

1969

K2R file MLH

Executive Board, 2nd Session, Thursday, November 13, 9 AM

Freedom to Read Foundation - Krug and North present (Item 10)

KRUG: You have the draft of the constitution and bylaws for the Freedom to Read Foundation which is in your docket. In my memo of transmittal I tried to tie it in to the 1968 Kansas City resolution from which this draft directly results. You'll note that we, the CIF, was charged with studying the legality and feasibility of establishing some kind of support fund. When it came down to really doing it the ~~XXXXXX~~ nitty-gritty work and finding out how we could do this we came up with the Freedom to Read Foundation and that's about all I have to say now. I think if you have questions we probably would be better able to answer them.

DIX: Are we really ready to go into looking at the constitution and bylaws?

MCCLARREN: The question I raised yesterday and Judy said it impinged on the recommendation of Mr. North was the title Freedom to Read. It bothers me that while the support indicates it is not just in the area of print, violations of print involving intellectual freedom, but is broader than that. But the description of the foundation limits it to me to a traditionallized point of view in a modern period which calls for something if not on the offense certainly in defense against this basis for the selection of this, and may have some very involved legal reasons.

NORTH: It's not that involved, if I may speak. We were searching for a name which didn't have antagonistic overtones, as some names do, was somehow tied to the functioning of ALA since this is going to be at least closely related, collaterally, an adjunct of ALA and reading and libries, and it also seemed to tie together. Freedom, of course, as a liberal side, the connotation; foundation was intended to identify exactly that. It would be a not for profit support type of operation. There's nothing sacred in this except one point. Again I guess this ties in with this overall scrutiny of functions that ALA is engaged in. ALA is exempt as a not for profit organization under 501C3, an educational function. Freedom to read ties in with educational. Pure intellectual freedom maybe that ties into educational, but at least not as immediately. In other words, to obtain deductions for our members, for their contributions to this we have to get it cleared, and we have to get an exemption of 501(c)3. This was a basic decision. It doesn't have to go this way if people are willing not to take tax deductions for contributions to this. We don't have to do anything like that. We can set up an organization like AMPAC which is really a political action organization, and go from there - the American Medical Association Political Action Committee and then you have the unions who have their political action agencies and so forth, to keep their activities sort of segregated. So if one gets in trouble the other can ~~XXXXXX~~ repudiate it.

DIX: Give us a quick run down on the law on this point. I understand political action, this is forbidden as tax exempt organizations; if at the moment a substantial amount of income devoted to it by political action, meaning influencing legislation, does it mean anything else? The legal defense of people comes under that. Where you get into this aspect you have to either be defending a principle within the relevance of your purpose, or you have to be defending a person who needs to be defended. Needs. Really I have no brief for this particular name if you can think of another one. As you say, you're in competition with the American Civil Liberties Union, their broader concepts and there are various other organizations that have broad concepts. Have you another name? What do you say, Bob?

MCCLARREN: It's just that read is a much narrower activity with which now librarianship is concerned, and this is my objection.

MILCZEWSKPE It ties into the literary work, Section 2 c dealing

only with literary works.

MCCLARREN: Is it a legal principle, you don't want to call it by a name that would get into jeopardy?

NORTH: The Board of Trustees really, in the final analysis, will determine what types of activities will be conducted, these are pretty broad, just as broad as I could possibly think of, and they are rather closely patterned. One of the other inhibiting aspects to the development of these was that I tried to pattern them very closely after a couple rather well known similar purposed organizations that happened to obtain exemptions, having in mind that if they tried to deny ours I could pull out the bylaws of NAACE, the Roger Baldwin Foundation, and say how could you grant them this and deny us? In other words, we couldn't give quite the free play to our imagination in this respect that we might otherwise.

DIX: What you're getting at is not so much the name as a game, but the functions and activities.

MCCLARREN: This is central to the whole concept. For example we have had cases of censorship involving ~~art~~ art in the Chicago Public Library. We've had cases involving invasion of intellectual freedom involving the showing of motion pictures or collections. Xenophon Smith in Peoria fifteen years ago had a problem - limiting the collection to literary works. This is doing librarianship a considerable disservice. My concern is that it is implicit in the title.

DIX: It would be a question at the text at the bottom of page one rather than in its name. In other words if you have a good ringing name, and we have all sorts of precedents for the freedom to read, might you not want to seep that even though it's not completely descriptive?

NORTH: Speech encompasses all forms of expression under all existing cases. Freedom of speech is protected by the constitution and encompasses the right to make any form of expression, sculptor, or what not. Again, my thinking was this, to try to tie this to the defense of constitutional principles, because you can't get the internal revenue service and the Government, not really, to walk in and say this is not a good cause. You are not entitled to defend the constitution. Yet the freedom of speech and the freedom of the press in essence is freedom of expression is protected by the constitution and if we cannot defend our rights under the constitution and of course advance what our concept of the constitution is, then this organization would be acting contrary to the constitution, and illegally, and no corporation can operate illegally.

MCCLARREN: What would be wrong with freedom of expression foundation? This is much broader, and it is not limiting it to librarians and libraries. Your hope is that it is the primary ones that will have regress, but it's not limited in the articles to just libraries and librarians.

DIX: On the second page of the draft, as phrased here, dues apply only to libraries and librarians. That is we would supply legal counsel for the defense only of libraries and librarians. I'd hope so because we can't take on the whole world.

NORTH: I felt that libraries, in other words, there is the legitimate mix between ALA and what the Foundation would do. There are very many many agencies to defend various people and it's just a question of what the broad framework we are, you are, going to operate under. I have no objection to freedom of expression foundation. Believe me, this is just a draft tossed to you as an approach, and I'll not go so far as to disclaim pride of ownership.

COFFEE BREAK

MCCLARREN: Freedom to Read, you chose something that tends by nature to limit or extends beyond the boundries, the input and excess to it. Tax exemption is what its use would really be. Our tax exemption is what we fought in the House to get, and we got it and we got it for our friends, the 7.5 percent, and if it passes in this form, and there's no rational pattern to tax reform this year, at least we have the upperhand at this point. And it's going to take some rather significant shifts in attitudes to put us under the gun. It really worked out well.

TALMADGE: Will the freedom to read foundation go out of existance in 40 years?

NORTH: This is a membership organization. That's why we set it up this way, to avoid any possibility of the 7% tax, but also we set it up because we wanted to get it, at least to sme extent respnsive, and there's nothing like saying put your money where your mouth is, you have a share in the government of this if you become members.

DIX: Even though Roger is not here yet, let me suggest maybe this way of getting at it, unless you want to continue the general discussions we've had up to now. In the first place I think Judy your introductory memo is splendid, it is clear and puts the topic in context. What I don't understand is exactly how the relationship between the foundation, the office, and the committee would work. (1) the foundation will hopefully have the money, this will be turned over to the various causes outlined by action of its board I take it?

KRUG: Yes.

DIX: To what extent will its funds be used to support specific cases, and to what extent to carry on the general kinds of work that are implied in the numbered list of objectives? Is it your thought for example tht the foundation might very well support an extensive public relations, publicity campaign to sell the idea of intellectual freedom? Or would it be the office?

KRUG: This would be within the purview of the office. I'd like to see the foundation operate as much as a separate entity as it possibly can. The committee's views will be brought in by the chairman of the CIF who will serve exofficio on the board of trustees. The views of ALA as an organization will be brought in by the presidednt and president elect. And if you will remember, we have established a 15 member board of trustees for the foundation - 7 positions of which are exofficio which brings in the tie between the foundation and ALA; and 8 will be elected by the membership of the foundation. I assume, although at this point I can't speak for the foundation since there isnt really one now, I'd assume the Board of trustees of the foundation would want to utilize whatever data is turned up through the program of action which the office itself and the committee itself would be carrying on. I feel that it would be easier to utilize this, although the board of trustees may feel that they don't want to utilize this office program. It -may tie them in too closely with the Association or whatever other reason. My thinking now, it is only me, I don't feel I can say how it is going to operate.

DIX: Then it is well that the proposed articles don't spell it out too much. About anything about how it would work. The foundation would have no investigatory machinery, it doesnt seem to be proposed. It would I take it it is the essential basis is to raise and disburse funds to get things done by the office of intellectual freedom and the committee as presently conceived. Is that reasonably true?

NORTH: This is what I was going to mention. I think we haven't talked it over specifically. In concept it was primarily intended to be a ~~funding~~ funding medium for projects, and the projects would

be presented presumably most of them would be presented by the committee or OIF, be presented with the question is this the kind of thing you want to allocate your resources to? I'd presume also, depending on what the trustees of the foundation say, they could say they would receive project requests or proposals from other sources as well. Again, this is a bare structural organizational framework, and how it is filled in is anybody's guess.

DIX: There's nothing to prevent the officers to say obviously one thing we need is a revision of the old Freedom to Read Statement, another ringing declaration, and take the initiative itself in funding this and setting it up. The overlap with the CIF, however, I'd think is sufficient to keep down problems of coordination.

NORTH: This could potentially result in overlaps, but one of the reasons we did think it was appropriate to have ex officio members of the board was so the total board had enough of a feel for the existing activities and on going programs in the library profession and otherwise that such overlaps could be reduced to a minimum.

DIX: I'm trying to separate out our discussion of these articles, this constitution and bylaws from other kinds of things that we are certainly interested in and would like to discuss while you and Judy are here. For example, the foundation would not attempt to decide the propriety of intervening in the Martinsville trouble except as the committee brought it in, is that right?

KRUG: I think a proposal in that particular instance would have to come from the principal in the case.

DIX: To the foundation? There are a lot of investigating machinery that it would need.

SHEPARD: To supply legal counsel?

DIX: I'd presume it would do this only on recommendation of the office after a thorough investigation.

SHEPARD: I thought it was the other way around.

KRUG: The Martinsville case is so clouded that perhaps we should take a hypothetical case. The point at which we were informed and we couldn't do anything. Ok you are informed. Originally it was for information, then the next day came another phone call, can you help me and in what ways.

DIX: Take a straight forward case with no doubt about it, assuming it hasn't been investigated yet, but it turns out to be a legitimate case, a fellow clearly was fired for putting on the shelves of his library one that everyone would agree, going back to the articles, ~~xxxxxx~~ volumes of the New Republic. There is no question about this as a legitimate case to defend. Would that person appeal to the foundation, to ALA through the office, or what would be the procedure as you'd see it?

NORTH: The normal procedure would be the procedures established by the trustees. I hope initially they'd adopt this policy, that the trustees would say we'll receive projects through the IFC, the Intellectual Freedom Committee, the Office for Intellectual Freedom, or some sort of general screening. Because obviously you are going to use an awful lot of your available resources just in trying to process things unless you have an organization to aid you in this connection. Now, if this program grows and becomes sufficiently organized and funded to stand on its own feet, then it can go whichever way it would want, but at least and I again can only speak for myself and the concept I had in drawing it up initially. The trustees would be well advised to say process these - if they got a direct request they'd send

it to the OIF and request screening, processing. Very much like the Council on Library Resources does, they expect a proposal with some sort of preliminary analysis and investigation on the subject. And I don't know that there's any other way of working it.

DIX: I was about to say he is your witness.

SHACHTMAN: I'd like to bring up a thought on here we are considering creating a separate entity really from ALA in that as I see it except for the representation on the board of trustees ALA has no authority in this, and as Mr. North was saying hopefully they'll send their projects for screening that ALA should be brought into it. Should that be built in at the beginning?

KRUG: The director of OIF will serve as executive director of the foundation, it's the same person. So you can't help but know what's going on in both areas. But other than that I don't know how closely we want to tie it to ALA. We don't have tax exemption now. Should we not get it, we can't bring this into ALA.

NORTH: There's also this additional point. This is really more my responsibility, and again nothing is imputable. The reason we did not file articles of incorporation so we could have this discussion. It sometimes becomes extremely convenient to be able to repudiate an organization if, for example, ALA should lose its tax exempt status we'd hate to see any exempt status go down the drain too, visa/versa. If somehow we should become embroiled in a controversy which has a number of people looking down our throat and telling IRS to get rid of us like they have the Rifle Association and various others, we'd not want ALA's exemption to be jeopardized. It's always unhappy when you have to repudiate your relatives and friends, but sometimes realistically it becomes imperative to do so. While we do have this tie which is not a tie that is easily broken, if you will note an amendment to the bylaws requires a majority of each class of membership, so it is not a tie easily broken. But if necessary it can be broken. That sounds a little Machiavellian. I hope you will excuse me!

SHEPARD... I think also the title is a good one in terms of working with IRS in view of the fact that those boys think of ~~AKAXXXX~~ a library as a place one goes to read rather than that it has any intrinsic responsibility for defending freedom of expression, freedom of speech or freedom of anything else, and IRS is very particular about this matter of the intrinsic characteristic of the organization being created. You might even create something which would be called the Freedom to Know and that would not be what they'd be concerned about. Also, the term of literary works. Though this has connotations for librarians for IRS it has a different connotation, something in printed form, the printed word. The fact that an art work was exhibited and something like that would not impress IRS at this point. This is not the intrinsic characteristic of a library. It may show a film or exhibit art but it is not what the library was created for. These are points very important I'm sure as far as working with IRS is concerned.

NORTH: Yes. And again, when I talk about, you will feel like such a hypocrite, you say we don't want IRS to control, but the fact of the matter is you don't get off the ground until IRS gets a crack at this. Under the cases, as I mentioned, literary works encompasses a vast number of things that the average guy at IRS doesn't anticipate, so that if you're called on the carpet for violating your purpose you have ample grounds for defending what you want to do. There are a very few people who want to give \$500 or whatever and receive no tax

deduction, and Judy just receive \$500 from a trust fund. Now this would be an illegal gift unless we get this exemption. So, therefore, if we are going to have a fair crack at funding this project, I think we have to do everything we can to ease the way through IRS. Let me make it very clear that IRS is under no legal obligation to give you a determination. The fact that they don't give you a determination letter does not mean that you are not exempt. But life with a determination letter is a great deal easier than it is without. And I think you can see it from a practical administrative standpoint. Trust funds, and other 501(c)3 organizations simply will not run the risk of ultimate disallowance of this contribution. Hence a violation of their trust powers. On your say so. They want IRS to back it up. So it does become very significant. But at the same time I want to emphasize one other thing. At no time in my opinion should the tax implications be decisive unless of course they result in economic implications which are decisive. We don't run this organization for IRS or the Federal Government, or what not. And if doing so, to say IRS defeats our objectives, then -??

DUXL: Let me focus this. The proposal from the IFC and from staff is that the Executive Board endorse this proposal and recommend its adoption by Council. Does Council really have to act, or is it wise to ask Council to act?

CLIFT: The matter of wisdom is something different. Again, it seems to me the immediate step is that the Board express its approval of this, then Bill goes ahead and applies for the charter. I think it would be a very good idea if this happens for this to be included in your talk to Council at Midwinter.

DIX: It doesn't require council approval? As a matter of fact, no it doesn't. Who would apply to IRS, ALA?

NORTH: We would just get 3 incorporators; I could be one, Judy one, and Dave one.

DIX: Practically, we hope now to get approval by this Board?

NORTH: If I could inject this point. This is the product of a report which was made by the CIF's special committee. To that extent it seems to me like it's in furtherance of an ALA project or program and in that sense the Executive Board has an interest in whether it feels this is a legitimate step forward or backward or is consistent or inconsistent. Also, whether it desires to support participation of the depth and size and so forth.

SHEPARD: I want to make two points on the basis of experience. The IRS is reluctant to give tax exemption to a new organization which has been created in less than a year. In operation less than a year, unless there's public and widespread upsurge for the creation of the organization or if it is to be used for emergency purposes such as floods.

NORTH: They changed that. That was the rule up to about two years ago, and they found that as a practical matter these organizations ~~can~~ being substantially funded by trust and that sort of thing couldn't get started until they got their exempt status, so they changed that and we've been able to get them depending on the backlog.

SHEPARD: The second point is they grant tax exemption on the basis of your stating you'd be willing to modify to a certain extent some of the phraseology of the articles of incorporation.

NORTH: This is always a condition.

DIX: Are we nearly ready for a motion to approve this?

MCCLAREN: One comment on Article 2, Section 6 - voting rights of

members. There's to be no discrimination in membership on the basis of organizational vs personal?

NORTH: No.

MCCLARREN: So voting of members is there a ~~possibility~~ possibility the way this is worded it is clear who exercises the corporate membership vote?

NORTH: Well, your point is, yes it is an extremely difficult problem but one, realistically, I don't think either we can solve or anybody else can solve. We permit anybody to come in. We'll have some proprietary partnership and what else corporations. We'll probably have divisions of corporations or subsidiaries. It's almost impossible to determine who would be, by us, the appropriate person to exercise this power. Realistically in other organizations that have been organized along this line, I have found that you leave that fight to the member that finds itself in that position. If we have a university membership it's up to the university to determine whether it must be the president of the university or the head of the library or what have you, to say yea or nay to a given slate of candidates.

MCCLARREN: My point would be then it would seem appropriate to at least consider that this is your premise here, otherwise I can see, for example between a public library it might well be a difference between the president and the majority of his board, it might be the difference between the Board and the librarian.

NORTH: In any hierarchy of public libraries, if you have a public library membership, I gather that the Board of trustees, if it has a board of trustees, ultimate control of that organization, and then anything can be delegated down, but in any organization, even General Motors with all its subsidiaries there's one person who can exercise the power unless he delegates it.

MCCLARREN: Unless it's in litigation.

NORTH: Yes. But I don't really think most cases would be that way.

MCCLARREN: Normally I don't think so either, but when in our own we had a specification on how to solve this representative matter so we'd not become parties to action which would then be subject to litigation or contest -- if you see this as no problem I'll stop.

NORTH: At this point we won't get into litigation. We say were stock holders, you tell us they fight it out, we just hold their vote to one side until they settle it, but most of these applications, and we can accomplish this by the form of application for membership, very frequently it is done here the organization ~~xxxxxxx~~ does name the person designated to cast the vote for the organization. This is solved in that fashion. Then we just say if any changes are made just let us know. This is a practical solution, yes.

MCCLARREN: Article 2 of the bylaws (ALA) in effect before Atlantic City, specified the vote of this kind of members shall be cast by the duly designated representative whose credentials are filed and if none then the chief executive is considered to be the one.

NORTH: If you would feel better this can be inserted.

MCCLARREN: It would minimize the problems.

NORTH: I'm totally indifferent on the subject. You with your broader experience in this field know the controversies. I think it can be solved either expressly in the bylaws or in the form of application.

DIX: It would seem to me that something like the old AALA Bylaw statement might be wise, and it would be a simple thing.

NORTH: Then, let's supplement it.

TALMADGE: A question on the officers, whether it is wise to specify the director of OIF shall serve as executive director of the foundation.

Is it necessary to say this? It may be understood. It is likely to be this way. But I can see possible circumstances in the future under which this could be a disadvantage to tie the hands of either or both organizations. Even with the changing of the name, title, much less the choice, it might be good to have one, whether other times another might not be desirable. Unless it is necessary to state this it seems to me better to leave your hands untied.

MCDONOUGH: I go along with that on the face of it.

GALVIN: In one section, Article 4 it specifies the fact under section 5 just the executive Director.

TALMADGE: I don't dispute the foundation's having an executive director. Article 6 section 3 that says ... also in a sense who is going to be the head of the OIF. Neither group can move without consulting the other, and will there be a disagreement/

THORNTON: Suppose you have a long gap. I'd think it was to omit that.

DIX: That has considerable merit to me.

GALVIN: I think it should be omitted.

DIX: With the understanding it would be our intention, not ours, the foundation's intention to act in this way the first time around. But I can see for example, if some future separation of the 2 organizations becomes necessary this would be appropriate. That would have to be resolved.

THORNTON: Wouldn't you have to have a statement that there shall be an executive director.

NORTH: Shall designate an executive director who shall be the chief administrative officer of the funds.

GALVIN: You may go so far as to say who it may be.

MCCLARREN: Maybe the director of the office.

GENERAL AGREEMENT.

MCCLARREN: Would this mean that if in the reorganization at some future point of the administrative structure of ALA that this, and this position were merged with something else, that there would have to be considerable action taken to revise this?

NORTH: No, you amend the bylaws.

MCCLAREN: From the legal and IRS standpoint?

NORTH: No, this would have no implications for IRS at all. I can't visualize their being interested at all in it. What it involves from a technical standpoint is the foundation, by the necessary majority, saying we hereby amend section 3 to read as follows.

DIX: Where does it say who has authority to disburse the funds?

It seems to me the critical point. ~~xxxx~~ In other words whether or not the foundation is going to support a particular case?

NORTH: This is as far as I'm concerned, as in all of these foundations of which I'm aware this is a decision taken by the trustees. It says, no - I beg your pardon - it says members shall have no vote except on trustees. Shouldn't there be a statement to avoid any confusion as to who makes the decisions? Presumably under the heading of other committees, there might be a committee on this subject to make a recommendation or is it so universal that it doesn't need to be stated?

NORTH: The Board of Trustees have all of the powers of the corporation except those expressed, limited, reserved to the members. We have eliminated from the powers of the members all powers except the right to vote on the trustees, and elect the trustees. It's my view that the broader this is the better off you are because then you can - the



trustees by appropriation can make various committee appointments, they can decide how best to manage themselves. It may well be the trustees will decide what none of these projects shall be approved except by majority concurrence of the trustees, at least initially.

DIX: Or could decide there's a discretionary fund of up to say \$10,000 which the executive director is authorized to spend.

IN other words you are perfectly satisfied to leave this to the Trustees?

NORTH: I have one philosophy which is you try to organize the structure of the management, your trustees, your officers and so forth, in as sound a fashion as possible, with all interests represented, all checks included; then you give them the widest possible discretion in terms of administration. Bylaws, I've found, can become awfully obsolete awfully fast if they're terribly specific. And we're running into that with the Illinois Constitution and quite a few others generally set up an organizational conceptual framework and then let people operate within that framework as exigencies.

DIX: We're moving toward consideration of a document. It would be wrong for this group to try to draft a legal document. But direct our attention to points.

MCDONOUGH: Perhaps I missed it, but when would this become operative assuming we approve it?

KRUG: When we receive some money.

MCDONOUGH: That raises my second question. I see provisions for dissolution, but none for getting started.

NORTH: You exist as soon as the Secretary of State issues your Articles of Incorporation. You can exist. Now, you can defer starting business for up to a year or longer.

MCDONOUGH: I have a couple of related questions then. One relates to what we were talking about earlier, whether Council should pass on this also, and in some ways I kind of think that would be good. Two, I don't ~~know~~ know what the result would be, and 2, in terms of funding, would the association, meaning ALA, have the right under the law to turn over X dollars to this foundation from X source to help get it started? Three, this independent fund - it's been indicated they'd turn over their funds to the ALA foundation or whatever. I see a smile on your face maybe Judy can tell us the state of that.

KRUG" ... They say they'll turn over their funds to us. I think a better wording would probably be they may offer us whatever money they have, and we in turn will consider their offer. I don't know what kind of strings are going to be attached. In October they had \$893. Off record on what ALA received and placed in a special account. We have an obligation to the Association, to our members and to the concept of librarianship, and I don't feel, I said previously that we will probably consider the offer from that fund when and if it indeed comes.

MCDONOUGH: And the strings that may be attached thereto.

KRUG: I don't think we can pick up their strings.

DIX: Does it seem desirable to go as far as we think we can toward meeting the wishes of all the members? On the other hand we have to have safeguards they don't think about in this kind of thing. The question is whether this document goes as far as we think we ought to go at this point. I'm inclined to think it does. Then this other foundation doesn't really concern us I think. We go as far as we can and hopefully they'll get enough wisdom to do it rather than what they're proposing. ~~XXXX~~

MCDONOUGH: I understand that it's not so simple to do certain things as certain individuals think it is. My only concern here in our operational



It does no good to pass a noble sounding law which is unenforcable and this is one of the proposals the state legislature is lunging into and congress, passing in essence resolutions, not laws. We differ from what I have understood about Judy's friends are creating in that we are attempting to provide a sound organization within which we can achieve the legislation and worthwhile objectives of this organization. And it's got to be sold on that basis if it is going to be sold at all. They have to recognize this doesn't stand up to say we're great and good and will permit all sorts of things and so forth. It is just a framework, an organizational concept, maybe good, maybe bad, maybe it won't work but the organization really in this context almost has to come first and then you introduce the flexibility of the policy.

MCDONOUGH: I'm not quarrelling with you. You are agreeing with me. I guess I am thinking of the membership reaction and Judy's remark about pointing up the difference between what the Pittsburgh group will do and what you will. The more measured approach that apparently is contemplated for the foundation may make it sound as though we're not to repeat my word responsive enough. And you know Bob's immediate question when he saw Freedom to Read. You know. Bad. And if we accept the title as such we'll have to do some immediate explaining that it doesn't mean what it says. So we start of you know sort of apologizing before we get under way. And the question is going to come up about what are you going to do with off record.

I think this group apparently is more ready to get on the phone and say we'll help without looking into it.

DIX: I don't see any alternative. Coming back to this document in the docket. It says it will do the following things, and I don't think that would be appropriate in any event to this kind of document. What we can say it seems to me in answer to this, and sure as anything when we talk about it at Midwinter there will be a cry that this is not responsive is say it can be as responsive as the trustees want it to be, the trustees of the foundation. The list of things in Judy's memo on the bottom of page 2 that could be done is the office, not the foundation; but it will help implement those.

KRUGL This is only one ~~definitive~~ defense mechanism. It is the big thing now. Next year it just becomes one more backbone bending mechanic because it's here. But this, you know if you have to come down and depend on the F2R Foundation you're dead. This is only the end result. What comes before that, the good materials, selection statements, people who understand what intellectual freedom is in relation to libraries and librarianship, these are all long term programs that have to be undertaken and pushed. If we do everything you tell us to do what are you going to do for us if we run into trouble. This is it. We do have the mechanism now. Once it is approved and incorporated this is the end mechanism. What we'll do to help, we'll provide legal help if you need it, if you have a legitimate case, not legal help for something that has nothing to do with intellectual freedom, or who doesn't want it, or if he hasn't got a case.

MCDONOUGH: These are important things to understand because there's quite a philosophical difference between what was talked about in Atlantic City and elsewhere.

DIX: Expand on that. What is the philosophical difference? One thing, for example, I take it what some people want is not a legal defence fund but a food and milk fund.

In other words, a fellow gets fired, his salary may be paid for a while by some organization that is outside.

KRUG: Now if you will read this, and otherwise to provide support to such library, librarian, librarians, etc.. That means whatever you want to make of it, and the trustees.

NORTH: One thing I had contemplated is the number of instances when this organization acts in such a manner and it turns out wrong will be minimal. I don't personally,

and I've seen this happen, I've seen foundations rush in and provide support to causes which are not legitimate, thinking that they were legitimate, but not adopting appropriate preliminary procedures to check out the facts. And I've seen these organizations die after the second time they do it because they are discredited. You're not going to get many contributions from the people, from that 40 or so, you are going to get your broad base of support from the mass of librarians, the mass of librarians do not want - at least if I were a librarian and I know I support various legal defense funds-- to see their money going to people who don't have a legitimate claim on it and until you can process these requests to determine the legitimacy of the claim. I don't see how you can be responsive to the donors, remember you have two sides of this. Whatever you give to the irresponsible or unjustified claimant you are depriving to the justified claimant and this is the difficult problem that this group has to face up to. It's the most difficult problem all the way through this whole thing, and as I would not give a legal opinion to somebody who rushed in and called me on the phone and said would you represent me on the basis of just a phone call presentation, on the basis of just a phone call, please represent me or get me out of this, I wouldn't do it. I don't think any responsible person could do it. And yet, we do a lot of charity work. You have to evaluate the merit of the case where otherwise you can spend an enormous amount of time and money on a lost cause.

DIX: I'm not disagreeing with Roger's concern. All I'm saying is I think what we ought to try to do is go as far as we can to meet all these needs with proper safeguards and the question is whether this takes us as far as we can go at this point.

BAKER: I'm in accord with the fact that this should be quite general. Now I have a question I suppose related to what Roger had to say. Would either Judy or Mr. North have any idea, roughly, of how long it would take for this foundation to, let's say help a person if it went into action immediately. Investigating this kind of thing. Just roughly. A month, 2 months, years?

NORTH: My answer to that is simply it depends on the nature of the beast. If it is like, if you call me and say, and it's a pure question of law, I can give you an answer in the time it takes for me to get to the library and back to the phone. If you asked me a question where the facts are extremely relevant and extremely complicated, it might take longer. You cannot answer this this is why I say there are basic matters, when this first meeting of the Board of Trustees sits down they are going to, I'd hope, establish certain programming, processing guidelines. I know now the moment Judy gets a letter she checks it out. She calls and tries to find out. At that point in time she could very readily ascertain whether it is, I use the term question of law, but really a question of principle, whether the issues are really rather clear, there's no controversy over the facts, but right or wrong, in that case I wouldn't see any reason why you couldn't give 24 or 36 hour service; but if it involves a situation for example like the Bogins (?) case which is pretty well known to all of you it might well take longer because you're going to want to check out and see what the answers are. So you aren't terribly embarrassed.

BAKER: The the beginning of the operation can start.

NORTH: The beginning could start by Friday of next week.

KRUG: I think the time involved is going to depend on what the board of trustees determines are going to be policy and procedure. If they're going to say fine, we'll provide a loan on 24 hour service that is to be repaid in X amount of time, this is one thing, but these are ideas that will be thrown out to the board and I'm sure this board of trustees will have their own ideas. I'd hope by the time the Board does meet the first time we could have some expressions from the people in the field, what do they want the board to do, how do they want it set up, and the Board of trustees should be concerned with what people want and how they can accommodate these wants and desires.

DIX: A letter I got from the Virginia Library Association informing us that membership of that association annual meeting October 23 voted the following resolution: The Virginia Library Association urges your approval of the establishment as soon as possible of a support fund to aid librarians under duress for their support of the library bill of rights and the freedom to read statement. It seems to me this proposal is responsive to this as I see it.

KRUG: I have bught more.

MC DONOUGH: I think I feel easier in my mind about the document. I think we have got to do , in bringing it to the membership, make it clear that we are getting into new areas and ground rules have to be established. But the intent is to do thus and so.

-----TALMADGE: A great deal is said about the treasurer and his responsibility. I'm a little surprised there's no mention of audits. Is it left to the trustees to provide it or should it be mentioned?

NORTH: I've written a lot of bylaws and I haven't included a provision for audits for the fact that you have to file a 990 =A each year to satisfy the IRS, and this is

TALMADGE: This amounts to this?

NORTH: It doesn't amount to this. You're probably going to want some sort of accounting analysis in order to support this type of a filing. Again I've no objection whatever to specifying that the account of the corporation shall be audited annually.

TALMADGE: It seemed to me a common standard of proper practice by an organization handling funds.

NORTH: It can be adopted by the Trustees and it may very well be that as part of ALA's support, I'll probably get a shoe in my face from Lee, as part of ALA's broad, general support of this we might want a resolution, might request ALA's comptroller to provide the accounting facilities. Would that be reasonable Lee?

GAERTNER: I'd say no. I see a tremendous job here in this area and I don't think it's something the ALA accounting office is going to take care of.

You're proposing a membership organization that could have ~~30,000~~ 30,000 members, and we're having a problem processing our own 40,000.

NORTH: I withdraw.

MC DONOUGH: I never got an answer to whether ALA can perse contribute to this foundation. ~~W~~ In other words could we give \$1,000 out of general funds?

MCCLARREN: We can be a member.

CLIFT: 1) we can be a member and 2) we have in the past given, appropriated funds to other foundations. So the precedent does exist if you wish to consider this.

MC DONOUGH: After we move on this then perhaps we ought to comb back to the question of whether we should make a contribution to get this thing started as a manifest of the Executive Board's interest.

DIX: I like that. The only way you can contribute to this is to become a member?

MC DONOUGH: No.

NORTH: You automatically become a member if you contribute.

DIX: Is it possible that a foundation would want to contribute to this without going thru the business of being labled as a member. If so shouldn't this be a statement somewhere in there, that the organization is authorized to receive grants for contributions?

NORTH: Excellent. I'll insert that.

DIX: I'm thinking of an independent foundation which was a great supporter of intellectual freedom but might not wish to be considered a member of anything.

MCCLARREN: This is different from the contribution point.

DIX: It was simply a statement that it is authorized to receive grants.

NORTH: Grants on terms ~~separatly~~ acceptable to the foundation, I'll insert that.

SHEPARD: I think this has to be discussed with Council, and I think it would be

well to have a good introduction bringing out some of the thoughts we've presented here and the reasons for doing certain. But also this might be one of the topics for one of the meetings between Council and the Board so some of these things might be discussed that Council might raise at that time. They could be answered in a fashion which the whole membership would not have to mull over the problems.

DIX: On the whole question of taking it to Council for approval, I think we have to have discussion of that. I wonder if we shouldn't talk about whether the Board approves it first, then what the procedure is for taking it to council, either for information or approval. These are the two alternatives. Can we discuss this approval by the Board in the absence of deciding on the other?

NORTH: No because I have to know whether or not to file the Articles of incorporation. That depends on whether you want the corporation in existence at the Midwinter Meeting or whether you don't want it in existence. It takes probably a week and a half at the outside to have the articles approved, but this is a question of policy. Unfortunately I've another meeting which I have to attend.

DIX: These are the alternates, (1) conceivably have this in existence, legally established, by Midwinter and then we could go ahead and announce to Council it is ready to go, set up in accordance with the obvious desires of the members. The other is we felt it so important that we have to seek Council's approval. There will be some people who feel it doesn't go far enough who will oppose it.

KRUG: We went to what I consider is the best help available, he set it up from a legal standpoint. I'd hate to have people who do not have a legal background get their hands on this before it has been established. I'm very interested and would certainly like to see it discussed fully at Midwinter as to how these purposes are actually going to be utilized, what are going to be the procedures, what do you as members of ALA in attendance want to see happen with the foundation but get the structure first because I can see problems like we don't like the number of people on the board of trustees.

MCDONOUGH: Let's move.

TALMADGE: I feel, I see no necessity for taking this to Council. I think the Board should take action.

DIX: Is the general consensus we don't need to take it to Council for approval?

SHEPARD: None the less the officers of the Association and members of the staff of ALA are implicated, the Association is implicated in this, and unless we have wide approval of this, somehow or other it certainly will be killed, and at the same time ALA may be damaged. We have got involved. ALA in any sort of action of this nature in the past as I understand it this is the first type of organization ALA has created for the purpose of carrying out activities it can't carry out in its own framework.

DIX: Wouldn't you say it's responsive to a clearly broad demand?

SHEPARD: The incorporation I am in favor of as soon as possible, but when it comes to the actual formation of the foundation, Council should say it rejects any affiliation of ALA with-

DIX: Isn't it the same thing, incorporation and establishment?

SHEPARD: You can incorporate and not function.

NORTH: The articles will contain a statement of purpose and a number of directors; it will not identify how the directors are elected. And it will state that its life is perpetual and a not for profit corporation. And that's all the articles will state. You then have an existing organization, a shell. The next step obviously is your bylaws. Now very frequently what happens in this type of context is the incorporators then call a meeting at which time the first board of trustees or directors adopt the bylaws, if they like them, or change them, do whatever they want to them. So this basically is what you are really talking about.

DIX: Then Marietta was right in saying a difference exists between incorporating and getting bylaws.

NORTH: A great difference between articles of incorporation and bylaws. I'm sorry. As you know our presence here was moved up from tomorrow. However, if there are any more points that you would care to discuss I've kept all of tomorrow free so I can be here at your convenience in ten minutes, over lunch, or however you may want me. Or later this afternoon after about four.

MLCZEWSKI: It seems to me Council has already spoken on the establishment of this so that the policy involved, I think, is established. Its implementation - and this is the Executive Board's prerogative - it seems to me you report to Council as to what has been done.

MCDONOUGH: They reported on that in 1968?

KRUG: There are very specific points in the resolution. I'll go get it.

DIX: Let's look at the language. I'm unhappy about the literary works thing too being too specific. I think this is copyright language.

SHEPARD: Yes.

DIX: It clearly ought to be broadened. I always fall back on the phreas and other library materials. Then the whole question of the name again which the more I think about the question you raised Bob, does have some significance here in the saleability of this proposal. Any more thoughts on that from any of you? If it had the word defense in the title to defend the freedom to read?

TALMADGE: I think Mr. North didn't like it, shied away from the word defense. You duck the definition in the name.

MCDONOUGH: I think I have an idea. Why can't checks be made out to the defense of something?

SHEPARD: That would limit the adtion of the organization.

MCCLARREN: Unless there's a legal question about this, you have to be careful how you lable it so it is not earmarked as a private interest group.

BAKER: I thought Mr. North made that pretty clear.

DIX: Talmadge has an idea.

TALMADGE: A name, name it for somebody ...

SHEPARD: I like Freedom to Read myself.

MCCLARREN: Another question I want to bring up is we may want Judy to consider Article 3 on appointed trustees. I'm interested in knowing the rationale for specifying some of these 7 appointed trustees representing ALA. My specific points are not about the first 4; I'm concerned about what is the difference between four and six? Let me go back. The ones I question are 5, 6 and 7.

DIX: I'd think 6 is a pretty important one; there ought to be a library trustee type member.

MCCLARREN: My concern is the principle, not the specific here about picking out three particular units or subunits of ALA which are of not the same order of the first.

SHEPARD: The problem is going to be that of continuity on the board of trustees. The Board of Trustees shall be appointed for longer periods of time than thiş this would be for one year.

CLIFT: I can tell you the reason for 5. I believe that a number of matters which one might look into concerning intellectual freedom might not turn out to be intellectual freedom at all, so there's a strong need whether it be expressed in the bylaws or not for this foundation to be in a position to work closely with the LAD. That kind of closeness is now provided for in other documents in this area.

MCCLARREN: I'd think there'd be specifically in the type of library divisions, in areas in which again there'd be a responsibility with a division with a concern that arises.

GALVIN: LAD handles tenure.

SHEPARD: I'd think it would be better to have certain continuing trustees for periods of time, of say three years, for items 4 5 and 6 rather than the incumbents of thos positions. I question whether there's a need to have JMRT as a member of the Board of Trustees.

MCCLARREN: My recommendation would be either have three appointed members or three elected members by the Association or by the Council. This would be more representative of membership from ALA than this.

DIX: There must have been a lot of discussion about this.

CLIFT: The intent there, well beginning with number 4 and going on down was to formally involve the units of the Association that perhaps have a heavy responsibility in this area, if responsibility doesn't apply to number 7 there was a desire to recognize that age group here, not only the age group but the interest which has been expressed in it. Trustees are important here. I think intellectual freedom has been very important here. LAD is important here because of the tie in with tenure. These seem to run together all the time.

MCCLARREN: My dispute is not with this, these are policy making, this is policy making level these people are involved in. On the matter of the intellectual freedom committee, under our practice there is a subcommittee of the ALA intellectual Freedom Committee, is this correct? It seems to me to raise a jurisdictional question here.

CLIFT: On the matter that Marietta raised, should these units continue to be represented here it would be changed to read a representative from such units who would serve for a specified term.

THORNTON: Looking at the elected members serving two year terms and nothing is said about reelecting them. There's a considerable point about continuity in as large a group of these. All these through 7 would tend to be a one year appointment; quite typically not always inevitably.

DIX: Two of them would be for two years.

THORNTON: The president elect would have been the prior year. I'd think there might be some virtue to looking specifically at LAD. It would be source of information essentially I think to the board, and it might not always be the president of LAD was the right person; it might be better to in some way find a representative best able to speak for ~~the~~ LAD for a period of 2 years.

DIX: We're talking about the ~~the~~ composition of the automatic members of the Board. I don't know how, what do you want to do about this? I'm worried about the time and I can see us going on debating a long while. Judy, have you anything to say on this point?

KRUG: Our philosophy was to set down a list of interests that we felt should be represented on this foundation, that should ~~also be represented~~ always be represented, and we came up with LAD, IFC, any interested subcommittees, which is ALTA, plus continuity and looking at who was best able to speak for the Association as an association who is best able to bring to the board some continuity. Then we came up with the president and president elect and the executive director. And of course the chairman of IFC to represent those interests. The president of LAD, because he in the end is responsible for that division in that year. When it came to ALTA in stead of utilizing the president of ALTA we decided the interests of the foundation would best be served by the chairman of that subcommittee. At the same time placing the onus on the president of that division to appoint someone who is strong and ~~whose~~ who is interested because in many cases in the past I've been told this was like a patronage post - if you do your work you'll get at least this honor. But we're turning it around and saying if you want your interests represented and represented well then it's up to you to make sure you have a good chairman - off record.

DIX: On the matter of continuity. As I look at this again really there's only one possible, and that is the president of ALA who would be expected to serve normally at least 2 years.

THORNTON: True, and it was pointed out that the terms of the elected officers may be two years.

SHEPARD: The president of LAD doesn't.

DIX: The only one.

MCCLARREN: Junior members - the chairman is elected. And changes every year.

GALVIN: I see help in LAD, which may not always be a permanent organization.



They have a code of ethics committee which was looking at its structure for a more permanent person than the president.

DIX: Who raised the question?

MCCLARREN: I'd feel that we would get some criticism if there is not a general membership representation rather than being a specific one. We'd be more responsive to membership if there were from ALA members of the board ones who in some way represented the broad interest which I suggest either could be done depending on what degree of involvement and be in terms which would give this kind of continuity, either appointed by Council or the Board or elected by Council as we have on the Executive Board or elected as a part of the general nomination procedures.

DIX: The whole question of the economy of getting this done, I hate to think of getting involved in another election. On the other hand I think it would have considerable appeal if we had two possibilities that would be included when council members are nominated that would be voted for.

KRUG: Bill said do you really want to tie it that closely to ALA and this honestly is his suggestion as the best possible means.

DIX: That's no more closely than this it seems to me.

KRUG: I just want to bring up this point.

CLIFT: There's one thing that if we have an election we get our best platform statement maybe.

SHEPARD: My preference would be certainly the first three years there might be ~~yearly appointments for the first three years there might be~~ alternate appointments as far as the general trustees are concerned, and 3 year appointments for the representatives of categories 4 5 6 and 7. Appointments or elections, it doesn't matter, but representatives of those rather than the presiding officers.

CLIFT: May I ask this question for information. If you change 5 6 and 7 so that you have representatives rather than a specific office holder, would those representatives be chosen by the units or would they be chosen by the foundation.?

SHEPARD: I think by the units.

BAKER: I have a feeling that this document was thoughtout very very carefully with legal matters in mind. And I would rather not make changes like this ~~without~~ the advice of Bill North. Now Judy, I think you said that he drew this up, and that they did consider the business of election from membership. Therefore, he must have some reason for setting it up this way.

DIX: Maybe but not necessarily legal reasons.

BAKER: I think we ought to ask this before we take action.

DIX: It would be proper for us to act with a list of suggestions about the text and this might be one of them, stating the substance of this, that in place of the last 3 names here, they'd be so on and so forth.

MCCLARREN: Everything we're suggesting would merely be suggestions which should be considered before final formulation of the bylaws.

DIX: Let's go back to the resolution Judy got for us. Well, it doesn't answer our question.

MILCZEWSKI: No it doesn't. It does in part.

DIX: IFC wanted to prepare something for the Board and Council, and that was the Program for Action?

KRUG: Yes, to #2.

DIX: Has IFC done what is specified under #1?

KRUG: That's the foundation.

DIX: And the resolution called for that to be submitted to the Board and the Council as I read it.

CLIFT: For approval in principle by Council. In 1969 that was already done.

MILCZEWSKI: Was the establishment of a fund approved in principle?

KRUG: We didn't take any action. The whole thing came up after conference entirely and directly resulted from the Hodgkin case. The committee would have probably gone this way, but not spent the whole year considering it.

MILCZEWSKI: I'd recommend the principle of the establishment of a foundation be taken to council, but the establishment of the foundation be board business; of a fund be taken to Council.

DIX: In other words not go ahead with this incorporation? It is clear that this is what everybody wants unless we are tied down about this resolution. IFC has not done what this resolution asked it to do. The executive board has taken the initiative and gone ahead on the clear intention of the members, we simply report to Council that this thing has been established. Then the question is, what we do about the constitution and bylaws.

MILCZEWSKI: It's feasible and legal to establish a support fund.

MCDONOUGH: We have found that out. Council told us.

DIX: People have told us to get things done and not wait.

MILCZEWSKI: Report to Council this has been done.

BAKER: This is typical ALA.

DIX: I understood Bill North to point out this document is separate from the incorporation. Somebody's got to improve this document, and this is where the controversy lies.

KRUG: This is another problem. Once it is incorporated as an entity, does the executive board at that point have a right to determine what is going to be in the bylaws? I think, please correct me, the bylaws are approved by the board of trustees itself.

DIX: I thought Bill said very often this is the way it is done. The incorporators get together and appoint trustees, interpret, and all the rest. Obviously that's a little slippery.

MCDONOUGH: Could we not approve the incorporation, counsel the foundation to take into consideration the matters that have been discussed here in the last fifteen minutes or so about the kinds of people, the way the association should be represented on the board. What I'm trying to say is give them our thinking.

DIX: I don't know the legality of how one gets it started.

MCCLARREN: One thing that has to be decided since if it is incorporated it has to have a name. This would need to be done before. It is a key to the organization. The other thing, not only this, the one on literary works. These are things that ~~merely~~ merely would be suggested then for consideration by the incorporators. But the question of the title is a matter of first thing.

DIX: Three steps in a motion, the Board instructs Mr. North to proceed with the articles of incorporation, the Board then informs council at Midwinter that this has been done and is complete and the incorporation is legally in effect; then the board also simply informs council that it has approved this tentative constitution and bylaws and we get a statement from Mr. North on what this means. The new foundation itself may obviously change these at any time, but in order to get it started this is the tentative thinking.

TALMADGE: Point out one thing, during the period or to the election, May 1970, the trustees shall be designated by the executive board. Article 3, second page, Article 4. I don't think there's much danger of these trustees just heading of their own way.

CIX: The prevailing distrust of the Executive Board? Certainly any reasonable person can understand you have to start some how. All right, I think we're growing very near a motion. Now we have some textual problems as I see it. Textual, but substance to be resolved later by Mr. North, Judy and Dave. I was wondering if you'd be willing to write down a tentative list of areas. 1) Title or name.

2 Composition of ALA representation and tenure of trustees. 3. The business about receiving gifts, a statement of authorization to receive grants. 4. The provision comparable in the ALA Bylaws about voting rights, who exercises the vote of institutions. Aren't those the only 4? O yes, literary works,

CLIFT: And other library facilities.

MCCLARREN: Audit question.

DIX: He didn't think it was necessary, but was willing to put it in. Didn't he say it could be put in?

TALMADGE: He said he had written a lot of bylaws that didn't incorporate it but I think he saw no objection to it.

MCDONOUGH: I don't think he'd object.

DIX: Do we want it in there?

MCDONOUGH: Yes,

DIX: To move along a resolution could be made, then make the 3 points I had as the references to this document, with the understanding, say, that the text will be revised on the following six points.

MCDONOUGH: Say they will be reviewed, Mr Mr. North, Mr. Clift and Mrs. Krug.

TALMADGE: The correct term of #2 is appointed trustees.

MCCLARREN: E1 would not be subject to this because this one has to be in our resolution; 2 thru 6 would have to be referred, but #1 would have to be designated.

DIX: Then lets address ourselves to the name. You were out of the room when somebody made a good suggestion by giving it a proper name and somebody suggested the John Milton Foundation.

TALMADGE: It turns away from the purpose and the message is implicit.

MCCLARREN: The Dushane Fund is recognized by many outside the field as being important.

TALMADGE: How about H. M. Lydenberg.

DIX: It ought not to be a librarian, but a long dead distinguished person,

LOWREE: I wanted to throw this out earlier and question the freedom to read thing as I remember this is the phrase that Nixon picked up, the right to read. There would not be any distinction, so we wouldn't get confused with Mr. Nixon's words.

DIX: I threw in Thomas Jefferson, and I'd lobby for him at long length. Well, there's a phrase, for example in establishing the University of Virginia, but the only confusion is the communists tried to take it over. .... Straw vote on Aripogetica to John Milton with all the rest mixed in, more going for Freedom to read, but tied with Milton.

SHEPARED: I'd rather say what it is we're trying to do.

SHACHTMAN: I'd think our membership and particularly the young people would like the name of the fund to reflect what it's going to do instead of something like that.

WARNCKE: I think Jean is going to say what I was going to say. I forgot that we had a school librarian. Read is a fighting word in many library circles.

LOWRIE: One is the multimedia. Why don't we call it Intellectual Freedom foundation?

KRUG: No, that's like a red flag in front of a bull. We'd spend all our time defensing it.

DIX: To answer Ruth's question, those of us who have a little memory do remember the Freedom to Read Statement. It carries weight, with it the overtones of that that is not clearly talking just about reading.

WARNCKE: All of the suggestions for changing have been to take out read and all the suggestions for the library bill of rights have been to broaden it and particularly the school librarians would be in a bad spot.

GALVIN: Please, I'm in a bad spot. I'm prepared to take another vote.

~~BBADSEAT~~: You had a reaction to freedom of expression. Do you want

KRUG: Bill and I did consider freedom of expression and considered it quite seriously in the end I guess he said if you say freedom of expression you have yourself in a position where you are not tied to any determined legal rights. Let's go with something that has been established. Expression has no meaning in the law, you have to go back and say what kind of expression, then you have reading, speaking, painting, art, and so on, and it all comes back to freedom of speech..

MCCLARREN: John Milton doesn't have the meaning. My preference is to Freedom to Read for many reasons. It is tied to the constitution in purpose; freedom of expression and speech. We don't have to go and say we have a right of freedom of expression and then prove that in a court case before getting to the specific problem with which we are faced. Then the question of the word read in the public mind this is important.

MCDONOUGH: I'm bothered at the objections of the school librarians to reading. And I find it hard to believe they'd really object to this name for this foundation. Are you serious?

LOWRIE: You have to think about something besides printed materials.

BAKER: Read is generic.

GALVIN: I happen to be one of the pioneers of audio visual business in libraries, and I had to do a little selling in a local board of commissioners, and in particular a county auditor.

I said this is a question of whether one person is going to read at their own time, and all are going to read it on a screen; I never had any problems about it afterwards. You look at sculpture and you read something into that. Like this fallen Cross across the street.

SHEPARD: The Freedom to Read is something other than plain reading, to say nothing of the fact that at present one of the most popular movements is reading is fundamental. Therefore, this simply ought ~~xxxxxxx~~ because librarians are not taking reading to the people, according to you, to be out? (To Lowrie)

MCDONOUGH: When it became clear from that vote, we didn't have a consensus, and some points were made about the inadequacies of the John Milton idea, perhaps, and Mr. North has knocked out freedom of expression, and Tom Jefferson has been preempted by other groups -

DIX: There is the Thomas Jefferson Foundation.

MCDONOUGH: I'll fall back on Freedom to Read. And we already have the freedom to read document. It's in the constitution and gets right to the heart of what we're all about, and my Lord, my wife is now a Madam Medium, and I think she'd not object to this.

DIX: That's just in the name. If we get this literary works thing cleared up, to get it cleared up we're talking about other media.

KRUG: Substitute for literary works, and make available to the public any materials in any form which the library may legally acquire.

TALMADGE: Just delete the word literary. Any works the library may legally require, acquire.

MCDONOUGH: Other library materials is still a good phrase.

SHEPARD: I'll consult a document here, the bylaws of Seminars on Acquisition of Latin American Library Materials -

DIX: Where are we? It's time to take a vote on this Foundation.

MCDONOUGH: I'll Make it if you are ready.

DIX: I hope one comprehensive motion would include the title.

MCDONOUGH: (1) That the Executive Board authorizes Counsel to  
+++++seek articles of incorporation in the state of Illinois to establish  
the freedom to read foundation.

DIX: Can we package the whole thing?

MCDONOUGH: Yes. (2) -

CLIFT: The second part I think Roger is and that legal counsel and the  
+++3 persons you named before, North, Krug and myself, study the following  
five points, points 2 to six that are on the board. And consider  
changing those parts of the document which  
refer to those points, isn't that it?

MCDONOUGH:

The Board direct the attention of the incorporators to the following  
items which should be studied in the light of the Board's discussion  
for possible revision. 3) That Council be informed at the Midwinter  
Meeting of these actions.

DIX: You wouldn't have to put in the motion, with explanation of the  
reasons for this method of procedure?

MILCZEWSKI: Second.

SHEPARD: To the point of information on this, in the organization of  
books for people fund, the procedures followed were these, first the  
articles of incorporation were approved by the state, .....

DIX: That's exactly what the steps that are involved here, well, essentially.

LOWRIE: I'd like to make it clear that with a motion in three parts  
there is some pressure being put on to vote for the whole thing which means  
that I would have to vote against the motion, which I don't want to do,  
entirely. I think there's something that needs to be said about clarify-  
ing the phrase literary work and freedom to read more than than is in  
the motion.

DIX: All right, Roger's motion might say in the light of the  
discussion which spells out the need to make it clear at that point.

LOWRIE: It needs to be made clear to me that phrase literary works is  
definitely not going to be in the Article.

DIX: May I have your suggestion of what ought to be there? We all agreed  
that is inadequate. What would you suggest? .

LOWRIE: I'm not saying I have to have a specific phrase, other than I  
think it should be multimedia. BUT I WANT IT UNDERSTOOD THAT MUST BE  
CHANGED.

DIX: Let the record show that we all agree that the phrase literary  
====works is inadequate to describe what we are talking about and that what  
ever phrase is adopted must make it clear it must include books, journals  
pictures, sculpture, films, and what have you. I want to avoid the  
phrase multi-media. This is what we intend. The record will be clear.

LOWRIE: I'd not feel I would vote no if I were convinced that this were  
changed.

CLIFT: May I ask one question for clarification. Previous to the points  
you brought up a little while ago there were two suggestions made about  
this ~~xxxxxx~~ section. One of the suggestions made was that we could  
use the phrase literary works and other library materials. I judge from  
what you just said you wouldn't want that to be considered?

+++LOWRIE: I think library materials is more inclusive.

CLIFT: We said literary works and other library materials.=

BAKER: He said this would keep us very close to education. It  
is very important. Maybe literary works and other library materials  
would be better.

+++LOWRIE: I wouldn't object to that.

MCCLARREN: It's not just materials but activities conducted in a library

that are part of a library program and are still in need of development under circumstances in the library context and that just changing it to elaborate on literary works does not offer anything, does not overcome my objection to this part. This can still be incorporated in an expansion of #5 if agreeable to you. Going back to Jean's problem, once we adopt a resolution we have no control, no legal control over what goes into this document. We can get around this I think by amending Roger's motion to protect us to direct those trustees who are appointed to meet the initial board requirements to specifically enlarge this so that we cover this. Then I think this is the kind of protection we need.

CLIFT: Mr. North had to leave, and he's free all day tomorrow, and he made note of a great many of these things. I suggest in order to speed this up that tomorrow when he comes before us he will have this incorporated into his document at that time so you can pass on it at that time. There's no question at this time. I'd therefore vote on the motion after he comes back tomorrow with those changes.

DIX: I think it would be helpful to the stenographer if the mover would write it out. (WHO IS THE STENOGRAPHER?????)

MCDONOUGH: Can't we split the motion into two parts, otherwise the board will adhere to its usual practice and rehash the whole darn thing. And I'm damned tired of that.

DIX: Then make a second motion. Do you withdraw that one?

MCDONOUGH: I'll postpone it.

MILCZEWSKI: If he withdraws the original, I'll withdraw my second.

MCDONOUGH: Take care of part of this at this point. How far can we go? To authorize the incorporation?

CLIFT: I don't think you can. Maybe I'm wrong here, but whether or not this board is ready to authorize the incorporation depends on these things which are to be written in. I don't see how you can move that authorization until you still move the second part.

SHEPARD: The incorporation doesn't include that.

DIX: It includes only that point Jean has to be satisfied on.

MCDONOUGH: That's the name of the game. Really it has nothing to do with all that stuff.

GALVIN: I wanted to second your motion where you meant to stop.

TALMADGE: This is the probability of the rehash; the president may limit discussion.

DIX: Let's take a chance on getting this done now. Let me try to be helpful if I can. I think Bob's point is he really introduced something the way he said it indicating we are not clear what this document is yet because he referred to the fact that the trustees would be instructed to do something about this document. They may do something about it but what we are talking about is we had a drafting committee composed of North, Krug and Clift which will follow our instructions in following up this document. Then, we are through with it. The trustees can do what they want

MCDONOUGH: They have to adopt it.

DIX: Not precisely in this form.

MCDONOUGH: It's not a foreign body. My gosh it's loaded with ALA representatives.

DIX: I wonder if Bob wouldn't withdraw his objection.

MCCLARREN: I was with Jean on the problem of being sure that if we accept the F2R foundation as a title then that the body of the document that we've done everything we can to be sure that on this one item which is number 5 up there, literary works, it does then clearly to our satisfaction specify that reading is a broad title rather than narrow.

DIX: If we could agree on that language now we can put it in subject to legal matters Mr. Noeth might want to bring up. And we'd want to consider.

KRUG: He has no objection to changing the literary work statement and he said either materials, materials in any form or literary and other materials can be substituted without any problem, and it's up to us to decide what you want.

DIX: This is an awkward situation. Frankly literary works and other materials commonly held and distributed by libraries are essential to the library's program. If we could agree on that I think we're over the hump.

SHEPARD: I think there is one other hump. I believe previously the use of library property for activities that are not necessarily related to books came into the discussion. Programs for instance. I don't know whether it is necessary under Section 2 of Article 1 points A B and C whether there is a necessity for another paragraph concerning activities in libraries or not. I could see in the future someone might want to use the library grounds for saying the Rosery, or something else, and somebody would say they don't want to, and the librarian would be fired for allowing them to say the Rosery. Do we want to introduce this, or don't we?

DIX: I have a letter here from somebody who wants to take a stand against displays on library property of a cross or anything religious. It could come up. BOB, Could you get this into language. I'd need to talk to Mr. North, since it raises the question of expression, expression being a legal problem, and this is in the area of expression. In another sense we can try to do something.

DIX: Do we pass a resolution subject to the presentation and approval of, by, the Board of a satisfactory text on this point tomorrow? Take action except on this one point. Then, having done that would close the door on any other things, the text only? Of this point?

MCCLARREN: Is there any contingent about further discussion on this point? I have faith. I'd accept the freedom to read without a specific +++++ safeguard if there is this direction to proceed with clarification on this point.

DIX: Then this becomes part of it to be worked out by the drafting committee?

CLIFT: We're back to Roger's motion. The motion is reinstated, and seconded.

DIX: Yes. All in favor signify. This is the three part motion.

CARRIED.