

**State Legislative Journals:
The Reconstruction and New Deal Eras**

Feasibility for a Digital Project

**Scott Matheson
Bonnie Collier**

S.Matheson@yale.edu
Bonnie.Collier@yale.edu

**Lillian Goldman Library
Yale Law School
Box 208215 Yale Station
New Haven, CT 06520**

203.432.6759

203.432.7228

Departmental Approvals

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PURPOSE AND EXPECTED OUTCOME OF THE PROJECT

The Yale Law Library owns a collection of state legislative journals consisting of some 10,000 volumes. An impressively complete set, perhaps the most complete in existence, these journals represent all fifty states, the Dakota Territory, and the Philippines. Some states' journals begin at the time of statehood, others within a few years, and the older states within about thirty years.

While the content and format of the journals vary from state to state, most of them report daily action of both houses, including comments and sometimes debate from the floor, bills and resolutions, roll call votes, and usually full texts of amendments. Some states include addresses of the governor, reports of committees, opinions of legislative counsel, subject and bill indexes, as well as a variety of miscellaneous state documents. While some of this information can be found in other disparate sources, some is unique to the legislative journals, particularly roll call votes and introduced bills. These state materials have been elusive to researchers, and scholarship in state legal history has suffered. Many scholars of state legislative history are not aware that these volumes exist and, for those who know about them, access has been a continuing problem.

The vision for our project in the long run is to digitize two distinct and important periods in American history – the Reconstruction era covering twelve years between 1865 and 1877 and the New Deal years from 1933 to 1940. These are in themselves seminal periods in the history of the United States, but they are, in addition, times of great action and reaction between the federal government and the states. During Reconstruction, for instance, the First Reconstruction Act of 1867 required the confederate states to call constitutional conventions and to write state constitutions. State reaction to this legislation can be studied using legislative journals of each of the states involved. The Fourteenth Amendment, which required extensive legislative adjustments in the states, is another example of vast federal-state interaction. During the New Deal, the National Employment System Act of 1933 set up a national employment system based on cooperation with the states for the purpose of establishing unemployment offices. And the Social Security Act (1935), was established as a cooperative program with the states to administer unemployment compensation and later to develop a retirement program. Federal action in both of these cases spurred a flurry of action on the state level that scholars might trace in state legislative journals for the time period of the New Deal.

The SCOPA grant we seek, however, is not intended to engage in digitizing journals from these two historical periods but to support a feasibility study to explore the efficacy of the project. Some of the questions we would hope to answer during this feasibility phase are:

- How are the state volumes similar or dissimilar to each other, both in content and format?
- Does the content of the volumes change over time? Are the Reconstruction era volumes different from the New Deal era volumes?
- What do these sources have that other sources for the two historical periods do not have? What are the similar sources?

- How might scholars use these materials to answer historical questions not asked because of the lack of a useful resource?

Format and content notes are particularly important to plan any digitizing project.

METHODOLOGY

The data collection portion of the project will be carried out by student employee(s) who will examine the relevant journals. For each state, the student will complete a checklist (attached) and write a one or two paragraph qualitative note about the contents. The checklist will include information about the dates of the journals, the contents, bibliographic components, and copyright status (for New Deal volumes only).

The student will work at an existing workstation in the law library and will complete the checklist electronically, storing files for each state to create a database of information about the journals and their content. In states with bicameral legislatures, each house's journal will be treated separately.

The journals are housed at the Library Shelving Facility. Part of the project workflow will be making weekly requests to have needed materials delivered from LSF. The student will manage the process of requesting the materials from LSF.

After the data is collected, the principal investigators will compare the specific elements of each collection included in the checklist and consider the qualitative narratives. Comparisons among states and across time periods will be made and any trends will be identified. Existing web-accessible sources will be analyzed for similar or identical content. Existing literature in American History and Law will be searched for areas of existing scholarship that could have benefitted from ready access to the materials in the journals. Working historians and legal scholars may also be asked to comment on the relevance of the materials to their work.

The principal investigators will draft a report recommending one (or some combination) of five alternatives:

- No action: the study revealed that scholars have ready access to the materials in the journals. No digitization project is recommended.
- Further study: neither the Reconstruction-era nor the New Deal-era journals provide new information that scholars find useful to their work. Trends in the materials suggest that other time periods should be studied to determine feasibility of digitizing the project.
- New Deal project: the 1930s journals contain significant resources and the benefits to scholarship identified by the study should be weighed against the cost of digitizing the collection.
- Reconstruction project: the nineteenth-century journals contain significant resources and the benefits to scholarship identified by the study should be weighed against the cost of digitizing the collection.
- Entire collection: the entire collection of state legislative journals is likely to contain significant resources. Reconstruction and New Deal-era journals should be digitized immediately, other time periods from the eighteenth century through the twentieth century should be analyzed to determine the order in which they should be digitized.

The report will be provided to SCOPA and will be made available on the law library's web site. The raw data gathered about the journals will also be made available to other libraries and the public on the law library's web site.

TIME LINE

The data collection portion of the project will be conducted during the Spring Term 2003 and carry over to early summer, if necessary. Ideally, two students will be hired, one concentrating on the Reconstruction-era journals, the other handling the New Deal-era work.

As detailed in "Expenses" below, we anticipate that the work can be completed in approximately 126 hours. With either one or two students working, the project will proceed at a rate of 10 hours per week and be completed in thirteen weeks. In either case, the data collection will be completed by July 1 at the latest.

Comparison of the elements of each collection will begin after all data collection is complete. Consultation with scholars and literature review will take place over the summer. The final report and web application for viewing the data collected will be available on the law library's web site by October 31, 2003.

EXPENSES

Volumes

Reconstruction era = 12 years (1865-1877) and 35 states @ 2 vols. per year	840 vols.
New Deal era = 7 years (1933-1940) and 48 states @ 2 vols. per year	672 vols.
Total	1512 vols.

Student/Students

1 student for 10 hours per week @ \$9.00 for 13 weeks

-or-

2 students for 5 hours per week @ \$9.00 for 13 weeks **\$1170.00**

Rate of Progress

12 volumes per hour **126 hours**

BENEFIT

This project has the potential to bring an under-utilized resource to greater use by a wider audience. In the long run, if digitizing the volumes contained within these two historical periods seems feasible, a product will emerge that will allow scholars to survey state laws and political events that were influenced by and helped shape national policy. Better access to this material will increase overall understanding of how government responded to these two pivotal events in American history.

In the short term, the law library will be able to provide better access to existing materials. A better understanding of the library's state legislative journal collection will improve service to history, political science, and legal researchers at Yale. The web-accessible survey of journal contents will allow librarians at other institutions to become more familiar with these important documents. Because most state libraries and state university libraries have at least their own state's journals, librarians nationwide can improve patron access to these records of the political process.

The Yale University Library will, as the result of a positive outcome to this project, deepen its already leading role in making available its rich resources through digitization.