamber. House and Senate manuals are issued in the document series of the *United States Congressional Serial Set*. In addition to the House and Senate rules, representatives and senators are governed by the ways in which these rules have been interpreted over the years. The House and Senate precedents, including Hinds, 1789–1907, Cannon's, 1908–1936, Deschler's, 1936 to present, and Riddick's Senate Procedures, 1883 to present, provide compilations of procedural rulings and interpretations (Boyd, 1949).

Congressional Bills and Resolutions

The bills of Congress are public or private. Public bills deal with matters of concern to the people in general. Private bills apply only to specific individuals such as an immigration case or a claim against the government. The numbering of bills started during the 15th Congress. Bills are numbered consecutively in the order in which they are introduced during the two-year Congressional term. Bills that do not complete the legislative process automatically die at the end of the Congressional term in which they were introduced. Bills are cited as House Bill (H.R.) or Senate Bill (S.). Resolutions are simple, joint, or concurrent. Simple resolutions normally deal with operations of the House or Senate and are cited as H.Res. or S.Res. Concurrent resolutions deal with the operations of both houses. They are cited as H.Con.Res. or S.Con.Res.). Like bills, joint resolutions become law after approval of both houses of Congress and the President. Joint Resolutions are usually more narrowly defined than bills, and may deal with special appropriations or Congressional foreign policy initiatives. They are cited as H.J.Res. or S.J.Res.

Bills and Resolutions are listed in the *Congressional Record Index*, 1874 to present.

Although parliamentary procedure requires that bills be read three times on the floor of the House or Senate before they are passed, the full-text of bills rarely appears in the *Congressional Record*. The text is usually substituted in the *Record* with a statement such as the Clerk read the bill or by printing the title of the bill (Schmeckebier, 1969).

Complete collections of bills and resolutions are rare. The Government Printing Office did not begin sending bills and resolutions to federal depository libraries until 1938 (Boyd, 1949). Even so libraries were allowed to discard them after each Congressional term. The Library of Congress and National Archives have complete collections and have digitized the House and Senate bills from 1799–1873 on the American Memory Century of Lawmaking site, <http://memory.loc.gov/ammem/amlaw/lwhbsb.html>. The Congressional Information Service (CIS) sells a microfiche collection of bills issued from 1791 to the present. No library in Indiana has purchased this collection.

Congressional Members and Committee Action: Hearings, Prints, and Reports

Committees consider legislation, conduct hearings and investigations, and carry out other assignments as instructed by the chamber. The *Official Congressional Directory* includes information on members of Congress and other government officials and membership of committees, commissions and boards. It has been issued every Congress since 1809. The *Biographical Directory of American Congress, 1774–1949* was first issued as a House Document in 1950 and has been continuously updated since then.

Hearings are one of the most important Congressional publications. They consist of testimony given before committees and frequently contain detailed supporting documentation. During the nineteenth century hearings on major bills were not routine, but as the investigative nature of the government grew in the late nineteenth and twentieth century, they became more frequent. Hearings were not considered public documents, but internal information gathered for the Committee. Printed copies were made available to Committee members only. By 1924 protests by librarians and students resulted in larger

printings made available for purchase. Since 1941 hearings have been freely distributed to federal depository libraries by means of GPO's Federal Depository Library Program (Boyd, 1949).

Committee prints are internal documents prepared by Committee staff, the Congressional Research Service staff, or other experts to help inform committee members on pending legislation. Committee prints include a variety of materials such as legislative histories, studies on public policy, investigative reports, and analyses of similar bills on a topic. Far more Committee prints have been issued in the twentieth century than the nineteenth. Until the 1970s Committee prints were issued inconsistently to the public, some not at all, some for sale, some by written request to the Committee or Representative, and some sent to federal depository libraries. A Committee chairperson is not obligated to authorize Committee prints for distribution or sale. However, the Library of Congress and commercial publishers have made efforts to locate and publish them (Hernon, 1985).

Committee reports describe the purpose and scope of the bill or resolution and reasons for recommending approval to the full House or Senate. Reports may provide summaries of insights gained from hearings and other investigations. Reports may also provide details on how the bill should be implemented and its desired result. For this reason, Reports are sometimes used by the Courts to determine the intent of Congress when interpreting statute.

House and Senate Reports were among the first documents ordered printed and publicly distributed. They became one of the major ongoing series that constitute the *United States Congressional Serial Set* which began publication and distribution in 1817 with the 15th Congress. Reports on private bills and simple and concurrent resolutions were not distributed to federal depository libraries between 1905 and 1938, but were sent as a lettered series to the House and Senate libraries, Library of Congress, National Archives, and Public Documents Library at the Government Printing Office. Federal depository libraries began receiving them again in 1939 (McKinney, 2006).

Congressional Floor Debates and Proceedings

The official record of floor action, including debate and passage of legislation, is the *Congressional Record* and its predecessors. Before 1873 the record of Congressional proceedings was issued by commercial printers in the *Annals of Congress*, 1789–1824; *Register of Debates*, 1824–1837; and *Congressional Globe*, 1833–1873. These publications do not contain a verbatim account, but a compilation of summaries of debates. In fact, the *Annals of Congress* were not published until ten years after the years covered. The *Register of Debates* was also not a verbatim record of the debates in Congress, but a compilation of summaries from newspapers and other sources (Schmeckebier, 1969). Since Congress depended upon private publishers and reporters to record early debates they are necessarily limited by newspaper column space, political leanings of editors and reporters, the ability of the reporter to hear the debate and his skill in recording the proceedings (Morehead, 1999). The *Congressional Globe* became more of a verbatim record when Congress began paying the salaries of official floor reporters. The *Congressional Record* more accurately records actual debates in Congress, but since 1824 members were permitted to insert 'speeches' and other statements into the *Record* not actually delivered on the floor and also are allowed to revise and edit remarks made on the floor. Not until 1978 did the *Congressional Record* begin to indicate, in various ways, speeches not delivered on the floor (Morehead, 1999).

The *Congressional Record* is published daily while Congress is in session. At the end of the session they are cumulated into a permanent bound edition. The modern daily *Congressional Record* has four sections. The proceedings of the House (H) and Senate (S) include the speeches and additional material inserted by Senators and Representatives. The Extension of Remarks (E) includes information separate from the day's proceedings, such as speeches, reprints of newspaper articles, telegrams, excerpts from magazines, recipes, jokes, poetry, etc. Before 1968 the Extension of Remarks was called the Appendix. From 1955–1967, the Appendix (Extension of Remarks)

was deleted from the permanent bound edition of the *Congressional Record*. The Daily Digest (D) has been a part of the *Congressional Record* since 1947. It summarizes activities in the House and Senate during the previous day, lists schedules of committee and subcommittee hearings, and a statistical summary of Congressional activity. The *Congressional Record Index* includes an index to the proceedings in the House and Senate and the section History of Bills and Resolutions. The History of Bills and Resolutions provides references to all actions on bills and resolutions in the *Congressional Record* including introduction, reports, amendments, debates, veto, passage, and public law number (Morehead, 1978).

Congressional Voting Records

Voting records are most accurately reflected in the *House and Senate Journals* to 1873 when the *Congressional Record* began recording votes and tallies of voice votes. Commercial publisher Congressional Quarterly provides enhanced voting charts in its *Congress and the Nation*, *CQ Almanac* and *CQ Weekly* series. After 1990, Congressional voting patterns are readily available from various sources on the Internet.

Laws of the United States: Statutes at Large

Laws enacted by Congress were among the first documents ordered printed and widely distributed to the public. From 1789 to 1872 Congress ordered that laws be printed in newspapers. While this provided wide circulation to the public, it was inconvenient for attorneys and judges (Surrency, *Publication of federal laws*, 1987). The first three compilations of public and private laws were produced and printed by commercial firms. The first edition, called the Folwell edition included all public acts and treaties in force from 1789 through 1813. However, it omitted private laws and laws repealed or expired. The second edition, produced by Bioren and Duane, included the texts of all public and private laws, repealed or obsolete, and Indian treaties and treaties with foreign countries from 1789 through 1845. In 1845 the government contracted with Little, Brown & Co. to produce a collection of all public

and private laws, foreign treaties and Indian treaties chronologically arranged by session of Congress. This began the series called the *Statutes at Large*. Little, Brown and Company produced four updated editions until 1873 when the Government Printing Office took over the task of compiling and printing the *Statutes at Large*. In 1895 Congress authorized the distribution of the *Statutes at Large* to federal depository libraries. The *Statutes at Large* include in numerical order by congressional session: public laws, private laws, joint and concurrent resolutions of Congress, treaties and international agreements until 1950, and proclamations of the President (Surrency, *Publication of federal laws*, 1987).

Laws of the United States: United States Code

While the *Statutes at Large* provided a chronological compilation of all laws, obsolete and repealed, practitioners demanded compilations of laws currently in force by subject. In the 1860s Congress began commissioning the work of simplifying, arranging, and consolidating by subject all statutes of the United States. This was accomplished in 1874 when Congress enacted into law the *Revised Statutes*. A corrected edition was issued in 1878 and is considered the most authoritative. The *Revised Statutes* is unique in that it repealed all statutes enacted by Congress before December 1, 1873 and enacted into permanent law all provisions in the *Revised Statutes*. This was the first and remains the only complete codification of the permanent laws of the United States (Dwan, 1938). The *Revised Statutes* of 1874 underwent several revisions until 1926 when Congress regularized the practice by authorizing the publication of the *United States Code*, with supplements at the end of each session of Congress and a new edition every six years. While the *United States Code* is recognized as the official restatement of laws in force, Congress has been slow to enact the *Code* into law, in other words to accept the *Code* as permanent law over any statutes currently in force. In 1939 Congress began enacting selected titles of the *United States Code* into positive law (Surrency, *Publication of federal laws*, 1987). As of 2009 only about one half of the titles in the *United States Code* had been enacted into positive law.

Senate Advice and Consent — Presidential Nominations

Article II, Section 2 of the Constitution gives the president the power to nominate principal officials of the executive branch and judiciary, subject to the advice and consent of the Senate (U.S. CONST. art II, § 2, cl. 2). Cabinet officials, heads of agencies, and Supreme Court nominees often receive close scrutiny. The President sends nominations to the Clerk of the Senate who refers them to the appropriate Committee. The Committee has four options, report to the Senate favorably, unfavorably, or without recommendation, or take no action at all. Committees may hold hearings on nominations (Rybicki, 2008). Most hearings are open to the public unless closed by the Senate. The proceedings of the Senate on nominations are conducted in executive session and are recorded in the *Senate Executive Journals*. *Senate Executive Journals* are printed as they become unclassified by a special order of the Senate. Since 1929 executive sessions have been open to the public unless ordered closed by the Senate and proceedings and debate appear in the *Congressional Record* (Schmeckebier, 1969.). Positive recommendations by the Committee are documented in *Senate Executive Reports* did not become part of the *United States Congressional Serial Set* until 1979 (McKinney, 2006).

Senate Advice and Consent — Treaties

Article II, Section 2 of the Constitution states that the President has the power to make treaties with the advice and consent of two-thirds of Senators present (U.S. CONST. art II, § 2, cl.2). The process of treaty ratification includes Presidential negotiation and signing, referral to the Senate for approval, ratification by the President, ratification by other parties to the treaty, and the final proclamation. The Senate may reject, give its advice and consent to ratification with or without amendment, or take no action. Senate rejection means a treaty is dead until the action is reversed. Senate amendments to treaties must be accepted by all parties. Treaties are not in force until they have been proclaimed into law by the President. Treaties remain 'unperfected', or not in force, for a variety of reasons: the President may not submit signed treaties to the Senate

for approval; the Senate may never take action on the treaty; the Senate may make changes to the treaty that are unacceptable to the President or the countries involved; or participating countries have not acted on treaties once proclaimed by the President. Of treaties submitted to the Senate in the first 200 years, 90% have been approved by the Senate. Since 1789 only 21 treaties have been rejected by Senate vote (Treaties and Other International Agreements, 2001).

The proceedings of the Senate on treaties are conducted in executive session. Committees may hold hearings on treaties. Most hearings are open to the public unless closed by the Senate. Proceedings of the Senate in executive session are recorded in the *Executive Journals of the Senate*. Since 1929 executive sessions have been open to the public unless ordered closed by the Senate and proceedings and debate appear in the *Congressional Record* (Schmeckebier, 1969). *Senate Executive Journals* are printed as they become unclassified by a special order of the Senate. The transmission of the treaty from the President to the Senate is recorded in *Senate Executive Documents*. These documents include the text of the treaty before any changes by the Senate, and may also include related documents such as an article-by-article analysis of the treaty, memorandums of understanding, procedural protocols, and notes. *Senate Executive Documents* are printed as they become unclassified by a special order of the Senate. *Senate Executive Documents* became *Senate Treaty Documents* in 1977 and were issued as part of the *United States Congressional Serial Set* in 1979. Positive recommendations by the Committee are documented in *Senate Executive Reports*. *Senate Executive Reports* are classified until released by special order of the Senate. *Senate Executive Reports* did not become part of the *United States Congressional Serial Set* until 1979.

Part II: Executive Branch

The Office of the President

The Constitution of the United States grants broad, sweeping powers to the office of the President, including the responsibility for executing the laws of the land, acting as

commander-in-chief of the armed forces, requiring written reports from the principal officers of each executive office, providing information to Congress and the nation through a state-of-the-union report and other messages as needed, and recommending to Congress "measures as he shall judge necessary and expedient" (U.S. CONST. art II, § 3). In addition, the President acts with Congress to approve or veto legislation, and with the advice and consent of the Senate nominates principal officials of the executive branch and judiciary and ratifies and proclaims treaties.

Presidential Addresses, Messages, Speeches

Article II, Section 3 of the Constitution requires that the President "shall from time to time give to the Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient" (U.S. CONST. art II, § 3). Presidential messages include all communications to Congress, including the state-of-the-union address, inaugural addresses, and veto messages. Early messages are in the *American State Papers*. Most are also printed in the *United States Congressional Serial Set* documents series. The *Congressional Record* and its predecessors always contain presidential messages addressed to Congress, and are indexed under 'President of the United States.' An early effort to compile the formal messages of the President was published by Congress in a House Miscellaneous Document, *Compilation of the Messages and Papers of the President, 1789–1897*. The government authorized an official compilation of *Public Papers of the Presidents* in 1957 beginning with Dwight Eisenhower. It retrospectively includes Herbert Hoover and President Truman. Compilations for Franklin Roosevelt and earlier presidents have been published commercially (Morehead, 1999). Since 1965, the *Weekly Compilation of Presidential Documents* includes all Presidential communications, written and oral, including addresses and remarks, news conferences, White House press releases, letters, telegrams, etc.

Executive Orders and Proclamations

Executive orders and proclamations come from the President, have the force of law, and are as important as laws, but are not vetted through the legislative process (Woodward, 1990). Executive orders and proclamations have never been defined by law or regulation, but the President claims the power to issue executive orders and proclamations under implicit or explicit powers granted by the Constitution, or assumed as power delegated by Congress in order to carry out existing legislation. While no law distinguishes executive orders and proclamations, executive orders deal primarily with the conduct of government business and the implementation of the duties and responsibilities of the executive departments and agencies. Generally, proclamations are of widespread interest addressed to the public at large. Many are celebratory, such as the declaration of Thanksgiving, others are more famous such as Abraham Lincoln's Emancipation Proclamation (Schmeckebier, 1969).

Before the Federal Register Act of 1935 that created the current filing and publication system for executive orders and proclamations, there was no standard collection and organization. The United States Department of State was the official depository of executive orders, and in 1907, the department began arranging them in chronological order and numbering them. However, the Department only included the executive orders in their possession (Schmeckebier, 1969). Thousands more were discovered by the Congressional Information Service (CIS) when they compiled their index and microfiche collection of *Presidential Executive Orders and Proclamations, 1789–1983* (Woodward, 1990). Since 1936, executive orders and proclamations have been printed in the first section of the daily *Federal Register*. These are cumulated annually in the *Code of Federal Regulations, Title 3, the President*. In addition, multi-year cumulations of Title 3 of the *Code of Federal Regulations* have been issued periodically including 1936–1938, 1939–1942, 1943–1948, 1949–1953, 1954–1958, 1959–1963, 1964–1965, 1966–1970, 1971–1975 (Morehead, 1999). Probably the best source to use in researching proclamations and executive orders for the years covered is the one volume *Codification of Presidential Proclamations and*

Executive Orders, 1945–1989 which includes any executive orders issued between these dates as well as pre-1945 executive orders if they were affected or changed in the time period covered (Morehead, 1999).

International Agreements

Basically, the difference between a treaty and Executive or International Agreement is that any agreement (by whatever name, e.g. protocol, convention, agreement, treaty) that is submitted to the Senate for approval is a treaty, all others are agreements. The President claims authority to enter into international agreements with other countries without the advice and consent of the Senate by statutory authority, by a prior treaty provision, or by implied power granted to the executive by the Constitution. While international agreements have been used since the first decade of the nation, the number of international agreements has increased significantly after World War II so that now executive agreements far outnumber treaties. With the increase in United States business dealings and contacts with other countries and the slow process of treaty negotiation and Senate approval, Congress has authorized the executive branch to conclude international agreements in certain fields such as trade, foreign aid, and agriculture and have included the authorization to make further agreements between parties in approved treaties (*Treaties and other International Agreements*, 2001).

A treaty or international agreement once 'in force' becomes part of the law of the land. As such all Indian treaties and treaties with foreign countries have been printed in the *Statutes at Large* from 1789 to 1950 when a new series, *United States Treaties and other International Agreements* (UST) became the equivalent for the Statutes at Large for treaties, i.e., a chronologically bound cumulation of treaties in force. Various compilations of treaties have been printed over the years, but the latest cumulation *Treaties and Other International Agreements of the United States of America, 1776–1949* compiled by Bevans became the definitive edition of United States treaties and agreements up to the beginning of the UST (Morehead, 1978). There is currently a time lag of about 20 years in the UST. Treaties and international

agreements are issued in pamphlet form in the *Treaties and Other International Acts Series* (TIAS) and serve as the official version until replaced by the cumulative bound UST. *Treaties in Force* is an annual bibliographic record of all bilateral and multilateral treaties and agreements currently in force (Morehead, 1999).

Prior to 1871 formal treaties were made with Indian tribes. These were compiled in *Kappler's Indian Affairs: Laws and Treaties*. After March 1871 no other Indian tribe was recognized for treaty purposes (Schmeckebier, 1969).

Diplomatic Correspondence

In addition to official treaties and international agreements, there are collections of official papers relating to the foreign relations of the United States, including communications to and from the President along with officials from the State and Defense departments and other foreign affairs agencies. Early correspondences and documents relating to foreign affairs were collected first as part of the *American State Papers Foreign Relations* series and then issued as part of the *United States Congressional Serial Set*. In 1861, the Department of State began issuing its series *Foreign Relations of the United States: Diplomatic Papers*. This is an invaluable collection of official papers relating to foreign affairs. The aim of this series is to include all documents needed to give a comprehensive record of the major foreign policy decisions, but its contents are edited to remove materials that might impede current diplomatic negotiations or relations and confidential or offensive material (Boyd, 1949). The series is issued chronologically by country or geographic region. Currently there is a 30–40 year time lag in the printing of the series (Morehead 1999). The *Department of State Bulletin*, published weekly from 1939 to 1978 and then monthly until 1989, provides access to contemporaneous communications such as press releases, speeches, official statements of policy, news conferences, texts of documents, and authoritative articles. The *American Foreign Policy Current Documents* series beginning in 1956 compiled major foreign affairs messages, addresses, statements, interviews, press conferences, briefing reports, congressional testimony and other communications from the White House,

State Department and other federal agencies (Morehead, 1999).

Federal Budget and Economic Indicators

Article I, Section 9, Clause 7 of the Constitution requires that a "regular account of the receipts and expenditures of all public money shall be published from time to time" (U.S. CONST. art I, § 9, cl.7). While the Constitution gives Congress all power to raise and expend revenue, the President sets policy through the Constitution's broad injunction to "recommend to their [Congress] consideration such measures as he shall judge necessary and expedient." (U.S. CONST. art II, § 3). In addition, in 1921 Congress required the President to submit to Congress, a plan of proposed expenditures for the executive agencies (Morehead, 1978). Each fiscal year, through the budget, the President states exactly how he stands on major policy issues. Since 1922, the Budget has been issued in a series of related, but separately published documents or as a single document with several parts. Budget documents contain budget statements, estimates of appropriations for government services, estimates of revenues and receipts, and comparative tables. The Budget document usually presents the President's proposals for revenue and spending. The Appendix to the Budget provides detailed budget estimates by agency. The Historical Tables provide data on receipts, outlays, surpluses, and deficits over time. Budget documents before and after 1921 have been issued as House Documents in the *United States Congressional Serial Set*. In addition, since 1922 the budget has also been published annually by the Bureau of the Budget (Boyd, 1949).

The *Economic Report of the President* and *Economic Indicators* have been issued annually by the Office of the President since 1947 to inform Congress of the economic accomplishments of the year and review economic conditions. These are useful references sources for historical economic and financial statistics (Morehead, 1978).

Executive Branch: Department and Agency Rules and Regulations, 1789–1989

While Congress makes laws, it is up to the Executive branch, the President and his agencies, to implement and enforce the law.

The detailed specifications for implementing laws are formulated and defined in federal rules and regulations. Before 1935 each agency developed its own rules and regulations in-house and legally were not required to distribute or make them available to other agencies or the public. Without a central filing or notification system it became increasingly difficult to determine what rules or regulations were in place (Morehead, 1999). The 1935 Federal Register Act required the publication of all Executive Orders, Proclamations, agency rules and regulations and other notices in the daily *Federal Register*. In addition, in the absence of a complete record of agency rules and regulations, the 1935 Act required each executive agency to prepare and file a complete compilation of all rules and regulations still in force or used by the agency to conduct its business. The compilation was arranged by subject or title and became the first codification of the rules and regulations, i.e., *Code of Federal Regulation* (CFR). The CFR has been revised annually since 1949 (Schmeckebier, 1969).

Executive Branch: Department and Agency Publications in the 19th and Early 20th Century

The publications of the executive branch and its myriad of departments, agencies, bureaus, offices, and commissions, are the most numerous and diverse of the three branches. The publications reflect the political, economic, social, scientific, and cultural history of the nation. They come in every type and format including monographs, periodicals, posters, pamphlets, maps, technical reports, statistics, data, kits, videos, and websites. No library has a complete collection of executive department publications. Fortunately, GPO and the nation's federal depository libraries have embarked on a plan to locate and digitize this rich American heritage.

The Constitution of the United States requires that the President "from time to time" give the Congress information on the state of the Union (U.S. CONST. art II, § 3). In addition, Article 2, Section II of the *Constitution* notes that the President "may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices" (U.S. CONST.

art II, § 2, cl.1). The annual reports of the executive branch are one of the oldest series of government publications, and, for the most part, along with statistical reports, and special reports on a variety of issues, constitute the majority of executive branch publications in the nineteenth century.

Congress dominated the publication and distribution of government documents in the nineteenth century and therefore, most early executive branch documents were published as House and/or Senate Documents. These were submitted to Congress as required by the Constitution or upon specific requests by Congress. When research was done by the executive branch, in authorizing the printing, Congress required that it be printed as part of the Congressional series. Consequently most of the documents produced by the executive branch in the nineteenth century are contained in the *United States Congressional Serial Set* (DeLong, 1996).

American State Papers

Early in the nation's history Congress recognized the historical significance of the work of its formative years and made efforts to locate and publish them. The *American State Papers* is a compilation of the most important legislative and executive documents of the first 14 sessions of Congress, 1789 to 1816, as well as those of some later Congresses to 1838. The set is divided into ten classes of documents including Foreign Relations, Indian Affairs, Finances, Commerce and Navigation, Military Affairs, Naval Affairs, Post Office Department, Public Lands, Claims, and Miscellaneous. Documents in each section are arranged by Congress and session. This collection is not officially part of the *United States Congressional Serial Set*, but a serial numbering scheme of volumes 001 through 038 has been applied to it to indicate that it comprises the beginning of the Congressional numbered series (McKinney, 2006).

United States Congressional Serial Set

The *United States Congressional Serial Set*, variously known as the '*Congressional Set*,' '*Congressional Series*,' '*Serial Set*,' and also the '*Sheep Set*' because up to 1907 volumes were bound in beautiful sheep leather, is the

oldest and most valuable historical collection of federal publications in existence. Throughout the nineteenth and early twentieth century when executive branch departments and agencies filed an annual report, or conducted research or investigations, Congress required a copy of the document be printed as part of the *Serial Set*. It can be said that the amount of human endeavor recorded in the *United States Serial* set far surpasses that recorded in any other single writing or collection (DeLong, 1996).

It records the scientific, social, economic, political, military, and cultural growth of the nation throughout the nineteenth and early twentieth century. It contains reports of the land and sea explorations of the new nation including the Lewis and Clarke expedition, the Perry expedition, and surveys of the coast of the United States. These are not just scientific treatises, but record information on the peoples, plants, animals, and geological and cultural artifacts found in the region. In science and technology, it includes patent reports, reports of the Smithsonian Institution, reports on mineral and other natural resources, and health studies on diseases. The commerce of the nation is reported in the development of roads, canals, railroads, and navigation. In addition, the *Serial Set* provides detailed documentation of United States domestic and foreign policy and military activities. The demographic portrait of society is recorded in a myriad of statistical reports, including the decennial census. The fine arts are represented with reports on architecture, sculpture music, and painting. "The printed volumes of these reports are in themselves a record of the development in the arts of printing and engraving, illustrations, photography, composition, and cartography" (DeLong, 1996, p. 127).

Congressional Series in the *Serial Set*

The *United States Congressional Serial Set* is a complex mixture of the work of Congress, the executive branch, and selected non-governmental organizations. Its complexity is increased by the changing decisions of Congress on what to include or exclude from the set. The Congressional series consistently included in the *Serial Set* are:

- House and Senate Journals, excluded since 1953
- House and Senate Reports on public and private legislation
- House and Senate Documents series consisting of Congressional manuals, administrative reports, reports resulting from congressional investigations and special publications of both Houses

Other important Congressional series are not part of the *Serial Set*, including: the text of bills and resolutions, congressional debates and proceedings, committee hearings, committee prints, and proceedings and records of the secret or executive sessions of the Senate (Senate Executive Journals, Documents, and Reports), except by special order (McKinney, 2006).

Department and Agency Publications in the *Serial Set*

The largest and most varied collection in the *Serial Set* of the nineteenth and early twentieth century is executive branch publications ordered printed by Congress as part of the House and Senate Document series. Until about 1920 Congress routinely requested and published in its Documents series:

- Communications from the President to Congress, including inaugural addresses, state-of-the-union reports, and veto messages
- Annual reports from federal executive departments and agencies
- Reports of special investigations and research authorized by the President
- Selected annual reports of non-governmental agencies such as the American Red Cross, Boys and Girls Scouts of America, Daughters of the American Revolution, the American Historical Society, and proceedings of the national conventions of the American Legion and Veterans of Foreign Wars
- Extended series of survey, research, and statistical publications developed by executive agencies

Through a series of measures to overhaul and trim the growing *Serial Set*, Congress eventually removed most executive department publications from it. In 1908 publications of the executive departments and

agencies were sent to libraries in plain bindings without the Congressional series numbers on the copies. Therefore, in order to identify executive documents as part of the set, libraries had to stamp the volume and serial number on the books and continue to shelve them in the same arrangement as other *Serial Set* volumes. By 1913 libraries began receiving executive department and agency publications separately from the Congressional series. Only the posterity libraries — the Senate and House Libraries, the Library of Congress, Public Documents Library, and the National Archives — continued to receive the executive publications in the distinctive *Serial Set* binding and serial numbering edition. Even so, Congress continued to order some executive department and agency annual reports and selected research reports and series printed as part of the Congressional Documents series well into the twentieth century (DeLong, 1996).

Distribution and Availability

In 1817, Congress ordered that the Congressional series be distributed to incorporated universities, colleges, and historical societies throughout the country. The *Serial Set*, along with the *House and Senate Journals*, is the oldest collection of documents routinely printed and distributed to designated libraries. While continuously distributed to federally designated libraries until 1997 when only regional depositories began receiving the bound *Serial Set*, few libraries have a complete *Serial Set*, because the composition of the set sent to those libraries has changed over the years. Only 22 copies of the 'complete' *Serial Set* were bound in sheepskin and stamped with colored lettering on the binding. These copies were distributed to what has been designated as the posterity libraries — the Senate and House Libraries, Library of Congress, Public Documents Library of the Government Printing Office, and the National Archives (Saunders, 1998).¹ In addition, documents for use by members of Congress were printed first, subsequent copies of the same titles were often corrected or had information added before distribution as departmental editions. After 1913, libraries no longer received executive department and agency publications as part of the bound *Serial Set*, but as separate departmental editions. These editions

sometimes varied from the same document printed in the official *Congressional Serial Set* edition. Thus depository library 'Serial Sets' compiled from Congressional series received and the departmental editions received and known to be included in the official *Congressional Serial Set* edition are not exactly the same as the official *United States Congressional Serial Set* sent to the posterity libraries (DeLong, 1996).

Indexes to the *United States Congressional Serial Set*

A variety of indexing tools are available for the *Serial Set*. These include both commercial and government sources, print and electronic.

Greely, Adolphus W. (Comp.). *Public Documents of the First Fourteen Congresses, 1789-1817: Papers Relating to Early Congressional Documents*

Entries are arranged chronologically by Congress, and includes a name index. This index does not include executive department publications.

Tables of and Annotated Index to the Congressional Series of U.S. Public Documents, 1817-1893

Indexes by subject and name most of the documents in the *Serial Set* from the 15th through the 52nd Congress.

Index to the Reports and Documents of the 54th Congress, 1st Session to 72d Congress, 2nd Session; December 2, 1895-March 4, 1933, with Numerical Lists and Schedule of Volumes

Continues the *Table and Index* and is continued by *Numerical Lists and Schedule of Volumes*.

Numerical Lists and Schedule of Volumes of the Reports and Documents of the... Congress...Session

Provides a numerical list of Reports and Documents by series, congress, and session and a list of individual Reports and Documents contained in each *Serial Set* volume.

CIS U.S. Serial Set Index

Issued in 12 parts each covering specific time periods. Each part includes four indexes — subject-keyword, names of individuals and organizations cited in private relief and related reports, numerical lists of reports and documents issued by Congress and session, and schedule of individual publications in each serial volume. This index is now also offered online through LexisNexis Congressional.

U.S. Congressional Serial Set Finding List (College of Wooster) (www3.wooster.edu/library/gov/serialset/main.htm)

Many executive department and agency documents were issued as a House and/or Senate Document and separately as a departmental/agency series or serial. In addition, as noted above after 1907, executive department and agency publications were no longer issued to depository libraries as part of the bound *Serial Set*, so many libraries shelved these as departmental editions in the Superintendent of Documents classification scheme. The College of Wooster has developed an online guide to executive department and agency series found in the *Serial Set* by Superintendent of Documents class, agency series title, and *Serial Set* volume number.

Part III: Executive Branch: Department and Agency Publications in the 20th Century

Indexes and Printed Catalogs

The large number and variety of publications issued by executive branch agencies makes good indexing and cataloging necessary to identify and locate needed material. While modern indexing has improved researchers' ability to identify relevant executive branch publications, there is still no complete index to all of these publications. The *CIS U.S. Serial Set Index, 1789–1969* is the best source for locating executive branch documents issued as part of the *Serial Set*. However, after 1875, more and more executive publications were not published as part of the *Serial Set*.

An early attempt at identifying and indexing

government publications is Poore's *Descriptive Catalogue, 1774–1881*, a chronological list of congressional, executive, and judicial publications. Benjamin Poore, Clerk of the Senate's Committee on Printing and his assistants scoured the holdings of federal and other libraries looking for all federal documents. He lamented that "No one could estimate how many publications were to be catalogued, where they were to be found, how long it would take to perform the work, or what would be the probable cost" (Poore, *A Descriptive Catalogue of the Government Publications of the United States*, 1885, p. iii). The *Catalogue* falls short of its goal, listing over 63,000 documents, but leaving out about 10,000. It omits many early documents and documents from executive departments.

John Griffith Ames, Superintendent of Documents, began his official enumeration of documents in 1881. *Ames' Comprehensive Index, 1881–1893* is weak in its inclusion of executive department documents. It is arranged alphabetically by subject with a personal name index.

The Checklist of United States Public Documents, 1789–1909 is a list of all the documents in the GPO's Public Documents Library. The *Checklist* lists the series of reports issued by executive agencies, but not individual titles. A subject index was planned for this title, but not completed until decades later. The 1909 *Checklist* was updated by the five-volume *Checklist of United States Public Documents, 1789–1970*. It is invaluable as a guide to executive reports issued both as part of the *Congressional Serial Set* and separately as an executive department report. Because of its arrangement it is best used for locating a list of publications by department and the history of departmental organization.

The 1895 Printing Act instructed GPO to develop a comprehensive system of indexing and cataloging all government publications. From this mandate three tools were created: *Document Catalogue*, *Document Index*, and *Monthly Catalog*. *Document Catalogue*, is the most accurate and comprehensive bibliography for the period 1893–1940. Publications are indexed by corporate and personal author, subject, and title. The *Document Catalogue* includes many helpful explanatory notes, and

a guide to government authors and offices. It was superseded by the *Monthly Catalog* (Boyd, 1949). *Document Index*, 1895–1933, is a consolidated index of congressional publications. *Monthly Catalog* is a catalog of currently printed government publications with price and availability. The Printing Act of 1895 established the Office of the Superintendent of Documents and required the publication of a complete catalogue of all publications of the Government, both Congressional and departmental beginning with the 53rd Congress (*Checklist of United States Public Documents, 1789–1909*, 1921). The *Monthly Catalog* gave libraries, for the first time, a means of identifying what had been published and what they could expect to receive as federal depositories or purchase, if not chosen for distribution. It began as an in-print list, but in 1940 when it became too cumbersome to generate both the *Document Catalogue* and the *Monthly Catalog* the purpose of both catalogs was combined in the *Monthly Catalog* (Morehead, 1978). It has become the most comprehensive ongoing source for federal publications. It includes all depository items (known and distributed by GPO) and known non-depository items. It also includes what processed materials (materials reproduced internally by mimeograph or other means) could be located. The *Catalog* is arranged alphabetically by publishing agency and then alphabetically by keyword in title. While it is the most complete source for government publications, it still does not capture all documents as many were issued by departments and never distributed to GPO or made known to it. No longer published in print, the *Monthly Catalog* has been replaced permanently by GPO's online *Catalog of U.S. Government Publications* (CGP), <http://catalog.gpo.gov/F?RN=492148309>, which mostly includes documents from 1976, but is continually being updated with historical publications dating back to the 1800s.

Several commercial indexes have improved access by incorporating titles in the earlier indexes and adding subject and keyword features. The *Monthly Catalog* has a cumulative subject index 1900–1971. The *Cumulative Title Index to U.S. Government Publications, 1789–1976* provides an alphabetical title index to the 1976 *Checklist*. Probably the best indexes for executive department publications

have been produced by the Congressional Information Service (CIS). The *CIS Executive Branch Documents Indexes, 1789–1909* and *1910–1932* is based on the 1909 *Checklist* and additional items located in major libraries. It provides access by subject, name, title, agency report numbers, and superintendent of documents number. Again these indexes are based on the catalogs of GPO's Public Documents Library. Unfortunately, none of these indexes include all executive branch publications, because, as noted above, after WWI many executive department documents were not sent to GPO for publication, cataloging, and distribution.

Online Cataloging

Bibliographic records for government documents were not routinely available for inclusion in online catalogs until 1976 when GPO adopted the national standards for online cataloging. Since then virtually every publication that has been listed in the *Monthly Catalog* has been cataloged and made available for location in *WorldCat*. Efforts are underway by individual libraries and GPO to catalog historical documents. Indiana University libraries have embarked on a concerted effort to catalog its historical documents as they move items to a secure, preservation facility. While many pre-1976 are still not listed in online catalogs, the number is growing as part of GPO's plan to locate, document, and preserve historical documents.

Part III: Judicial Branch Publications, 1789–1989

Background

All delegates at the Constitutional Convention agreed on the need for a federal supreme court, but were divided almost equally on the need for a federal court system in addition to existing state courts. Some delegates thought state courts could handle trials and the Supreme Court any appeals relevant to the federal government. They feared the encroachment of federal courts on the state court jurisdictions. Others feared the cost of maintaining a federal court system. When the Constitution was written, Article III established the framework for the third branch of government, the judiciary. According to the

Constitution, "the judicial Power of the United States, shall be vested in one supreme Court, and in such inferior courts as the Congress may time to time ordain and establish" (U.S. CONST. art III, §1). Other than the mandate for a Supreme Court, the U.S. Constitution left the formation of other federal courts up to Congress to decide at a future date.

The Judiciary Act of 1789 established the country's first federal court system. The basic organization of the federal court system has not changed substantially over the years. The federal judiciary consists of three layers. At the bottom are the United States District or trial courts, in the middle are the appellate courts, and at the top the United States Supreme Court. In addition, there are special courts established by Congress to deal with specific types of cases, such as duties and tariffs, claims against the government, taxes, bankruptcy, patents, and military justice. Congress has also empowered certain executive branch and agencies with quasi-judicial authority; all of which are subject to review by the Supreme Court of the United States.

The Constitution defined the jurisdiction of the federal courts to all cases relating to laws arising out of the Constitution, controversies between two or more states, or between the state and federal governments. An early Supreme Court decision, *Marbury vs. Madison* (5 U.S. 137, 1803) established the power of the federal judiciary to review an act of Congress and to determine its constitutionality, and thus its right to determine what the law is.

Publications of the decisions of the federal courts have primarily been left to commercial publishers. Only decisions of claims, customs, tax, and military courts have been published regularly by the United States government.

Most of the decisions of federal courts, both commercially published and produced by the government, are available at Indiana's law schools: IU School of Law, Ruth Lilly Law, Valparaiso University, and University of Notre Dame. In general, these collections are open to the public, but must be used onsite.

District Courts

The United States District Court system was established by the Judiciary Act of 1789 as one of two federal trial court systems, the other being the circuit courts. In 1911 the circuit courts and district courts merged to form a single federal trial district court system. The United States legal system is based upon the legal principle of precedence which holds that decisions in one case will be used as authority for decisions in similar cases unless they are overruled by a higher court. Decisions relied upon for precedence are usually made at the appellate court level. Since district court decisions are not normally used to establish precedence, these decisions are published only selectively. Cases not published may be obtained by contacting the clerk of the appropriate court (Surrency, *History of the federal courts*, 1987).

United States Courts of Appeals

The first Congress established a dual trial court system consisting of district and circuit courts. This first system of circuit courts was solely geographical designation and not related to the later circuit court of appeals system now in place. In an act of 1875, Congress extended the jurisdiction of federal courts to all rights arising under the Constitution. As a result, the Supreme Court became inundated with cases. In 1891, the Circuit Court of Appeals was created as an intermediate appellate court to relieve the burden on the Supreme Court. Currently, the United States Courts of Appeals consists of 11 regional courts which hears appeals from District courts from one or more states; the United States Court of Appeals for the District of Columbia which hears cases against government officers in their official capacity; the United States Court of Appeals for the Federal Circuit which hears appeals from the United States Tax Court; United States Court of International Trade; United States Court of Federal Claims; and the United States Court of Veterans Appeals. Virtually all written decisions of appellate courts are reported. Transcripts of court proceedings are not routinely published, but may sometimes be obtained from the clerk of the appropriate court (Surrency, *History of the federal courts*, 1987).

United States Supreme Court

The Supreme Court of the United States consists of nine justices, one of whom is the Chief Justice. Although the justices are appointed by the President with the advice and consent of the Senate, the Constitution provided for their long-term political independence by granting the justices terms for life with removal by impeachment only, along with consistent monetary compensation that could not be reduced during their term of office. Until 1891 and the establishment of the Circuit Courts of Appeals, Supreme Court justices were required by law (Judiciary Act of 1789) to travel, sometimes widely, to preside at the nation's circuit courts. Biographers have found quite a few comments by Justices about the experience. While they recognized their duty, most of them reported that they "heartily disliked it" (Surrency, *History of the federal courts*, 1987, p. 32).

Although the first 256 volumes of the Supreme Court (to 1922) were privately published, the government hired reporters to record and print the decisions. The government authorized enough printed copies for the needs of governmental departments and officials and the rest were sold by the private reporters to the public. The first 90 volumes of Supreme Court decisions are known by the names of private reporters hired by the government. In 1875 the series was officially designated as *United States Reports*. In 1922 the publication and distribution of Supreme Court decisions was turned over to the Government Printing Office (Schmeckebier, 1969).

Supreme Court Briefs, Records, and Oral Arguments

The first time the term brief was used by the Supreme Court was in 1821. This was also the first time the Supreme Court required briefs to be printed. A brief is a written argument that outlines the legal points and precedents of the case, the lawyer's essential facts of the case, and statements of the questions of law. Records include all items introduced as evidence in lower courts, summary of pleadings and motions, instructions to the jury, cross-examinations of witnesses, etc. In 1833 the Supreme Court allowed for submission of briefs in lieu of oral arguments. Use of

this substitution gradually diminished in the twentieth century. By 1954 a Supreme Court rule stated that it "looked with disfavor on any submissions without oral arguments." (Surrency, *History of the federal courts*, 1987, p. 272). Oral arguments allow attorneys to present the case before the justices and the justices to question the attorneys. This process highlights the strengths and weaknesses of the case. Early in Supreme Court history there was no time limit on oral arguments. The first time limits were established in 1812. By the 1850s counsel still had up to 8 hours to argue cases. The Supreme Court steadily reduced time allowed to argue cases until 1970 when a 30 minute time limit was imposed on all arguments.

Specialty Courts

Article III of the Constitution gave Congress the power to establish "inferior courts" as it may from "time to time" require (U.S. CONST. art III, §1). Over the years Congress has established a variety of specialty courts. One of the earliest of these specialty courts was the Court of Claims established in 1855 to relieve Congress of the burden of hearing the many claims for compensation from individuals. The work of the Court of Claims has covered a wide range of issues including claims arising out of property issues during the Civil War, American Indian claims, tax refunds, and pay for services rendered. Since then the Congress has established other courts such as the U.S. Customs Court, Court of International Trade, Commerce Court, U.S. Tax Court, Bankruptcy Court, and the Court of Military Appeals.

Conclusion

One of the most significant consequences of the digital age is the unleashing of historical materials from the dusty corners, basements, and back rooms of libraries, archives, and museums. The value of government documents as legitimate and priceless chronicles of every aspect of American life from its beginning is undeniable, but, unfortunately, obscured by the arcane nature of the production, distribution, and accessibility of these materials. U.S. government documents are one of the largest benefactors of digitization efforts and have been aided by the almost complete lack of copyright limitations. The Google Docs project and others

will practically ensure complete availability of the wealth of information about our country. This article is an effort to highlight the types of information produced by the government in its duties to legislate, administer, and adjudicate the affairs of our nation.

Notes

¹ GPO published the Saunders article on its website up through 2009. The author notes that during February 2010, the URL was not available, but it is hoped that GPO will include it on its new FDsys. Another source for early *Serial Set* history is the extensive 'User Guide' in the print reference source, the *CIS U.S. Serial Set Index*.

References

- Boyd, A. M. (1949). *United States government publications* (2nd ed.). New York, NY: H. W. Wilson.
- Checklist of United States public documents, 1789–1909*. (1911). Washington: Government Printing Office.
- Collier, E. C. (1969). *The meaning of "advice and consent of the Senate" in the treaty making process*. Washington, DC: Library of Congress.
- Constitution of the United States*. (2002). Retrieved from www.gpoaccess.gov/constitution/
- DeLong, S. (1996). What is in the *United States Serial Set*? *Journal of Government Information*, 23, 123–135.
- Dwan, R. H., & Feidler, E. R. (1938). The Federal statutes-their history and use. *Minnesota Law Review*, 22, 1008–1029.
- Federal Judicial Center. (n.d). *History of the federal judiciary*. Retrieved from www.fjc.gov/history/home.nsf
- Garcia, R. (1989). *Cabinet and other high level nominations that failed to be confirmed, 1789–1989*. Washington, DC: Congressional Research Service.
- Hernon, P., McClure, C. R., & Purcell, G. P. (1985). *GPO's depository library program: A descriptive analysis*. Norwood, NJ: Ablex Publishing Corporation.
- Johnson, N. (1982). Presidential legislation. *Legal Reference Services Quarterly*, 2, 3–11.
- McKinney, R. J. (2006, October). *An overview of the U.S. Congressional Serial Set*. Retrieved from www.llsdc.org/sourcebook/docs/serial-set.pdf
- Merritt, L. C. (1943). *United States government as publisher*. Chicago, IL: University of Chicago Press.
- Miller, S. J. (1980). *The Depository Library System: A history of the distribution of federal government publications to libraries of the United States from the early years to 1895* (Columbia University, 1980). Dissertation Abstracts International, 41, 1264.
- Morehead, J. (1999). *Introduction to United States government information sources* (6th ed.) Englewood, CO: Libraries Unlimited, Inc.
- Morehead, J. (1978). *Introduction to United States public documents*. Englewood, CO: Libraries Unlimited, Inc.
- Palmer, B. (2003). *Evolution of the Senate's role in the nomination and confirmation process: A brief history* (Congressional Research Service Report RL31948). Retrieved from www.senate.gov/reference/resources/pdf/RL31948.pdf
- Poore, Benjamin P. (1885). *A descriptive catalogue of the government publications of the United States, September 5, 1774–March 4, 1881*. Washington: Government Printing Office.
- Rybicki, E. (2003). *Senate Consideration of presidential nomination: Committee and floor procedures* (Congressional Research Service Report RL31980). Retrieved February 22, 2010, from www.llsdc.org/sourcebook/docs/CRS-RL31980.pdf
- Schmeckebier, L. F. (1925). *The Government printing office: Its history, activities and organization*. Baltimore, MD: Johns Hopkins University Press.

Schmeckebier, L. F., & Eastin, R. B. (1969). *Government publications and their use* (2nd rev. ed.). Washington, DC: Brookings Institution.

Schwarzkopf, L. C. (1978). The Depository Library Program and access by the public to official publications of the United States government. *Government Publications Review*, 5, 147–156.

Surrency, E. C. (1987). *History of the federal courts*. New York, NY: Oceana Publications, Inc.

Surrency, E. C. (1987). The Publication of federal laws: A short history. *Law Library Journal*, 9, 469–484.

Public Statutes at Large of the United States. (1846). Boston: Charles C. Little & James Brown.

Treaties and other international agreements: The role of the United States Senate, a study. (2001). Washington, DC: Government Printing Office. Retrieved February 22, 2010, from http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=106_cong_senate_print&docid=f:66922.wais

Saunders, V. (1998). *U.S. Congressional Serial Set: What it is and its history*. Retrieved from www.access.gpo.gov/su_docs/fdlp/history/sset/sset1.html

U.S. Government Printing Office. (1961). *100 GPO years 1861–1961: A history of United States public printing*. Washington, DC: Government Printing Office.

United States Senate. (2005). *Treaties*. Retrieved from www.senate.gov/reference/reference_index_subjects/Treaties_vrd.htm

Walters, J. S. (1996). The presuperhighway: Politics of U.S. government printing and publishing, 1917–1960. *Journal of Government Information*, 23, 93–121.

Woodward, M. (1990). Executive orders: A journey. *Legal Reference Services Quarterly*, 10, 129–134.

Zink, S. D. (1986). Clio's blindspot: Historians' underutilization of United States government

publications in historical research. *Government Publications Review*, 13, 67–78.

Zwirn, J. (1983). *Congressional publications: A research guide to legislation, budgets, and treaties*. Englewood, CO: Libraries Unlimited, Inc.

About the Author

Cheryl Truesdell is Dean of the Indiana University–Purdue University Fort Wayne (IPFW) Helmke Library and has achieved full rank. During the past 25 years she has served in a leadership position in almost every department in the library, including Document Delivery Services, Technical Services, Government Documents, acting Head of Reference and Information Services, manager of the digital library program, as well as Associate Library Director and acting Library Director. Her expertise and professional interests include strategic planning, building digital library collections, resource sharing, copyright law, and U.S. government information services. She has been active in Indiana libraries and library organizations since 1980 serving in leadership roles in the American Library Association, the Indiana Cooperative Library Services Authority (INCOLSA), the Indiana State Library Advisory Council, Indiana Government Documents Organization, INDIGO, and the Indiana Library Federation. In 2007 she was elected by more than 3,000 personal, institutional, and library-trustee members to the position of Vice President–President Elect of the Indiana Library Federation. She has also been active in a number of Indiana University Libraries system-wide committees, including the IUCAT Catalog Request Delivery implementation team. She has published articles in the *Journal of Academic Librarianship*, *Indiana Libraries*, and *DTTP: Documents to the People*, and has been a presenter at state, regional and national conferences, including the Indiana Library Federation, INDIGO, the Indiana Health Science Librarians Association, the Midwest Federation of Library Associations, the American Library Association, and Federal Depository Library Conference. In her spare time, Ms. Truesdell indulges in her love for gardening and mystery novels.