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AMERICAN LIBRARY ASSOCIATION

Report of the Committee on Constitution and By-Laws

At its meeting, held on January 29, 1950, the A.L.A. Council referred to this committee certain actions taken by it in respect to the Report of the Ex Officio Committee on A.L.A. Reorganization and requested the preparation and submission of such amendments to the Constitution and by-laws as would be required to give effect to such actions. This committee has also had brought to its attention a number of provisions containing obsolete language or ambiguities and it seems advisable to call these to the attention of the Council and to submit appropriate amendments. As the latter are of a formal technical nature or have no direct bearing upon the policy considerations with which the former are concerned the two groups will be dealt with separately as indicated below, except where the same proposed amendment may achieve both objectives.

Part I. Amendments Reflecting Action Taken on the Report of
the Ex Officio Committee on A.L.A. Reorganization

It may be well first to state that although the committee has assumed that its primary function at the present time is that of giving effect to the proposed changes in policy it has in some instances been extremely difficult if not impossible to determine what the proposed policy is in respect to a particular point. In others the proposed change raises new problems as to which the line between policy and form or clarification cannot be clearly drawn or offers an opportunity for clarification of the entire section or the removal of an ambiguity which it has seemed advisable to embrace.

Finally, it should be added that on a number of points the members of the committee are not in complete agreement, this being at least in part due to the fact that there has not been enough time to give some of the problems involved as thorough consideration as they deserve.

Nevertheless, the advantage of having the text of the proposed amendments in the hands of members before the meeting of the Council is so obvious that it has seemed advisable to submit most of them in their present form, although it is very likely that in some instances the committee may, after further study, desire to submit modifications or substitutions or may conclude that a specific proposal should be withdrawn altogether. The committee will continue its study of the problems involved and plans to meet on Monday morning, July 17, at which time it is hoped some of the present problems and disagreements may be resolved.

The proposed amendments are set out below item by item, followed in each case by appropriate comments.

A. Amendments to Constitution

1. Article VI, Section 1 (e) of the Constitution is amended to read as follows:

(e) Ex-presidents of the Association and chairmen of all boards and standing committees, who may participate in discussion but shall not have the right to vote unless they have also been elected as councilors as specified in the by-laws.

Proposed Change. The words "members of the Executive Board" are deleted because under the proposed change the Executive Board is a committee of the Council, composed of Council members, rather than a source from which Council membership is drawn.

Authority for Change. Fourth Activities Committee Recommendation 53 as approved by the Council 1/29/50, in the modified form recommended by the Ex Officio Committee on 1/27/50.

2. Article VI, Section 2 of the Constitution is amended to read as follows:

Sec. 2. Officers. The president, president-elect, and executive secretary of the Association shall serve as officers of the Council without the right to vote, except that the presiding officer may vote in case of tie.

Proposed Change. The words "second vice president" are omitted. This change is based on the assumption that failure to mention the second vice president indicates an intention to abolish the office. If this is not the intention, this and other similar changes can be omitted.

Authority for Change. Fourth Activities Committee Recommendation 53 as approved by the Council 1/29/50.

3. Article VI, Sections 4 (a) and 4 (b) of the Constitution are amended to read as follows:

(a) All powers of the Association not otherwise provided for in the Constitution and by-laws of the Association shall be vested in the Council.

(b) The Council shall determine all policies of the Association including the budget, and its decisions shall be binding upon the Association, its officers, boards, and committees, except as herein provided. The Council shall have the right to review the action of officers, boards, and committees of the Association.

Proposed Change. The first sentence of Section 4 (a) is eliminated. It is believed to be unnecessary. Section 4 (b) is amended by adding the underlined words "including the budget" so as specifically to vest control of the budget in the Council.

Authority for Change. Fourth Activities Committee Recommendation 59 as approved by the Council 1/29/50.

4. Article VII, Section 1 (a). Although this section obviously needs revision pursuant to Fourth Activities Committee Recommendations 53 (with modifications suggested by Ex Officio Committee, namely, that the executive secretary should be a non-voting member of the Board and that trustees should not have any special assurance of Executive Board membership), 55, 62, and 63 approved by the Council 1/29/50, the committee is faced with a question of policy which must first be resolved. If, as is proposed, the Executive Board is a committee of the Council and is composed of Council members the Executive Board members cannot serve four years as such (unless elected to the Board at the beginning of their term as councilors or they are re-elected) unless (1) it is provided that they shall continue to serve as Board members although no longer councilors or (2) their terms as councilors are automatically extended to the end of the four year period. (3) A third alternative is to provide for election to the Executive Board, subject to the termination of the term of office as Board member with the end of the term as councilor. This would certainly greatly impair continuity.

The committee hopes to have ready for submission proposals which will provide for each of these alternatives.

5. Article VII, Section 1 (b) of the Constitution is amended by deleting the last sentence.

Proposed Change. The deleted sentence, namely, "The election of an elective member of the Executive Board to the office of president-elect, second vice president, or treasurer shall create a vacancy in the board" was concerned with election by the members. If election is by the Council it will not be necessary and might be confusing. Since under the proposed amendment to Article VII, Section 1 (a) the Board is declared to consist of eight elected members and the named officers, a vacancy would automatically arise which the Council clearly has the power to fill.

Authority for Change. Fourth Activities Committee Recommendation 53, as approved by the Council 1/29/50.

6. Article VII, Section 2 of the Constitution is amended to read as follows:

Sec. 2. Budget. The Executive Board shall submit to the Council an annual budget which shall be within the income of the Association during the preceding fiscal year except as hereinafter provided. The accounts of the Association, including those of the trustees of endowment funds shall be audited by certified public accountants; the audit shall be reported to the Association by the Executive Secretary at the annual conference, together with a general report on the Association's financial situation. With the exception of the publishing budget, expenditures shall not be permitted to exceed income except in emergencies and then only with specific approval of the Executive Board in each case.

Proposed Change. With the responsibility for the budget in the Executive Board, with final control in the Council, there is no need for the Finance and Budget committees. The Executive Board may of course appoint its own budget committee but this need not be specified in the Constitution.

Authority for Change. Fourth Activities Recommendation 59 as approved by the Council 1/29/50. See also Recommendation 14.

7. Article VII, Section 3 of the Constitution is hereby repealed.

Proposed Change. See item 6.

8. Article VIII, Section 1 of the Constitution is amended to read as follows:

Sec. 1. Officers. The officers of the Association shall be a president, a president-elect, who shall serve as vice president, an executive secretary, and a treasurer. The president-elect and the treasurer shall be elected at each annual conference of the Association. The executive secretary shall be appointed by the Executive Board, and shall hold office at its pleasure.

Proposed Change. The words "second vice president" are deleted. This change is based on the assumption that failure to mention the second vice president indicates an intention to abolish the office. If this is not the intention, this and similar changes in other sections can be omitted.

Authority for Change. Fourth Activities Committee Recommendation 53 as approved by the Council 1/29/50.

9. Article VIII, Section 2 of the Constitution is amended to read as follows:

Sec. 2. Duties of Officers. The president, president-elect, executive secretary, and treasurer shall perform the duties pertaining to their respective offices and such other duties as may be approved by the Executive Board. The president-elect shall serve the first year after election as vice president and the second year as president. The president, for the Executive Board, and the executive secretary, for the headquarters staff, shall report annually to the Council. The executive secretary shall be in charge of headquarters and its personnel; he shall carry out the activities as provided in the budget and shall perform any such other duties as may be assigned to his office. He shall submit a monthly report to the Executive Board.

Proposed Change. The words "second vice president" are omitted. The underlined language is added to vest in the executive secretary the authority to carry out the activities provided for in the budget and to employ and dismiss members of the headquarters staff.

Authority for Change. Fourth Activities Committee Recommendation 63 approved by the Council 1/29/50.

B. Amendments to By-Laws

10. Article III, Section 1 (b) of the by-laws is amended to read as follows:

(b) Such committee shall nominate candidates for the positions of president-elect and treasurer, for six members of the Council for terms of four years each, and to fill vacancies.

Proposed Change. The Executive Board is omitted because under the proposed change members are elected by the Council. The office of second vice president is omitted.

Authority for Change. Fourth Activities Committee Recommendation 53 as approved by the Council on 1/29/50.

Part II. Proposed Amendments Not Connected with
Fourth Activities Committee Recommendations

As is the case with some of the foregoing proposals the committee has not in some instances had sufficient time to consider the problems involved. They are, therefore, submitted subject to modification or withdrawal if this appears to be desirable after further study.

A. Amendments to the Constitution

11. Article III, Section 1 of the Constitution is amended to read as follows:

Sec. 1. Members. Any person, library or other institution interested in library work may become a member upon the payment of the dues provided for in the by-laws. The Executive Board may terminate a membership or may suspend a member by a two-thirds vote of the members of the Executive Board and may reinstate a member by a three-fourths vote of the members of the Executive Board.

Proposed Change. The existing provision at least suggests that membership involves affirmative action by the Executive Board although no action is ordinarily taken and there is apparently no reason why it should be taken except in unusual circumstances. The proposed language removes this suggestion but reserves the power to deny membership should an appropriate occasion arise. No changes of substance in respect to suspension or reinstatement are involved although the statement has been reworded. The word "library" is added in the first sentence merely to remove any question as to whether the member is a library or an institution. For example, in the case of a university library is the library or the university the member?

12. Article VII, Section 4 of the Constitution is amended to read as follows:

Sec. 4. Votes by Mail. Votes by mail shall have the force of a vote, if conducted under the conditions specified in the by-laws.

Proposed Change. The present language in respect to voting by mail is confusing. It seems advisable to include only a general provision in the Constitution leaving matters of detail to the by-laws. See items 15 and 27 below.

B. Amendments to the By-Laws

13. The provision relating to continuing members at the end of Article I, Section 2 of the by-laws is amended to read as follows:

Continuing Members

No dues; Bulletin

Proposed Change. The word "Bulletin" is added to bring the by-laws in line with the intention and with the established practice.

14. Article I, Section 4 (b) of the by-laws is amended to read as follows:

(b) The annual dues of affiliated societies outside the United States shall be twenty-five dollars. Such affiliated societies shall be entitled to a free copy of the ALA Bulletin and shall be privileged to purchase one copy of any American Library Association publications at a discount of 50 per cent.

Proposed Change. The words "Proceedings, and Handbook" after "ALA Bulletin" are omitted to bring this section in line with the policy established by changes heretofore made in other sections.

15. Article II, Section 5 of the by-laws is amended to read as follows:

Sec. 5. Votes by Mail.

The Executive Board shall have authority to set the time limit during which votes will be recorded but if no such (time) limit is set no vote shall be counted unless received within 30 days from the day the text of the ballot or question voted upon was mailed properly addressed to those entitled to vote on the matter involved. In the case of a vote by mail by the Association the Executive Board may designate publication of the ballot or question submitted in the official journal of the Association as the appropriate method of submitting the matter to the members for their determination.

Proposed Change. It would seem to be desirable to establish a definite time limit for the counting of votes both by specific provision in each case and when no time limit is in fact specified. Presumably the existing language

does not permit use of publication in the official journal although this would seem to be a most appropriate method of conducting such a vote.

Voting by the Executive Board is covered under item 21 as heretofore.

16. Article III, Section 2 (a) of the by-laws is amended to read as follows:

Sec. 2 (a) The Nominating Committee shall report its nominations in the Bulletin not less than three weeks before the midwinter meeting of the Association. At the midwinter meeting of the Council, the names of the candidates shall be announced and the attention of the Council shall be called to the provisions of Section 2 (b) of this Article.

Proposed Change. Rewording is intended to make unmistakably clear the fact that the report in the Bulletin is the report and cannot be varied in the subsequent communication to the Council.

17. Article III, Section 2 (c) of the by-laws is amended to read as follows:

(c) No person shall be nominated by the committee or by petition, who is not a member in good standing of the Association and whose written consent has not been filed with the executive secretary of the Association.

Proposed Change. The underlined words are added.

18. The last sentence of Article IX, Section 3 of the by-laws is amended to read as follows:

The terms of approximately half the members shall expire each year.

Proposed Change. Obsolete language is eliminated.

19. Article IV, Section 1 of the by-laws is amended to read as follows:

Sec. 1. Each state, provincial or regional chapter, and each division, shall be entitled to one councilor for its first 50 A.L.A. members or less and one additional councilor for each 250 A.L.A. members in excess of 50. Councilors shall be elected for a term of four years. Chapter representation shall be through state or provincial chapter unless the state or provincial associations in a certain region elect to take representation through a regional chapter and to notify the secretary of the Council. Councilors representing divisions shall be elected by mail vote.

Proposed Change. Obsolete language needed only immediately after the enactment of these provisions is eliminated. Similar changes are involved in item 16 immediately below.

20. Article IV, Section 2 of the by-laws is amended to read as follows:

Sec. 2. Twenty-four councilors shall be elected by the Association at large for terms of four years, six being elected each year.

Proposed Change. Obsolete language is eliminated.

21. Article VI, Section 1 of the by-laws is amended to read as follows:

Sec. 1. The Council may establish divisions under the following conditions:

(a) The Council may authorize the organization as a division of any group of not less than 300 members of the Association who are interested in the same general field of activity, upon petition of such group. Under exceptional circumstances, the Council may admit as divisions groups having fewer than 300 members.

(b) The Council by a vote at two consecutive meetings may discontinue a division when in the opinion of the Council the usefulness of that division has ceased.

Proposed Change. As there is no longer a committee on Divisional Relations references to such a committee are omitted. Obsolete language is also eliminated. Under the proposed text the Council is free to appoint a standing committee or a special committee in each case.

22. Article VI, Section 3 (c) of the by-laws is amended to read as follows:

(c) Each division shall receive 20 per cent of the Association dues paid by each personal member of the division, in accordance with the expressed desire of the member, except that no allotments shall be made for life members who became such before July 1, 1939, and no allotment shall exceed \$2.00 annually for any personal member.

Proposed Change. The words "for Class A library members or" between the words "made" and "for" are omitted because under Article I, Section 2 of the by-laws as amended the dues of Class A members are increased to \$3.00 and are subject to divisional allotment.

23. Article IX, Section 2 of the by-laws is amended to read as follows:

Sec. 2. Boards. The Council, with the advice of the Committee on Boards and Committees, may establish boards, in addition to the Executive Board established by the Constitution, to consider matters of the Association which in the opinion of the Council are of such importance as to demand continuity in office of the members. Unless otherwise specified members of all boards shall be appointed for overlapping terms of five years each, but may not be reappointed for a second consecutive full term.

Proposed Change. Language underlined is added to remove possible ambiguity as to the Executive Board.

24. The first paragraph of Article IX, Section 5 of the by-laws is amended to read as follows:

Nominations for appointments to boards and standing committees of the Association shall be made as follows:

Proposed Change. Obsolete language is eliminated.

25. Article IX, Subsection 5 (a) of the by-laws is repealed and subsections (b), (c), (d), and (e) are redesignated subsections (a), (b), (c) and (d) respectively.

Proposed Change. Article IV, Section 1 (c) covers the situation adequately. Article IX, Section 5 (a) is both unnecessary and inconsistent with it.

26. Article IX, Section 8 of the by-laws is amended to read as follows:

Sec. 8. Votes in the Executive Board, as well as in other boards and committees, may be taken by mail, provided all members are canvassed simultaneously. In case of dissent among the members, a second vote shall be taken after each member has been acquainted with the views of every other member. If on the second mail vote, more than one member disagrees with the views of the majority, the action shall fail. Each board or committee shall have the authority to set a time limit within which the votes of its members shall be recorded, but if no such time limit is set no vote shall be counted unless received within 30 days from the day the text of the matter voted upon was mailed properly addressed to those entitled to vote on the matter involved.

Proposed Changes. The text has been revised so as to make it clear that the Executive Board is included. It has also seemed advisable to establish a definite time limit for the counting of votes both by specific provision in each case and when no time limit is in fact specified.

27. Article ~~XII~~ is added to the by-laws to read as follows:

Article ~~XII~~. Parliamentary Authority

Sec. 1. Robert's Rules of Order, (Revised), in the latest available edition, shall govern the Association in all cases to which it can be applied and in which it is not inconsistent with the Constitution, the by-laws, or special rules of order of the Association.

Proposed Change. It seems advisable to include a specific reference to Robert's Rules of Order.

Respectfully submitted,

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