

Practicing Reference . . .

What's in a Statute Name?*

Mary Whisner**

Thoughts about the CAN-SPAM Act over the breakfast table lead Ms. Whisner to explore various practices associated with naming statutes, with a side trip to locate the origins of a standard research tool, the popular name table.

¶1 “CAN-SPAM”¹ is perhaps the cleverest statute name I have heard. The statute is an effort to reduce the amount of unsolicited commercial e-mail—the inbox clutter we know as “spam.” And so someone came up with a statute title (Controlling the Assault of Non-Solicited Pornography and Marketing Act) that spells out what the statute is supposed to accomplish. Wow. Thinking about CAN-SPAM’s apt acronym at the breakfast table one morning² led to a string of questions. When did Congress start using acronyms that spelled out words suggestive of the meaning of a statute? I thought of the USA PATRIOT Act and the WARN Act. When did Congress start including “short title” sections in bills? The questions kept swirling in my mind, long after I had finished that morning’s cereal. Happily, I work in a law library and have access to resources that can help me find answers to questions like these. I offer here some of what I have learned, for you to take in at your breakfast table or at your desk at work.

¶2 The popular names of statutes fall into at least these four categories:

- named with descriptive words (the Civil Rights Act of 1964³), sometimes abbreviated to their initials (NEPA, the National Environmental Policy Act⁴);
- named after sponsors (the Sherman Act,⁵ the Magnuson-Moss Warranty Act⁶);

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** Assistant Librarian for Reference Services, Marian Gould Gallagher Law Library, University of Washington School of Law, Seattle, Washington.

1. Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN-SPAM Act), Pub. L. No. 108-187, 117 Stat. 2699 (2003).

2. As I recall, I was reading Paul Jamieson, *Stopp[^]ng \$p@m!/: The Private Sector Needs to Regulate Spam Because the Government Can't*, LEGAL AFFAIRS, July–Aug. 2004, at 23. By then, the law was six months old, but I guess I hadn’t been keeping up—or I just hadn’t been struck by the name before.

3. Pub. L. No. 88-352, 78 Stat. 241 (1964).

4. Pub. L. No. 91-190, 83 Stat. 852 (1970).

5. Act of July 2, 1890, ch. 647, 26 Stat. 209.

6. Pub. L. No. 93-637, 88 Stat. 2183 (1975). (The U.S.C.A. Popular Names Table indicates that this law is sometimes also known as the Lemon Law, but that’s another category that I won’t explore now.)

- named after someone else (Megan’s Law⁷);
- and named with words patched together to spell out another word (CAN-SPAM).⁸

Some statutes are known in two ways—for instance, the National Labor Relations Act (NLRA) is also known as the Wagner Act for its original sponsor.⁹ There are also some statutes that are popularly referred to only by numbers, sometimes in perplexing ways.¹⁰ Even limiting my exploration to federal statutes, there are far too many interesting stories to cover or even touch on all of them, or even all the categories. This article offers a sampling. I begin with a famous statute named for a sponsor, the Sherman Act. Since the Act did not include a short title saying it would be known as the Sherman Act, I go on to look at the practice of including short titles in statutes and that leads naturally to a look at a standard research tool, the popular name table. I conclude by discussing the practice of naming statutes after people outside Congress and the clever acronym phenomenon.

Let’s Call It the Sherman Act

¶3 The Sherman Act (or Sherman Antitrust Act) is one of those statutes that many people know by name, whether or not they are antitrust experts or even work with legal materials. So it seemed like a good name to look into.

¶4 My first step was to look it up in the *United States Statutes at Large*.¹¹ The law turns out to be very short—not even two full pages. It has no “short title” sec-

7. Pub. L. No. 104-145, 110 Stat. 1345 (1996). The first “Megan’s Law” (requiring registration of released sex offenders and named for a child murdered by a convicted sex offender in her neighborhood) was in New Jersey; many other states subsequently passed sex offender registration laws. Robert J. Martin, *Pursuing Public Protection Through Mandatory Community Notification of Convicted Sex Offenders: The Trials and Tribulations of Megan’s Law*, 6 B.U. PUB. INT. L.J. 29, 30 (1996).

8. I don’t have bibliometric data, but I feel confident in saying that this list is in decreasing order of frequency. Most statutes are named with descriptive terms; many statutes are named after sponsors; some statutes are named for other people; comparatively few statutes have clever acronyms.

9. Ch. 372, 49 Stat. 449 (1935) (codified as amended at 29 U.S.C. §§ 151–169 (2000)).

The U.S.C.A. Popular Names Table indicates this is also known as the Wagner-Connelly Labor Relations Act. I think that is much less common. I ran quick searches in Westlaw’s JLR database (searches conducted Sept. 19, 2004):

“national labor relations act”—7718 documents

“wagner act”—1651 documents

wagner-connelly—14 documents

There are popular names and not-so-popular names.

10. For example, the statute that established state jurisdiction over disputes between Indians arising in Indian country in six states is known as “P.L. 280.” How would you look it up? Public law 280 of which Congress? OK, I’ll tell you. It was the 53rd Congress (which coincidentally was in 1953). But the *Bluebook* tells us to cite public laws before 1957 by chapter number, not public law number, THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION 186 (Columbia Law Review Ass’n et al. eds., 17th ed. 2000), so the law widely known as “P.L. 280” could be cited without this crucial number as follows: Act of Aug. 15, 1953, ch. 505, 67 Stat. 588 (codified as amended at 18 U.S.C. § 1162 (2000)), 28 U.S.C. § 1360 (2000)).

11. Act of July 2, 1890, ch. 647, 26 Stat. 209.

tion. I expected that; I did not know when the “short title” practice started, but I doubted it was as early as 1890. Interestingly, the famous antitrust law does not use the word “antitrust” (not even with the older spelling, “anti-trust”). It does have the word “trust,” twice, and it sets up criminal and civil penalties for some things related to trusts, so a careful reader *could* think of the statute as “anti-trust.” But one could also think of the statute as an “anti-restraint of trade” act or an “anti-monopoly” act or a “pro-commerce” act. The words “combination” and “conspiracy” appear much more often than “trust” (five times each), but the law did not come down to us as the “anti-combination” act or the “anti-conspiracy” act.

¶5 Since the law did not say “Sherman Act” on its face, I wondered what its contemporaries called it. Hein Online allowed me to sample some of the law review literature. The *American Law Register*, for example, ran an article called “The Legality of Trust Combinations” in December 1891¹²—a year and a half after the statute was enacted. I thought this article would focus on the important new legislation, but I scanned seventeen pages discussing the common law of trust combinations before I got to the Sherman Act on the next to the last page of the article. But it wasn’t “The Sherman Act.” And it wasn’t “The Antitrust Act.” The author referred to it as “The Act of Congress, approved July 2, 1890 (26 St. at Large, p. 209, C. 647).” That is not the sort of name ever destined to become popular, but there it was.

¶6 Another commentator led into a discussion of the new law with a description of the industrial trusts of the late nineteenth century:

While the trusts are . . . making inferior articles of consumption, and selling them at extortionate rates, they frequently declare that there is an “over-production,” shut down their mills, turn their workmen out of employment, and wait until the needs of the public require the payment of the coveted prices; the phrase “over-production” having with them a technical meaning, which, being interpreted, signifies that the trusts are not making as much money as they want to make.

To meet these evils the “Anti-Trust Act” of Congress was passed and approved on the 2d day of July, 1890. It smites with illegality all the combinations made in restraint of trade, all monopolies, and all contracts leading up to them, and imposes heavy penalties on the individuals that become parties thereto.”¹³

This author had a popular name for the statute—the “Anti-Trust Act”—and also gave an explanation of why it would be named that: because it was against the “trusts.” In fact, the author provides a list of thirty trusts that were known to exist at the time the statute was enacted.¹⁴

¶7 Commentators were not unanimous in finding the name apt, however. A treatise author in 1893 railed: “[I]f the Fifty-first Congress had deliberately conspired

12. Louis Boisot, Jr., *The Legality of Trust Combinations*, 30 AM. L. REG. 751 (1891).

13. U.M. Rose, *Strikes and Trusts*, 27 AM. L. REV. 708, 738 (1893). When was the last time you saw a law characterized as “smiting with illegality” the prohibited practice?

14. *Id.* at 739 n.1 (listing the Steel Rail Trust, the Nail Trust, the Iron Nut and Washer Trust, and others).

to gain credit for striking a blow at the trusts under false pretences, it could not have succeeded better than by passing the erroneously prefixed *Anti-Trust* Bill approved July 2, 1890. It did not even frighten the trusts.”¹⁵ That author also refers to the statute as “the Act of 1890”¹⁶ and, after some pages, “the Sherman Anti-Trust Act.”¹⁷

¶8 Another treatise author covered a variety of names apparently in use by 1911: “**Act of July 2, 1890.** – The federal anti-trust act, sometimes called the ‘Sherman Act’ and sometimes called the ‘Trust Act,’ or, more properly, ‘Anti-Trust Act,’ approved July 2, 1890, was entitled: . . . ‘An act to protect trade and commerce against unlawful restraints and monopolies.’”¹⁸

¶9 The name “Sherman Act” stuck. Hundreds of Supreme Court cases have referred to the law in that way.¹⁹ But it took a while for the usage to become settled. In fact, the word “Sherman” does not appear in many of the landmark Supreme Court cases involving the statute.²⁰

¶10 Throughout all this, I assumed that Sherman must have been the bill’s sponsor, but I knew nothing else. For all I knew, Sherman could have been General William Tecumseh Sherman or Mr. Peabody’s sidekick Sherman.²¹ Of

15. THOMAS CARL SPELLING, *A TREATISE ON TRUSTS AND MONOPOLIES* 221–22 (1893) (footnote omitted).

16. *Id.* at 227.

17. *Id.* at 239, 242.

18. 2 ARTHUR J. EDDY, *THE LAW OF COMBINATIONS* 876 (1901) (footnotes omitted). (By the way, the treatise does not discuss the Sherman Act until well into volume 2.)

Mr. Eddy noted: “Mr. S. C. T. Dodd, general counsel of the Standard Oil Co., has an interesting article on the anti-trust act in 7 *Harvard Law Review*, 165.” *Id.* at 876 n.2. Having Hein Online at my fingertips (have I mentioned how convenient this is?), I took a look at the piece: S. C. T. Dodd, *The Present Legal Status of Trusts*, 7 *HARV. L. REV.* 157 (1893). Not surprisingly, Mr. Dodd did not think the new law was a good idea. Readers used to modern law reviews might be surprised, however, that the journal did not list Mr. Dodd’s affiliation, information that is routinely offered about today’s authors, even if they don’t have such an obvious stake in the issue they are discussing. Another surprise to modern readers is the article’s comparative paucity of footnotes. All of the footnotes are case citations. Although Dodd referred to and discussed features of antitrust laws in “about twenty States and Territories of the Union,” he did not cite them. *Id.* at 164. (This would not have been a multistate survey worth indexing had there been an 1893 version of *SUBJECT COMPILATIONS OF STATE LAWS* (Cheryl Rae Nyberg et al. eds., 1981–2003).) And he did not cite the Sherman Act, which he referred to as “the Federal anti-trust law,” “the Federal statute,” “the Federal Act,” and “the Act of Congress.” *Id.* at 165–69. He referred to the state and federal laws together as “all the so-called anti-trust legislation.” *Id.* at 169.

19. A LexisNexis search conducted on Sept. 1, 2004, in Supreme Court cases using **sherman pre/3 act** as a query yielded 655 cases. In twenty-two of the hits, the only occurrence of “Sherman” is in the summary, the syllabus, or arguments of counsel, and not in an opinion by a justice. At least two were false drops. One noted that Sherman had been one of the principal sponsors of the Tenure in Office Act. *Myers v. United States*, 272 U.S. 52, 279 n.58 (1926). Another case referred to a *different* Sherman Act. *United States v. Whitridge*, 197 U.S. 135, 145 (1905) (referring to the Sherman Silver Purchase Act, Act of July 14, 1890, 26 Stat. 289 (1890), enacted the same month as the Sherman Antitrust Act).

20. *E.g.*, *Standard Oil Co. v. United States*, 221 U.S. 1 (1911); *Swift & Co. v. United States*, 196 U.S. 375 (1905); *Northern Sec. Co. v. United States*, 193 U.S. 197 (1904); *United States v. Joint Traffic Ass’n*, 171 U.S. 505 (1898); *United States v. Trans-Missouri Freight Ass’n*, 166 U.S. 290 (1897).

21. “*Peabody’s Improbable History* [a segment on the Rocky and Bullwinkle Show] featured a genius dog named Mr. Peabody who had a pet boy named Sherman; Sherman and Peabody used Peabody’s

course, it was neither of these: the law was named after a sponsor, Senator John Sherman.²² Sherman had a long career in public life, serving in the House of Representatives from 1855 to 1861, and the Senate from 1861 to 1877 and 1881 to 1897. He was Secretary of the Treasury under President Rutherford B. Hayes (1877–81) and Secretary of State under President William McKinley (1897–98).²³ During his Senate years, he was a member of the Committee on Finance and sometimes its chairman.²⁴ At least according to one admirer, “he was generally and, indeed, uniformly reputed to be the ablest and most influential financial statesman in the country.”²⁵ He played a large role in the enactment of the law that bears his name. In 1888 he introduced a resolution directing the Committee on Finance to “inquire into and report, in connection with any bill raising or reducing revenue that may be referred to it, such measures as it may deem expedient to set aside, control, restrain, or prohibit all arrangements, contracts, agreements, trusts, or combinations between persons or corporations, made with a view or which tend to prevent free and full competition. . . .”²⁶ He reported from committee an unsuccessful antitrust bill in 1888.²⁷ And he reintroduced that bill—now Senate Bill No. 1—at the beginning of the next Congress in December 1889.²⁸ As summarized twenty years later:

That Sherman bill was never enacted into law, but Senator Sherman in drawing and introducing that bill, and afterward in powerfully advocating its passage upon the floor of the Senate, initiated and carried far forward the movement which resulted, in the summer of 1890, in the passage by both houses of Congress, and the approval by President Harrison, of a more elaborate and comprehensive statute, which in the meantime was drawn by Senator George F. Hoar of Massachusetts, and was substituted for the Sherman bill with the cordial approval of Senator Sherman. Inasmuch as Senator Sherman was the originator of the proposed legislation and was its leading advocate in Congress, the resulting statute has always been known as the Sherman law; although the language of that law was written by Senator Hoar. . . .²⁹

‘WABAC machine’ (pronounced ‘way-back’) to go back in time to discover the *real* story behind historical events.” WIKIPEDIA, *The Rocky and Bullwinkle Show*, at <http://en.wikipedia.org/wiki/Bullwinkle> (last modified Sept. 23, 2004). OK, I didn’t really think that Sherman could have traveled back to the time of the Sherman Act and had the statute named after him. But wouldn’t it have been a good explanation of why the name didn’t become widespread immediately?

22. John Sherman was a younger brother of William Tecumseh Sherman. 17 *DICTIONARY OF AMERICAN BIOGRAPHY* 84 (Dumas Malone ed., 1935).
23. JOEL D. TREESE, *BIOGRAPHICAL DIRECTORY OF THE AMERICAN CONGRESS 1774–1996*, at 1815 (1997).
24. ALBERT H. WALKER, *HISTORY OF THE SHERMAN LAW OF THE UNITED STATES OF AMERICA* 1 (1910).
25. *Id.*
26. 19 *CONG. REC.* 6041 (1888).
27. 1 *THE LEGISLATIVE HISTORY OF THE FEDERAL ANTITRUST LAWS AND RELATED STATUTES* 63 (Earl W. Kintner ed., 1978).
28. *Id.* at 89.
29. WALKER, *supra* note 24, at 2. The bill that became the Sherman Act was presented to the Senate as drafted by one of the members of the Finance Committee. It was not generally known that Senator Hoar was the author of the substitute bill until he published his autobiography thirteen years later. *Id.* at 28.

¶11 So the Sherman Antitrust Act was not always called that, does not use the word “antitrust,” and was not even written by Senator Sherman.³⁰ There you have at least some of the story of one of the most well-known popular names of a statute.

Including Short Titles in the Statute Makes Things Easier

¶12 A generation later, the Clayton Antitrust Act (1914)³¹ again did not tell readers the name it would be known by. Unlike the Sherman Act, however, it used “antitrust” right in the first sentence, defining “antitrust laws” to include the Sherman Act (cited by formal title and date), three other acts, and itself. The Clayton Act was amended by the Robinson-Patman Act of 1936.³² This law also did not indicate on its face what its short title would be. LexisNexis Congressional lists (in the part of its service where one can pull up a statute by *Statutes at Large* citation) a raft of aliases: Antitrust Act Of 1914, Amendment; Robinson-Patman Price Discrimination Act; Robinson-Patman Anti-Discrimination Act; Robinson-Patman Act; Price Discrimination Act; Chainstore Act. Goodness, all these names for a statute that covers only three pages in the *Statutes at Large*!

¶13 In 1976 came another antitrust statute. This time, the drafters left no doubt about the intended short title. After the formal title (“An Act to improve and facilitate the expeditious and effective enforcement of the antitrust laws, and for other purposes”) came this:

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Hart-Scott-Rodino Antitrust Improvements Act of 1976.”*³³

In addition to the convenience of telling us what to call *this* statute, the drafters added more: they gave us, at last, official short titles for earlier antitrust statutes:

Sec. 305. (a) The Act entitled “An Act to protect trade and commerce against unlawful restraints and monopolies”, approved July 2, 1890 (15 U.S.C. 1 et seq.) is amended by adding immediately after the enacting clause the following: “That this Act may be cited as the ‘Sherman Act.’”

(b) The Act entitled “An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,” approved October 15, 1914 (15 U.S.C. 12 et seq.), is amended by —

. . . .

(2) adding at the end of the first section the following new subsection:

“(b) This Act may be cited as the ‘Clayton Act.’”³⁴

30. Today one doesn’t assume that a bill’s sponsor actually drafted it. Not only are the members of Congress assisted by large staffs, but bills may also be drafted by constituents and interest groups, by state legislatures (“memorializing” Congress to enact federal laws), by administrative agencies, or by commissions appointed by the president or a cabinet member. CHARLES W. JOHNSON, *HOW OUR LAWS ARE MADE*, H. DOC. NO. 108-93, at 4-5 (2003), available at http://thomas.loc.gov/home/laws_made.bysec/lawsnew.txt.

31. Ch. 323, 38 Stat. 730 (1914).

32. Ch. 592, 49 Stat. 1526 (1936).

33. Pub. L. 94-435, 90 Stat. 1383, 1383 (1976).

34. *Id.* § 305, 90 Stat. at 1397. Subsections (c) and (d) made official the short titles of the Webb-Pomerene Act and the Wilson Tariff Act.

¶14 Specifying the short title of a statute in the statute itself seems obvious to us now. But, as we have seen, it was not always a part of drafting. My guess was that Congress might have begun the practice in the New Deal. How else could people have kept track of the flurry of legislation? I turned to a chronological list of landmark legislation³⁵ and began sampling statutes:

- The Agricultural Adjustment Act doesn't include a short title section, but there is a marginal note in *Statutes at Large*: "Agricultural Adjustment Act. *Post* pp. 199, 354."³⁶ Page 199 is within the National Industrial Recovery Act, which provides: "This title shall not be construed to repeal or modify any of the provisions of title I of the Act entitled 'An Act to relieve the existing national economic emergency . . .,' approved May 12, 1933; and such title I of said Act approved May 12, 1933, may for all purposes be hereafter referred to as the 'Agricultural Adjustment Act.'"³⁷
- The National Industrial Recovery Act itself has a short title section at the end.³⁸
- The second page of the Tennessee Valley Authority Act of 1933 has the magic words: "This Act may be cited as the Tennessee Valley Authority Act of 1933."³⁹
- Section 1 of the Securities Exchange Act of 1934 gives the short title.⁴⁰
- Neither the Taylor Grazing Act⁴¹ nor the Indian Reorganization Act⁴² have a short short title in either the text or in a marginal note.
- "Social Security Act" is in a marginal note at the beginning of this Act,⁴³ as well as in the *last* section of the statute.⁴⁴

¶15 This was an interesting exercise, but by this point I had established that the practice had at least begun by the New Deal (even if it wasn't universal). Now I wanted to find out when it started. Unfortunately, "**may be cited as**" did not work as a search in LexisNexis Congressional, nor did "**this act may be cited as.**" (Stop words make a search system more efficient, but it's frustrating when the stop words are exactly what I want to find!) I switched to a low-tech approach: sitting on the floor in the aisle where the *Statutes at Large* are shelved and browsing through the volumes (with some guidance from the U.S.C.A. Popular Names Table). This was a little less tedious—or at least less mouse-intensive—than choosing landmark legislation and pulling up the PDF documents on LexisNexis Congressional.

¶16 Before leaving the New Deal, I happened across a statute that identified *one title* with a popular name. This was the first act during President Roosevelt's administration—the statute giving the president the power to proclaim an emergency and

35. STEPHEN W. STATHIS, LANDMARK LEGISLATION 1774–2002: MAJOR U.S. ACTS AND TREATIES (2003).

36. Ch. 25, 48 Stat. 31, 31 (1933).

37. Ch. 90, § 8(a), 48 Stat. 195, 199 (1933).

38. *Id.*, § 304, 48 Stat. at 211.

39. Ch. 32, § 1, 48 Stat. 58, 59 (1933).

40. Ch. 404, § 1, 48 Stat. 881, 881 (1934).

41. Ch. 865, 48 Stat. 1269 (1934).

42. Ch. 576, 48 Stat. 984 (1934).

43. Ch. 531, 49 Stat. 620, 620 (1935).

44. *Id.*, § 1105, 49 Stat. at 648.

prohibit or limit banks from transacting business.⁴⁵ Title II of that act “may be cited as” the Bank Conservation Act.⁴⁶ Backing up just a bit from the New Deal, I looked up the Hawley-Smoot Tariff Act, also known as the Smoot-Hawley Act.⁴⁷ The Popular Names Table referred me to the Tariff Act of 1930. Like the Social Security Act and the NIRA, the Tariff Act gives its short title (that is, Tariff Act of 1930, not Smoot-Hawley or Hawley-Smoot) in its last section.⁴⁸

¶17 There may well be earlier examples, but the first example of a short title written into a statute that I came across is the Federal Farm Loan Act, from 1916.⁴⁹ From my browsing, it appears that earlier statutes tended to be shorter. Sometimes their formal titles were succinct enough for everyday use—or they readily suggested the popular name by which they would be known. For instance, the first Homestead Act’s formal title was “An Act to secure Homesteads to actual Settlers on the Public Domain.”⁵⁰ An early Civil Rights Act had a beautiful formal title: “An Act to protect all Persons in the United States in their Civil Rights, and furnish the Means of their Vindication.”⁵¹

¶18 Law librarians saw a need for short titles as early as 1914. A committee of the American Association of Law Libraries recommended “the adoption of a short title for all acts passed either by state legislatures or by Congress.”⁵²

When Did Popular Names Tables Come into Use?

¶19 I have always taken popular names tables for granted (despite frustrations with some of them from time to time). But surely they have not always been a part of statutory research. The *United States Code* adopted this innovation in 1940—the 1940 edition has it and the 1934 edition does not. By the way, here we see a dra-

45. Act of Mar. 9, 1933, ch. 1, § 4, 48 Stat. 1, 2.

46. *Id.*, § 201, 48 Stat. at 2.

47. Some readers will recognize this as part of the numbing lesson Ben Stein (a former law professor in real life) conducted in *Ferris Bueller’s Day Off*. The Internet Movie Database quotes the passage:

In 1930, the Republican-controlled House of Representatives, in an effort to alleviate the effects of the . . . Anyone? Anyone? . . . the Great Depression, passed the . . . Anyone? Anyone? The tariff bill? The Hawley-Smoot Tariff Act? Which, anyone? Raised or lowered? . . . raised tariffs, in an effort to collect more revenue for the federal government. Did it work? Anyone? Anyone know the effects? It did not work, and the United States sank deeper into the Great Depression. Today we have a similar debate over this. Anyone know what this is? Class? Anyone? Anyone? Anyone seen this before? The Laffer Curve. Anyone know what this says? It says that at this point on the revenue curve, you will get exactly the same amount of revenue as at this point. This is very controversial. Does anyone know what Vice President Bush called this in 1980? Anyone? Something-d-o-o economics. “Voodoo” economics.

IMDb, *Memorable Quotes from Ferris Bueller’s Day Off*, at <http://www.imdb.com/title/tt0091042/quotes> (last visited Oct. 22, 2004) (quoting FERRIS BUELLER’S DAY OFF (Paramount Pictures 1986)).

48. Ch. 497, § 654, 46 Stat. 590, 763 (1930).

49. Ch. 245, § 1, 39 Stat. 360, 360 (1916).

50. Act of May 20, 1862, ch. 75, 12 Stat. 392.

51. Act of Apr. 9, 1866, ch. 31, 41 Stat. 27.

52. *Report of the Committee on Legal Bibliography*, 7 LAW LIBR. J. 53, 57 (1914).

matic illustration of the growth of legislation during the New Deal: the 1934 edition fit all of the federal laws in one volume, while the 1940 edition comprised four (the fourth was devoted to indexes and tables).

¶20 Commercial publishers had started producing popular names tables earlier. By 1924, one could use a popular names table in either the *Federal Statutes Annotated* or the *United States Compiled Statutes*.⁵³ One wonders if these were based on a twenty-page booklet titled *Popular Names of Federal Statutes* that was published by the Library of Congress in 1923.⁵⁴ By 1930, the *United States Code Annotated* had entered the field with such a table.⁵⁵ The Frank Shepard Company began publication of a pamphlet with the popular names of federal statutes in the late 1920s.⁵⁶

¶21 Leaders of the American Association of Law Libraries saw the utility of popular name tables long before the practice was uniform. In 1914, the Committee on Legal Bibliography reported:

Many of the laws upon our statute books are known generally by a nick-name or have a popular title; e.g., Bland-Allison act; Hepburn act; Sherman law, etc.

Your Committee would recommend that a resolution be prepared in the name of the Association and addressed to the proper official or department having the preparation of such laws in charge, urging the importance of the publication of a pamphlet giving references to each of the laws called or known by a popular title. Also, we ask that the indices to subsequent Statutes-at-large and Revised Statutes include citations to any and all laws passed by the Congress of the United States that may be known by a popular title.⁵⁷

Those early librarians were astute—they knew, even before the flurry of legislation in the New Deal and the decades that followed, that popular name tables would be essential to researchers.

53. LAW BOOKS AND THEIR USE 30 (2d ed. 1924) (giving as examples of statutes cited by popular name the Sherman Act and the Carmack Amendment). *Federal Statutes Annotated* was published by Edward Thompson Company in 1906 and 1916, and *United States Compiled Statutes* was published by the West Publishing Company in 1916. ARTHUR SYDNEY BEARDSLEY, LEGAL BIBLIOGRAPHY AND THE USE OF LAW BOOKS 39–40 (1937).

54. HENRY J. HARRIS, POPULAR NAMES OF FEDERAL STATUTES: A TENTATIVE LIST BASED ON THE RECORDS OF THE AMERICAN LAW SECTION, LEGISLATIVE REFERENCE SERVICE, LIBRARY OF CONGRESS (1923).

55. LAW BOOKS AND THEIR USE 20 (5th ed. 1930).

56. A TABLE OF FEDERAL ACTS TO MARCH 4, 1927 WHICH HAVE BEEN DESIGNATED BY POPULAR NAMES (1927). I base the 1927 date on records in Columbia's and Boalt's law library catalogs. The publisher (now LexisNexis) does not have the first edition of this pamphlet, but does have a 1950 edition of *Federal Acts by Popular Names or Short Titles* with a copyright list that begins in 1931. E-mail from Jane W. Morris, Director, Customer Programs, Case Law & Citations Editorial, LexisNexis to Mary Whisner (Sept. 20, 2004) (on file with the author). State statutes (as well as cases) were added in 1968, and the publication was hardbound for the first time, under a new title: *Shepard's Acts and Cases by Popular Names, Federal and State. Id.*

A librarian for West Publishing Company published a list of state acts by popular names in *Law Library Journal*. He did not claim it was complete and invited additions—but it is still a testament to a less legislated era that his list of statutes from all states was only nine pages long. A. M. Hendrickson, *Alphabetical List of State Acts Cited by Popular Name*, 9 LAW LIBR. J. 23 (1916).

57. *Report of the Committee on Legal Bibliography*, *supra* note 52, at 57.

Statutory Poster Children

¶22 A number of statutes are named after victims of crimes. The naming can serve as a memorial; it can also serve as shorthand to express the harm that the statute is meant to address. Aimee's Law⁵⁸ is named for Aimee Willard, a college senior who was murdered by a man who had been paroled in another state.⁵⁹ Amy Boyer's Law⁶⁰ is named for a woman who was killed by a stalker who tracked her down by purchasing her Social Security number on the Internet.⁶¹ The James Guelff and Chris McCurley Body Armor Act of 2002,⁶² which provides that only law enforcement officers can buy bulletproof vests via mail order, is named for two police officers killed in the line of duty.⁶³ One of the most well-known statutes is the Brady Handgun Violence Prevention Act,⁶⁴ named for James Brady, who was seriously wounded during John Hinckley's attempt to assassinate President Reagan. The most recent is Laci and Conner's Law,⁶⁵ Laci Peterson was murdered when she was about eight months pregnant and had already named her child Conner. The new law creates a separate offense for individuals who kill or injure a fetus during commission of certain federal crimes of violence.⁶⁶

¶23 Statute names can also honor people for work they have done. For example, Amy Somers was the director of a food bank for four years before her death. An act providing that food bank volunteers are not covered by the Fair Labor Standards Act was named in her honor.⁶⁷

¶24 Congress also uses statute names to honor its own. After Morris K. Udall retired from Congress in 1991, his colleagues honored his work on environmental and Native American issues by naming a law after him.⁶⁸ Because he had been disabled and ultimately forced to retire by Parkinson's disease, his name was used again

58. Pub. L. No. 106-386, § 2001, 114 Stat. 1464, 1539 (2001) (transferring federal funds from a state that released a convict "early" to a state that convicted the released individual for a later offense).

59. 146 CONG. REC. S10166 (daily ed. Oct. 11, 2000) (statement of Sen. Brownback).

60. Pub. L. No. 106-553, § 635, 114 Stat. 2762, 2762A-114 (2000) (prohibiting display or sale of a person's Social Security number without that person's consent).

61. 146 CONG. REC. S11237 (daily ed. Oct. 27, 2000) (statement of Sen. Gregg).

62. Pub. L. No. 107-273, § 11009, 116 Stat. 1758, 1819 (2002).

63. Guelff was a San Francisco officer, killed by a heavily armed gunman whom more police could not subdue for a long time because he was wearing a bulletproof vest and Kevlar helmet. More than one hundred officers were at the scene and several ran out of ammunition during the gunfight. 143 CONG. REC. 3687 (1997) (statement of Rep. Stupak). Chris McCurley was an officer in Etowah County, Alabama, who was killed in an incident in which three other officers were also shot. 144 CONG. REC. 9389 (1998) (statement of Rep. Aderholt).

64. Pub. L. No. 103-159, tit. I, 107 Stat. 1536 (1993) (requiring one-week waiting period and background checks for purchasers of handguns).

65. Unborn Victims of Violence Act of 2004 (Laci and Conner's Law), Pub. L. No. 108-212, 118 Stat. 568. Both short titles are listed in the Act. *Id.* § 1, 118 Stat. at 568. The House Report listed ten expectant mothers who were injured or killed, losing their fetuses. H. REP. NO. 108-420, at 8-14 (2004), *reprinted in* 2004 U.S.C.C.A.N. 538-43. Laci and Conner Peterson led the list.

66. Laci and Conner Peterson's case is covered by California law, which already classifies the killing of a fetus as murder. H. REP. NO. 108-420, at 9, *reprinted in* 2004 U.S.C.C.A.N. 539.

67. Amy Somers Volunteers at Food Banks Act, Pub. L. No. 105-221, 112 Stat. 1248 (1998).

68. Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992, Pub. L. No. 102-259, 106 Stat. 78.

in a statute setting up Parkinson's research centers.⁶⁹ After Representative Mickey Leland was killed in a plane crash while on a mission concerning famine in Ethiopia, his colleagues named three different hunger relief statutes for him.⁷⁰ Congress also honored in a statute name the late Sonny Bono,⁷¹ who, as a singer and songwriter, held many copyrights and as a member of Congress had favored the legislation.

¶25 The AMBER Alert Act⁷² forms a bridge from the victim category to the clever acronym category. It commemorates Amber Hagerman, a nine-year-old Texas child who was abducted and murdered,⁷³ and it is the somewhat strained acronym for America's Missing—Broadcast Emergency Response Alert Act.⁷⁴ Not only does it have an acronym, but it is also part of another statute with another acronym, the PROTECT Act.⁷⁵ And so we at last return to acronyms, one of which inspired this essay in the first place.

Clever Acronyms

¶26 During a long car trip in 1975, my companions and I passed the time by taking ordinary words and phrases and constructing sentences for which they were acronyms. The one I remember is GOLDEN GATE: Groovy Old Ladies Don't Ever Need Girdles at Their Events.⁷⁶ Lately it seems that some members of Congress (or

69. Morris K. Udall Parkinson's Disease Research Act of 1997, Pub. L. No. 105-78, § 603, 111 Stat. 1467, 1519.
70. Mickey Leland Childhood Hunger Relief Act, Pub. L. No. 103-66, tit. XIII, ch. 3, 107 Stat. 312, 672 (1993); Mickey Leland Food for Peace Act, Pub. L. No. 101-624, tit. XV, subtit. A, 104 Stat. 3359, 3633 (1990); Mickey Leland Memorial Domestic Hunger Relief Act, Pub. L. No. 101-624, tit. XVII, 104 Stat. 3359, 3783 (1990).
71. Sonny Bono Copyright Term Extension Act, Pub. L. No. 105-298, 112 Stat. 2827 (1998). Professor Michael Davis remarked that it is an irony that copyright term extension was accomplished in the name of Congressman Sonny Bono, in a somewhat kitsch homage to the career he shared with his first wife, Cher, as the songwriting half of Sonny and Cher. Although he claimed a kind of credit for his talents in Sonny & Cher, *Mama Was a Rock and Roll Singer But Papa Wrote All Her Songs*, on *Greatest Hits* (UNI/MCA 1974), the remarkable truth, in light of what is now his permanent presence in copyright history, is that his major talent was to borrow the talents of others. . . . He possessed an almost uncanny ability to identify the new wave of the moment and ride it to the next swell, from his first days as the folk-rock imitator of Bob Dylan through his borrowings from the Beatles . . . until his later days in the early 70s spent out-Wayne-Newtoning Wayne Newton as a Las Vegas entertainer. The paradox, of course, is that modern copyright law makes "borrowing" far more difficult and the Bono Law has extended that difficulty by an additional, and surely unnecessary, twenty years. Michael H. Davis, *Extending Copyright and the Constitution: "Have I Stayed Too Long?"* 52 FLA. L. REV. 989, 989 n.1 (2000).
72. Pub. L. No. 108-21, tit. III, subtit. A, 117 Stat. 650, 660 (2003).
73. 149 CONG. REC. H2405 (daily ed. March 27, 2003) (statement of Rep. Dunn). Amber Hagerman is also commemorated in the Amber Hagerman Child Protection Act of 1996, Pub. L. No. 104-208, Div. A, Title I, sec. 101(a) [Title I, sec. 121, Subsection 7], 110 Stat. 3009, 3009-31 (1996). That act concerns federal child abduction and sexual abuse offenses.
74. The acronym is not spelled out in the statute—the short title just spells "Amber" in all caps. But it does stand for America's Missing: Broadcast Emergency Response. See Code Amber—The Web's Amber Alert System, at <http://www.codeamber.org> (last visited Oct. 23, 2004).
75. Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, Pub. L. No. 108-21, 117 Stat. 650.
76. The driver who initiated the word game was Dr. Ivan L. Settles, but I don't remember who constructed this sentence. It, of course, has absolutely nothing to do with the Golden Gate National Recreation Area Act, Pub. L. No. 92-589, 86 Stat. 1299 (1972).

their staffers) have been playing a similar game, one whose object is to make the words in a statute's title spell out an evocative word. This variant has more flexibility in that the acronym to be formed is not already given. However, the new game is also more constrained because the words in the title and the resultant acronym need to relate to the subject of the statute (even loosely) and have rhetorical and political value. CAN-SPAM sounds like getting rid of annoying messages. MOREPORN or EMAIL HELL would have been at least as memorable, but would not have served the sponsors' purposes.⁷⁷

¶27 I found a number of federal statutes with titles that spell out words that relate to their subjects or have some rhetorical purpose.⁷⁸ Some of the acronyms are more strained than others—e.g., capitalizing some prepositions and skipping others to make things fit. My methodology⁷⁹ was not certain to catch all of them, so the list I prepared (see table 1) is not exhaustive, but I believe I caught a good portion of them.⁸⁰

77. The topic of spam apparently inspired acronym crafters.

A flurry of antispam bills has been introduced and reintroduced in Congress in the last several months. The bills rival one another as much for their attempt to create catchy acronyms as for legal content: the CAN-SPAM Act (Controlling the Assault of Non-Solicited Pornography and Marketing), the SPAM Act (Stop Pornography and Abusive Marketing Act), REDUCE Spam Act (Restrict and Eliminate the Delivery of Unsolicited Commercial Electronic Mail or Spam Act), and the RID Spam Act (Reduction in Distribution of Spam).

Jennifer 8. Lee, *Congress Finds Rare Unity in Spam, to a Point*, N.Y. TIMES, June 23, 2003, at C1.

The Senate report on the CAN-SPAM Act of 2003 offers an etymology of "spam's" e-mail meaning: It all started early in Internet chat rooms and interactive fantasy games where someone repeating the same sentence or comment was said to be making a "spam." The term referred to a Monty Python's Flying Circus scene in which actors keep saying "Spam, Spam, Spam, and Spam" when reading options from a menu.

S. REP. NO. 108-102, at 2 n.1 (2003) (quoting COMPUTERWORLD, Apr. 5, 1999). Hormel Foods, the manufacturer of SPAM, focuses on noise level not frequency:

Use of the term "spam" was adopted as a result of the Monty Python skit in which our SPAM meat product was featured. In this skit, a group of Vikings sang a chorus of "spam, spam, spam . . ." in an increasing crescendo, drowning out other conversation. Hence, the analogy applied because UCE [unsolicited commercial e-mail] was drowning out normal discourse on the Internet.

SPAM CORPORATE INFO: SPAM & THE INTERNET, at http://www.spam.com/ci/ci_in.htm (last visited Oct. 25, 2004). Hormel does not object to the use of spam to describe UCE, but it does not want its trademark or product image used. *Id.*

One irony of the statute name is that SPAM is canned.

Whether the CAN-SPAM Act really does can spam is another question. Some critics have suggested that the statute should be called the "Yes, You Can Spam Act." *On Point*, ROCKY MTN. NEWS, Dec. 11, 2003, at 52A.

78. Compare the CHIMP Act, Chimpanzee Health, Maintenance and Improvement Act, Pub. L. No. 106-551, 114 Stat. 2752 (2000), which is about chimpanzees, with the USA PATRIOT Act, Pub. L. No. 107-56, 115 Stat. 272 (2001), which is about counterterrorism and surveillance. I consider the former acronym to describe the statute's subject and the latter to have a rhetorical purpose.

79. I flipped through the U.S.C.A. Popular Names Table, page by page, during several hours when I was also listening to a CLE. Later I looked at U.S.C.C.A.N. pamphlets for 2004.

80. There are gray areas. For instance, I thought that CRISTA—Commercial Reusable In-Space Transportation Act of 2002, Pub. L. No. 107-248, tit. IX, 116 Stat. 1519, 1573 (2002) might honor Christa McAuliffe, but her name has an "h," and I have not found any evidence that there was a link. Is the SEED Act (Support for East European Democracy Act), Pub. L. No. 101-179, 103 Stat. 1298 (1989) a clever acronym, evoking images of planting, growth, seed money, and so on? I think it's likely, so I included it in the list. I made a similar judgment about the HOPE Act.

Table 1*Federal Statutes Whose Titles Spell Out Cute Acronyms*

Year	Acronym	Full Title	Citation
1988	WARN Act	<u>W</u> orker <u>A</u> adjustment and <u>R</u> etraining <u>N</u> otification Act	Pub. L. No. 100-379, 102 Stat. 890 (1988)
1988	HOPE	<u>H</u> ealth <u>O</u> mnibus Programs <u>E</u> xtension of 1988	Pub. L. No. 100-607, 102 Stat. 3048 (1988)
1989	SEED Act	<u>S</u> upport for <u>E</u> ast <u>E</u> uropean <u>D</u> emocracy Act of 1989	Pub. L. No. 101-179, 103 Stat. 1298 (1989)
1992	FREEDOM Support Act	<u>F</u> reedom for <u>R</u> ussia and <u>E</u> merging <u>E</u> urasian <u>D</u> emocracies and <u>O</u> pen <u>M</u> arkets <u>S</u> upport Act of 1992	Pub. L. No. 102-511, 106 Stat. 3320 (1992)
1993	FRIENDSHIP Act	<u>A</u> ct <u>F</u> or <u>R</u> eform <u>I</u> n <u>E</u> merging <u>N</u> ew <u>D</u> emocracies and <u>S</u> upport and <u>H</u> elp for <u>I</u> mproved <u>P</u> artnership with <u>R</u> ussia, <u>U</u> kraine, and <u>O</u> ther <u>N</u> ew <u>I</u> ndependent States	Pub. L. No. 103-199, 107 Stat. 2317 (1993)
1994	SCAMS Act	<u>S</u> enior <u>C</u> itizens <u>A</u> gainst <u>M</u> arketing <u>S</u> cams Act of 1994	Pub. L. No. 103-322, tit. XXV, 108 Stat. 1796, 2081 (1994)
1996	LIBERTAD Act	<u>C</u> uban <u>L</u> iberty and <u>D</u> emocratic <u>S</u> olidarity Act of 1996 (Helms-Burton)	Pub. L. No. 104-114, 110 Stat. 785 (1996)
1997	SAVER Act	<u>S</u> avings <u>A</u> re <u>V</u> ital to <u>E</u> veryone's <u>R</u> etirement Act of 1997	Pub. L. No. 105-92, 111 Stat. 2139 (1997)
1999	PRIME Act	<u>P</u> rogram for <u>I</u> nvestment in <u>M</u> icroentrepreneurs Act of 1999 (1999)	Pub. L. No. 106-102, tit. VII, § 725, 113 Stat. 1338,1471 (1999)
2000	BEACH Act	<u>B</u> eaches <u>E</u> nvironmental <u>A</u> ssessment and <u>C</u> oastal <u>H</u> ealth Act of 2000	Pub. L. No. 106-284, 114 Stat. 870 (2000)
2000	CHIMP Act	<u>C</u> himpanzee <u>H</u> ealth <u>I</u> mprovement, <u>M</u> aintenance, and <u>P</u> rotection Act	Pub. L. No. 106-551, 114 Stat. 2752 (2000)
2000	LIFE Act	<u>L</u> egal <u>I</u> mmigration <u>F</u> amily <u>E</u> quity Act 114 Stat. 2762, 2762A-142	Pub. L. No. 106-553, tit. XI, (2000)
2000	LOCAL TV Act	<u>L</u> aunching <u>O</u> ur <u>C</u> ommunities' <u>A</u> ccess to <u>L</u> ocal <u>T</u> elevision Act of 2000 (2000)	Pub. L. No. 106-553, tit. X, 114 Stat. 2762, 2762A-128 (2000)
2000	LIFT Act	<u>L</u> iteracy <u>I</u> nvolves <u>F</u> amilies <u>T</u> ogether Act	Pub. L. No. 106-554, tit. XVI, 114 Stat. 2763, 2763A-328 (2000)
2001	USA PATRIOT Act	<u>U</u> niting and <u>S</u> trengthening <u>A</u> merica by <u>P</u> roviding <u>A</u> ppropriate <u>T</u> ools <u>R</u> equired to <u>I</u> ntercept and <u>O</u> bstruct <u>T</u> errorism Act of 2001	Pub. L. No. 107-56, 115 Stat. 272 (2001)
2001	MD-CARE Act	<u>M</u> uscular <u>D</u> ystrophy <u>C</u> ommunity <u>A</u> ssistance, <u>R</u> esearch and <u>E</u> ducation <u>A</u> mendments of 2001	Pub. L. No. 107-84, 115 Stat. 823 (2001)
2002	REAP	<u>R</u> ural <u>E</u> ducation <u>A</u> chievement <u>P</u> rogram pt. B, 115 Stat. 1425, 1891	Pub. L. No. 107-110, tit. VI, (2002)
2002	USA Act	<u>U</u> nity in the <u>S</u> pirit of <u>A</u> merica Act	Pub. L. No. 107-117, § 1301, 115 Stat. 2230, 2339 (2002)

(cont.)

Table 1 continued

Year	Acronym	Full Title	Citation
2002	SAFETY Act	Support Anti-terrorism by Fostering Effective Technologies Act of 2002	Pub. L. No. 107-296, tit. VIII, subtit. G, 116 Stat. 2135, 2238 (2002)
2003	CAN-SPAM Act of 2003	Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003	Pub. L. No. 108-187, 117 Stat. 2699 (2003)
2003	PROTECT Act	Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003	Pub. L. No. 108-21, 117 Stat. 650 (2003)
2003	SAFE ID Act	Secure Authentication Feature and Enhanced Identification Defense Act of 2003	Pub. L. No. 108-21, § 607, 117, Stat. 650, 689 (2003)

¶28 The WARN Act—the law that says that employers planning big layoffs have to warn their workers and give them a chance for retraining—is the earliest in my list. There was a sprinkling over the next decade, and then the pace picked up between 2000 and 2003. Is this a passing fad, or is it the wave of the future? Although I have not found any such acts in 2004, I suspect we will see more.⁸¹

Conclusion

¶29 Statutes' short titles may be formed in many different ways, from the prosaic (like using "National Labor Relations Act" to identify the act that regulates labor relations nationally) to the elegiac (honoring a departed colleague) to the playfully creative (constructing phrases that generate acronyms). This look at older statutes has shown that naming conventions and research tools have not always been as they are today. Early statutes did not identify a short title in their own text, and when the practice picked up during the New Deal, the drafters were inconsistent about putting the short title section at the beginning or the end of the act. Popular name tables, a routine part of research today, were innovative in the 1920s and 1930s.

¶30 Having short titles helps us talk about laws. Most of us just aren't wired to remember strings of numbers and abbreviations. Even an environmental law

81. Bills with clever acronyms have been introduced but not passed, e.g., Help Efficient, Accessible, Low-Cost, Timely Healthcare (HEALTH) Act of 2004, H.R. 4279, 108th Cong. (2004); Better Access to Chiropractors to Keep our Veterans Healthy (Back Our Veterans Health) Act, H.R. 4051, 108th Cong. (2004); Homeland Emergency Response Operations Act (HERO Act), H.R. 1425, 108th Cong. (2003); Stop Material Unsuitable for Teens Act (SMUT Act), H.R. 4147, 106th Cong. (2000) (raising age of "minor" from 16 to 18 in statute prohibiting obscene material to minors). This suggests that we will see more acronyms.

Administrative agencies also use this naming technique—for example, the Department of Homeland Security with its United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT Program), 69 Fed. Reg. 468 (Jan. 5, 2004) (interim rule).

expert would be unlikely to rattle off either “Pub. L. No. 91-190, 83 Stat. 852” or “42 U.S.C. §§ 4321–4347,” but everyone with even a passing awareness of environmental law has heard of NEPA or the National Environmental Policy Act. So the short titles are convenient. They can also serve political purposes, first in getting a bill passed (everyone wants to be seen as supporting “the Consolidated Motherhood and Apple Pie Act”⁸²), and then in telling constituents and the world about the law. While taking advantage of the convenience of the names, however, researchers might be wise to question the rhetoric of the names. *Does* the CAN-SPAM Act can spam?

82. Adam Freedman, *Name That Law: Laws Get Christened for a Variety of Reasons*, N.Y.L.J., Sept. 8, 2003, at 8.