



Freedom to Read Foundation News

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Alex P. Allain, President

Judith F. Krug, Executive Director

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Censor Foe Heads Board



Alex P. Allain, well-known library trustee and defender of intellectual freedom, was elected to a second full term as President of the Board of Trustees on June 18, 1971.

Mr. Allain has been active in many professional efforts to further the freedom to read. He has served as chairman of the Louisiana Library Association Intellectual Freedom Committee and the American Library Trustees Association Intellectual Freedom Subcommittee. He has been a member of the ALA Intellectual Freedom Committee since 1966. In this capacity he served as chairman of the fact-finding teams which investigated complaints received from Mrs. Joan Bodger and Robert E. Scott, under the *Program of Action in Support of the Library Bill of Rights*.

Under his chairmanship since 1970, the Freedom to Read Foundation has responded to requests for assistance, determined priorities and operating procedures, established policies, and launched plans to fulfill objectives, in line with the Foundation's purposes.

Other officers elected for 1971-72 are: Vice President, Everett T. Moore; Treasurer, Daniel Melcher; and Secretary, Mrs. Judith F. Krug.

\$1,000.00 Grant to Rochester Fund

On June 18, 1971, the Board of Trustees announced a \$1,000.00 grant to the Rochester (Michigan) Community Schools Appeal Fund. The grant is intended to help finance the school's appeal of an Oakland County Circuit Court decision by Judge Arthur E. Moore, limiting the use of *Slaughterhouse Five*, a novel by Kurt Vonnegut, in Rochester Community Schools.

Acting on a lawsuit filed March 24, 1971 by Oakland Township Trustee Bruce L. Todd, Judge Moore ruled on May 11 that the novel must be removed from classroom use and the library at Rochester Adams High School. In an unusual decision, Moore called the book "anti-religious" and said its use in the school violates the First Amendment.

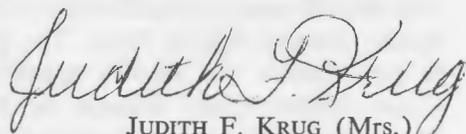
On June 9, Moore altered his original opinion and said that the book can remain in the school library for its "literary or historical qualities." He added, however, that the book may not be used in the classroom or on any required or recommended reading lists because the First and Fourteenth Amendments to the U. S. Constitution prohibit "directed or recommended reading" of anything constituting "advancement or inhibition of religion."

Believing that Judge Moore's decision, if allowed to stand, constitutes a violation of the freedom to read, the Foundation Board voted unanimously to help finance the appeal. The Board was of the opinion that Judge Moore's decision represents a serious misinterpretation of U. S. Supreme Court rulings and, if not challenged, may bar Oakland County schools from any use of materials mentioning religion. As such, the decision significantly impedes libraries in educational institutions from providing materials presenting all points of view concerning problems and issues of our times, and violates the intellectual freedom of students and faculties in those schools. According to Richard H. Escott, Superintendent of the Rochester Community Schools, the appeal has been filed in the Michigan Court of Appeals.

The \$1,000.00 grant to the Rochester Community Schools Appeal Fund is the largest single grant awarded since the Foundation was established by the American Library Association in November, 1969 as ALA's "legal action arm."

From the Executive Director's Desk . . .

To Freedom to Read Foundation members — new and old — welcome! Our plan to publish a quarterly newsletter for members becomes a reality with this first issue of *Freedom to Read Foundation News*. Our purpose has been to bring you up to date on Foundation activities during its first two years of existence. In addition, the *News* gives you a convenient, "all in one place" record of Foundation actions, grants, projects, membership profile, and plans. We encourage you to show it to your friends when promoting membership in the Foundation — we certainly intend to! We also encourage your questions and comments, and particularly suggestions for the content of future issues. We look forward to hearing from you.


JUDITH F. KRUG (Mrs.)
Executive Director



Mrs. Judith F. Krug, Executive Director of the Foundation and Director of the ALA Office for Intellectual Freedom, accepts 1970 ERT Award from Mr. John Wall, president of Demco.

Lockhart Donates Cash Award to Foundation

The National Commission on Obscenity and Pornography was chosen by the faculty of the Graduate School of Library Science of the University of Illinois as the recipient of the 1971 Robert B. Downs Intellectual Freedom Award. William Lockhart, Dean of the University of Minnesota Law School and Chairman of the Commission, contributed the \$500.00 cash portion of the Downs Award to the Freedom to Read Foundation.

Dean Lockhart's gesture follows the tradition established by LeRoy C. Merritt, the late Dean of the University of Oregon School of Library Science and the editor of the *Newsletter on Intellectual Freedom*, who

was the first recipient of the Downs Award in 1969. Dean Merritt also became the first benefactor member of the Foundation when he contributed the cash portion of the Downs Award to the newly established Freedom to Read Foundation.

The Robert B. Downs Intellectual Freedom Award was created in 1968 from faculty and alumni contributions to honor the dean of library administration at the University of Illinois on his twenty-fifth anniversary with the University. Among Dean Downs' many activities on behalf of intellectual freedom was the editorship of *The First Freedom*, a classic on the subject of censorship in libraries. The award is given annually to honor research, a publication, successful or unsuccessful opposition to censorship, or other contributions to the furtherance of intellectual freedom in libraries. The National Commission on Obscenity and Pornography was selected for the award because of its "pioneering work on the effects of obscenity and pornography in our society."

Awards Cite Foundation

In less than two years of existence, the Foundation has made a mark as a defender of the freedom to read. In recognition of its achievements and potential, the Foundation won the Exhibits Round Table Award in 1970 and a portion of the J. Morris Jones-World Book Encyclopedia-ALA Goals Award in 1971. The exhibits Round Table Award included a cash award of \$500.00. The J. Morris Jones-World Book Encyclopedia-ALA Goals Award, presented to the Foundation to "support and further its purposes and activities," consisted of \$2,320.00.



David H. Clift, Executive Director of ALA and a trustee of the Foundation, accepts J. Morris Jones-World Book Encyclopedia-ALA Goals Award from Robert Barker, president of Field Enterprises Educational Corporation.

Bless Our Benefactors

That category of Foundation membership which reflects the largest contributions is the "Benefactor" category — \$500.00 and over. To date, ten donors qualify as benefactors. The number is small, but each one is special.

The Foundation's Benefactors represent a cross section of the library community, including two librarians, a library school dean, a book publisher, three professional associations, a church group and an individual long associated with publishing and libraries.

Our Benefactors are: Keith Doms, Verner W. Clapp, Daniel Melcher, the California Library Association, the Texas Library Association, the Pacific Northwest Library Association*, the H. W. Wilson Company, the Jackson Welfare Fund of the First Unitarian Church of Ann Arbor, and the late LeRoy C. Merritt and Mrs. Merritt.*

*Funds deposited in LeRoy C. Merritt Humanitarian Fund.

President's Report to the ALA Council, June, 1971

Meeting in Los Angeles on January 16, 1971, the Board of Trustees of the Freedom to Read Foundation advanced its plans concerning state obscenity legislation. As a result of the Board's survey in this area, many state penal codes prohibiting distribution of so-called "harmful matter" can be cited. Generally, the codes give only the vaguest definition of what constitutes "harmful matter." Such statutes are significantly dangerous to individuals and institutions for they permit, and even encourage, criminal prosecution of non-commercial interests which have neither the incentive nor the resources to defend the propriety of individual publications. To render librarians vulnerable to criminal prosecution for purchasing and disseminating works which have not previously been held illegal through adversary hearings is to require every librarian to reject the primary philosophical basis of his role in society. Under such an obligation, he either knowingly becomes a censor or unknowingly breaks a law. The Board believes this choice is inimical to the concept of intellectual freedom and a derogation of the professional responsibilities of librarians. Thus, the Foundation plans to challenge the constitutionality of those laws which can inhibit librarians from including in their collections and disseminating to the public every work which has not previously been ruled illegal.

For many years librarians have looked to the *Library Bill of Rights* for guidelines insuring intellectual freedom in materials selection. It has proved to be a useful and concise statement of the profession's position regarding the importance of the availability in libraries of materials representing all points of view concerning

the problems and issues of our time. It is, however, only a statement of principle. It has no standing in law. No "rights" accrue from it, even though it constitutes the library profession's interpretation of the First Amendment of the U. S. Constitution. The Freedom to Read Foundation believes the profession must now attempt to establish legal precedents, through case law, to make the *Library Bill of Rights* not only a statement of principle, but a principle grounded in law and protected and supported by the nation's judiciary system. Only when this gain is made can librarians and library governing bodies face pressures to remove materials or to restrict selection, not only with "right" on their side, but with the law as well. For this reason, the Foundation will not simply defend, but must—and will—attack.

In accordance with the Foundation's stated purpose "to support the right of libraries to include in their collections and to make available to the public any creative work which they may legally acquire," the project to challenge restrictive legislation will lay the basis for a favorable functioning of intellectual freedom in libraries.

At its January meeting, the Board also defined its position in regard to the ALA Intellectual Freedom Committee and Office for Intellectual Freedom, refined its procedures for slating trustees by approving mandatory statements from all candidates for election to the Board, and resolved to establish an "Advisory Council," to include individuals in many fields who are readily identified with the freedom to read and the vigorous support of intellectual freedom.

The Board also unanimously agreed to pay the costs of preparing a *writ of certiorari* in the appeal Ellis Hodgins is making to the U. S. Supreme Court. During the same meeting, the Board formulated operating guidelines for the LeRoy C. Merritt Humanitarian Fund, a special trust to be used for immediate assistance at the moment an individual is fired or forced to resign due to principles of intellectual freedom. The Merritt Fund is used prior to the verification of the facts in a situation. Contributions to the Merritt Fund are not tax-exempt, and may, therefore, be used without reference to Internal Revenue Service requirements regarding tax-exempt organizations. By a special amendment to the Constitution and By-Laws, the Board enabled contributors of \$10.00 or more to the Merritt Fund to become members of the Freedom to Read Foundation for the year in which the contribution is made. Contributors to the Merritt Fund are cautioned, however, that such donations do not qualify as personal tax deductions for the donors.

On March 24, the Executive Committee of the Board of Trustees held a special meeting in Dallas, during which the progress of a law suit planned to challenge the constitutionality of certain obscenity statutes was reviewed. A discussion of fund raising and appropriate procedures for such, having begun in Los Angeles, was continued.

Over the past six months, the Foundation has sought members through the use of personal letters, speeches, journal articles, and a special offer involving free copies of the *Report* of the Commission on Obscenity and Pornography. Total membership as of May 31, 1971 was 488. The total amount of dues received from November, 1969 through May 31, 1971 was \$13,060.75. Contributions to the LeRoy C. Merritt Humanitarian Fund totalled \$2,390.00. Other contributions totalled \$2,012.00. (Cash on hand May 31, 1971 was \$9,330.20, which does not include the Merritt Humanitarian Fund.)

A slate of ten candidates for the 1971 election, held May 1–June 1, was presented by the Nominating Committee composed of Mrs. Carrie Robinson, Miss Jean-Anne South and Everett T. Moore, Chairman. Four vacancies on the Board of Trustees were filled in the election.

Respectfully submitted,

ALEX P. ALLAIN
President

Keith Doms is Number One

Since his initial contribution of \$25.00 on March 6, 1970, Keith Doms has been depositing checks with the Foundation at regular intervals. After a series of five donations, Keith topped out on April 14, 1971 as the Foundation's highest single contributor with a total of \$550.00.

As current president of the American Library Association and director of the Free Library of Philadelphia, Keith is no stranger to fighting censorship. In early 1971, he and his library board successfully defeated pressure groups attempting to ban Jerry Rubin's *Do It!*

Congratulations to Keith Doms on being number one Benefactor member of the Foundation to date.



Trustee Election Results

An election to fill four positions on the Board of Trustees was held from May 1, 1971 to June 1, 1971.

Those elected appear in italics in the following tabulation:

Mrs. Dale Canelas	89	<i>Daniel Melcher</i>	124
Kenneth Duchac	106	Roy Mersky	108
<i>Ervin J. Gaines</i>	122	<i>R. Kathleen Molz</i>	123
Robert K. Johnson	62	<i>Eli M. Oboler</i>	130
Mrs. Nina Ladof	113	Richard L. Waters	70

Of the 436 ballots mailed, 267 were returned, and 1 ballot was voided.

The 1971-72 Freedom to Read Foundation Board members are: Elected (9): Alex P. Allain, William S. Dix, Ervin J. Gaines, Daniel Melcher, Miss R. Kathleen Molz, Everett T. Moore, Eli M. Oboler, Mrs. Carrie C. Robinson, and Miss Jean-Anne South.

Ex Officio (8): David H. Clift, ALA Executive Director; Richard L. Darling, IFC Chairman; Keith Doms, ALA President; Miss Katherine Laich, ALA President-Elect; Mrs. Florence McMullin, ALTA/IFC Chairman; Miss Joan Marshall, SRRT designated representative of Action Council Coordinator; Richard L. Waters, JMRT designated representative of Chairman; and, Lester J. Stoffel, LAD President.



**Joan Bodger:
Case Closed**

Mrs. Alan Mercer—better known to the library world as Joan Bodger—is alive and well and, at last report, living in Toronto, Canada.

After being fired from the Missouri State Library in April, 1969, Mrs. Bodger filed a *Request for Action* with the ALA Intellectual Freedom Committee, initiating the Association's first major fact-finding effort and published report regarding a violation of the *Library Bill of Rights*. The ALA report of its investigation of Mrs. Bodger's case completely vindicated her and concluded that she had been fired because of her defense of intellectual freedom.

Mrs. Bodger was also one of the first applicants for financial assistance from the Freedom to Read Foundation. At its meeting in Detroit, June, 1970, the Executive Committee of the Board of Trustees awarded her \$500.00 "for hardship incurred in her support and defense of the principles and spirit of the *Library Bill of Rights*."

State Associations Front and Center

Support from individual librarians constitutes the majority of Foundation memberships, but professional organizations also pull their weight. Currently, eleven state library associations are Foundation members. These are: California,* Minnesota, Missouri, Nebraska, New Jersey, New York, Oklahoma, Pennsylvania, South Carolina, Texas, and Washington.**

Two state associations — Nevada and Wyoming — have memberships for their Intellectual Freedom Committees.

*Equal contributions to LeRoy C. Merritt Humanitarian Fund and Freedom to Read Foundation.

**Funds deposited in LeRoy C. Merritt Humanitarian Fund.



**Hodgin Appeal
Rests with
U. S.
Supreme Court**

Ellis Hodgin was fired from his position as City Librarian of Martinsville, Virginia shortly after he joined with other parents in a law suit to challenge the constitutionality of a religious education course being taught in the public school his daughter attended. In January, 1970, Mr. Hodgin asked the Foundation for assistance to pay living expenses and other costs incurred as a result of his dismissal. He also instituted a law suit for reinstatement, basing his case—in part—on a denial of his First Amendment right of free expression.

In June, 1970, the Foundation's Executive Committee awarded Mr. Hodgin \$500.00 "for having suffered in his defense of freedom of speech as a result of which he lost his position as a librarian. Inasmuch as it is the obligation of the librarian to protect free speech and a free press through his work as a librarian, it is then particularly appropriate that, when he is deprived of his job because of his own exercise of free speech, the Freedom to Read Foundation assist him in his defense of his freedom."

Mr. Hodgin's religious education suit was decided by U. S. District Court Judge Ted Dalton in the summer of 1970. Judge Dalton ruled unconstitutional the existing

religious education program used in the Martinsville City School system. In the meantime, Mr. Hodgin's suit for reinstatement was lost at the District Court level.

In January, 1971, Mr. Hodgin asked the Foundation to grant further funds to perfect an appeal to the U. S. Supreme Court. At this point in the suit, the Constitutional issues which concerned the Foundation were no longer in contention. However, the issue being appealed touched on employment matters of grave concern to all librarians, as well as public employees in general. Because of the initial involvement in the suit and because of the issue being appealed, the Board of Trustees granted Mr. Hodgin \$550.00 to perfect the appeal for a *writ of certiorari* to the U. S. Supreme Court. The appeal to the Supreme Court was filed in the spring, 1971. To date, the *writ of certiorari* is still pending.

Merritt Fund Grows

Recognizing the need for subsistence and other support at that moment an individual finds his position in jeopardy or is fired in the cause of intellectual freedom, the Foundation Board established the LeRoy C. Merritt Humanitarian Fund at its June, 1970 meeting in Detroit. The purpose of this special fund is to allow an immediate response, prior to the establishment of all pertinent facts in a particular case.

Although the Merritt Fund is separate from other monies in the Foundation, its purpose is integrally related to the larger program for which the Foundation was established: to promote freedom of the press and of speech, and to defend the right of librarians to select freely from all the world's written and recorded information for their collections.

Contributions of \$10.00 or more to the Merritt Fund qualify the donor as a member of the Freedom to Read Foundation. Such contributions to the Merritt Fund, however, are not tax deductible.

To date, there have been 40 individual contributions to the Merritt Fund. The \$500.00 contributions of Mrs. Mary Merritt, the Pacific Northwest Library Association, and the California Library Association are the highest single contributions.

Charity Begins At Home

Taking that maxim literally, we are happy to say that our own home—ALA Headquarters—doesn't fare badly. Sixteen Headquarters staff members are also members of the Foundation.

These include: Mrs. Virginia Baker, Acting Program Coordinator; Mrs. Margaret F. Blankley, Administrative Assistant, Office for Intellectual Freedom; Gerald Born, Executive Secretary, Public Library Association; George M. Brich, Professional Assistant, Office for Intellectual Freedom; John Gordon Burke, Associate Editor, *American Libraries*; David H. Clift, Executive Director; Mrs. Shelia Duncan, Secretary, Office for In-

tellectual Freedom; Miss Barbara J. Duree, Books for Young Adults Editor, *The Booklist*; Mrs. Ruth F. Frame, Executive Secretary, Library Administration Division; LeRoy J. Gaertner, Comptroller; James A. Harvey, Assistant Director, Office for Intellectual Freedom; Mrs. Miriam L. Hornback, Council and Executive Board Secretariat; Miss Germaine Kretteck, Director, Washington Office; Mrs. Judith F. Krug, Director, Office for Intellectual Freedom; Gerald S. Shields, Editor, *American Libraries*; Miss Ruth Warncke, Deputy Executive Director.

Marshall E. Woodruff Wins Appeal

On March 20, 1970, Marshall E. Woodruff, owner of the Joint Possession in College Park, Maryland, was convicted for selling an "obscene" issue of the now defunct *Washington Free Press*. His sentence was six months in jail and a fine of \$1,000.00.

Concerned librarians and other citizens of College Park and Prince Georges County established the Marshall E. Woodruff Legal Defense Fund to help defray costs of an appeal of the conviction.

In June, 1970, the Woodruff Fund requested that the Freedom to Read Foundation assist it in financing the appeal. At its June, 1970 meeting in Detroit, the Board's Executive Committee granted \$250.00 to the Woodruff Fund "to support Mr. Woodruff's defense of the free accessibility of materials."

Subsequently, on February 9, 1971, the Maryland Court of Special Appeals overturned Woodruff's conviction. The Court said, "We cannot permit a sense of moral indignation to be substituted for the constitutionally mandated test for obscenity." The case was remanded to the Circuit Court for retrial.

"Patron" Category Fills Out

Just below the Benefactor category of Foundation membership in total contributions—\$100.00-\$499.99—but certainly no less deserving of recognition, are those in the Patron category.

Twenty-three members fall in this group whose ranks continue to grow at a rate of nearly one per month. As with the Benefactors, Patrons comprise a cross section of the library community—librarians, trustees, publishers, and professional associations.

Our Patrons are: Alex P. Allain, John Gordon Burke, Mr. and Mrs. Edwin Castagna, Stanley Fleishman, Dorothy Kittel, Mrs. Judith F. Krug, Everett T. Moore, Emily Wheelock Reed, John E. Velde, Jr., Mr. and Mrs. Jacob Zeitlen, Bantam Books, Inc., the John and LaRue Caughey Foundation, the Kansas State University Department of Librarianship, the University of Kentucky College of Library Science, the Minnesota Library Association, the National Council of Teachers of English, the New Jersey Library Association, the New York Library Association, the University of

Oregon School of Librarianship (funds collected by students)*, the Princeton University Press, and the Washington Library Association*.

*Funds deposited in LeRoy C. Merritt Humanitarian Fund.

Library Schools Join Foundation

"Perhaps library schools have not succeeded in impressing future librarians with the importance of the librarian's responsibility to preserve the freedom to read," says David K. Berninghausen, well-known library educator and member of the Freedom to Read Foundation, in an article in *Library Trends*, July 1970. If his statement is true, at least a few library schools have taken a step toward remedying the situation. They have joined the Foundation. These library schools are: Immaculate Heart College School of Library Science; Kansas State University at Emporia Department of Librarianship; Rosary College School of Library Science; University of Kentucky College of Library Science; University of Oregon School of Library Science* (funds collected by students); University of Pittsburgh Graduate School of Library and Information Science; and, University of Wisconsin-Milwaukee School of Library and Information Science.

*Funds deposited in LeRoy C. Merritt Humanitarian Fund.

Foundation Approaches 600 Members

As of September 1, 1971, the Foundation membership is at 576. Categories of membership are as follows:

Benefactor members (\$500.00 and over):	10
Patron members (\$100.00-\$499.99):	23
Sponsor members (\$50.00-\$99.99):	31
Contributing members (\$25.00-\$49.99):	71
Regular members (\$10.00-\$24.99):	441

Fund Raising Campaigns

In the fall of 1971 the Foundation will conduct two fund-raising campaigns with the aid of the state intellectual freedom committee members.

Beginning in September, promotional materials will be sent to state committees for use at state association meetings. By including pledge cards and Foundation literature in the meeting envelopes and actively promoting the Foundation's concept at an exhibit table, we estimate recruitment of an additional 600 members. Estimated net revenue of the promotion is \$6,000.00.

In October the Foundation will request state intellectual freedom committees to aid in soliciting members by telephone. The Foundation will provide print-outs of names of potential librarian donors in their geographic areas to the fund raisers. Program materials to the state committees will include a "canned" telephone solicitation request, pledge cards, and Foundation literature. We estimate that this promotion will bring 1,500 new members into the Foundation. Estimated net revenue is a hopeful and helpful \$15,000.