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A Constitutional Victory

LOUIS M. NOURSE

FEBRUARY 27, 1945, was a red-letter day in Missouri history. On that day the voters approved by a substantial majority a new constitutional code for governing the state to replace the old constitution of 1875, which had become outmoded in spite of sixty patchwork amendments. Missouri, the "Show Me" state, has shown the other states how to do it.

The question of what library provisions, if any, should be included in a state constitution is a neglected subject. The writer cannot recall that the subject was ever discussed in library school, and he has not happened to attend a meeting where it was considered at an A.L.A. conference.

A quick survey of state constitutions shows that only fourteen state constitutions contain any reference to libraries and most

of these consist of such minor and irrelevant matters as the appointment, title, and salary of the state librarian. Perhaps Michigan and Arkansas have the most significant library provisions, both codes containing sections which provide for public library support.

Here is the story, briefly, of how the Missouri Library Association and the Citizens Council for Missouri Libraries planned and carried through to a successful conclusion a campaign to secure valuable library provisions in the new constitution.

On Nov. 3, 1942, Missourians voted "yes" to the query: "Shall there be a constitutional convention to revise or amend the constitution?" The question carried by a majority of five to three throughout the state. Soon after it was announced that the convention would convene in Jefferson City in September 1943, Charles H. Compton, librarian of the St. Louis Public Library and chairman of the M.L.A. Committee on Library Extension and Legislation, began to gather material on the subject of library provisions in state constitutions. This preliminary effort resulted in the formulation of specific recommendations which were presented at the M.L.A. conference held in Jefferson City, September 1-2, and which were endorsed by the association. They were as follows:

1. There should be a general provision in the constitution that would recognize the ob-

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ligation of the state to support public libraries as a necessary part of public education

2. Remove or raise present over-all tax limitations for cities, towns, school districts, and counties

3. Make the tax for public library support over and above the tax limitation for general purposes

4. Provide that a certain per cent (*e.g.*, 2 per cent) of all state income be allotted to public libraries annually

5. Make it possible by popular vote of two-thirds majority for additional funds to be provided for county, city, or school purposes including libraries

6. Revise the tax on intangibles on an equitable basis.

Shortly after the constitutional convention opened early in October, the writer, serving as the legislative representative of the Missouri Library Association and the Citizens Council for Missouri Libraries, began to interview the delegates in the state capitol. Each of the eighty-three delegates was given a copy of *Equal Chance*, published by the A.L.A., a copy of the Missouri Constitutional Convention Number of the *M.L.A. Quarterly* (September 1943), and other pertinent material.

Getting Proposals Introduced

OF COURSE, no two interviews were alike, for some of the delegates knew very little about the library situation in the state while others knew a great deal about libraries or at least about their own local libraries. A few were or had been library trustees. It proved to be a fortunate circumstance that these interviews were made early in the session before the delegates were very busy with committee meetings, heavy correspondence, and longer floor sessions; also before other "lobbyists" were on the ground. In general most of the delegates were friendly to the suggestion of doing something for libraries and several eventually became strong supporters for the library cause.

It was possible, during October, to get three library proposals introduced:

Proposal No. 25 was introduced by J. A. Hemphill, of Kennett. This was a general provision which would recognize the obligation of the state and its subdivisions to promote and support free public libraries. It was referred to the committee on education.

Proposal No. 51 was introduced by R. W. Brown, who was also the president of the Missouri Farm Bureau Federation. This would make the library tax a separate tax outside the general tax limitations. Its objective was to place the public library as an educational institution in the same class as the public school, outside such limitations. It was also designed to legalize existing library tax levies which, in many municipalities, had exceeded their general over-all tax limitations. This proposal was referred to the committee on taxation.

Proposal No. 84 was introduced by V. E. Phillips, of Kansas City. This would provide that not less than 2 per cent of the state revenue in addition to the 25 per cent set aside for schools would be applied annually to a state aid program for public library service. The constitution of 1875 earmarked 25 per cent as a minimum for schools and the general assembly has generously appropriated 33½ per cent for many years. Proposal No. 84 was referred to the committee on state finance with instructions to confer with the education committee.

The Hearings

THE NEXT STEP was to secure hearings before the appropriate committees. With nearly four hundred proposals introduced, it became a real problem to secure the necessary hearings. Fortunately, it was possible to secure hearings for all three library proposals grouped within a single week.

The hearing on No. 51 was held November 30 at 2 P.M. before the taxation committee; No. 84 at 8 P.M. before the state finance committee; and Nos. 25 and 84 before the education committee at 8:30 P.M., December 1.

Between forty and fifty interested persons attended each hearing. Mr. Compton was invited by the chairman to introduce the speakers. Jacob M. Lashly, vice president of the St. Louis Public Library board and president of the Citizens Council for Missouri Libraries, made the principal plea at each hearing. He described the low status of library service in the state, pointing out that 43 per cent or 1,685,000 of Missouri's total population are without library service. He explained how each proposal was designed to improve the present situation and emphasized the fact that No. 51 would correct and legalize a tax condition in which twenty-five of the fifty-eight cities (2500 population and over) are levying public library taxes above the constitutional limitations.

Mr. Lashly was followed by a number of librarians and friends of libraries, including Ruth O'Malley, then executive secretary of the Missouri Library Commission; Mrs. Gertrude Gilbert Drury, secretary of the Citizens Council for Missouri Libraries; C. L. Harrison, secretary, Cape Girardeau Public Library board; Mrs. Frank B. Fulkerson, past president of the Citizens Council for Missouri Libraries; Harold L. Hamill, librarian, Kansas City Public Library, and the writer. Those who attended the hearings were impressed and encouraged by the courtesy and friendliness of the members of the committees.

Debate and Passage by the Convention

AFTER the official hearings had been concluded, each committee was charged with the responsibility of writing a new article for the constitution as a report to be presented on the floor of the convention for discussion and final action.

Proposal No. 25 was considered favorably, first by a subcommittee and then by the committee on education, and was designated as part of Section 11 in the report

of the committee on education to be submitted to the convention acting as a committee of the whole.

Proposal No. 51 was combined with several other similar proposals to form a new home rule clause which would allow communities to tax themselves for various types of public services over and above specific tax limitations. This became a part of Section 11 in the report of the committee on taxation.

Proposal No. 84 was replaced by a substitute proposal providing for mandatory state aid for libraries but omitting the earmarking feature. A strong trend against the inclusion of new earmarking in the new code developed during the convention so that only one such additional proposal was approved—1 per cent of the general revenue fund for the development of state parks for a period of fifteen years.

Section 11 of the report of the committee on education (File No. 13) was introduced to the convention for discussion and first reading on May 2, 1944, and was passed unanimously. It came up for third reading, September 14, with a minimum of forty-two favorable votes required for final passage. It was approved and became Section 10 in Article IX on education:

It is hereby declared to be the policy of the state to promote the establishment and development of free public libraries and to accept the obligation of their support by the state and its subdivisions and municipalities in such manner as may be provided by law. When any such subdivision or municipality supports a free library, the general assembly shall grant aid to such library in such manner and in such amounts as may be provided by law.

This provision by law was to be in the proposed new constitution to be submitted to the voters.

The proviso concerning libraries in Section 11 of the report on taxation (File No. 19) was introduced for discussion on the

floor August 4. After four days of debate and discussion of thirty-two proposed amendments, most of which failed, the section was perfected and closed August 9. It came up for third reading and final passage September 20. It was designated as part of Section 11 in Article X on taxation:

And provided further, that any county or other political subdivision, when authorized by law and within the limits fixed by law, may levy a rate of taxation on all property subject to its taxing powers in excess of the rates herein limited, for *library*, hospital, public health, recreation grounds, and museum purposes.

Campaign Activities

THE EVENTS preceding the debate on Section 11, Article X—Taxation, illustrated the importance of having someone on hand to watch developments. Due to the opposition from the real estate interests in both Kansas City and St. Louis the results were doubtful. By checking closely with several delegates on an apparent deadlock the writer was able to secure a special meeting of the committee on taxation. The outcome of this resulted in the submission of an amendment which had the support of the committee. Later a substitute amendment by Delegate Charles H. Mayer, of St. Joseph, clearing up the proviso affecting libraries, was accepted and passed by the convention, but the groundwork had been laid to save the library situation. The greatest danger at this point was deletion through amendment.

Between the time when the convention adjourned, Sept. 29, 1944, and the date of election, Feb. 27, 1945, libraries throughout the state cooperated with the state committee for the new constitution, of which Mr. Lashly was chairman. Libraries distributed 100,000 copies of a leaflet released by the committee for the

new constitution and 125,000 copies of a leaflet entitled *The Proposed New Constitution and the Free Public Library*; also, printed material supplied by the Missouri State Teachers' Association, the Missouri League of Women Voters, and other friendly organizations. Members of the Citizens Council for Missouri Libraries and the League of Women Voters really worked by making telephone calls and ringing door bells during the last week of the campaign to get out the voters.

Conclusion

IN ANY long-range development program for the state, it is important to have a legislative representative on hand at the state capitol to watch developments and to keep the librarians and lay groups informed so that proper steps may be taken to assure the strongest support at critical moments.

It is difficult to overemphasize the significance and importance of the library provisions in the new constitution. The proviso which authorizes a tax for library support beyond the over-all tax limitations will allow many communities with a local tax rate up to the limit or exceeding the limit to provide for public libraries as a new public service or to provide for improved library service. Many counties have been unable to vote for county library service because their over-all tax rates had reached the constitutional limits. In fact, two counties, Jackson and Clark, taking advantage of the new code which went into effect March 27, voted to establish county library systems at the April 3 election.

The mandatory constitutional provision for state aid, which has not yet been implemented into state law, should provide a great impetus to the establishment of county libraries and eventually to complete statewide library service.