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State Library and Local Public Library Relationships: A Case Study of Legislative Conflict Within South Carolina from the Principle/Agent Perspective

Robert C. Ward

ABSTRACT. On July 1, 2001, the South Carolina Governor signed Proviso 72.95 of the Annual Appropriations Act, which required that a public library receiving state funds must equip computers with software to filter the Internet. On July 19, 2001, the South Carolina State Library Board of Trustees voted unanimously not to implement the provision of the Proviso. Within 24 hours of the decision by the State Library Board of Trustees, the leadership of the South Carolina State Legislature threatened to sue the State Library to comply with the law, and to have all the appointed State Library Trustees and the State Librarian removed from their appointed positions. The conflict between the South Carolina State Library and the South Carolina State Legislature over funding of local public libraries signals a change in the relationship between State Library agencies and local public libraries. To understand these changes we must look at the events in South Carolina from the perspective of two areas of political theory. These two areas of political theory are “Agency Theory” and “Regime Theory.” [Article copies available for a fee from The Haworth Document Delivery Service: 1-800-HAWORTH. E-mail address: <docdelivery@haworthpress.com> Website: <<http://www.HaworthPress.com>> © 2004 by The Haworth Press, Inc. All rights reserved.]

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INTRODUCTION

On July 1, 2001, South Carolina Governor James Hodges signed Proviso 72.95 of the State of South Carolina's Annual Appropriations Act. The Proviso, referred to as "State Funded Libraries–Web Filters" required that a library, within South Carolina, receiving, directly or indirectly, state funds, and not part of an institution of higher learning, must equip computers with software to filter the Internet. The Proviso required that all computers, except for 10 percent, located within the library be equipped with such software. Failure of a library to install filters would result in a loss of 50 percent of the state funds received by the library. No grace period was allowed, and the Proviso went into force immediately on July 1, 2001 (SC-H3687, 2001).

On July 19, 2001, the South Carolina State Library Board of Trustees, which distributes State Aid to local public libraries within the State, met to consider action to take related to the Proviso. On a unanimous vote, the State Library Board voted not to implement the requirements concerning the Proviso and the installation of Internet filters until it received further clarification from state officials, and to continue to distribute funds to public libraries that did not comply with the Act's mandates (SCSL, Memo, July 19, 2001).

Within 24 hours of the decision by the State Library Board of Trustees, the leadership of the South Carolina State Legislature condemned the Trustee's actions. House Majority leadership, both publicly and privately, threatened to sue the State Library to comply with the law, and to have all of the appointed State Library Trustees and the State Librarian removed from their appointed positions. This threat was backed up by the members of the State Legislative Conference Committee that had drafted the Proviso, and the majority party leadership of the South Carolina State Senate (The State, 2001).

The conflict between the South Carolina State Library and the South Carolina State Legislature over funding of local public libraries signals a change in the relationship between State Library agencies and local public libraries. While the level of change in South Carolina was, on the surface, extreme, it does nonetheless reflect a broader shift in relationships between all State Libraries and local public libraries emerging across the United States. This change in relationships presents new

challenges to local public libraries, challenges often not recognized within either our professional associations or various public library communities. To understand these changes we must look at the events in South Carolina from the perspective of two areas of political theory. These two areas of political theory are “Agency Theory” and “Regime Theory.”

AGENCY THEORY

Before 2000, the issue of Internet filtering within public libraries was not a policy priority of the South Carolina State Legislature. While discussion of the issue appeared in various Legislative Committee Hearings, and even a few minor bills introduced by junior Legislators, the consensus within the Legislature was that Internet filtering was a local community issue. The reason why the State Legislature avoided the issue was due to the arguments advanced by the South Carolina State Library.

The State Library argued that South Carolina’s population was too diverse in terms of social and cultural norms to apply a single standard across the state. The decision to filter or not filter, it was stated, should reside within each community, with each local public library determining the most appropriate local response to the matter. The reason why the State Library advice to the State Legislature carried a great deal of weight in this matter was due to the historical political power relationships that exist in South Carolina between the State and Local governments.

Since Colonial times, South Carolina has had a form of State government in which the majority of control over local government operations resides within the State Legislature. From the establishment of South Carolina’s 1807 Constitution until the late 1970s, the authority for the majority of decisions related to the local level of government were retained in the hands of the single State Senator elected from each county. In the late 1970s, the State of South Carolina was forced, by the United States Department of Justice, to redistrict its Senatorial Election Districts to conform to the “one man, one vote” principle. At this time, the State legislature passed a limited “Home Rule” statute giving local governments more control over local governance, but even to this day, the State Legislative Delegations from each district retain considerable discretionary authority over local government operations (Edgar, 1998). The unequal state to local government political power relationship that exists in South Carolina has increased the influence of the recommendations made by the majority of state agencies coordinating or oversee-

ing aspects of local government operations. This is especially the case if the State agency has established a high level of political and legislative credibility due to a proven record of accomplishment in developing local government services.

Up to 2000, the legislative credibility of the State Library was well established. The South Carolina State Library came into existence in 1929 by an Act of the State Legislature. The Act that created the agency charged the State Library to assist local communities in the development of local public library service. During the Great Depression, the Works Project Administration (WPA) program provided the agency with funds and resources to develop local public library service. By 1943, when WPA funding ended, the agency had successfully established some form of public library service within each county of the State. After World War II, the State Library established a program targeted at developing State Aid for public libraries to supplement local funding, and the creation of unified county or regional local public libraries. By 1979, the State Library had accomplished its goals of state funding and unified service, and the agency continued the process of supporting the improvement of local public library services (South Carolina State Library, 2002).

The major role that the State Library played in promoting and supporting the legislative charge for the development of local public libraries within the state firmly established the agency's credibility within the State Legislative process. Due to its high level of credibility, the recommendation of the State Library concerning Internet filtering gained acceptance by the Legislative leadership, and the matter remained a local community decision.

While the legislative credibility of the South Carolina State Library is impressive, their efforts at developing this level of credibility would have been for naught without the cooperation of the local public libraries across the State. It was the cooperative support of the local public libraries within South Carolina over seventy years that established the legislative credibility of the State Library. The foundation for the success of the South Carolina State Library in the development of local public library service and local cooperation resides in the form of relationship established between the State Library and the local public libraries. The grounding of this relationship falls within the general concept known as "Agency Theory."

"Agency" occurs when an "Agent" acts for a "Principal." The Agent is the one serving, and the Principal is the one being served. In both public administration and political science theory, this principal of

“agency” is linked to the citizen. In essence, all public administrators act through an organization as an “agent,” to serve the citizen, “principal,” which lacks certain capacities to function individually within a specific area of societal life (Kass, 1989).

While, normally, the agent/principal relationship refers to the relationship between the administrator and the citizen, the agent/principal relationship may also extend to the organizational levels of public and political life. An organizational agent/principal relationship may exist whenever there is a relationship established in which an “organizational agent” intervenes to support an “organizational principle” that lacks the necessary capacity to act individually without such assistance (Worsham, Eisner, and Ringquist, 1997).

Considering the historical power relationships that exist in South Carolina between the State and Local levels of government, one quickly sees that the development of local public library service was highly dependent on State Legislative support. In light of this legislative relationship, one quickly understands that the development of local public library services in South Carolina would have been difficult without the State Library assuming the “agent’s” role. However, the attempt to develop such services would have failed unless the local communities, the “principles,” felt that the acts and intentions of the State Library were ethical and effective in terms of serving their local community interests. In order for these local public library communities to accept the relationship, an additional ethical concept needed establishment between the parties before the interaction became a valid form of agent/principle relationship.

In terms of the basic concept of “agency” there is always a responsibility placed on the agent to put the welfare of the principle before his or her own welfare. In terms of democratic political theory, though, the agent/principal relationship is not so clearly demarcated, especially at the public organizational level. At the public organizational level, both the agent and principle organizations have an ultimate responsibility, in a democracy, to the primary “principle,” namely the citizen. The citizen or “public” interest must always take precedence over any other interest or obligation. Thus at the public organizational level, when an organizational agent/principle relationship is established it is always understood by both parties that while the organizational agent’s actions must be taken in such a manner that they benefit the organizational principle’s welfare, such actions must always be taken in terms of ultimately achieving the public’s interest. In other words, the organizational agent may temper the organizational principal’s interest if pursuit of such interest might create

an injustice to a third party, namely the public interest. Under this same norm, the organizational principal may not ask the organizational agent to act in ways that are morally unethical, and would cause harm to the public interest. Thus the organizational principle is required to respect the organizational agent's moral, personal, and physical integrity, and to make no requests that would result in such harm to either the organizational agent's ethics or the public interest (Kass, 1989).

It is usually here at the point of establishing the rights and obligations of both the agent and the principle that many promising public organizational agent/principle relationships either fail to come into existence, or fail in terms of actual practice. The shoals upon which the organizational ships flounder relate to defining, in a democracy, what actually is the public interest. Since the democratic process is one of give-and-take, bargaining, and ambiguous definitions of rights, locating an underlying public interest principle is often elusive. Unless both parties to an organizational agent/principle relationship can establish such a principle, they have no means whereby to measure whether actions taken are valid public interest obligations, or violations of the principles of trust forming the relationship. This is the primary reason why you seldom see such relationships established at the operational levels within government.

In the case of the South Carolina State Library and the public libraries of South Carolina, though, the two parties were able to establish a public interest principle upon which to ground the agent/principle relationship. The public interest principle under girding the relationship was established within the professional norms of their occupation. To understand the use of professional norms, and their relationship to the establishment of the public interest, we must examine a second political theory area, namely Regime Theory.

REGIME THEORY

In order to understand the use of Regime Theory in South Carolina, we need to examine the theory within the events that unfolded related to the issue of Internet filtering of local public libraries. Specifically, it is necessary to understand how local public library use of these values affected the political climate in which State Legislative decisions advanced in terms of the issue of Internet filtering.

As stated previously, the issue of Internet filtering within local public libraries was not a priority of the State Legislature before 2000. The critical event, which changed the Legislative priority, occurred in

Greenville, South Carolina in December 1999. The Greenville County Public Library is located in the largest metropolitan area of the State of South Carolina. Greenville is a community that has prospered due to rapid economic development in terms of successful recruitment of international corporations and advanced research supported by nearby Clemson University. The community takes a great deal of pride in its local community image, and supports excellent public educational systems, transportation systems, and cultural institutions. Over the years, the Greenville County Public Library has received the benefit of this community support, and developed into one of the major public libraries within the State of South Carolina.

In 1998, the Greenville County Library established public access to the Internet. At the time of allowing public access to the Internet, the Library Board of Trustees adopted a non-interference policy in terms of the public use of the Internet terminals. In essence, the policy prohibited the staff from interfering with patron use of the terminals, no matter what type of material the patron sought, or the age of the patron. In December 1999, a local newspaper ran a series of articles concerning public use of the Internet at the main branch of the Greenville County Library. The articles stated that both adult men and teenage boys accessed pornographic materials using the Internet terminals. Additionally, the articles charged that adult men were engaged in sexual activities at the terminals, which library staff refused to stop due to the non-interference policy.

The newspaper revelations could not have occurred at a worse time for the Library. By late 1999, Arizona Senator John McCain and Texas Governor George Bush were battling for the Republican Party's nomination for President. South Carolina had become the final primary test for both candidates, and Greenville, with its large Republican voting base, was the center of their political activities within the State. Both McCain and Bush condemned the activities at the Library, and advocated laws that would require Internet filtering within public libraries. McCain and Bush's positions received prominent coverage in both the local and national press, focusing negative public attention on the Library administration and the non-interference policy.

Criticism of the library mounted in the local media, and local civic and church-related groups publicly condemned the Library. As the public criticism mounted, the Library received contacts from locally prominent members of the State Legislature who warned the Library of serious state legislative consequences should the non-interference policy remain in force. Additionally, the South Carolina State Librarian contacted the Greenville County Library Director and warned him that

several Greenville legislative members were drafting bills to deal with the matter if the Library Board refused to change the policy. The State Librarian explained that the proposed bills applied to all the public libraries within the State, and asked Greenville to consider the impact their position would have on South Carolina's public library community. In spite of the various warnings, the Greenville Library Board refused to change the policy, claiming that such a change would violate both professional values and the patron's civil liberties. In February 2000, the Greenville County Council refused to reappoint several sitting members to the Board of Trustees that supported the non-interference policy, and instead appointed new members who advocated Internet filtering. Shortly thereafter, the Greenville County Library Director resigned, and the Library adopted an Internet filtering policy. While the appointment of new Trustees and the resignation of the Library Director resolved the Internet problem in Greenville, the movement for statewide Legislative action continued to grow.

The decision by the Board of Trustees and Administration of the Greenville County Library not to heed the advice of the State Librarian potentially threatened the foundation of the State library to local public library relationship within the State. In essence, the decision by the Greenville Library potentially undermined the public interest values supporting the relationship within the broader context of Regime Theory. To understand this potential threat, we must examine this theory in its relationship to ethical conduct by public agencies.

American Public Administration theorists have always recognized the potential conflict that may exist between an individual public agency seeking to achieve the public interest, and the political forces within a legislative process. This body of research has shown that legislative pressure may lead to a situation where a public organization compromises basic public interest principles in order to sustain its organizational existence. Often public organizations find themselves coerced into supporting unethical organizational actions because of this survival imperative, thus rejecting higher ethical values in relation to the public interest. Because of these potential amoral organizational actions, some public administration ethicists believe that only the individual's ethical conduct can lay the foundation for democratic accountability and ethical behavior in terms of maintaining the public interest (Belin, 1980; Mosher, 1982; Stewart, 1985; Thompson, 1980).

Another school of American public administration literature, though, argues that there exists a form of reciprocal relationship between the individual and the organization. Under this view, individuals and organi-

zations are not separate, but instead are interactive. These theorists contend that individual and organizational interaction tempers both the individual and the organization's views, and results in a common ethical foundation emerging through this level of reciprocal interaction. Basically, an organizational culture emerges where certain values and assumptions are shared and internalized by the members, providing an ethical norm that guides both the individual's and the organization's behavior. This set of reciprocating individual and organizational norms forms a set of "Regime Values" which structure the base to determine the "public interest" within the operating authority of the public agency (Rohr, 1978; Winn, 1989).

The South Carolina State Library and the local public libraries of South Carolina have followed traditional "Regime Theory" approaches in establishing a common "public interest" base for their agent/principle relationship. Both parties have accepted the underlying professional and institutional values historically related to the American public library movement. Affirmation of such traditional professional and institutional values as development of an informed citizenry, neutrality in terms of judging the merits of ideas, and establishment of balanced collections representing all viewpoints, reside within both State and local operational policies. These traditional professional values thus form a set of "Regime Values" which form the "public interest" foundation for their agent/principle relationship.

In addition to the establishment of common "public interest" principles, though, both parties have recognized that such "values" are general guidance, and thus interpreted within practical arrangements grounded in the local communities. Following from this pragmatic view of these principles, it has been a common understanding between both parties that "local" decisions concerning implementation of these principles take precedent over any other source of interpretation. Thus, local communities have a great deal of discretion in interpreting these professional principles for their local citizens, but within a reasonable adherence to broader professional norms.

While local communities have a great deal of discretion, there also exists within these Regime Values an unstated administrative obligation between the members of the public library community. This unstated obligation between the members recognizes that the overall statewide success of the public library community is dependent on its ability to maintain its professional credibility at the State Legislative level. In order to maintain this credibility, it is incumbent that the members seek to isolate any potential political conflict over the interpretation of these values

to the local community. Thus, the local library must temper their actions in terms of creating a situation that would threaten to either undermine other local communities' discretion, or activate a State Legislative response directed against the entire public library community. The decision by the Greenville Library Board of Trustees not to heed the warnings concerning the non-interference policy, in essence, violated this unstated agreement. The Greenville Board of Trustees' decision escalated the problem out of the realm of the local community to the wider state community. Once the issue of Internet filtering entered the state legislative arena, local discretion was threatened, a cornerstone of the state library to local public library agent/principle relationship.

CRISIS CONTAINMENT

Due to the speed by which events unfolded, the development of a coordinated library response against statewide legislation did not emerge until early March 2000 when the State Library and the Directors of the local public libraries met. By the time of the joint library meeting, the State Legislature had under consideration three bills related to the issue.

One bill, introduced in the Senate (S 1076, 2000), would have removed the Affirmative Defense against Prosecution protection for public libraries if a minor were to access pornographic or obscene materials from a library computer. In essence, this bill would have allowed parents to sue the library if their child inadvertently viewed such materials while using the library computer. This bill, introduced by two of the State Senators from Greenville, had received no support from the State Legislative leadership. Legislative leadership had informed the State Librarian that the bill would "die in committee," and presented no problem for the public library community. Of greater concern, though, were the other two bills, both entered as companion bills in the Senate and House.

S 1031 (2000) and H 4426 (2000) required that all public libraries, school libraries, and state funded academic libraries install filtering software that would screen out all pornographic websites. The Republican Party caucus in both the Senate and House endorsed the two bills, and pressure for bill passage was growing in both Houses. In addition to support within the State Legislature, all of the major newspapers in the State had published editorials endorsing the use of filters within the libraries, and condemning the use of public funds to access pornography. If the two bills became laws, the era of local public library discretion in terms of determining the criteria for materials and access would end. As

the State Librarian stated to the members attending the meeting, "This is the most important issue facing the public library community in South Carolina in the last thirty years" (Minutes, 2000).

Group discussion of the crisis revealed a general resentment toward the legislature for politicizing the Greenville library decision, and then casting all public libraries in a negative position. As to the issue of whether or not to install filters, though, there was a major division. The majority of larger metropolitan libraries opposed filters, while the majority of smaller to mid-size library communities felt that Internet filters were a legitimate device for seeking to protect a minor from potential exposure to pornography. The group's division over the matter eventually led to a consensus that the issue of filtering should remain a local decision rather than a state mandated requirement. The group agreed to a counter strategy in which the local public library directors would activate local citizens to lobby their legislators directly against the Senate and House bills. While the local libraries developed grass roots opposition to the bills, the State Library would seek to find legislators sympathetic to the libraries, and willing to offer counter proposals to the two bills. The group agreed that arguments against the filtering bills would rest on two major points. The first point was that Internet filters were not effective, and tended to block both legally protected sites and banned sites. The second argument was that state mandated regulations subverted local community ordinances and discretion, thus undermining local community control (Minutes, 2000).

Over the next thirty days, the library lobbying effort began to make inroads on the two bills. Lobbying by the academic community was successful in removing the inclusion of state funded academic libraries from the legislation (HA 460, 2000). The local public library director's efforts also led to commitments from several State Senators and Representatives to seek to remove the filtering requirement from the bills if the two bills came up for votes on the floor of either House.

While the public library community worked on developing support at the grass roots level, the State Library concentrated on developing opposition to the bills within the members of the legislative committees considering the legislation. In the Senate, the State Library was successful in developing opposition from a coalition of liberal Democrats and self-styled Goldwater Republicans. Liberal Democrats opposed the bill because they felt it would violate citizen's civil liberties. The Goldwater Republicans, on the other hand, opposed the bill because they felt it violated local community control. The Senate, at this time, had an equal division between Democrats and Republicans that aided the efforts of the

State Library. In the end, the Judiciary Committee, which controlled the bill, voted to amend the bill, and stripped the filtering requirement. Instead of filters, public and school libraries were required to develop Internet Use Policies that conformed to State Obscenity laws, and to post these policies in areas of the library where Internet terminals were located.

In the House, though, support for filters was stronger than in the Senate. The Republican Party held the majority in the House, and representatives from the Greenville area of the State controlled House Republican leadership. Additionally, the Education and Public Works Committee, which oversaw the bill, contained several members who were passionate in their support for filtering on both moral and religious grounds. On April 12, 2000, the Committee met to consider the bill. In his testimony and discussion concerning the bill, the State Librarian received personal attacks by several of the Committee members. At one point in the hearings, a Representative from Greenville accused the State Librarian of lying about the effectiveness of Internet filters. Other members of the Committee condemned the entire public library community of the State for failing to protect children from pornographers, and accused them of pursuing professional self-interest over the public interest. The meeting ended with a deep division over the matter, but a willingness to discuss the matter further before a final vote on the bill. The Committee agreed to meet again, on April 18, and invited public comment during the next meeting. The State Library informed the public library directors of the April 18 meeting, and encouraged the directors to attend the meeting, along with representatives from the Boards of Trustees (SCAPLA Listserv, 2000).

The April 18 meeting overflowed with library supporters, many of whom testified to the flaws in Internet filters, and their ineffectiveness in blocking pornographic websites. The overwhelming support of the public library community convinced the Committee members that the bill might be flawed, and thus the Committee amended the bill. Like the Senate bill, the newly amended bill required that all public libraries develop Internet Use Policies that conformed to the State's obscenity laws, and post these policies in the libraries. As for the use of filters, the Committee decided that the issue of the effectiveness of filters needed further investigation, and the Committee included a filtering test requirement in their version of the bill. The filtering test requirement stated that selected libraries in three sections of the state would install Internet filters, and a test would be conducted, over eighteen months, to determine their effectiveness. The results of the test would receive review by the Committee, which would then make a determination of

whether or not filters should be mandatory. Due to several members' distrust of the State Librarian's objectivity in the matter, the charge for the test passed to the State's Budget and Control Board division, and would be independent of the State Library staff (Minutes House, 2000).

On April 27, both the Senate and House voted on the two bills, and they passed. Since the two bills had different provisions, they fell under the authority of a Conference Committee for reconciliation. In the Conference Committee, the House leadership was adamant concerning the Internet Filtering test requirement. The Senate Conference Committee members agreed to include the test requirement in the Senate bill, and amended their version of the bill. Finally, on the last day of the legislative session, both the Senate and House voted the bills into law.

While the final bills that emerged from both the House and Senate maintained the local discretion tradition for the public libraries, it was at a cost for both the local public libraries and the State Library. In the case of the local public libraries, a suspicion arose in the minds of some State Legislators that the public libraries were concerned more with protecting their own professional prerogatives than protecting minors who used their facilities. In the case of the State Library, several powerful legislative leaders began to question the credibility of the State Library, especially in terms of pursuing the overall public interest of the citizens of the State. For good or bad, an image began to emerge that the State Library relationship with the local public libraries represented political self-interest rather than the public interest. Thus, the result of the legislative confrontation was that the State legislative members now viewed both the agent/principle relationship and the regime norms under girding the state to public library relationship with suspicion and distrust.

CRISIS ESCALATION

The passage of the bills into law did not remove the Internet filters and public library issue from the political arena. In September 2000, the Chairman of the State Republican Party began to use the issue as a political attack for the fall elections. The State Party Headquarters began to issue news releases and advertisements against Democrats who had voted against the bills as an example of Democrats' tendency to protect predatory pornographers who threatened children over the Internet. The attacks were successful in unseating several Democrats in the House of Representative races, and kept the issue alive during the fall and winter. In addition to the fall election results, the State Budget and Control

Board, who had received the legislative charge to conduct the filtering test, began to express reservations about the test. Unsure about how to structure such a research project, the Budget and Control Board made little progress with the matter. Due to the legislative suspicion over the State Library's motives, the staff at the Budget and Control Board were reluctant to seek advice from the State Library staff on the project.

Because of the fall election results, and the Budget and Control Board's inaction, the legislative leadership's concern over Internet filters remained in the forefront when they reconvened in January 2001. Shortly before reconvening the Legislative Session, a critical event occurred in the South Carolina Senate that radically changed the political dynamics of the State Legislature.

Since the days of Reconstruction, it had been a tradition in the South Carolina Senate to base Committee Chair appointments on seniority rather than political party control of the State Senate. In essence, this meant that no matter which political party had a majority in the Senate, Chairmanship of each committee would be determined solely based on the years a person had served in the State Senate. When the Senate was set to reconvene in 2001, there was an equal political party split in the Senate between Democrats and Republicans. However, shortly before the session started, a State Senator from the Greenville area switched from the Democratic Party to the Republican Party, thus tipping the majority control to the Republicans. When the Senate reconvened, the first act of the new Republican Senate majority was to vote to abolish the seniority rule, and to make all Committee Chairmanship appointments based on majority party affiliation. For the first time in over one hundred years, the Republican Party controlled both the Senate and House in South Carolina, and all Committee and legislative leadership positions. More importantly for the library community, though, was the fact that the overwhelming majority of Republican Party leadership in both Houses was individuals from the Upstate/Greenville region of South Carolina. These individuals represented the legislative membership most committed to requiring Internet filters in public libraries.

Over the next four months, legislative contact with either the State Library or the public library community was minimal. Other than hearings on State Aid to local public libraries, no other library matters received attention. However behind the legislative silence, activity in terms of Internet filtering did occur. Staffers for committees in both Houses met with the State Attorney General's staff to solicit information concerning the Constitutionality of requiring Internet filters in public libraries. The State Attorney General's office informed the legislative staff that a blanket requirement

for filters on all terminals would probably not stand a constitutional test, but filters could stand if a set number of terminals were not blocked. The reasoning behind this opinion was that by allowing a set number of terminals to remain free of blocking, one could defend the other filters because adult free speech access was still available in the library.

With the information from the Attorney General staff in hand, legislative leadership made their move against the public libraries in the final days of the legislative session. First the House, and then the Senate, attached Provisos to the Budget bill requiring that public libraries install Internet filters on ninety percent of their terminals in order to be eligible for direct State Aid to the library. If a library refused to install the filters, their Annual State Aid appropriation would suffer a fifty-percent reduction. In a slap to the State Library, the legislature also charged the State Library to enforce the Internet filtering requirement, and to certify that the libraries had complied with the requirement. On July 1, 2001, the Governor signed the Annual Appropriation Bill for the State with the Internet Proviso included under the State Aid to Public Library requirements.

The State Library, realizing the implications of the bill, sought to delay implementing the action by seeking further clarification from the State Budget and Control Board, which oversaw State appropriations. The vote by the State Library Board of Trustees to not implement the bills requirements unleashed a firestorm of criticism, directed at the State Library, from both the State Legislative leadership and the editorial pages of the State's newspapers. Undeterred by the actions of the State Library the Majority Leader of the House again sought advice from the State Attorney General's Office, which issued an opinion that the State Library must comply with the law's requirements. Faced with the Attorney General's opinion, and threats for removal of office from the State Legislative Leadership, the State Library Board of Trustees reluctantly complied with the law. Shortly thereafter, all of the public libraries in the State installed the required Internet filters. To this day, the Budget Proviso remains in force, and the State Library is required to certify that all public libraries are complying with the law. As for the filtering test, the State Budget and Control Board has shelved the project indefinitely.

CONCLUSION: A NEW REGIME

The decision by the South Carolina State Legislature to require public libraries to install Internet filters as a condition for State Aid, along

with the charge to the State Library to enforce the new requirement, fundamentally changes the State Library to local public library relationship. Where previously the relationship was based on a modified version of agent/principle relationship that respected local community discretion, now the two parties must seek to establish a new relationship based on an unequal power base. The State Library, for all practical purposes, finds itself in the position of enforcing a set of statewide standards imposed on the local communities from the legislative level of government. While the public library community recognizes the valiant effort made by the State Library to maintain the original relationship, the community, nonetheless finds itself reassessing the relationship in terms of its future costs and benefits to the local communities. In this climate of change, both parties now find themselves evaluating the type of future relationship that might emerge, and what type of new regime values upon which to ground the relationship. In many ways, the two parties find themselves at the same point they faced seventy-five years ago when the original relationship developed.

While the conflict in South Carolina is unique to that state and its political culture and traditions, it does signal a warning to other states. Since 1998, over half of the State Legislatures have attempted to impose Internet filtering requirements on public libraries. While the success of these efforts has varied from state to state, the movement at the state level of government continues. In many cases, the threat of fiscal penalty for non-compliance has emerged as the primary method to force compliance with the State Legislature's demands. These attempts have also tried to place the State Libraries in the position of being the unwitting enforcer of the State demands. This enforcement role may fundamentally change the State Library to local public library relationship that, historically, has fueled the development of public library service in the United States. The agent/principle relationship which was previously grounded on regime norms encompassing professional values and local discretion now faces a new set of political forces which undercut those levels of trust which have maintained these relationships.

As the public library enters the twenty-first century it finds itself grappling with the issue of whether or not it is still primarily a local community based institution. Information technology has forced the institution to a newer level of access, one that reaches beyond just the confines of its own community. In this new climate, the respective roles and relationship of state libraries and local public libraries face major challenges.

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