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## National Library and Information Services Act (1979-1980): Article 01

Alex Ladenson

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The case for federal per capita  
general support grants for libraries . . .

# OVERHAULING THE LIBRARY SERVICES & CONSTRUCTION ACT

By Alex Ladenson

THE LIBRARY SERVICES AND CONSTRUCTION ACT (LSCA) and its forerunner the Library Services Act (LSA) have been on the federal statute books for over two decades. It is high time for a critical review and evaluation of this legislative program. The National Commission on Libraries and Information Science (NCLIS) has recently released a study entitled *Evaluation of the Effectiveness of Federal Funding of Public Libraries* which was prepared by Government Studies and Systems Inc. of Philadelphia under the direction of Rodney P. Lane. This sound study appraises the public library funding mechanism as provided in LSA and LSCA, and assesses its impact on state and local funding provisions.

What is still lacking, however, is a thorough examination of the substantive provisions of these two acts of Congress and a penetrating evaluation of the library programs generated by this legislation. Since a definitive study is not available, one is compelled to rely on one's own observations and analysis. As former chairman and member of the Illinois State Library Advisory Committee over a period of 17 years, as editor of *American Library Laws*, and as the former chief librarian of the Chicago Public Library, this writer has followed closely the LSCA operation. The

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views that are presented here, though not the product of the kind of large-scale, systematic, research that is needed, are nevertheless the conclusions of an informed observer.

### The demonstration concept

As the library movement in this country expanded during the 20th Century, there arose a demand for a federal library agency. After years of vigorous campaigning by the American Library Association (ALA), a permanent Library Services Division was finally established in the U.S. Office of Education in 1938. Its main purpose was to gather statistics and conduct "practical research in the field of librarianship."

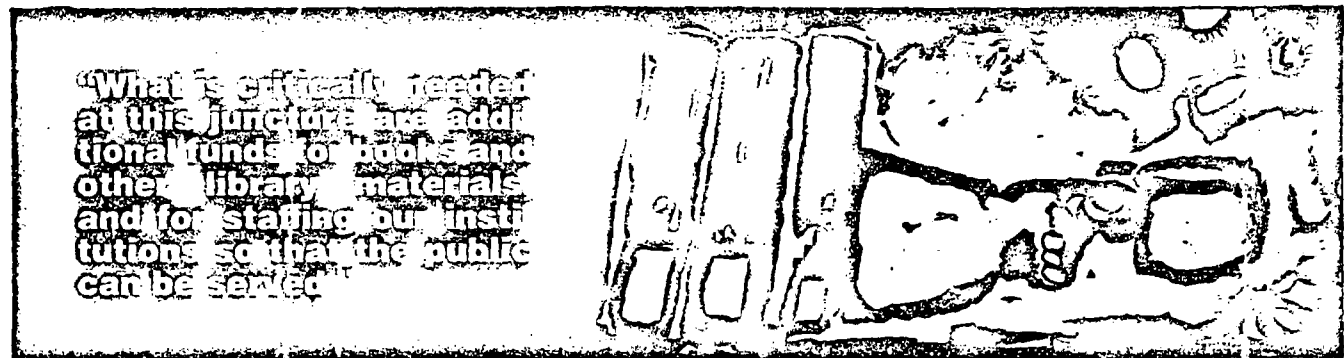
Having gained a toehold in the national establishment, librarians now began to strive for federal aid to libraries. This move was stimulated by the more vocal efforts that were being made on behalf of education to obtain federal assistance for our schools. An ALA Washington Office was established in 1945 as a result of personal contributions made by members and friends. No time was lost in drafting a bill which was introduced in Congress on March 12, 1946, and became known as the Library Demonstration Bill. Those responsible for promoting this legislation were convinced that the proposal, which had the best chance for success and one which had the greatest appeal to Congress, would be a bill to provide funds to conduct library demonstration programs for rural areas. It was anticipated that the rural districts would thus be encouraged to establish tax-supported public libraries as a result of successful demonstrations. It should also be pointed out that this program was not intended as a permanent ongoing federal activity but was merely

tion, as to how the federal funds were to be employed by the states, was written into the act. Moreover, the rules and regulations issued by the Commissioner of Education were equally lacking in specificity. The demonstration concept was mentioned in the act in connection with a provision authorizing the Commissioner of Education to make studies and reports "as to the values, methods, and results of various State demonstrations of public library services in rural areas undertaken under this chapter." Thus LSA was launched as a library demonstration program for rural areas.

### The Kennedy breakthrough

In 1963, a major breakthrough occurred at the federal level which promised to have far-reaching implications for libraries. It began with a message to Congress on education by President Kennedy, in which he indicated the importance of libraries and the need for federal assistance to help support them on a more permanent basis. In a relatively short period, there developed in rapid succession a series of legislative enactments that ultimately covered all types of libraries. The amount and extent of federal library legislation approved in 1964 and 1965 during the Johnson administration were indeed impressive. It included the Library Services and Construction Act, Elementary and Secondary Education Act, Higher Education Act, and Medical Library Assistance Act.

When President Kennedy dropped the bombshell of increased federal support for all types of libraries, the Library Services Act was not rewritten. It was merely amended and became Title I of the Library Services and Construction Act of 1964. No substantive changes were introduced in Title I, either relating to



proposed as a temporary stimulant. This was the intention not only of Congress but also of ALA.

In spite of the restricted nature of the proposal, ten years of undiminished effort were required to reap the first fruits of victory. The demonstration bill suffered numerous defeats, but was nevertheless reintroduced at each subsequent session of the Congress, until on June 19, 1956, it was finally approved and signed by President Eisenhower under the title Library Services Act. The purpose of the act was "to promote the further extension by the several States of public library services to rural areas without such services or with inadequate services." Little or no specific direc-

the purpose of the act or how the federal funds were to be employed. The only basic change that was made was to remove the word "rural" before the word "areas" so that it would be applicable to urban as well as rural areas. The amount authorized for Title I was \$25,000,000. But in essence, Title I continued to be a demonstration program, hardly suited to serve effectively the needs of long-established public libraries. Thus a golden opportunity was lost to turn LSCA into a more general federal assistance program.

Between 1964 and the present, several substantive amendments were added to LSCA. In 1966 two additional titles were enacted: Title III—Inter-

library Cooperation, and Title IV—Specialized State Library Services. In 1970, Title IV was repealed and incorporated into Title I. In addition the purpose of the act was further expanded to include library services to the disadvantaged, and strengthening state library administrative agencies. Congress accompanied the 1970 amendments with the following statement of purposes:

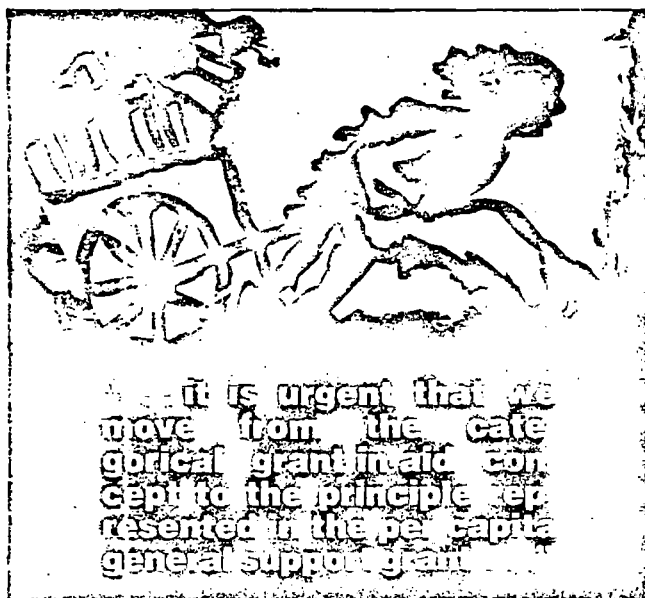
It is the purpose of this Act to improve the administration, implementation, and purposes of the programs authorized by the Library Services and Construction Act, by lessening the administrative burden upon the States through a reduction in the number of State plans which must be submitted and approved annually under such Act and to afford the States greater discretion in the allocation of funds under such Act to meet specific State needs and, by providing for special programs to meet the needs of disadvantaged persons, in both urban and rural areas, for library services and for strengthening the capacity of State library administrative agencies for meeting the needs of all the people of the States. (*United States Code*, 1970, Vol. V, p. 5156.)

The only other substantive amendment to be adopted was in 1973 which provided a new Title IV—Older Readers Services which has not been funded.

#### The need for change

Despite the Congressional intent "to afford the States greater discretion in the allocation of funds" as indicated in the above statement, state library agencies on the whole have failed to take advantage of the flexibility inherent in this dictum. The administrative format developed by state library agencies for the distribution of LSCA funds has remained unchanged through the years, operating in a manner not unlike that of a private foundation. To obtain funds, a public library is required to submit a proposal describing a project. Unless a given project is innovative or experimental in nature, it has little or no chance for approval. Demonstration, research, and experimentation are the primary considerations that in general determine the decision. Moreover a project is approved for a relatively short duration and is usually not renewable. If it proves to be successful, the library is compelled to carry on the project with its own funds or abandon it. Thus much of the value to be gained from the project is lost. What is urgently needed today are not demonstration, research, or experimental projects. We have had a plethora of these studies over a period extending for more than two decades. What is critically needed at this juncture are additional funds for books and other library materials, and for staffing our institutions so that the public can be served.

LSCA, and particularly Title I, requires a complete overhauling. To begin with, the declaration of policy is not a clear mandate. It consists of a general statement of purpose to the effect—"to assist the States in the extension and improvement of public library services in areas of the States which are without



such services or in which such services are inadequate." It also enumerates certain specific purposes as follows: "the improvement of such other State library services as library services for physically handicapped, institutionalized, and disadvantaged persons, [and] in strengthening State library administrative agencies." How is all of this to be interpreted? How much weight must be given to the specific purposes? Moreover, the clause "in which such services are inadequate" is troublesome. What test is to be used to determine whether library services are inadequate? The total effect of this vague statutory language has been a weakening of the impact to be gained from federal assistance.

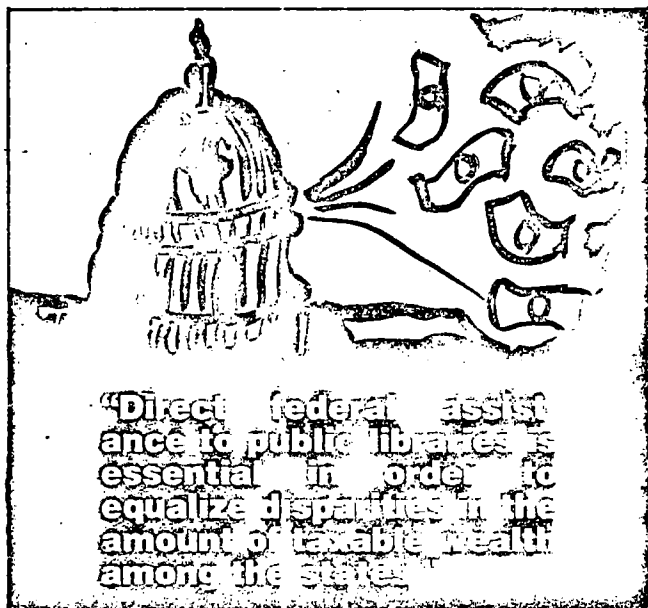
#### Per capita support

LSCA needs to be cast in a different mold. The Advisory Commission on Intergovernmental Relations issued a comprehensive report in 1967 entitled *Fiscal Balance in the American Federal System* which made the following recommendations:

The Commission concludes that to meet the needs of twentieth century America with its critical urban problems, the existing fiscal system needs to be significantly improved. Specifically, the Commission recommends that the Federal Government, recognizing the need for flexibility in the type of support it provides, authorize a combination of Federal categorical grants-in-aid, general functional bloc grants, and per capita general support payments. Each of these mechanisms is designed to, and should be used to, meet specific needs: the categorical grant-in-aid to stimulate and support programs in specific areas of national interest and promote experimentation and demonstration in such areas; bloc grants, through the consolidation of existing specific grants-in-aid, to give States and localities greater flexibility in meeting the needs in broad functional areas; and general support payments on a per capita basis, adjusted for variations in tax effort, to allow States and localities to devise their own programs and set their own priorities to help solve unique and most crucial problems. Such general support payments could be made to

either State or major local units of governments if provision is made for insuring that the purposes for which they are spent are not in conflict with any comprehensive State plan. (Vol. 1, p. 5-6.)

LSCA, as it is now constituted, falls under the rubric of a categorical grant-in-aid program. This type of federal support was tolerable under LSA since it was considered to be a temporary measure. But when LSCA was born, it was intended to be a permanent program. Consequently, the categorical grant-in-aid design was not applicable. LSCA, therefore, needs to



be recast, and it appears to this writer that the "per capita general support grant" is far better suited for a program which has for its purpose the extension and improvement of public library services in each state. Federal assistance must be made available to all public libraries rather than just a small selective number as is the case today under the present categorical grant-in-aid philosophy. Just as the Elementary and Secondary Education Act under Title IV-B makes federal funds available to every school library, LSCA should likewise provide federal funds for every public library. Safeguards, however, must be provided and enforced so that neither the state nor its local subdivisions are permitted to lower the existing level of state and local funding for public library service. In fact the proposed legislation should provide incentives for encouraging the establishment and expansion of state aid programs.

The Advisory Commission on Intergovernmental Relations has studied the general question of federal aid extensively and has found that the per capita general support grant is the logical next step in the evolution of federal assistance for domestic governmental problems. The Commission contends that the per capita general support device enables states and local governments to exercise wider latitude in their budgetary priorities. Moreover, it serves as a powerful equalization instrument in helping to remove disparities in per capita wealth among the states and their local subdivisions.

As we embark on a thorough revision of LSCA, it is urgent that we move from the categorical grant-in-aid concept to the principle represented in the per capita general support grant, as formulated by the Commission.

### The per capita rationale

Public libraries depend largely on the local property tax for their financial support. The property tax is a regressive tax, but its most serious weakness is that it lacks elasticity. Unlike the income tax or sales tax, which generate additional revenue automatically as wages and prices rise, the revenue from the property tax remains relatively constant and increases only very gradually as the total assessed valuation of property rises. This is particularly disastrous in periods of high inflation. It is for this reason that the federal government should share with local and state governments the responsibility for direct financial support of public libraries.

Direct federal assistance to public libraries is essential in order to equalize disparities in the amount of taxable wealth among the states. An equalization factor can be designed so as to provide poorer states with a larger pro rata share of the funds. Thus federal support can help to guarantee the minimum level of funding required to furnish adequate public library service in every state.

We have become a mobile nation. More than a million persons move from one state to another each year. It is highly desirable, therefore, from a social point of view that the quality of public library service be equalized among the states, so that an individual is not penalized when he moves from one state to another. The quality of public library service should not be dependent on where a person is born or where he happens to live. Through direct federal aid, this problem can be ameliorated.

Our national welfare requires an educated and productive citizenry. Each person is entitled to have the fullest opportunity to achieve the highest level of attainment that his abilities and interests will permit. Public libraries are admirably suited to assist in reaching this aim, which is one of the basic tenets of our democracy. By supporting public libraries, the federal government helps to make it possible to attain the goal of an educated and productive citizenry.

NCLIS has recently compiled a *National Inventory of Library Needs*. The unmet needs that are cataloged in this document are staggering. Since the 8,300 public libraries of this country are a valuable national resource, it is only logical that the federal government should participate directly in funding them.

The federal government taps the resources of the entire nation, generating two-thirds of the taxes collected at all levels of government. Moreover, the federal sources of revenue have not been drawn upon as heavily as state and local sources in terms of the potential that is available. The increase in the rate of tax-

ation in recent years has been far greater at state and local levels than at the federal level. Also, the combined local and state debt has been increasing at a more rapid pace than the federal debt. This means that the federal government is in a more advantageous position to provide financial assistance to public libraries.

A disturbing current development is emerging, resulting from a number of lawsuits filed across the country, in California, Texas, New Jersey, Michigan, Minnesota, and others, seeking to invalidate the present system of financing public education. The legal question that the courts have been called upon to determine is whether the public school financing scheme, with its substantial dependence on local property taxes and resultant wide disparities in school revenue, violates the equal protection clause of the Fourteenth Amendment of the U.S. Constitution on a relevant

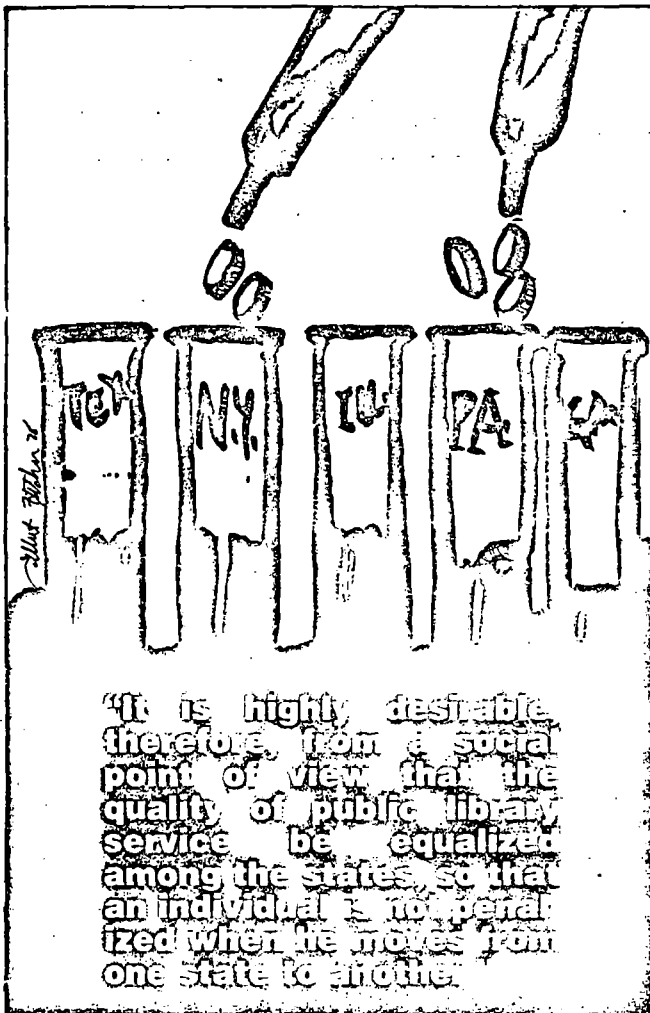
tion, the disparities in the amount of revenue available for public library service, derived from the local property tax, are grossly unequal between the various local governmental units. The solution to this problem lies not only with state and local governments but with the national government as well. In this situation, the federal government will doubtless be called upon for assistance. Under these circumstances, the principle embodied in the per capita general support grant could be utilized effectively to help correct the inequities of the past.

The conclusions to the study that was cited earlier (*Evaluation of the Effectiveness of Federal Funding of Public Libraries*, issued by NCLIS) reinforce the concept of per capita support. The report points out, for example, that the present intergovernmental funding of public libraries is grossly out of balance since a disproportionately heavy burden is carried by local governments. Not only must state funding for public libraries be increased, but federal funding as well. The average annual rate of increase of expenditures for public libraries compares unfavorably to increases for other public services. There is a wide disparity in the level of public library service among states and regions. Per capita expenditures for public library service vary widely as do expenditures related to personal income. Finally, the report states: "It is equally clear that in its present form, it [LSCA] is a deficient mechanism for the distribution of Federal funds and a weak instrument of federal policy with respect to library services development."

The principal target of LSCA must be the strengthening of every public library in the country, for it is the local library that serves as the first port of entry for those seeking general information or needing to explore a subject in depth. The bulk of the funds appropriated under this act should, therefore, be appropriated for this underlying purpose. To achieve this objective, the categorical grant-in-aid technique must be discarded and replaced by a more appropriate instrument, namely the per capita general support grant.

However, there are other special needs that LSCA must help to satisfy. Large urban libraries are desperately in need of federal assistance. The problem of the unserved rural areas, with no access to public library service of any kind, must be alleviated through federal support. Finally, the vital matter of interlibrary cooperation, which involves the establishment of multitype library networks on a statewide or regional basis, also requires federal aid. But this caveat must be observed. In a revision of LSCA it is essential to incorporate a percentage limit in the amount of funds to be available for each of the three special purposes cited above, so as not to weaken the major thrust of the legislation.

The approaching White House Conference on Library and Information Services should provide us with a convenient forum to consider thoroughly the issues presented in this paper.



provision of a state constitution. The two most celebrated cases are *Serrano v. Priest* (5 Cal. 3d 584) adjudicated in 1971 by the Supreme Court of California, and *San Antonio Independent School District v. Rodriguez* (411 U.S. 1) handed down in 1972 by the U.S. Supreme Court. Although these two decisions are diametrically opposed, it is quite clear that the local property tax, as it is employed to finance public education, will continue to be under attack. The issues raised in *Serrano* and *Rodriguez* have important implications for public library service. Just as in the field of educa-