



Federal Legislation Affecting College and University Libraries

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AT ANY GIVEN TIME legislation at the national level is an excellent mirror of current social concerns. These, of course, are many and varied—financial and material assistance to underprivileged and minority groups; equal rights for all for education, for opportunities in the labor market, in voting and in use of public facilities; control of crime in the streets and organized crime throughout the country; the use of drugs and their immediate and long term effects; relations with other countries and defense of our own; and education for all ages and at various levels. All of these concerns are typical of a very large number which result in legislation enacted each year.

Of these concerns, education has been assuming an increasingly important role, especially in the last decade. As our whole society and way of life become more complex, more individuals with better training are required to cope with its problems, and in turn more research is needed to provide these people with the necessary information to guide them in their work. Indeed, so necessary have training and research become to date, and with every indication that the need for them will be even more pressing in the future, it is the belief of many, including this writer, that education and its attendant research will become the biggest and most important business in this country for the remainder of this century.

The burden of most of this advanced training and research will be carried by the institutions of higher education—the junior and community colleges, the senior colleges, and the universities. This is true because of the nature of this training, but the burden will become heavier as an ever larger number of people seek such training. It is obvious that the enrollment of our public schools will increase as the

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population of the country increases and there are more children to care for; also the percentage of the enrollment remaining until graduation will increase when a better understanding of how to deal with dropouts is achieved and this will further swell the already burgeoning annual group of graduates.

This increase in public school enrollment, which in itself would increase the enrollment in college, when coupled with the rising *percentage* of high school graduates going to college, indicates a doubling of college enrollment within the next two decades. Also, as enrollment grows, graduate work and the amount of research done will also increase.

All the above is noted to point up the fact that much more generous funding in the future must be available for colleges and universities if they are to assume this burden. Also, since the library is an integral part of an institution of higher education and its responsibility and burden of work rise as the institution itself expands, it must therefore also share in this increased funding. This obvious fact somehow often seems to be forgotten in the face of many other demands for money.

The financial plight of institutions of higher education grew increasingly desperate during the 1960s. Growing enrollments, rising salaries for personnel, much needed plant improvements and new construction, and generally higher costs of operation made demands that institutions found very difficult to meet. With many private schools, it was the drying up of sources for additional endowment funds and the rather static return on the funds they already held which made it almost impossible to meet the demands; with the publicly supported institutions, it was the growing competition for the public dollar at the state and local levels with the public schools, welfare programs, and local and state units of government. There was great opposition to increasing taxes, complicated by an antiquated tax structure based, in many cases, primarily on property taxes and which resulted in an insufficient number of public dollars to meet the demands of these groups.

In such a competition for the public dollar, institutions of higher education do not do very well, partly because their work is not basically well understood, but primarily because they are not numerous enough, compared with these other groups, to be a large voting power. All indications are that the percentage share they will receive in the future at the state level will be less rather than more and that their woes will be compounded as time goes on.

In the light of these problems of both public and private institutions of higher education, many, including this writer, believe these must be treated in the future as a national, rather than a state or local, problem. The newer technologies will increasingly permit, and even demand, that the intellectual and physical resources of institutions be coordinated or joined together in many areas without regard for political boundaries. This will almost necessitate national funding and such can be well justified by the fact that the trained manpower and beneficial results of research will be disseminated throughout the country for the benefit of all. Much equalization of educational opportunity also is needed in many areas which can best be achieved in this manner. Thus we may expect to find this social concern for education represented by requests for federal legislation to deal with this as a national problem. This concern was of course quite evident in the sixties, and the question in the seventies will be not whether the federal government should become involved, but rather the extent of such involvement and how such support should be administered.

In the 1960s the support was mostly in the form known as "categorical" aid. Thus the National Defense Education Act at first dealt mainly with scholarships, then gradually was broadened to include institutes, equipment for programs, and minor remodeling. The Depository Library Act of 1962 was designed to correct an imbalance in the distribution of depository libraries and laid the basis for acquiring a broader range of material published outside the Government Printing Office and hitherto unavailable to depository libraries. It almost doubled the number of depositories and also created regional depositories to aid smaller depository libraries and non-depository libraries in their service to the public.

Following the above came the Academic Facilities Act in 1963 which provided for buildings for colleges and universities, first in the categories of the natural sciences, mathematics, foreign languages, and libraries, and later amended to make the application general to most types of buildings. This was a milestone in federal legislation relating to higher education in that it provided assistance to both privately and publicly supported institutions of higher education—a political thicket the Congress had been very careful to skirt in previous bills. The list of college and university library buildings constructed under this act is impressive indeed.

The Vocational Education Act of 1963 (PL 88-210) was designed to encourage vocational education in colleges and technical schools. It

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has been amended at different times but has been particularly important to junior and community college libraries in providing money for acquisition of materials.

In 1965 the Medical Library Assistance and Hospital Construction Act (PL 89-291) resulted in major strengthening of libraries in this field and in buildings for these libraries. It did for them much the same as the Higher Education Act and the Academic Facilities Act did for college and university libraries.

The Higher Education Act of 1965 was the last major piece of legislation enacted in the 1960s for higher education. It provided for aid to developing institutions, for community action programs, for student assistance and, most important to libraries, for aid for acquisition of library materials, for money for scholarships and fellowships for library training, for institutes, and for funds to the Office of Education to be used by the Library of Congress to establish its highly significant National Program for Acquisitions and Cataloging.

The above acts are cited to emphasize two points. The first is that this legislation grew out of and mirrored the concerns of the day about higher education—the need for eliminating the lag in scientific education and research in comparison with other countries, so vividly thrust on our consciences by Sputnik in the late 1950s; the growing interest in better health for all the population, resulting not only in greatly increased support for medical training and research but also finally in the passage of Medicare; the importance of vocational training for large segments of our population; the need for buildings and other facilities for institutions of higher education to enable them to successfully carry on their work; and the growing necessity for direct financial support for various areas of institutional activity—all these became topics of national concern both within and without the Congress.

The second point is that these acts were all *categorical* in nature; that is, each act was directed to a certain category of activity in institutions of higher education, such as buildings, libraries, medical schools, or vocational education. As far as higher education was concerned, the 1960s were a decade of categories, not one of general aid.

This trend now appears to be changing, at least for legislation in the “talking” state, i.e., possible legislation being proposed but not yet introduced as actual bills. There is now apparently general sentiment among educational associations,¹ such as the American Council on Education, the Association of State Universities, the American As-

sociation of Junior Colleges and others, for "block grants" to institutions, i.e., grants of money for facilities or operations with no strings attached.² It must be remembered that these are associations of *institutions*, not of personal members such as those who comprise a large part of the American Library Association, and they are represented in meetings by the presidents, deans, or other administrative officers. These men have long believed that funds should be given to them without restrictions on the basis that each president presumably knew best where his institution needed strengthening most. Categorical legislation by its nature tends to decide the area of emphasis instead of leaving the choice to the individual administrator.

This rather lengthy discussion of legislation and its trends relating to institutions of higher education as a whole has been given because each library in a college or university is a part of the whole institution and is affected by the same legislation, often becoming a kind of sub-category in broader categorical legislation. Thus, the Academic Facilities Act, which was rather broad categorical legislation for buildings, when first introduced provided for only three categories of buildings—natural sciences, mathematics, and foreign languages—to which the category of libraries was added at the urging of the American Library Association. Similarly, Title II-A of the Higher Education Act provided aid for libraries among several other categories included in the bill. This trend toward "block grant" legislation, as opposed to categorical aid, is therefore of tremendous importance and concern to college and university libraries; in fact, it was the general disregard of libraries in their institutions by many presidents or other administrators, under pressures for higher salaries, need for better facilities, and rising costs of increasing enrollments, that led to categorical legislation on their behalf in the first place.

It should be noted that the adoption of "block grant" legislation in one bill does not necessarily preclude categorical legislation for libraries in another; indeed, it is the belief of this writer that we should strive for both. Many presidents, however, seem to doubt the advisability of this procedure, believing that the introduction of a request for categorical aid would diminish the possibility of securing general aid. A member of the Congress, who is very knowledgeable about legislation and also a firm friend of libraries, has expressed his disagreement with this view by likening the art of legislation to fishing with a trotline. This is a line stretched across a stream below the surface of the water with many hooks attached at intervals with various kinds

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of bait, all of which are supposedly attractive to fish. The fact that a large fish (i.e., the block grant) is caught on one hook, says he, does not cause all other smaller fish (the categorical grants) to disregard the other hooks because one has been caught; rather, the one that is caught, by his thrashing around and waving the other hooks, actually attracts other fish to the line. Likewise, when one bill is enacted, the education members of Congress receive in regard to it and the stimulation of their interest in the subject in general makes passage of related bills easier than before. In other words, keep out many legislative hooks at all times, both for general and special projects. The rather remarkable success of the American Library Association in the past dozen years has been due to a considerable extent to a very astute application of this principle.

In lobbying for and securing passage of legislation, it must be recognized that college and university librarians are often not as free as public librarians to work for legislation in which they are interested. It often happens that one or two designated individuals, possibly the president or a vice-president for public relations, are the only ones who are allowed to approach legislators about bills. These restrictions are usually imposed with relation to state legislators primarily, but no distinctions are made between state and federal so the librarian's hands are tied. Unless his president is willing to take up the cudgels for library legislation, a task he may not wish to undertake because of its being categorical legislation, he gives no help in an area which could be of material assistance to his institution. This problem is unusually acute when he is a constituent of a senator or congressman who is on a key committee for the particular legislation.

The problem of discerning the trend of legislation in any field for the future is difficult at any time and even more so with the advent of a new administration, particularly if it represents a change in parties, which is the case at the present time. In addition, the President and the majority in Congress represent different parties which confounds the situation further, and, to further complicate things, this is an election year. Thus any indicators are unusually suspect and even the President himself will be feeling his way along and changing or adapting programs as the political winds dictate. However, even without a good crystal ball (which is very much needed), a few remarks about apparent trends in legislation in relation to college and university libraries seem to be in order.

The first which may be noted is the failure, both in budget recom-

mendations by the President and in appropriations by the Congress, to fund programs up to the authorized amounts. This trend began in the last administration as war expenses mounted and domestic programs were restricted. Many unfamiliar with the ways of Congress do not realize that there are two consecutive steps which must be taken to secure appropriations for library programs.

The first step is that of authorization. A program such as aid for college and university libraries is presented to the appropriate committees of Congress—education and labor in the House, labor and public welfare in the Senate—which hold hearings, decide on the value of the program and what seems to them a reasonable amount of money to support same, and recommend passage to the Congress. This is known as authorization. The sponsors of the program must then go back to the appropriations committee of each house and try to secure actual appropriations of money equal to that authorized by the original bill. This is usually called funding.

As this article was being written, hearings were under way by the House Subcommittee on Appropriations for the Department of Health, Education and Welfare for the fiscal year 1970-71 on the funding of library programs authorized by the Library Services and Construction Act for public library assistance and of programs authorized by the Higher Education Act for acquisition of materials by college and university libraries, for library training and research, and for the National Program for Acquisition and Cataloging of Materials by the Library of Congress. These appropriations will be made under authorization already granted by the above acts, but we do not know as yet how much will be appropriated. We do know that \$90 million has been authorized for the year 1970-71 for materials for college and university libraries and that the budget recommendation by the President for this item is \$9.9 million, which is only 11 percent of the amount authorized. Similarly for the same period, \$38 million is authorized for library training and research—scholarships, fellowships, institutes, and library research—while only \$6 million or 16 percent is listed in the President's budget. This great discrepancy between authorization and appropriation, which has been growing each year, is of major concern to librarians in this field.

A second trend is the tendency to delay appropriations until long after the fiscal year has begun and in the meantime to operate on the basis of the "continuing resolution." A continuing resolution is authority to continue operations at the same rate of expenditure as was in

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effect at the end of the previous fiscal year. For instance, on March 5, 1970, President Nixon signed the appropriation for HEW for the fiscal year 1969-70, a date when the year was already two-thirds past. This obviously makes short-range planning for even one year almost impossible and the wise expenditure of money for any special project or research designed to last for the full year extremely difficult.

An alternative plan now being proposed is that of "advanced funding," where money, instead of being appropriated at a point well within the year in which it is to be used, is provided a year or more in advance. Thus, instead of the appropriations committees working (as they were at the date this was being written) on appropriations for the fiscal year July 1, 1970 to June 30, 1971, they might well be working on those for 1971-72. If this were true, if deliberations then carried forward past July 1, 1970 to September or October of this year, no harm would be done. Many economists and also members of Congress believe that, in view of the complexity of the federal budget and the length of time necessary for hearings, such a procedure will eventually be adopted.

Another apparent tendency is for the President to try to obtain discretionary power as to whether or not to expend all funds appropriated. Of course this is not popular with the Congress which believes it alone has constitutional power to determine the amount and purpose of expenditures. With the great power of the President, however, and the fact that with appropriations for many programs various decisions are left to the administering agency in an executive department under control of the President, since it is very difficult for the Congress to impose its will effectively in this regard. This new tendency for control of expenditures by the President, which was started in the last administration and is now being pursued more vigorously by President Nixon, is certainly a new factor to be reckoned with in the future.

There appears to be a reluctance on the part of this administration to support education in general at the level of the previous administrations. Of special concern to those in the library profession is the fact that of all educational appropriations for this fiscal year and in the budget proposed by the President for the coming year, the *percentage* of reduction for libraries has been greater than that for any other educational activity. And of equal concern to college and university librarians, the percentage of reduction of funds for their libraries, particularly for the acquisition of books and materials, is much greater than for any other phase of library activity. For instance, in the HEW

appropriation bill for 1969-70 signed on March 5, 1970, appropriations for the Library Services and Construction Act were reduced by the President by 15 percent while those for college and university libraries were reduced 53 percent. A similar reduction is in the President's budget for 1970-71. This, coupled with statements by the budget office and the administration that books and libraries will have a low priority in this administration, is indeed alarming.

A similar condition exists in connection with library training and research. In the appropriation mentioned above, \$6,833,000 appropriated by the Congress was reduced to \$3,900,000 by the President, a reduction of 43 percent instead of the 15 percent imposed on the other library items. Also in the budget submitted for 1970-71, only the money necessary to continue the fellowships for the doctoral programs already embarked on was included, and in the bill submitted by the President to the Congress on March 25, 1970 for the extension of the Higher Education Act, which is due to expire June 30, 1971 and which authorizes the appropriations for such items, *no* money was included for scholarships or fellowships for library training. In view of the manpower needs of libraries and the excellent record of the library schools in the use of these scholarships to date to bring back able people to the schools for additional training, this tendency can only be viewed with alarm not only by library schools but by directors, trustees, and friends of libraries everywhere.

The Academic Facilities Act of 1963 provided for buildings for colleges and universities and, as noted above, a goodly portion of funds provided under this act have been devoted by the presidents to library buildings. During the present administration no money has been made available for construction under this act nor does the budget for the coming year provide for any. It is to be hoped that when the President believes inflation is under control funds again will be made available to colleges and universities for this very important need.

There appears to be a tendency to abandon the requirement for matching federal grants with local money which was a policy followed notably in connection with the basic grants for library materials and with all types of construction. The abolition of this requirement of course will be popular with college administrators. Whether or not it is the best procedure is open to question. Certainly the matching brought much more money to libraries for materials and apparently with construction evoked much local support in the way of donations

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for private institutions and bond issues or increased taxation for publicly supported ones which would not have been forthcoming otherwise. The writer believes that if this policy continues the schools and libraries ultimately will be poorer as a result.

Much is being said at the present time about grouping all library programs—school, public, college, state, and special—into one over-all bill. This is in the “talking” stage now but a bill may emerge later in 1970. Such an arrangement may have certain advantages in administration—all under one agency, fewer people to deal with in planning new legislation or adjusting old, and the possibility of more consistent guidelines for all—but there are real disadvantages as well. If the trotline theory mentioned above is valid, then this arrangement means there is only one hook on the line, albeit a big one; if this fails to land a fish, all is lost; if more hooks had been on, some may have been successful.

The second disadvantage is visibility of total amount. It is always more difficult legislatively to get a large amount in one place than to secure several separate smaller sums, even though the smaller amounts added together may really be substantially larger than the single large amount. In other words, one is likely to get less money, although at first glance it would seem there should be no difference.

A third and final disadvantage is diminution of support for a single bill. Each bill in Congress always has a certain interested group of supporters. Public school people support the Elementary and Secondary School Act; public library people, state librarians, and trustees support the Library Services and Construction Act; junior colleges, public schools and technical schools are for the Vocational Education Act; medical associations work for medical library assistance and hospital construction; and college and university personnel lobby for the Higher Education Act and the Academic Facilities Act. If library provisions are in each of these, each group automatically works for libraries also, a total support impossible to obtain for a single separate library bill. It is the belief of many familiar with the legislative process that such grouping into one library bill ultimately would be to the disadvantage of libraries.

The tendencies noted above all sound rather discouraging to librarians, as indeed they are. The writer is pleased, therefore, to bring to attention what promises to be an encouraging development, namely, the reorganization of the Office of Education. “Library Services” is being raised to the bureau level, a status it has never had before. The

assistant commissioner who is to be in charge of this bureau is yet to be named but it is hoped that it will be a librarian or someone with an understanding of and interest in library problems.

The general attitude of the President toward education and libraries is always of much importance. Consequently, President Nixon's message to the Congress this year on higher education was awaited with much interest as an indication of what his position would probably be during the remaining years of his administration. It was sent to Congress on March 20, 1970 and was definitely disappointing to the higher education field, including libraries.³ Development of junior and community colleges is encouraged to some extent, but with little promise of money; loans are substituted for scholarships; and assistance to institutions in general is limited to special grants for "support of excellence, new ideas, and reform." Libraries are not mentioned. It is probable that Congress will not follow this outline, but only time will tell.

Legislation for any large ongoing program such as higher education and for libraries, when looked at in the long run, may be likened to the stock market in that one thing is sure, it will be cyclical in nature, going both up and down. It depends on the public concerns of the day, the personal interest and commitment of key influential members of Congress to the program, and the attitude of the President and other executive officers of the administration.

In retrospect, the sixties were a golden age for library legislation and for the development of libraries. Stalwarts in the Congress, men of great influence and with a devotion to libraries such as Lister Hill and Wayne Morse in the Senate and John Fogarty in the House, sympathetic presidents, and a rising concern for higher education on the part of the public all combined to make the 1960s a productive decade. Now these men are gone, the nation and the Congress are divided and disturbed by war abroad and domestic problems at home, the universities and colleges are torn by strife on their campuses and their public image is damaged considerably, and critics are heard on every hand. The 1970s do indeed look rather discouraging.

In perspective, to refer to the previous analogy of the stock market, when things are going well, it is hard to believe there will be a recession; when reverses occur, it takes faith to believe recovery will eventually come and this is certainly a time for librarians and educators to have faith in their respective missions. Just as the flowering of libraries and library legislation in the 1960s was due to a considerable extent to the planning and work in the preceding fifteen

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years after World War II, so now we can plan and work for the time when more resources will be available for domestic programs and when the public will realize again that education is *the* major business and concern for this country. In turn, when this time comes, let us be sure as librarians that we have programs prepared, members of Congress informed, and presidents and administrators of colleges and universities convinced that the three cornerstones of an institution of higher education are buildings, faculty, *and the library*. This is the challenge to librarians of the seventies and beyond.

References

1. "AAHE and 6 Other Organizations Endorse General Aid to Colleges," *College and University Bulletin*, 21:1, Dec. 1, 1968.
2. Farrell, Robert L. *General Federal Support for Higher Education; An Analysis of Five Formulas*. Washington, D.C., American Council on Education, 1968.
3. "Text of Nixon Message to Congress Proposing Higher Education Opportunity Act," *New York Times*, March 20, 1970, p. 28.