



# Freedom to Read Foundation News

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Volume 1

Winter 1972

No. 2

## President's Report to the ALA Council January, 1972

*At the 1970 Annual Conference in Detroit, the ALA Council requested the Freedom to Read Foundation to report at each Annual Conference and Mid-winter Meeting of the American Library Association. Accordingly, the following report is respectfully submitted on behalf of the Board of Trustees.*

In national politics and economics, the latter half of 1971 was a period of preparation for the year to come, a year that promises to be an exciting one, with a new foreign policy, a new economic policy, a new Supreme Court, and a Presidential election. Like the nation as a whole, the Freedom to Read Foundation has spent much of the past six months building a base for future actions.

That is not to say, however, that the Foundation has been absent from the front line of the censorship battle. In mid-year, the Board of Trustees announced its plan to challenge laws and judicial decisions which inhibit librarians from including in their collections and disseminating to the public every work which has not previously been ruled illegal. Following this plan, the Foundation took substantive action toward establishing principles enunciated in the *Library Bill of Rights* as legal precedents rather than mere paper policies.

Two incidents involving the banning of specific books resulted in requests for assistance to the Board of Trustees at its June meeting in Dallas. Both situations involved law suits, one to ban a book from a public school curriculum, and the other to challenge a school board decision which removed a book from use in schools. The Board of Trustees discussed both cases at Dallas and voted financial assistance in response to one of the requests. The other request was not fulfilled for reasons which I will explain in detail in comparing the two cases.

In the first case, a law suit filed by a parent in Rochester, Michigan, resulted in a County Circuit Court ban on Kurt Vonnegut's novel *Slaughterhouse Five*, because the judge found it to be "anti-religious." A group of Rochester citizens requested financial assistance from the Foundation for an appeal

fund organized to fight the court's decision. In June, the Board of Trustees granted \$1,000.00 to the appeal fund. To date, all documents pertinent to the appeal have been filed with the Michigan Supreme Court, but a decision has not yet been rendered.

The appeal focuses on several points in the original decision germane to the freedom to read. It argues that even "anti-religious" materials may be used in public schools when there is no intent to give "religious instruction," such as in a contemporary literature course, or a course on the *Bible* as literature. Most importantly for librarians, it asserts that the responsibility for selection of textbooks and other reading material is the duty of the teaching staff, the administration and the School Board unless these individuals and agencies act corruptly, in bad faith or in clear abuse of power. It calls the Circuit Court action "judicial censorship" and charges that it constitutes an unreasonable intrusion and infringement upon the First Amendment guarantee of free speech, which has been made applicable to the states through the Fourteenth Amendment.

In essence, the Rochester appeal is one which the Foundation can support in each of its contentions because it focuses pointedly on the school's right to select and make curriculum and library materials available.

The second lawsuit arose in a Queens, New York community school district when a school board banned *Down These Mean Streets*, by Piri Thomas, from district schools. A group of parents, teachers, students and a librarian appealed the school board's decision. Through the New York Civil Liberties Union, suit was filed in U. S. District Court to remove the ban. At this point, the Foundation was contacted for assistance. Copies of the legal documents prepared for the suit were reviewed by Foundation officers, legal counsel, and—at Dallas—by the Executive Committee and the Board of Trustees.

Unfortunately, while the suit argued that the ban was a violation of the First Amendment, it also contended that the ban denied parents their right to direct their children's education. After a great deal of discussion, the Executive Committee found it could not support this argument. If the parents' "right" to direct their children's education includes the right to say a

book *must* be included in the curriculum or in the school library, then it can only be concluded that the "right" also includes the ability to say what books should be *excluded* from the collection. This the Foundation's officers could not support. To do so would be to undermine the traditional support of the teacher and librarian's responsibility for selection of curriculum and library materials—the very principle the Foundation had supported in the Rochester appeal. The *Down These Mean Streets* suit would place that responsibility with the parents. The Executive Committee recommended that the Board of Trustees condemn the banning of a specific title by the Queens Community School Board, but it also recommended that the Board not support the law suit because of the objectionable issue on which it was based.

After due consideration, the Board of Trustees accepted the Executive Committee's recommendation. The Freedom to Read Foundation Board voted not to give financial assistance or other support to the lawsuit unless further developments made it advisable to do so.

In August, the U. S. District Court ruled on the NYCLU suit and decided in favor of the school board. The Court said "There is no absolute right in the parent to control all aspects of his child's education in the public schools."

The NYCLU appealed the Federal District Court decision, but the appeal has not been decided as yet. Being informed by NYCLU that the issues to be appealed would be substantially the same as those argued in the original lawsuit, the Foundation's officers declined the NYCLU's invitation to file an *amicus curiae* brief in support of their position.

Regarding other 1971 legal actions in which the Foundation participated, the Board of Trustees was pleased to learn that Marshall E. Woodruff's conviction for selling an allegedly obscene issue of an underground newspaper was overturned last February. In June, 1970, the Executive Committee granted \$250.00 to Mr. Woodruff's legal defense fund to support his "defense of the free accessibility of materials." In overturning Mr. Woodruff's conviction, the Maryland Court of Special Appeals said, "We cannot permit a sense of moral indignation to be substituted for the constitutionally mandated test for obscenity."

In October, the Foundation distributed the first issue of *Freedom to Read Foundation News*, a quarterly newsletter to keep members informed of current actions, issues and statistics of membership and fund raising.

Over the past six months, the Foundation has also been involved in a number of promotional activities to raise its membership, as well as the funds necessary for future action. A membership renewal campaign began in September and has shown a return of approximately 75%. A special campaign aimed at the ALA Junior Members Round Table began in the fall and

has succeeded in recruiting about 5% of the JMRT members into the Foundation.

Another fund-raising effort entailed having members of the Board of Trustees contact ten or more friends by personal letters, telling them about the Foundation. This project has also provided many new members.

In the fall, all state and national library periodicals were asked to donate free advertising space for the Foundation. The response was gratifying, and ads will appear in several magazines in the near future. Especially appreciated were free, full-page ads from *Library Journal* and *Wilson Library Bulletin*.

Total membership in the Foundation as of December 31, 1971 was 648. The total amount of dues received from August 1, 1971 through December 31, 1971 was \$6,131.00. In addition, contributions to the LeRoy C. Merritt Humanitarian Fund totaled \$656.00. The Foundation also received part of the J. Morris Jones-World Book Encyclopedia-ALA Goals Award, which totalled \$2,320.00. The Foundation's cash on hand on December 31, 1971 was \$16,165.00. This does not include the Merritt Fund, which now has a cash balance of \$1,130.00.

At its January, 1971 meeting in Los Angeles, the Board of Trustees voted to allow contributions of \$10.00 or more to the Merritt Fund to qualify the donor for Foundation membership. The Merritt Fund now has 40 members who also qualify as Foundation members.

In November, the Merritt Fund granted \$500.00 to J. Michael McConnell, a librarian refused employment at the University of Minnesota Library because of publicity surrounding his application for a marriage license to marry another male. The grant was made under the humanitarian purposes of the Merritt Fund, in order to defray financial hardship suffered as a result of recriminations met by Mr. McConnell for exercising free speech in expressing his sexual preference.

The Merritt Fund trustees wish to express their thanks to the National Freedom Fund for Librarians which voted to turn over its remaining cash balance of \$461.19 to the Merritt Fund in November, 1971. Dr. J. Phillip Immroth advised us that "this money is passed on to the LeRoy C. Merritt Humanitarian Fund with no strings attached." The National Freedom Fund was established in 1969—prior to the Freedom to Read Foundation—specifically to assist Ellis Hodgin, fired from his position as librarian at the Martinsville, Va. Public Library. The Freedom to Read Foundation itself has granted Mr. Hodgin \$1,050.00 in financial assistance. His law suit challenging his firing is currently awaiting a decision on *certiorari* before the U. S. Supreme Court.

In October, 1971, a Nominating Committee composed of R. Kathleen Molz, Daniel Melcher and Eli M. Oboler, chairman, was appointed by the president of the Foundation. Mr. Oboler has announced that nominations for candidates to run in the 1972 election

for the Board of Trustees are now being accepted for consideration by the committee. Five vacancies on the Board of Trustees will be filled in the election to be held May 1 - June 1, 1972. Mr. Oboler invites and urges all ALA members to send names of suggested candidates for the Board to the Nominating Committee for consideration. Suggested nominations should be sent to Eli M. Oboler, Nominating Committee, Freedom to Read Foundation, c/o Idaho State University Library, Pocatello, Idaho 83201.

Respectfully submitted,  
ALEX P. ALLAIN  
President

## FTRF Members Receive January NIF

Along with this issue of *FTRF News*, you are receiving a free copy of the January, 1972, *Newsletter on Intellectual Freedom*. In addition to helping you start the New Year off right, we hope this copy of the *NIF* will: (1) introduce you to one of the few publications dealing exclusively with censorship matters, and (2) give you a picture of the national climate in which the Foundation operates. We don't intend to *depress* you, but rather to *impress* you with how much need there is for an organization with the Foundation's potential.

Published bi-monthly by the Intellectual Freedom Committee, the *NIF* has changed format considerably since 1952 when it first appeared as informally reproduced typed sheets. Today it is an attractive compendium of information about repressive activities affecting the overall climate for intellectual freedom. It regularly features reports of censorship incidents, reviews of judicial opinions, reports of restrictive legislation, and a bibliography of current readings.

Increasingly important is the appearance of reprinted and original articles labelled "Viewpoint," in-depth analyses of particular kinds of repressive activities. January includes Part I of a previously unpublished article by Alan Reitman, American Civil Liberties Union associate director, on press freedom during 1971; and responses to Irving Kristol's two-part "Viewpoint" article, "Pornography, Obscenity and the Case for Censorship," reprinted in September and November from the *New York Times Magazine*. A previously unpublished response from FTRF trustee Eli M. Oboler appears along side an essay by Clifford A. Ridley, reprinted from the *National Observer*.

Because of the Foundation's concern about recent obscenity laws, we hope you will read the Oboler and Ridley articles and refer back to Kristol's. The *NIF* editors invite response from FTRF members to these diverse views of a highly complex problem.

The *Newsletter on Intellectual Freedom* is available on a subscription basis for \$5.00 a year from the American Library Association: Subscriptions Department, 50 East Huron, Chicago, Illinois 60611. We recommend it highly to all FTRF members!

## Charity Begins at Home: Part II

Last quarter, we reported that sixteen members of the ALA Headquarters staff have joined the Freedom to Read Foundation. To those sixteen names we are happy to add the following: Peggy Barber, Director, Office for Recruitment; Sara Case, Assistant Director, Washington Office; Mrs. Flora S. Colton, Headquarters Librarian; Mrs. Carol (Raney) Kelm, Executive Secretary, Resources and Technical Services Division; Mrs. Sylvia Royt, Editor, Publishing Services; David Salan, Director, Membership Promotion Office; and Jordan Scepanski, Professional Assistant, Library Administration Division/Association of College and Research Libraries. That brings our "inhouse" membership total to twenty-four, or about 10% of the total Headquarters staff.

## Merritt Fund Aids Mike McConnell

On October 19, the trustees of the LeRoy C. Merritt Humanitarian Fund granted \$500.00 to J. Michael McConnell who was refused employment at the University of Minnesota Library in July, 1970. The denial of a library position closely followed publicity concerning Mr. McConnell's application for a marriage license to marry another male.

Mr. McConnell challenged the University's action with a law suit charging discrimination in violation of his civil rights. The District Court of Minnesota enjoined the University Board of Regents, ruling that Mr. McConnell be instated as head of cataloging at the St. Paul Campus. The Board of Regents, however, appealed the district court decision, charging that the court exceeded its "proper function and authority."

Eighth Circuit Court of Appeals Judge Stephenson overturned the lower court's injunction. He said, ". . . this is not a case involving mere homosexual propensities on the part of a prospective employee. Neither is it a case in which an applicant is excluded from employment because of a desire clandestinely to pursue homosexual conduct. It is . . . a case in which the applicant seeks . . . the right to pursue an activist role in implementing his unconventional ideas concerning the societal status to be accorded homosexuals and, thereby, to force tacit approval of this socially repugnant concept upon his employer, who is, in this in-

stance, an institution of higher learning. We know of no constitutional fiat or binding principle of decisional law which requires an employer to accede to such extravagant demands." The Minnesota Civil Liberties Union has appealed the decision to the U.S. Supreme Court on behalf of Mr. McConnell. A decision regarding *certiorari* is expected in January.



Following a Request for Action from Mr. McConnell, the ALA Intellectual Freedom Committee, at its meeting in Dallas, Texas on June 21, 1971, voted that "based on the decision of the Federal District Court of Minnesota . . . J. Michael McConnell's rights under the First Amendment have been violated." In October, 1971, Mr. McConnell applied to the LeRoy C. Merritt Humanitarian Fund for assistance because of financial hardship.

## Membership Montage

FTRF vice-president *Everett T. Moore* has been actively promoting intellectual freedom ever since he became a librarian and a library educator. He edited the special censorship issue of *Library Trends*, July, 1970, and recently wrote "Threats to Intellectual Freedom," *Library Journal*, November 1, 1971.



FTRF trustee *Eli M. Oboler*, University Librarian of the University of Idaho, is an "expert" on the history of censorship after research for *Fear of the Word: Censorship and Sex*, his book soon to be published by ALA.

FTRF member *Dorothy Bendix*, a member of the Drexel University Library School faculty, authored a groundbreaking (and groundshaking!) survey of library schools, "Teaching the Concept of Intellectual Freedom: The State of the Art," *ALA Bulletin*, March 1969.



FTRF member *Ralph E. McCoy's* 1968 *Freedom of The Press: An Annotated Bibliography* cites nearly eight thousand books and other sources in an exhaustive survey of literature from 1700-1967. It received the 1969 Scarecrow Press Award for Library Literature.

FTRF member *Doris Fleishman* edited one of the few (and one of the best) periodicals devoted entirely to censorship issues: *Censorship Today*, until it unfortunately ceased publication in 1969.



FTRF member *Robert B. Downs*, former Dean of Library Administration at the University of Illinois, edited the classic anthology, *The First Freedom*, focusing primarily on library censorship.

## Important Notice

As of February 29, 1972, all those who have not renewed FTRF membership through August 31, 1972, will be dropped from the mailing list. We urge you to check your records. If not a member through the end of August, why not renew right now—while it's on your mind?