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Staying effective and safe in the political arena

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Threats to the diversity of collections, and the basic state funding of libraries have continually pushed the Oregon Library Association (OLA) to increase its political involvement. In the 1990s, OLA took its involvement further and actively participated in a heated statewide election on gay rights. This time our political activity potentially jeopardized the association's tax status and credibility. Rather than continue to tempt fate, OLA decided to examine its political role and develop the means to be effective and confident in the political arena.

Staying Effective and Safe in the Political Arena

by Janet Webster

Oregon State University's
Hatfield Marine Science Center Library

In late summer 1994, 1994/95 OLA president Anne Billeter, appointed a special committee to examine OLA's political activity and to propose a mechanism for keeping the association politically effective while legally safe. Specifically, OLA leadership wanted to accomplish two goals:

- Permit members of the Oregon library community to engage with pressing civil liberties issues that affected their professional responsibilities.
- Insulate individual OLA members against possible recrimination from local government officials or voters who might hold contrary views to the OLA.

The committee's seven members included George Bell (chair of the State Library Board of Trustees), Deb Carver (president of OLA 1995/96 and head of Public Services at the University of Oregon), Deborah Jacobs (president of OLA 1992/93 and director of the Corvallis-Benton County Public Library), Nan Heim (OLA's lobbyist), Jim Scheppke (president of OLA 1990/91 and State Librarian), Ed House (president of OLA 1996/97 and director of the Albany Public Library), Janet Webster (OLA Parliamentarian and librarian of Oregon State University's Hatfield Marine Science Center Library). Other OLA members were valuable resources: Judy Harold (children's librarian of the Springfield Public Library), Michael Gaston (director of the Siuslaw Public Library), Carol Hildebrand (director of the Eugene Public Library), Sheila Wilma (director of the North Bend Public Library). After 15 months of work, our recommendations were adopted by the OLA Executive Board and incorporated into the association's procedure manual.

THE RECOMMENDATIONS

The Committee addressed the constraints on the political activity of public employees, constraints on the political activity of non-profit associations, and constraints within the association. We sought out models from other state library associations and professional associations in Oregon. We gained familiarity with tax law through research and consultation with a lawyer conversant with non-profit law. State

officials supplied interpretations of state law. OLA members were informed of the committee's progress through verbal reports to the Executive Board, a formal presentation at the annual meeting, and occasional written pieces in *The OLA Hotline*. The Committee crafted five general recommendations that cover OLA's tax status, its relationship to the library-focused political action committee (PAC), long range planning, and the roles of the Legislative Committee and leadership.

OLA'S TAX STATUS

When originally incorporated, OLA selected the 501(c)(3) status, the most common one for community groups involved with educational and charitable functions. A strong advantage of this status is the ability to receive deductible contributions (including membership dues). The disadvantages are the restrictions on (but not prohibition of) attempts to influence legislation including contacting legislators, urging the public to do so, and advocating adoption or rejection of legislation.

The IRS prohibits 501(c)(3) organizations from "participating in, or intervening in (including publishing or distributing statements) any political campaign on behalf of or against any candidate for public office" (Cumfer and Sohl, 1993). The 501(c)(3) organization may engage in nonpartisan analysis and study of a position, and publish results of the study as long as it does not advocate a position. The Internal Revenue Code also states that no "substantial part of the activities of a qualifying organization may constitute carrying on propaganda or otherwise attempting to influence legislation" (Treas. Reg. sec. 1.501(c)(3)-1(c)). "Substantial" is a nebulous term open to interpretation (Goedert, 1993; Mancino, 1980). Some cases have specified that more than 5% of an organization's time and budget spent on lobbying is substantial. Substantial can also relate to the quality as well as the quantity of lobbying; highly visible and controversial issues increases the quality in IRS considerations (Cumfer and Sohl, 1993). A clearer approach is to choose the lobbying election defined under section 501(h) of the Internal Revenue Code. This election uses a mathematical formula to establish monetary limitations on lobbying activities (Matoney et al., 1994). In this way, a 501(c)(3) organization can still be politically active if its primary mission is charitable or educational.

Splitting OLA into a 501(c)(3) and a (c)(4), a social welfare organization, would have allowed a wider range of political activity as long as it was funded by the (c)(4). The split would have complicated the budgeting and funding of the entire association. Rather than split an existing status, the Committee calculated the association's lobbying expenditures using limits outlined in the IRS Lobbying Election and found that it fell within the allowable limits. OLA's tax status is appropriate as long as OLA is primarily involved in promoting charitable activities, keeps its political activity in balance, and avoids endorsing or campaigning for political candidates.

✓ *Testifying to a Legislative Committee: Don't Panic!*

OLA members have presented testimony on a wide range of bills, from opposing nude dancing bans to supporting school media specialists. The first time you sit in front of a committee is hardest. After you escape grilling, mere embarrassment or sometimes even praise, you can reflect that you probably were pretty articulate and convincing, especially if you followed Nan Heim's tips. Even if you stumbled a bit, most legislators appreciate hearing from constituents and seeing that they care. Nan and her colleagues will prepare you to testify by letting you know who is a friend on the committee and what issues are of particular interest. Keep the following tips in mind when testifying.

- Prepare a short summary of your testimony, no more than two minutes. Legislative committees are most likely to be attentive to short, concise remarks. Give your longer remarks if asked.
- Include good anecdotes that put your arguments in human terms.
- Be positive and emphasize the effects of the bill or budget on "real people".
- Don't be afraid of your convictions.
- Talk from your statement rather than reading. This is easier if you practice saying it aloud to yourself at least three times.
- Be prepared to respond to questions.
- Avoid repeating what previous speakers have said, unless you are obviously emphasizing their points.
- Sign in as you arrive so the staff know who and how many want to testify.
- Prepare enough copies of your summary and full testimony to present to the committee and staff.
- Well-informed "real people", rather than paid staff can be the most convincing witnesses. That doesn't mean librarians are not convincing. But, think about some of your volunteers, board members and library users as possible witnesses to support library legislation.

We filed the lobbying election form, IRS Form 5768, and the Executive Board regularly reviews its record-keeping to adequately track lobbying expenditures.

THE PAC, PEOPLE FOR OREGON LIBRARIES

Political Action Committees can solicit contributions from a wide audience and give directly to candidates' campaigns and ballot measures, activities a 501(c)(3) cannot do without losing its tax exempt status and paying severe fines. The People for Oregon Libraries was formed in the 1980s and, in a modest way, visibly supports pro-library candidates and local library issues. The PAC has not always been a consistent voice on more general political issues with potential impact on libraries. The Committee emphasized the need for a strong, vocal PAC that could put money into campaigns and ballot measures while keeping an arm's length from the Association. Individuals should be encouraged to support the PAC both financially with annual, personal contributions and philosophically through input on what stances to take. While a formal link cannot be made, lines of communication between the two organizations should be as open as possible.

LONG RANGE PLANNING

Legislative planning session by session is unrealistic; issues can develop quickly during a legislative session and long range planning is displaced by crisis management. When the Committee recommended the creation of a six year plan, the OLA Legislative

Committee quickly responded with a plan that states guiding principles to direct legislative action and stances. (See the agenda beginning on page 6.) The principles include intellectual freedom, lifelong learning and literacy, equitable access and stewardship of public resources. OLA's leadership anticipates using the plan to educate the membership on key issues, to garner support for emerging issues, to make decisions, and to address late-breaking hot issues.

THE ROLE OF OLA'S LEGISLATIVE COMMITTEE

Specific tasks are required to successfully carry out our political activity. The committee identified several: communicate regularly with the membership on key issues and the political process; write and file ballot measure statements for the Oregon Voter's Pamphlet when appropriate; organize one session at every annual conference that addresses OLA's role in politics; organize and participate in a statewide network to contact legislators; organize a biennial Legislative Day. These tasks, while obvious to experienced members of the Legislative Committee, need to be documented for new and future members. Often, association history resides in the memories of a few long-timers, inhibiting others from taking action or being fully involved in association activities. Recording procedures extends the institutional memory to all members. Political momentum requires delegating specific tasks; documentation provides a mechanism for this.

Suggested Guidelines for Safe Political Action

1. Use your home address when joining your state library association. This directs political mailings from the association to your home rather than your office.
2. Consider getting a personal e-mail address for your political and legislative activities rather than using your institutional one.
3. Familiarize yourself with information provided by your association on political activity.
4. Discuss your political involvement with your supervisor and your governmental attorney to clarify how your institution interprets political involvement. Include specific political actions you are considering taking:
 - wearing a political button at work.
 - writing letters to legislators.
 - writing letters to the local newspapers.
 - appearing as a spokesperson in the media.
 - calling legislators.
 - giving testimony at the Legislature.
 - attending Association Legislative Committee meetings.
 - attending Association events where political action is discussed.

Clarify activities that are considered part of your work and those that must be done on vacation time. Identify when institutional equipment, supplies and postage may be used.

5. Have your library board or governing body adopt the Association's Legislative Plan so they understand your political involvement and its impact on the library. With that approval, you may be able to promote the agenda during working hours.
6. Work with your government or institutional attorney to clarify what limits are placed on library board members as they become more engaged in lobbying activities.
7. Provide information to decision makers and the public on the issues. Make sure that any piece is informational and does not advocate a position. Clear the piece with your governing body.
8. Invite decision makers and legislators to your library. Inform them of current programs and long-range plans. Explain how you use public funds.
9. Do not use any of your institutional equipment, staff or material – your office, telephone, copy machine, fax machine – for a partisan political purpose.
10. Donate to your association's political action committee to ensure the library community is represented in front-line political activity.

One of these tasks directly addresses the issues of constraints on political activity by public employees. Distributing guidelines for appropriate political action is essential to help members feel comfortable in the political arena. Guidelines include the mundane such as using a home address for membership mailings so any political information stays out of the office. (See guidelines at left.) They can also cover the latest interpretation from the state Attorney General on when an appointed board member can take a political position. Guidelines provide a mechanism to open the conversation on political activity. Each member can use them to clarify situations before becoming involved rather than justifying political activity after the fact. Regular communication with the membership, such as distributing the guidelines, keeps the issues and the process in front of the membership, slowly increasing participation in political activity.

THE ROLE OF LEADERSHIP

Finally, the OLA Executive Board must lead the membership into the political arena. The membership trusts its leadership to "do the right thing." The Board needs to reflect on its actions rather than make them in a knee jerk manner. Objectively reviewing the issues includes asking questions such as these: 1) Does the issue increase or decrease the library community's ability to preserve free access to information for all?; 2) Is the issue relevant to the need to sustain the necessary resources for providing information (Berninghausen, 1972)? Public stances by OLA should relate to the core values of the library community and should avoid issues on the fringe of the interests and principles of libraries (Bendix, 1970). This does limit collective political activity on some issues that individual members may have strong feelings about as individuals. Leadership needs to emphasize the difference between individual political action and that of the association (White, 1989).

The leadership must also be willing to act quickly as issues and events unfold during the course of an election or legislative session. If the groundwork has been laid, such action should be straightforward. The membership will be supportive if the general principles have been discussed with them earlier. The Executive Board will consult with the lobbyist, deciding quickly on stance and strategy. The players will know what roles to assume. This smooth reaction takes practice as well as trust, and while effective, must be constantly monitored. OLA authorizes its leaders to be politically active as OLA officers; consequently, all expenses incurred must be recorded as lobbying costs.

CONCLUSIONS

The OLA has affirmed its commitment to political activity by adopting the recommendations of its special committee. But, being politically effective and legal is a never ending process. All OLA members

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need to understand and follow the guidelines for safe political activity. The Executive Board needs to work within organizational limitations such as tax status, involve membership in the discussion of principles and political positions, and present a united library front to the rest of the world.

Limitations, if addressed and understood, need not hamper our political activity. They can lead to a better understanding of the political arena and what involvement really means. Differences in opinion precipitate confrontation and possibly a divided front. Open discussion is critical so our actions do not appear as a flight of fancy of the most liberal, vocal, or active of the members. Separating the political activity of individuals who happen to be librarians from the political activity of OLA reflects an understanding of roles and limitations.

We have many friends who support libraries on general principle. The OLA's commitment to be visible and articulate in the political arena will alienate some of those important friends. Though difficult to alienate part of a library's constituency, we must continue to focus on our values to succeed politically. Compromise may be necessary and works best if all sides bring commitment, vision and conviction to the arena.

The library community cannot afford to sit on the political sidelines in this day and age, when property tax measures may decimate budgets, or an angry citizens' group wants to limit who can read what, or opportunities for statewide cooperation emerge needing legislative approval. On the other hand, libraries cannot afford to lose credibility as broad, inclusive community institutions. The OLA is quite far along the political activity spectrum, and we are doing much to translate the core values of librarianship

into political reality. But, we can all do more. And, we can do it right. **Q**

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Law

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THE LESSON

The events I have tried to describe here are already fading from my memory. More than anything, I wanted to recall the names of those who made SB 20 happen. I've tried to include the most important names here, but there were, of course, many others who made a phone call, testified at a hearing, wrote a letter, or came to Legislative Day. Everyone's efforts were important to our success.

But the key lesson to be learned from this story is the same one that Nan Heim has been trying to teach librarians and library supporters for years: Nothing happens without a champion, and it is up to us to make a legislator into a champion.

Had it not been for the fact that librarians in Corvallis were willing to spend a few hours to work in Senator Trow's campaign in 1990, SB 20 would probably never have happened. Had it not been for the fact that Mel George and Deborah Jacobs and Pat Grace made an effort to meet with Senator Trow in December of 1990 to discuss ways to improve library services in Oregon, SB 20 would probably never have happened.

The lesson of SB 20 is that to achieve major progress for libraries in Oregon, all of us in the library community need to be willing to engage in the political process. And if we can do that, there will be many more legislative victories to come. **Q**