



Introduction

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THIS ISSUE of *Library Trends* is designed to constitute an introductory handbook for laymen on legal aspects of library administration in the United States of America. It aims to be of practical use to library administrators, to prospective librarians, and to library trustees who are not lawyers, primarily as a guide to warn them of situations and areas of administration they will probably encounter to which the law or specific laws may or do apply. While devoted, basically, to public libraries, that is to libraries wholly or partially tax-supported, a conscious effort also has been made throughout to make these discussions of value to the administrators of privately endowed libraries and libraries in institutions supported from endowments and private funds rather than public funds. In addition, a final chapter by Harvard's law librarian is devoted to pointing out the major differences between privately and publicly supported libraries in the legal aspects of their administration. If the stated aims of this volume are realized, it should be of value beyond the geographic borders of the United States. In fact, it is hoped that it will be of some, though varying, use to library administrators wherever the national system of law stems from the Anglo-Saxon.

As this is a practical and current manual no historical survey of the term or concept "law" and its many connotations and applications is included. The following articles are concerned with the civil and the criminal law in the United States as found in constitutions, statutes, charters, ordinances, and court decisions. Narrowing the area of interest still further, the discussions are limited to those legal sources and controls which bear directly or indirectly on specific administrative areas of library management. These are, primarily, the establishment and governmental relationships of public libraries, legal aspects of library internal administration and its organization, legal aspects of personnel administration,—and they are many and varied,—legal

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problems connected with the acquisition, classification, and use of library materials and resources (purchasing, contracts, conditional bequests, etc., of technical processing, for example, some donors have sought to control the classification, the location, and even the use of material donated) the many legal problems surrounding the construction and maintenance of libraries, the legal bases of financial support and the budgeting and control of the handling of public and private funds.

Many and varied are the specific questions which arise. The whole area of public relations including the public use of materials and publicity concerning them bristles with legal questions involving such varied matters as public liability in case of accidents in the building, the forcible exclusion of undesirables, the compulsory submission of outgoing briefcases to official inspection, the photocopying of copyrighted materials, and the limiting of access to certain materials. Little has heretofore found its way into print on the legal problems related to most of these areas or aspects of library management.

The authors of the individual contributions to this symposium have been given only a few general editorial instructions, none demanding uniformity in either approach or treatment of individual areas discussed. The issue editor selected the over-all title and the nine aspects of library administration to be separately treated. He supplied also a purely tentative topical outline of each chapter from which the individual contributor could select only as many or as few topics for discussion as seemed to him convenient and appropriate. The result is a symposium whose separate parts are, expectedly, diverse in length, approach, proportion, and literary style. With contributors from the far corners of the land, of differing backgrounds and outlook, this is both natural, and an asset. Similarly, the small amount of repetition in places where each author goes back to fundamental sources of authority, merely adds appropriate emphasis to the fact of common origins.

It is quite possible and desirable that each of these brief chapters may stimulate the further production of substantial monographs on several of the legal aspects of library administration here discussed.

In conclusion again, this treatise aims to call attention to areas of library administration to which law may and probably does apply, mainly to alert those concerned to the necessity of knowing the law and seeking necessary legal advice. It is not a legal textbook of what

Introduction

the law is though that may be made clear in a number of instances. The discussions are for laymen, not lawyers, but may lead the former to the latter with profit to both.

The contributors, for the most part, are law library administrators of experience and legal background. They speak with authority. In addition to the named authors, J. M. Jacobstein and Charlotte Sherr, both of the Columbia University Law Library staff, have assisted in the preparation of the chapter on "Acquisition and Technical Processing," with further assistance from E. H. Breuer, State Law Librarian, and Paul R. Young, Division of Standards and Purchase, both of New York.

That the Chief Justice of the Supreme Court of the land has consented to introduce this discussion of the legal aspects of library administration to the profession is to the writer not only a substantiation of its importance but a tribute to the place librarianship occupies in the field of public administration.