



# New Directions for Public Library Legislation

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THE FEDERAL INTEREST in public libraries which has been expressed through legislation has significantly contributed to change; it is a major factor in that development. Public libraries, however, as they enter the decade of the 1970s and as we foresee their course in the next ten years, will continue to maintain their center of responsibility within local government. The states and the federal government will share a sustaining role but their major policy thrust will be more toward assisting local public library authorities to attain change, suitably and swiftly, in response to the needs of an educated society.

Two or three major policy priorities of the Nixon administration will dominate the public interest in the immediate future and will affect public library legislation. The administration and the Congress have been aware and are moving strongly to focus federal programs upon the severe problems of an unbalanced urban ecology. Among the means which the administration favors are a rigorous examination of priorities, a set of devices to focus federal programs upon their goals, and various procedural policy positions to strengthen the capacity of state government.

Setting priorities is likely to be a painful process whether for an individual householder, a local public official, or a national administrator. The heavy financial demand of commitments in Vietnam now tends to depress all priorities and to force some worthy programs near or below the cutoff point.

Even in the best of all possible worlds where there would be perfect information, the priority choice would be difficult. Unfortunately a general characteristic of our social programs is their resistance to any very informative assessment of their saliency and effectiveness. Re-

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search is needed to perfect the information which would allow the deduction of a reasonable set of priorities.

On February 14, 1970, former Commissioner of Education, James E. Allen, announced that research is the business of a proposed new arm of the Office of Education. The administration will urge the Congress to create a National Institute of Education. Until now education has been marked by a minimum of funds devoted to research. As Allen noted: "Effective educational reform and renewal can hardly be expected in an educational enterprise that devotes less than one-half of one percent of its annual budget to research and development."

The proposed National Institute of Education will make a beginning in shedding a steady light on our country's educational effort and establishment. According to Allen, the Institute "would concentrate the same degree of skill, attention, and resources on educational research that the National Institutes of Health have brought to medical research."<sup>1</sup> The Institute will support a continuing examination by scholars from disciplines of psychology, biology, the social sciences, and humanities as well as education. Some of the tasks the Institute will assume are: concentrating attention on improving our ability to evaluate and assess educational programs; researching the pressing problems of state and local school systems; experimenting with alternative educational models; and training educational researchers.

The administration also proposes a national commission on school finance. It is believed by some that "a major barrier to the achievement of fundamental reform in American education is the high degree of instability, uncertainty, and inequity in the financial structure for education."<sup>2</sup> Public officials, librarians and members of governing boards agree on the rationality and the soundness of the financial structure of education. The fact that during the past decade 60 percent of all public libraries reported spending less than \$10,000 annually on all operating expenditures and that one of the most distinguished public libraries, the New York Public Library, in February began to conduct its annual campaign for survival, speaks to the need for examining the structure and solvency of one of education's principal supporting members.

Research, in the administration's view, is an instrument that can provide us with information for the intelligent selection and ranking of priorities, but it is not sufficient to draw up the order of battle. The administration proposes to strengthen the posture of federal programs by two processes: coordination and consolidation.

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Two shaping devices have been created to these ends. Both are important; however, neither is well known, and each will influence public library programs with a federal component. Coordination is to be substantially strengthened through the instrumentality of the Intergovernmental Cooperation Act. The precursor of the act was the comprehensive planning section of the Demonstration Cities and Comprehensive Planning Act. The idea in that first federal appearance was a response to the agonizing realization by both federal and state officials that the proliferation of federal programs was, because of their multiplicity, not reaching the public interest. Comprehensive regional planning was a first mandated step to bring federal grant programs together, closer to actual program operation at the regional level.

As a consequence of the act, regional planning agencies were selected throughout the country by the Department of Housing and Urban Development to perform review functions in metropolitan areas. Their review would provide appropriate comments on projects proposed for federal assistance before the Bureau of the Budget could grant final approval. Two developments, beyond the usual problems of beginning, hampered the mandated review function. The planning was not comprehensive in that it did not offer complete geographic coverage; more importantly, it did not involve any significant degree of state oversight of those programs which could have a central effect on orderly state development. In the initial selection of programs to be reviewed under the Demonstration Cities and Comprehensive Planning Act, public library construction was selected to come under comprehensive regional review by the Bureau of the Budget (BOB). Second thoughts at the Bureau of the Budget deleted the Library Services and Construction Act, Title II (Construction) from the list of mandated review programs. The public library construction title was not amenable to regional planning review and to the final BOB clearance because under the law it was conducted at the state's discretion.

The principle of comprehensive planning was continued and expanded in the Intergovernmental Cooperation Act of 1968. To this was added the important concept of state executive discretion. Comprehensive planning review now is required for any agency of state or local government applying for assistance under Title II of the Library Services Act. (Now, under the Intergovernmental Cooperation Act, it is one of the mandated programs requiring planning review.) The proposing agency must notify the planning and development clearinghouse of state government (or in some cases of the metro-

politan area) of its intent. A summary description of the project will accompany the notification to the state. The state clearinghouse will notify the appropriate state agencies and local governments concerned. The clearinghouse will also coordinate comments upon the project and evaluate the state, regional, or metropolitan significance of the project.

In the case of programs operating under state plans (e.g., all titles administered under LSCA) required by the federal government, the Intergovernmental Cooperation Act requires that the governor be given an opportunity to comment on the relationship of the state plan mandated by the federal government to either the comprehensive state-wide plan or other state plans and programs devised entirely at the state level.

Two things seem apparent here: the desire to key federal projects in with orderly state development and to provide the state executive with a means for valid scrutiny of the federal programs operating within his jurisdiction. In the past, state governors and legislatures have complained that federal programs have acquired a mastery of their own over state government objectives—professional and interest groups have allegedly determined or altered state priorities. The Intergovernmental Cooperation Act is directed toward returning executive discretion to state governors.

There is another weapon in the arsenal of executive discretion. The act empowers the governor to select the state agency of his choice to administer federal grant components. This may prove a provision well worth watching, particularly for public officials and for the profession interested in library service. Library service as a supporting arm of education and information runs through all state and local governments. Will the state governor choose in some cases to assign all federal library programs to the single customary agency, or will he select some titles of the Library Services and Construction Act to be administered by other operating departments, e.g., health or welfare? The answer is not yet known and so the issue is still undecided. The issue relates, of course, not only to the organization of state government but to the formation of supporting constituencies within the state.

Responsibility can only be exercised if there is capacity to make a choice. The Intergovernmental Cooperation Act aims to assure capacity for choice through the incorporation of federal programs in the state-wide planning scheme (if the state wishes) by assuring that state governors must review the federal plans operating in their states.

Consolidation of federal programs is a second policy thrust of the

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administration. The discussion of consolidation in the next few paragraphs is brief; however, its brevity is not because of its unimportance, but because it has yet to assume a substantial legislative shape.

Consolidation may in theory be a single payment (and procedure) covering all federal assistance grants to state government, but it is unlikely that it will take that form. More likely, consolidation will group generically similar programs in unique packets. For example, all of the Library Services and Construction Act titles could be put into one, as is evident in present legislation pending before Congress: S. 3549 H.R. 16365. The advantages sought are reduction in the burden of paperwork, simplification of procedures, reduction in the number of consultative boards—in short, economy and efficiency. In our library example, the interest nature of the political process will probably not accede absolute discretion to the states for the expenditure of funds. Discretion may be modified at least to some degree by the identification of national goals to which those at the state level charged with program design should respond.

If consolidation is adopted, it will have the important effect (beyond economy and efficiency) of transferring the setting of priorities from the national level to the state level. The creation of specific program intent in legislation at the national level is currently a complex political process. In a sense, a priority is set in legislation by the specificity of the federal law and by the regulative limitations on the purposes for which the funds may be expended. The degree to which consolidated legislation carries some mandates for particular purposes or relaxes any such purposes will determine the nature, in the case of our example, of the degree to which the political process at the state level will set priorities. In the case of public library legislation, will emphasis be given to public library construction, to coordination of libraries by networking, or to special services to handicapped persons? Those under consolidation would become priority items for decision making at the state level. To some extent the decision-making process is transferred from the national level to the state level and responsibility moves to state government.

At this point we can only speculate upon the result of pending consolidation legislation. Strongly aided by their professional associations, librarians, in their participation in the political process, have tended to be more successful with legislation on the national level than on the state level. Federal assistance for public libraries began in 1957. At least one-third of the states have yet to enact corresponding law.

Beyond economy and efficiency the most striking effect of consolidation could be the devolution of decision making and priority determination to state government, with a consequent reconstruction of client constituencies.

Thus far, this article has touched rather generally on the initiatives the administration is taking to assist state government in its capacity to deal with difficult social problems; it has said little about public libraries. The assumption, it is hoped, is that all of us understand that public libraries share in the fortunes of state governments and participate in changing the relationships among our three levels of government.

Do public libraries share in the federal interest? Are they comfortably encapsulated within some segment of that interest in education? The answer should be easy, but it could be complicated. It is easy to say that public libraries are a recognized participant in the federal interest through their long association with the U.S. Office of Education and fortified by a close relationship as a participant in a federal grant program for the past thirteen years.

The strongest identification that public libraries may currently have with the federal interest is their ability to increase equal educational opportunity. High on the Office of Education's list of purposes is equal educational opportunity. This is no mere rallying cry. It is a specific goal the Office intends to reach. The capacity of an institution to reduce educational inequality will now contribute to its place within the federal interest.

In attaining the goal of equal educational opportunity, the Office of Education, like the rest of us, confronts a world notorious for its miserly allocation of resources, time and money. Former Commissioner Allen, speaking candidly, recently went to the present heart of the matter: "We may as well face up to the fact, however, that this commitment [to education] is not in the very near future going to be expressed in terms of large sums of additional money."<sup>3</sup> The administration then will favor institutions whose programs promise to achieve the maximum reduction of inequities with the minimum expenditure of resources.

Two social data, race and low income, contribute overwhelmingly to the problem. The urban place, the central city, is the classic site for the most apparent inequities. Like the pigeon, the public library is an urban institution; the city is its original habitat. Like the urban school, the public library remains in a landscape made strange by social dis-

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location, but it does endure. Its resources and staff maintain the potential for aspirational change, but along with its sister municipal agencies it is eroding under the common problem of urban social blight.

What federal legislative directions do urban public librarians see as necessary to assist them in maintaining a presence for reading in the city? How should the federal interest be expressed? First, they would favor a specific share in the allocation of funds to metropolitan libraries. Disregarding the political difficulties of such an allocation, there are historical precedents. In the original Library Services Act, the funds were directed to developing library service for a particular segment of the population with admittedly inferior library facilities: rural areas with population aggregates of 10,000 persons or below. Metropolitan librarians feel that such a support floor is the first step necessary to make readers of urban nonreaders.<sup>4</sup> It is the necessary condition to implement the Office of Education's Right to Read Program through a reading agency controlling 91 million books.

A second legislative device that in the opinion of some metropolitan librarians could assist urban libraries, is the opportunity for greater flexibility of use in federal support funds. Program consolidation, a concept the administration is now considering, could achieve this. The freedom to transfer program allocations would insure flexibility in response to rising needs. It would allow annual consideration of priorities closer to the operational level of the state and local government. Consolidated legislation could fulfill that desire. Discretionary financing is another suggestion of metropolitan public libraries, i.e., the commissioner of education could be empowered to hold in reserve a mandated portion of the appropriation for public libraries to initiate or sustain programs of special promise or merit.

None of these legislative ideas is new: funds directed to a particular area of need were a principle of the original Library Services Act, flexibility in funding is implicit in the concept of consolidation, and discretionary use of funds has a precedent in the Vocational Education Act. However, to accept these principles would require changed thinking within the present public library constituency.

People seldom abandon an institution or commitment unless they are forced to do so. Yet there may be alternative routes to solutions. Here are two suggestions, but first consider the phrase "urban development." Many urban public librarians participate in a wide range of activities that are occurring outside of the formal educational structure. These activities can be placed under the rubric of "urban development."

Remedial reading centers, tutoring stations, and preschool story hours for bilingual children have appeared on the urban library scene as a portion of the activities of an arising urban institutional coalition. These activities supplement but have not yet been structured to mesh with the formal educational structure. They are not completely compatible yet one cannot help but feel that they offer much promise in two areas.

First, they are innovative. Their successes may be modest but they relate to the concept that most education occurs outside of the school-room. Secondly, they relate the public library to a coalition that is replacing the health, welfare, and recreation coalition that largely administered these kinds of supplementary activities outside of municipal government. To describe the supporting base for urban social welfare is a nearly impossible task because it is constantly changing. Many of the activities historically assigned to the private sector are now in a private/public amalgam that consists of all kinds of groups substantially evolving from Economic Opportunity Programs, from activities within the Model City sector, and from municipal departments. Participation by the library administrator in this new coalition puts him in touch with new leadership and puts him on a peer relationship with municipal department heads who are working with him on the stubborn problems of the city. Programmatically the public library is appearing in activities funded by the Department of Housing and Urban Development, such as in the Model Cities programs in Atlanta, Brooklyn and so on.

This article is not intended to review the various sources of federal funds for public libraries. That task has been well done by Herbert Carl and the staff of the Division of Library Programs.<sup>5</sup> But public librarians should take a wider view of federal opportunities. The Department of Housing and Urban Development is specifically charged with urban problems. Public librarians, particularly metropolitan librarians, may have been failing to examine the possibilities of relating themselves to a program with these stated responsibilities. Some opportunities for legislation accessible to specific urban problems may be more available than they suspect.

The kinds of specific legislative concepts that urban librarians desire cannot obtain general support until they are incorporated into an operative consensus of the library profession. Such a consensus may be arising but it has not yet emerged. Until it has, it would not be amiss to take a wider view of federal legislation. Some problems



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cannot be solved immediately by working within their perceived boundaries; they may be solved sooner by stepping aside and seeking approaches that exist outside the conventional definition of the problem.

### *References*

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3. *Ibid.*, p. 6.
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