

SNELLA Southern New England Law Librarians Association

SNELLA TESTIMONY

Connecticut General Assembly Task Force to Study Converting Legislative Documents
from Paper to Electronic Form
Public Hearing Held November 18, 2010

Good Afternoon Chairperson Senator Crisco, Chairperson Henry, and distinguished members of the Task Force. My name is Jonathan C. Stock, Government Relations Chair of the Southern New England Law Librarians Association. We wish to communicate concerns and questions about plans to eliminate Public Hearing transcripts—substituting sound recordings only.

- Connecticut Law Librarians understand current cost reduction needs. We must express, however, serious concerns and ask questions. One question, the first and last, overshadows all. *Is there no other way?*
- First, it helps to restate what we *all* know.
- Legislative History is our avenue for determining *intent*: the public policy considerations that gave rise to statutory language.
- A Connecticut Legislative History has three parts: Public Hearings, House Deliberations, and Senate Deliberations.
- Of these, Public Hearings are—from the citizens' perspective—most important. They are where constituents communicate with their elected representatives.
- For many enactments, they constitute the *only* legislative history. Bills passed *via* the consent calendar, for example, go through both chambers with a recorded vote but little—or no—substantive discussion.
- Public Hearings have been *transcribed as printed text* for 111 years. This Legislature posts Public Hearings *as electronic text* for 20 years. We now contemplate *replacing text by sound recording only*.
- Marshall McLuhan famously observed that *the medium is the message*. It is indeed. We must, therefore, explore the medium and determine what its message may import.
- Transcripts are essential since researchers must *quote* and *officially cite text*. Hitherto they have been *free*. Absent State funding, might commercial vendors not fill the void? Access costs might exceed most citizens' purse. Does a one-time \$215,000 reduction justify diminishing our public right-to-know?

- Audio recordings, unlike transcriptions, are not searchable. Hence, researchers could access on-point discussions only by auditing hearings *in full*. Would the projected saving not be outweighed by lost professional time?
- Electronic preservation, like print preservation, remains vital for historical continuity.
- Sound recordings, like all digital files, are subject to degradation. They also become unreadable unless migrated upward through successive technologies. Hardware, software, and memory cost money. Can we fund these future costs? Even if funding arises, would long term costs not outweigh projected saving?
- The October 26 Task Force Meeting referenced an NCSL Survey comparing transcription practices in other states. It concluded that only a minority transcribe Public Hearings while most do not. These numbers are not persuasive. Connecticut, along with several sisters, honors free transparent public access. We are a sovereign State. Should we make decisions based on what a simple majority may do? Or should we continue doing what we *know* to be right?
- These are hard times with hard choices. Integrity depends, however, on the choices that we make. Our present choices are two. We can take the easy road—effecting short-term savings at long term cost. Or we can take the hard road leading back to our one overarching question: *Is there no better way?*