

An email message sent from Ron Moody, State Library Commission member, on April 28, 2008 to the Montana State Library Commission.

*(I'm leaving for a week-long trip tomorrow so I won't be on email to see any replies you write to this. I'm sending this summary simply to give you all time to assess and evaluate in advance so you don't first get hit with it all when we're on the call. ... ron .... )*

There is a bit of required reading to do to gain the context of this discussion.

1. Pages 42 and 43 of our MONTANA LIBRARY LAW Manual - "State Library Commission Established" MCA 22-1-101 through 22-1-213.
2. MCA 2-15-112. "Duties and powers of Department Heads" This you will have to get off the state website or Darlene can send you a copy.
3. David Ewer's letter emailed by Darlene on Friday.
4. Jennie Stapp's response dated 4-29.

-----

#### OVERVIEW

A red warning light is blinking for the Commission - but it's nothing we can't handle if we think clearly and act decisively and reasonably in the spirit of our legal mandate.

Following is my estimate of the situation the Commission and MSL is facing in its relationship with the Governor and his staff. This will be part narrative and part analysis; my conclusions are the outgrowth of my conversations with people so it seems only logical to report the conversations as the means of developing my conclusions.

Please read the following without imposing value judgements. In the end I think it will be apparent that our challenge does not involve anybody doing anything "wrong." Indeed, the Commission has simply been doing what most volunteer boards do. And the State Librarian has simply been taking a big load of authority on her shoulders beyond her job description - as all good librarians are prone to do.

I think, at bottom, our situation boils down to a divergence over a long time between the way the MSL Commission operates and our actual statutory mandate. Our Commission method of doing business in relation to the State Librarian and staff apparently has worked just fine for decades but there was always the vulnerability to a bad outcome if we got hit with a situation that struck at the gap of this divergence. That seems to have happened; this vulnerability has become operative in the case of the Digital Transition Plan - and the Governor's reaction to the bad press we got because of the plan.

After a process of detective work, and use of what feeble reasoning ability I possess, what I now see is the cumulative effect of years of misplaced assumptions, poor communication, misunderstanding what the law really requires (by the Governor's staff as well as ourselves: when they read the law, at first, they read the wrong law), and our own collective habits of operation that persist over time as people cycle on and off the Commission.

-----

## NARRATIVE

I'll start with David Ewer's visit to our last Commission meeting. That's not the beginning but it is the point where our attention became focused on the fact that we may have a problem with the Governor (the blinking red light). After that meeting I believe we were all perplexed as to why David and Sarah Elliott had come to Great Falls to say what he had said. We all knew there was a message there; but I, for one, was pretty sure that I had not entirely gotten it.

When I returned home I had a phone message waiting from Hal Harper. Hal and I visited about the perceptions of people in the Governor's office and the purpose of David's visit. I left this conversation thinking I knew more about what the Gov was thinking, and I was able to convey to Hal that the Commission was engaged with the Digital Transition Plan process - something of which they apparently were unsure. The Governor is a strong supporter of quality library services and the fact that he is worried that MSL may be acting to reduce that quality is the blinking red light that we cannot ignore.

As I turned the discussion with Hal in my mind, however, I began realizing that there is more to this than simply making the Gov happy. There is some deep-down fundamental disconnect at work causing this whole thing to (1) Happen, (2) not make sense, and, (3) to keep driving us into deeper consternation. Finding that disconnect has plowed up more dust than it has smoking guns; but tracing the root cause leads back to the way the Commission divests a good portion of its statutory authority onto the shoulders of the Librarian.

I next visited with Darlene. As Darlene and I sat in her office last Thursday. I told her what I had learned from Hal and she told me what she was learning from David Ewer. A picture began to emerge as we put this information together. The picture I describe below carries the important caveat that I have not yet confirmed any of this with Hal or David.

The Governor was extremely unhappy last fall to be blindsided by the press calling to ask if he approved of "the state library closing." He obviously felt ill-served that he was being slapped with bad news and challenged in public without a clear support or effective clarification from the State Library. And he obviously directed his staff to make sure it didn't happen again. (There is more to discuss about this "library closing" frame but set it aside for the moment.)

They called in Darlene for discussions and asked her not to proceed with the Digital Transition Plan or publicity about it until they had a chance to review and give direction to what the Library was going to do. Darlene agreed and effectively put the Plan on hold. (Please note the implied assumptions in their request.)

The Commission, however, at our December meeting elected to discuss the Plan in public meeting and to press Darlene on details that we thought needed more attention such as user surveys, etc. The reporter present then called the Governor's office again for a response to our discussion. That resulted in the Dec 15 news story: "Gov's Office opposes plan to close some State Library services." (which I only saw for the first time last week) It also resulted in the Governor's people deciding that Darlene had violated their deal, and that they needed to take stronger action to assert the Governor's will.

The apparent result was David's visit, and an apparent decision to hold hostage an important digitization contract to force Darlene (actually the Commission) to come to the table and straighten this matter out. Our ability to perform the contract starts to diminish after May 15 -- a fact that drives the first imperative of the May 8th conference call. But our need to address our Commission relationship with the Governor also is sufficiently important to receive our immediate attention.

-----

## ANALYSIS

Darlene is understandably distressed with a situation where she is being challenged by the Governor to make deals and conform to his expectations while she actually does not have control over what the Commission decides and does. It bears remembering at this point that she is not an employee of, or direct report to, the Governor. She works for us and has only the authority we delegate to her. The Governor, on the other hand, seems to be under the misapprehension that the State Librarian is accountable directly to him (as I read David Ewer's memo). Frankly, considering the way MSL has dealt with the Governor's Office in this matter to date, I don't see how they would have any other impression. If I were in their position I would be doing exactly what they are doing.

THIS CANNOT BE SAID TOO MANY TIMES - We are not in an adversarial situation with the Governor - again, they are friendly to the library mission. Actions based on wrong assumptions and misinterpreted information, however, are taking a life of their own. The Governor's staff simply want to straighten out a mess they see as unacceptable. Clearly, they have put the ball in the Commission's court to deal effectively to resolve this problem - we really are the only people who can make the situation whole.

An obvious question is why we are so blindsided by all this. Darlene reports that in 32 years with the Library this is the first time anything like this has happened. The library has always operated in a comfortable, non-controversial, niche if government. The Librarian, and more importantly, the Commissioners have never be required to develop the institutional skills needed to anticipate and forestall public controversy and resolve it when it happens anyway. We were sitting ducks for a disgruntled patron and an ambitious reporter.

### MY OPINION #1 - WE THE COMMISSION

We the Commission, sitting as a deliberative body with original statutory authority, have developed over time a habit of deferring a substantial amount of our IMAGE of Authority to the State Librarian. In fact, we routinely defer to her judgment. This is a natural process and in normal circumstances it is the smart thing to do. The staff professionals of every agency holds the institutional knowledge and professional expertise that the volunteer and transient commissioners depend upon to make good decisions. However, given too much such deferral of authority and not enough structured process, the Commission won't know when it would have been smarter to challenge the Librarian's judgment until after the manure is already on the windmill.

The Governor's staff, the press, and some among our library patrons base their assumptions about the library almost entirely upon this IMAGE of Authority. We all probably do the same thing when we are in their place - outside looking in.

But my main thought in analyzing this situation is that we have simply had our attention called to some unconscious habits that have worked for years but could be predicted to not work if our operating environment changes - as it seems to have changed. I as a new commissioner, for instance, read through the library laws and got the drift of most of it in a shallow way. I read the surface meaning of 22-1-101 without its import really sinking in. The result is that I have assumed the habit of thinking of my votes as some kind of endorsement of staff recommendations rather than being the actual action itself. I'm the most guilty individual for all the Commission behaviors I'm describing.

The Commission must assert its legal authority with strength in order to do what the law envisions: protect the intellectual integrity of the people's information while offering state-of-the-art library service. We can't dump this on the Librarian simply by adjourning and going home. I trust this opinion will provoke a lively discussion during our call.

#### MY OPINION #2 - MANAGING THE NEWS

We have been caught unprepared for a new challenge of adversarial press. In my view our first warning was the press handling of the ACLU Program controversy two years ago. We can't let bad news keep happening - particularly when we are actually doing good things not bad. I offer some recommendations below for where we may go with this.

#### RECOMMENDATIONS FOR ACTION

I don't kid you that the following recommendations will "solve" our current problem. I offer them simply as some logical first steps we can take. A "solution" can only come from all of us deliberating together and agreeing what the Commission really is going to do to address its legal mandate.

##### #1

Most important recommendation of all - the Commission has to agree among ourselves that we establish the Commission as the go-to entity for the public, the Governor and/or other Departments who want to address State Library policymaking. The Librarian will play a key role but the Commission has to establish its own relationships. In terms of the Governor's office it is particularly important that the Commission establish a direct working relationship between the Commission Chair and/or Vice Chair and the Governor and his/her staff. Hal made it clear that they look at the State Library as being very important and they want this rapport.

My perception right now is that the Commission exhibits a line-of-authority that is too unstructured, and which forces the Librarian to assume a quasi-statutory role that is not supported by the law at the same time she is not getting any real support from us in her attempt to perform this role. It's a classic caught-in-the-middle trap for her.

##### #2

The second recommendation I have is that the Commission needs to develop a by-law that can endure over time to impose more process and authority in the way we take actions - recommended by the staff or otherwise. If, for instance, we had simply had a rule that all such actions as the Digital Transition Plan must automatically be scheduled for public comment and user feedback this whole situation would have been forestalled. (Even though I see a silver lining in the form of a golden opportunity to correct our course - particularly while we have a Governor who is friendly to our values)

##### #3

Third, the language we use as a commission is important when we take action. We have to take ownership. We don't 'approve' an action proposed by the Librarian (as I recall our motion on the Plan was verbed). Instead, our motion should 'direct' the Librarian, or 'establish' the program, etc.

##### #4

Fourth, the Commission Chair should be the press source for announcing any action taken by the Commission. This will relieve the Librarian from having to explain and justify (and take the blame for) actions she didn't control. It also lets the public and the press (And the Governor) know who to call if they are unhappy. The Commission has to start taking the flak for its actions.

**MOST IMPORTANT** - in any public communication - we must take great care how we 'frame' our actions. Framing is the process by which we communicate to the audience how they should

feel about our message regardless of the actual action the message reports.

i.e.: 'Closing' a library is a frame - nobody likes for a library to close. 'Modernize' the Library is a contrasting frame that legitimately describes the same action - everybody likes to see a library modernize. Ergo, we have to place a lot more emphasis on how our words will make people feel even before we tell them what they need to know.

#5

Our handling of the press in regard to the Transition Plan should be treated as an educational opportunity. I think it's plain that we need improvement when we consider both our experience of this situation and the bad press of the ACLU program controversy a couple of years ago. There is no history in MSL for how to deal with sudden bad press - and it shows. Other agencies do it every day and we can quickly borrow some institutional knowledge. One Good First Step - every other Department head with which I'm familiar has a first-level buffer person between themselves and the press (a department spokesperson). We should draw on this lesson to ask the Budget Office to find us a half-FTE of new money to fund bringing Sara Groves on full time to serve this spokesperson function.

This should be a topic of discussion at the earliest convenient Commission meeting.

The Marine Corps has a name for this kind of situation: they call it a "character-building experience."

Ron Moody  
109 Bach Ave  
Lewistown MT 59457  
406-538-2698  
couleeking@hotmail.com