

With regard to the additional costs, you say this would involve additional costs involved in printing additional briefs and appendices.

I don't understand that. It seems to me that the number of steps are the same and the number of briefs and the record, and so forth, would all be the same.

Is that not correct?

Mr. BAKER. The number of briefs would be the same but in the district courts you are permitted to duplicate them in a less expensive way than printing; for example, by multigraph, offset printing, and so on, but the most expensive phase of it would be printing portions of the record.

Some of these records before the Commission get very voluminous. In the district courts it is not necessary to reproduce that record but in the court of appeals it is necessary to have printed those portions of the record which are pertinent to the issues involved in the proceeding.

Mr. HARVEY. Didn't I understand Mr. Tierney a very few minutes ago to say this new procedure would shift the burden from the one who was aggrieved to the Commission itself to bring the record in for appeal.

Did I misunderstand him?

Mr. BAKER. I don't believe you misunderstood him on the point he made.

Presently it is incumbent upon the complaining party to present a certified copy of the record to the district court.

Ordinarily, a party in a Commission proceeding has copies of the record. It is just a question of taking it down to the Commission and having the Secretary certify that this is a true copy and then that is filed with the court.

Under this bill, the Commission has the burden of certifying the record to the district court.

But it is my understanding that the general practice has been, under the Hobbs Act, that the Commissions merely submit a list of the various documents contained in the record to the district court.

It then will be incumbent upon the complainant to designate those portions of the record upon which he relies and have those portions printed for the use of the court.

Mr. HARVEY. Do you think the hardship would be greater for the practitioners before the Interstate Commerce Commission than for those practicing before the Civil Aeronautics Board, the Federal Communications Commission, the Federal Power Commission, the Federal Trade Commission, and the other agencies that use the other procedure.

Is there a difference before this Commission as distinguished from the other Commissions?

Mr. BAKER. I would say "No" except for the size of the parties involved.

I have emphasized that many of the motor carriers which my association represents are businesses of very small size and they are less able perhaps to bear the cost that would be entailed by this bill than some of the larger organizations like airlines and railroads.

Mr. HARVEY. I have no further questions, Mr. Chairman.

The CHAIRMAN. Are there any further questions?