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Print can provide permanent, public record

Printed newspapers have been essential to American democracy from the very beginning. An edition of the Virginia Gazette from 1776 includes a publishing of the Declaration of Independence.

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"An oral contract is not worth the paper it is written upon." In other words, when it comes to legal matters, get it in writing, says British business consultant Marcellus Lindsay.

The emerging battle in Virginia over legal notices is really about whether government should put what it's up to in writing.

Writing has indeed has been the means of communication — and recording — of important information throughout history. The Bible, "Oedipus Rex," the Dead Sea Scrolls, the Magna Carta — all were written down.

Johannes Gutenberg's invention of moveable type in the mid-15th century made it possible for this permanent means of communication to be broadened to the masses.

By the turn of the 18th century, advances in printing presses prompted the advent of general-interest newspapers.

Shasha Issenberg of Legal Affairs magazine notes that these public prints provided a means of a permanent record for dissemination of royal proclamations and decrees, whereas in the Middle Ages in England, such governmental pronouncements were made by heralds of the crown at a handful of London street corners. If you happened to be there, you heard it. If not, too bad.

This practice of getting it in writing was adopted early on in newspapers in the colonies, as well. At the very birth of these United States, the first Congress declared that all its resolutions, bills and actions be printed in designated newspapers.

From 1789 to today, governments throughout the land have been required to advise citizens of public hearings, proposed zoning changes, power-line corridor plans and the like, through newspaper legal notices. Now, legal notices are printed every day, on the record, in Virginia daily and weekly newspapers on matters related to abandoned property, pending foreclosures or requests for proposals for contracted government projects.

In many instances, newspapers produce affidavits of publication, a written document that's notarized, confirming that the legal notice was printed on the appropriate, legally required dates in a newspaper of general interest in the locality served by the governmental entity.

Newspapers not only have been the means by which government is required to "put it in writing;" they've also affirmed in writing that the publication of the legal notice occurred.

There are some legislators in Virginia who want to stop putting governmental proposals and actions in writing. They want to take legal notices out of newspapers circulating among the general public, and instead post them on government websites.

In other words, when it comes to transparency in government, these legislators don't want to put it in writing, on paper.

They want to revert to the modern-day electronic equivalent of Middle Age heralds, where if you happen to stumble down an obscure electronic street — where electrons live to form transitory words in cyberspace — you might learn about the proposal to raise your taxes or rezone the property next door.

Contrary to some in our General Assembly, Warren Chappell, who was a designer and illustrator of books, understood the value of putting it in writing. He wrote the "Short History of the Printed Word" some 40 years ago, before the Internet.

He wrote: "Printing has been the tool of learning, the preserver of knowledge and the medium of literature. Until the electronic age, it was the great means of communication over distances in space. It remains the greatest means of communication across time."

Let's take a recent, simple example of how putting things in writing makes a difference. This narrative is courtesy of Doug Harwood of the Rockbridge Advocate:

"The City of Lexington recently began to install back-flow prevention devices in the water lines going to all residences. The devices necessitate homeowners to install an overflow tank on their water heaters, unless they want their plumbing systems to burst.

"The city ... mostly ... relied on an Internet e-mail and texting alert system ... and a notice on the city's web page to notify customers.

"At least a dozen citizens are now reporting serious damage to their pipes and houses due to burst pipes caused by the backflow-prevention devices. None of them had any idea that they had to have the expansion tanks installed.

"We're not talking dummies. Some of the victims are among the most literate and civic-minded folks in town. The city did not take out ads in any of the three local papers warning residents.

"From all I have heard, hardly anyone knew anything about it until the bursting-pipes news was reported in the paper. Now citizens are raising a fuss.

"Surprise, surprise, most citizens do not regularly look at their governments' websites. Many citizens don't even know the sites exist."

We in the newspaper business are not Luddites. The Internet has been embraced by our industry and others as another platform for virtually instantaneous communication of news.

But when you get a mortgage, when you have a will drawn up, when you receive title to a car, you ask for it in writing. And that is why when it comes to public, legal notices, Virginia needs its governments to continue to put it in writing, on paper in newspapers, for the record.

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