FTRF Files Amicus Brief in Zap Comix Case

On March 15, 1973, the highest judicial authority of the State of New York, the Court of Appeals, upheld the constitutionality of a New York statute which establishes a presumption that one who sells, lends, exhibits, etc., obscene material does so with knowledge of its content and character. In other words, if in the course of a trial it is established that a work is obscene and that it was sold, lent, etc., it is permissible for the court to infer at once that it was sold or lent with full knowledge of the contents.

Since it is a basic principle of Anglo-American criminal justice that knowledge, or scienter, is a necessary element of such a crime as distributing obscene materials, the Foundation Board of Trustees considered it essential to join in the appeal of the New York case to the U.S. Supreme Court. In the 1960s, the Supreme Court allowed an appeal in order to consider standards governing the scienter element, but the high court found it possible to decide the case (Redrup v. New York, 386 U.S. 767 [1967]) on other grounds.

The case before the New York Court of Appeals concerned the convictions of two Manhattan book-sellers who sold copies of the so-called adult comic, Zap Comix, which was found to be obscene. The New York court addressed itself directly to the question of the presumption:

Needless to say, the inference of knowledge rests on the probabilities of human transactions. It is rare that one does not know what one possesses. Since the inference of knowledge is but that, the burden of going forward and negating the inference is a slight one and, by the nature of things, rarely is there occasion to invoke it. It must be an extraordinary circumstance which prevents one from knowing what one possesses. (People of New York v. Kirkpatrick, 32 N Y 2d 17, 23.)

In dissent, Judge Fuld said: “The presumption violates [the First Amendment] because it creates and occasions a system of ‘self-censorship’ on the part of

(continued on page 6)

Supreme Court Decisions Pose New Threat to Libraries

On June 21, 1973, the U.S. Supreme Court resolved five cases by handing down decisions that radically altered First Amendment law. In effect, the Court ruled that a work is not protected by the First Amendment if, taken as a whole, it appeals to the prurient interest, portrays sexual conduct in a patently offensive way, and lacks serious literary, artistic, political, or scientific value.

Not only did the high court remove the “utterly without redeeming social value” test for obscenity, it rejected national standards in favor of local standards. The question of obscenity is now to be decided by juries using the standards of the “average person” of the local community. Writing for himself and Justices White, Blackmun, Powell, and Rehnquist, Chief Justice Burger said:

Under a national Constitution, fundamental First Amendment limitations on the powers of the States do not vary from community to community, but this does not mean that there are, or should or can be, fixed, uniform standards of precisely what appeals to the “prurient interest” or is “patently offensive.” These are essentially questions of fact, and our nation is simply too big and too diverse for this Court to reasonably expect that such standards could be articulated for all 50 States in a single formulation. . . . When triers of fact are asked to decide whether “the average person, applying contemporary community standards” would consider certain materials “prurient,” it would be unrealistic to require that the answer be based on some abstract formulation.

In addition, the five justices of the majority dismissed any need for expert testimony to establish any of the factors that now put a work beyond the pale of the First Amendment. The work itself, they said, will be sufficient to sustain a conviction.

In the opinion of the Foundation’s legal counsel, the
June, 1973

At the 1970 Annual Conference in Detroit, the ALA Council requested the Freedom to Read Foundation to report at each Annual Conference and Midwinter Meeting of the American Library Association. Accordingly, the following report was submitted by Vice-President Everett T. Moore at the Las Vegas Annual Conference. It has been edited for publication.

As I report to you today in place of President Alex Allain, who, I regret very much, is prevented by illness from being present this week, members of the Freedom to Read Foundation, like all citizens concerned about the freedom to read, have realized the impact of the June 21st decisions of the U.S. Supreme Court on obscenity and the First Amendment, which have shattered our hopes for support from that quarter.

Earlier this year, the Supreme Court decided a case of special interest to ALA members. The Court ordered the reinstatement of Barbara Papish in the University of Missouri. Papish was expelled for distributing copies of the Free Press Underground on that university's campus. The Court said the First Amendment "leaves no room for the operation of a dual standard in the academic community with respect to the content of speech." You will recall that prior to her dismissal from the Missouri State Library, Joan Bodger protested suppression of the Free Press Underground at the University of Missouri. You will also recall that Bodger was one of the first recipients of assistance from the Foundation "for hardship incurred in her support and defense of the principles and spirit of the Library Bill of Rights."

However, our still hopeful expectations were tempered, even at that time, some months before last week's astounding decisions by the Supreme Court, and we were provided a foretaste of what was to come. Three justices dissented from the opinion of the Court in the Papish case. Mr. Chief Justice Burger found civility sufficient reason to restrict First Amendment rights. He said, in part, that a university is not "merely an arena for the discussion of ideas by students and faculty; it is also an institution where individuals learn to express themselves in acceptable, civil terms." Mr. Justice Rehnquist, joined by the Chief Justice and Mr. Justice Blackmun, found the imagined threat of a taxpayers' revolt sufficient to dismiss First Amendment claims. Mr. Rehnquist suggested that if taxpayers do not agree with the operation of the university, they may "doubt the game is worth the candle."

New Constitutional Standards

On June 21, 1973 the U.S. Supreme Court handed down decisions in five cases involving issues under the First Amendment. Generally speaking, these five decisions change previous constitutional law in at least four basic ways.

First, the Court explicitly rejected "utterly without redeeming social value" as a test for obscenity. The new basic guidelines are these:

(a) whether the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Second, the phrase "community standards" is no longer to be interpreted to mean the standards of the "national community." Rather, the Court declared that each state—and even each local political subdivision—may enact its own standards. These are to be applied by local juries which will review challenged works according to the "average person" standard. If a jury decides that the "average person" in its particular community would find a work to be obscene, it is not protected by the First Amendment. Furthermore, the question of whether or not a work is obscene is an issue of fact for the jury, and hence is not appealable.

Third, there is no longer any necessity for a prosecutor to present evidence or expert testimony in his attempt to convince the jury that a work is obscene and, therefore, illegal. A prosecutor now has only to present the work itself to the jury and, based on its first-hand review, the jury is entitled to make the determination of obscenity.

Finally, the concept that a person has the right to possess whatever he desires in the privacy of his own home (established in Stanley v. Georgia, 1969) has been narrowly restricted by the Court. Although a person is still entitled to possess whatever he desires in his own home, he may not purchase, acquire or import from any source material deemed to be obscene.

In action taken at its meeting on June 22, the Foundation Board of Trustees requested that the American Library Association appropriate the necessary funds to file a petition to the U.S. Supreme Court for a rehearing of its five decisions involving the First Amendment, and that the litigation be conducted for ALA by the Freedom to Read Foundation, its legal action arm for intellectual freedom.

California Suit

Before I discuss the progress of our California suit, I think it is appropriate to quote from one of Mr. Justice Douglas's dissents in these cases: "My contention is that until a civil proceeding has placed a tract beyond the pale, no criminal prosecution should be sustained." This has a direct bearing on the suit in which six of us as (continued on page 7)


1973 Downs Award

Goes to Allain

At the 1973 ALA Annual Conference, Alex P. Allain was granted the Robert B. Downs Award. The award, established in 1968 to honor Downs, dean of library administration at the University of Illinois, is given for outstanding contributions to intellectual freedom in libraries.

Mr. Allain, well known in the American Library Association for his efforts to further First Amendment freedoms and to establish the Freedom to Read Foundation, has served as chairman of the American Library Trustee Association Intellectual Freedom Subcommittee, and was a member of the ALA Intellectual Freedom Committee from 1966 through 1972. He was awarded the American Library Association Trustee Citation in 1969.

The award was accepted on behalf of Mr. Allain by William D. North, FTRF legal counsel. Mr. North's remarks are printed below.

Ladies and Gentlemen:

I share the disappointment of all of you that Alex is not here with us to receive this most significant award. I know that Alex considers the Robert B. Downs Award the highest tribute which can be received by a participant in the important and ongoing struggle for intellectual freedom.

At the same time, Alex's absence permits me to make a few comments which his modesty would never permit were he here.

Alex Allain is, in my opinion, one of the finest legal minds in service to the cause of intellectual freedom. His grasp of constitutional law and of its historical and philosophical origins is unsurpassed. This knowledge has been invaluable in developing the Program of Action of the Office for Intellectual Freedom and is the moving force behind the Freedom to Read Foundation.

But more important than his unsurpassed legal insight is his dedication to the "freedom of the mind." Somehow, the library community enlisted this dedication, to its everlasting benefit. As Alex has written, "The library must be the bastion of intellectual freedom."

In view of the Supreme Court decisions handed down on June 21, it seems appropriate to quote from an article which Alex wrote for Library Trends. In it, there appear the following words:

I am really mortified to be told that, in the United States of America a question about the sale of a book can be carried before the civil magistrate. . . . Are we to have a censor whose imprimatur shall say what books may be sold, and what we may buy? Shall a layman, simple as ourselves, set up his reason as the rule for what we ought to read? It is an insult to our citizens to question whether they are rational beings or not.

These are the words which Alex quoted from a letter written by Thomas Jefferson. But they are the thoughts of Alex Allain; more important, they are the thoughts which must inspire this great library community to meet the renewed challenge of censorship.

There is no ultimate and final victory in the battle to defend intellectual freedom, for each generation breeds its share of censors. This is why the bastion of intellectual freedom—the library—must remain invulnerable; this is why librarians and library trustees—defenders of the bastion—must remain strong and united.

May I read from the letter expressing Alex's regret at being unable to be here this evening? Alex writes: "While I will cherish the certificate representing the Robert B. Downs Award, I want the monetary portion to be made to the Freedom to Read Foundation."

This gift to the Foundation is more than merely a gift—it is evidence of his continuing commitment. As President of the Foundation, Alex has asked me to request all of you to join him in this commitment.

For this moment, your friendship, and this award, Alex Allain is deeply grateful.

For myself and I know for all of us here, we are deeply grateful to Alex Allain.
Supreme Court (continued from p. 1)

changes in First Amendment law effected by the Supreme Court pose one of the most serious threats of the century to the freedom to read. If only "serious" literary, artistic, political, and scientific works can escape the efforts of the censor, the status of such “trifles” as mystery thrillers must be considered doubtful. One can find little comfort in the fact that the Chief Justice found it reasonable or even necessary to point out that explicit books for the education of physicians have serious value!

FTRF Asks ALA to Act

At its meeting of June 22, the Board of Trustees heard a report from its legal counsel and voted to ask the Executive Board of the American Library Association to disseminate to all ALA members information on the implications of the Court’s decisions. The Trustees also asked the ALA for funds to file a petition to the U.S. Supreme Court for a rehearing of the obscenity cases.

At its first session on June 26, the ALA Council responded to the Foundation Trustees by unanimously passing the following resolution:

Whereas, On June 21, 1973, the U.S. Supreme Court decided five cases involving the application of First Amendment guarantees to materials having sexual content; and

Whereas, The effect of these decisions on libraries has been summarized by Mr. Justice Douglas in his dissenting opinion (Paris Adult Theater I v. Slayton, District Attorney, et al.):

What we do today is rather ominous as respects librarians. The net now designed by the Court is so finely meshed that taken literally it could result in raids on libraries. Libraries, I had always assumed, were sacrosanct, representing every part of the spectrum. If what is offensive to the most influential person or group in a community can be purged from a library, the library system would be destroyed. [Emphasis added.] And

Whereas, These decisions, collectively, effect a fundamental change in the nature and scope of First Amendment guarantees; and

Whereas, These decisions, in substance, change previous law by holding that (1) works which have some redeeming social value, but which do not, taken as a whole, have “serious literary, artistic, political or scientific value” are subject to censorship; (2) the determination of the seriousness of the value of a work is to be made by the jury on the basis of “contemporary community standards” applied by the “average person”; (3) the “contemporary community standards” to be applied by the “average person” are not those of the national community but rather those of any local subdivision of government which chooses to adopt obscenity legislation; (4) there is no need for any evidence or showing of proof supporting the claimed obscenity of a work, other than a presentation of the work itself; (5) the obscenity of a work is an issue of fact for the jury and hence not an appealable issue; and (6) while a person may possess in the privacy of his own home material deemed to be obscene, he may not purchase, acquire, or import such material from any source;

Now, therefore, be it resolved, That the American Library Association file a petition to the U.S. Supreme Court for a rehearing of its five decisions handed down on June 21, 1973 involving the First Amendment, and that the Freedom to Read Foundation, the legal defense arm of the American Library Association’s intellectual freedom program, conduct the litigation on behalf of the Association; and

Be it further resolved, That the American Library Association advise the signatories of the Freedom to Read Statement and other appropriate groups of the foregoing action and invite them to support the effort of the Association by filing similar petitions, joining in the petition of the Association, or taking other affirmative action deemed appropriate.

Petition Filed

ALA’s petition to the Supreme Court was prepared by FTRF legal counsel and filed on Monday, July 16. The petition argues that the First Amendment right to read is fundamental and implicit in the concept of ordered liberty.

The petition requests the Court to review several problems left unresolved by its June 21st decisions. The petition asks whether a librarian or anyone can review every work in a library collection and decide whether or not it has “serious” value; whether a library patron checking out a work with sexual content must have scientific purposes in mind, or whether it is permissible to check out such works for recreational purposes. Given the fact that many libraries serve people from more than one community, the petition also asks how a librarian is to determine which community standards are to be applied.

The argument of the petition notes that the Supreme Court has never before held that only works with “serious” value are protected by the First Amendment. Since governmental efforts at thought control can rarely be confined to questions of manners and tastes, it is argued that “political trifles” will become subject to the yearning to use governmental censorship, and that the censorship of books with sexual content deemed not “serious” will inevitably spill over into the areas of religion and politics.

It is cruel and unusual punishment, the petition says, to subject librarians and other disseminators of ideas to criminal penalties for distributing works that they
cannot know are unprotected until a decision is made in the course of their criminal trial. In rejecting the opinion that the states can assume that so-called obscene works are capable of encouraging or causing anti-social behavior, the petition notes that members of the Commission on Obscenity and Pornography who rejected the Commission Report did not argue that obscenity incites anti-social conduct.

Four Trustees Elected

The 1973 membership vote to fill four vacancies on the Board of Trustees resulted in the election of Richard L. Darling, Evelyn Levy, Eli M. Oboler, and Jane Wilson. Three of these trustees served on the Board previously.

Mr. Darling, Dean, School of Library Service, Columbia University, was an ex officio member of the Board by virtue of his chairmanship of the ALA Intellectual Freedom Committee.

Miss Levy was appointed to the Board of Trustees in 1972 to complete the term of Daniel Melcher, who resigned. Miss Levy is a member of the ALA Executive Board and is Regional Librarian, Enoch Pratt Free Library, Baltimore.

Mr. Oboler, University Librarian, Idaho State University, was first elected to the Board in 1971. Mr. Oboler has served on the ALA Intellectual Freedom Committee and is well known in the library community for his efforts on behalf of the freedom to read.

Miss Wilson, Chief Acquisitions Librarian, Roosevelt University, Chicago, is chairman of the Illinois Library Association’s Intellectual Freedom Committee.

Allain Reelected President

At the first meeting of the new Board of Trustees, held in Las Vegas on Friday, June 22, Foundation officers for 1973-74 were elected. The president for 1972-73, Alex P. Allain, was unanimously reelected, as was the vice-president, Everett T. Moore. Richard L. Darling was elected treasurer.

The bylaws of the Foundation provide that the Executive Committee of the Board of Trustees shall consist of the president of the Foundation, who serves as chairman of the Board of Trustees, and two elected trustees and two ex officio trustees. Those elected to serve on the 1973-74 Executive Committee are Mr. Moore, Mr. Darling, Grace Slocum, representative of the Library Administration Division of the ALA, and Joslyn Williams, representative of the ALA Social Responsibilities Round Table.

Clarence Day Winners
Give Cash Award to FTRF

Sol M. Malkin and Mary Ann O’Brien Malkin, publishers and editors of AB Bookman’s Weekly, are the recipients of the 1973 Clarence Day Award. The Malkins donated the $1,000 cash award to the Freedom to Read Foundation.

Sol M. and Mary Ann Malkin receive the Day Award citation from ALA President Katherine Laich (right). Robert F. Delzell of ALA Awards Committee looks on.

The Clarence Day Award, established in 1959 and funded by the Association of American Publishers, is made to librarians and other individuals for outstanding work in encouraging the love of books and reading. Previous winners include Robert Cromie, Clifton Fadiman, and Granville Hicks.

The award citation congratulates the Malkins “for their service to the world of books through publishing and editing the AB Bookman’s Weekly and Yearbook.” The citation continues: “For a quarter of a century, each issue of the Bookman’s Weekly has borne the impress of the Malkin immense erudition and continuing romance with books. ... Sol and Mary Ann Malkin, colorful figures, outstanding even in the colorful world of bibliophiles, have through their knowledge and enthusiasm, stimulated the joy and satisfaction of reading and working with books.”
booksellers which affects the sale of all books—those that are constitutionally protected as well as those that are obscene."

The Foundation’s *amicus* brief in support of the appeal to the U.S. Supreme Court, filed in the name of the American Library Association, states the following:

The New York statutory presumption has broad and serious implications for libraries in that every library collection includes many works having sexual content. For this reason potentially every work with sexual content in a library collection exposes a librarian to criminal prosecution under the New York Obscenity Law.

In addition, the American Library Association has a direct interest in this case in furthering the role of librarians as historic guardians of the freedom to read. Libraries are repositories of information and knowledge and are established to preserve and disseminate the records of the world’s cultures. Librarians have historically resisted every effort to limit their collections to those materials reflecting attitudes, ideas and literary styles bearing the imprimatur of governmental authority. It is the responsibility of libraries to provide books and other materials presenting all points of view concerning the problems, issues and attitudes of our times.

This responsibility cannot be fulfilled if the threat of criminal prosecution is so great as to deter authors from writing, publishers from publishing, or booksellers from selling such books and materials. Nor can this responsibility be fulfilled if the threat of criminal prosecution is so great as to coerce libraries and librarians to adopt a policy of “self-censorship” whereby libraries are “purged” of all materials which are arguably obscene.

It is this interest in the freedom to read and the preservation of library resources that prompts the American Library Association to urge the Court to assume jurisdiction of the case.

**Membership Promotion**

This year’s FTRF report to the ALA Council included a special appeal for support from ALA members during the crisis precipitated by the June 21st decisions of the U.S. Supreme Court. Immediate responses from ALA members at the conference brought contributions totaling $1500.

An early, beat-the-Christmas-rush membership renewal mailing to ALA’s 25,000 personal members will include a special report from the Foundation on the implications of the Supreme Court decisions. The report includes an invitation to join the Foundation.

**Membership Renewals Coming**

During the course of the past year, FTRF membership has remained stable, and members have contributed slightly more than $10,000. It is clear that to date the Foundation’s activities have been sustained by a small but committed group of persons. Your continuing support is not only desired but absolutely *essential* to the Foundation’s program. Please don’t overlook the forthcoming membership renewal notice.

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**Use this form**

to get a friend to join the Freedom to Read Foundation today:

**I want to do more. My check includes an additional contribution to the Foundation in the amount of $_________.**

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**Name:** □ Miss  □ Mr.  □ Ms.
□ Mrs.  □ Mr. & Mrs.

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**Address:**

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**City:**

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**State**    **Zip**

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**Telephone No.: Area Code**  

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"Obscenity" at most is the expression of offensive ideas. There are regimes in the world where ideas "offensive" to the majority (or at least to those who control the majority) are suppressed. Most of us would find that world offensive. One of the most offensive experiences in my life was a visit to a nation where bookstalls were filled only with books on mathematics and books on religion.

I am sure I would find offensive most of the books and movies charged with being obscene. But in a life that has not been short, I have yet to be trapped into seeing or reading something that would offend me. I never read or see the materials coming to the Court under charges of "obscenity," because I have thought the First Amendment made it unconstitutional for me to act as a censor. . . . I never supposed that government was permitted to sit in judgment on one's tastes or beliefs—save as they involved action within the reach of the police power of government.


Report (continued from p. 2)

librarians are joined as plaintiffs by the American Library Association, the California Library Association, and the Los Angeles Public Library Staff Association against the Attorney General of the State of California, challenging the state's "harmful matter" statute.

In effect, we contend in the suit that no librarian should be subject to criminal penalties for distributing works that have never been declared illegal in a court of law. It is a cardinal principle of criminal justice that a person must be able to ascertain with reasonable certainty what the law forbids. Under present "harmful matter" law, no man, not even the most learned attorney, not even the California Attorney General, can predict with assurance whether a given jury will find a work "harmful."

This principle of justice, that a person cannot be convicted under a vague statute, is the principle under which, we contend, the California "harmful matter" statute should be declared unconstitutional. I stress this point because the recent decisions of the Supreme Court do not undercut our suit; as Douglas's dissent makes clear, the issue we have raised was not considered by the justices in the majority. Indeed, the suit could establish a precedent whose importance under the new constitutional law cannot be overemphasized.

A critical hurdle has been passed in the suit. On March 12, United States District Judge Harry Pregerson ordered that a three-judge panel be convened in accordance with the application of the plaintiffs. Denying the "motion to dismiss" filed by the defendant, the California Attorney General, Judge Pregerson held that a genuine controversy was before the court and that a substantial constitutional problem had been raised. One major issue that the judge had to resolve concerned the question of standing to sue. In deciding in favor of California librarians and library employees, the judge cited the recent decision of the U.S. Supreme Court on abortion laws. The Supreme Court held that physicians who were never prosecuted or even threatened with prosecution under extant abortion laws did have standing to bring suit against these laws.

The case will go before the three-judge panel in September. Affidavits supporting the claims of the plaintiffs have been filed with the court. After the Attorney General files affidavits supporting his claims, which he has actively been soliciting from librarians in California, we will have a chance to respond, and then the issues will be argued before the federal panel.

Zap Comix Case

In other action this spring, the Board of Trustees voted to file an amicus brief in the appeal of the Zap Comix case (People of New York v. Kirkpatrick) to the U.S. Supreme Court. This is an appeal from the New York State Court of Appeals. The highest judicial body of New York upheld the constitutionality of a state law which says that a person who sells obscene material in the course of his business is presumed to do so with the knowledge of its content and character. In other words, the mere fact of distribution allows the court to infer that materials were distributed with knowledge of their content and character. The four-to-three ruling of the court sustained the 1970 convictions of managers of two Manhattan bookstores which sold copies of the so-called adult comic, Zap Comix. The managers contended that the presumption of the law violated constitutional guarantees of due process and free speech. In dissent, Chief Judge Stanley Fuld said, "Freedom of speech is too important a right to allow it to be seriously impeded or impaired by a presumption." If allowed to proceed, the Foundation will attempt to vindicate Judge Fuld's claim.

Given what we argue in the California suit, namely, that librarians must know what they can legally disseminate to minors, it is vital that we challenge the constitutionality of this presumption that the disseminator knows the content of everything he disseminates.

Special Appeal

In closing, I must return to a problem touched upon in President Allain's previous reports to this Council. I refer to the matter of financial support for the Foundation. As you now know, the wheels of the judicial
machine turn very slowly, even when a case involves a First Amendment issue to which the courts must give priority. And these slowly turning wheels require enormous sums of money to oil their movement. Since our Midwinter Meeting, the Foundation has sought support from those who should have a genuine commitment to the freedom to read: publishers and booksellers. The Foundation has written to major publishers in the United States, and to nearly 500 distributors of books and periodicals.

But it is clear that we must seek our major support from members of this Association. Whatever our success in seeking funds from publishers and others interested in the First Amendment, those whose standards and well-being the Foundation is designed to protect must give it their firm commitment. In a special appeal distributed at the registration desk of this Conference, it was announced that this report to Council would include a special appeal for support.

Allow me to explain why we must make this special appeal. Since the beginning of this fiscal year—last September—legal fees for the California suit alone have totalled more than $10,000. In the same period, Foundation members have generously contributed approximately that amount. However, and I must underline this however, fees for attorneys and related court expenses continue to come in. It would be more than a setback for the Foundation and the members of this Association if, suddenly, we had to withdraw from the California suit for lack of funds.

Moreover, the strain on our resources that the California suit represents forces us to curtail activities on virtually every other front. A strong amicus brief in the case I mentioned, the Zap Comix case, could be vitally important, not only as a supplement to the California suit, but to all librarians who are included under laws containing presumption clauses. If booksellers disseminate 10,000 items from their stores and are held accountable for the contents of each of these 10,000 items, what would be the effect on libraries and librarians if they, too, are to be held accountable for the content, not of 10,000 items, but of hundreds of thousands of books and other materials? We must be able to take action in such cases. But action requires money.

I have faith that you will support the California suit, that you will enable the Foundation to fulfill its purposes. Support from just the ALA members present at this Conference would enable the Foundation to pursue a far more vigorous course of action. And such support would be a clear signal that the profession stands firmly committed to its standard, the Library Bill of Rights.

Please let me remind you also of the LeRoy C. Merritt Humanitarian Fund. This Fund is capable of acting directly and quickly to assist individuals who are in immediate need of help when they are victims of attack on their freedom of expression and may need legal or financial support. The Merritt Fund has been employed several times in instances in which there has not been time for consideration and approval by the full Board of the Freedom to Read Foundation. We invite contributions to this Fund by all who recognize the urgent need for ready support by such an ALA-sponsored organization.

Many members have asked why, if the Freedom to Read Foundation is indeed the legal arm of the ALA’s program in support of the Library Bill of Rights, it is not possible to apply for membership in the Foundation along with the application for ALA membership. I am happy to announce that this year there will be an insert with the membership renewal reminders, so that if you wish to write checks for the Freedom to Read Foundation or the Merritt Fund, you may return them in the same envelope, along with your check for ALA membership.

On behalf of Mr. Allain and the members of the Foundation, I thank you for your response.

Respectfully submitted,
EVERETT T. MOORE
Vice-President

List of Obscenity Statutes Prepared

Foundation members interested in following changes in obscenity law may want to obtain copies of an annotated list of state obscenity statutes prepared by the Office for Intellectual Freedom. For your copy, send a stamped, addressed envelope to: Office for Intellectual Freedom, American Library Association, 50 East Huron St., Chicago, Illinois 60611.

Copies of Petition Available

Copies of ALA’s petition to the Supreme Court for a rehearing of the First Amendment cases decided on June 21, 1973 are available for $3.00 each to cover printing and handling costs. Requests should be sent to: Freedom to Read Foundation, 50 East Huron St., Chicago, Illinois 60611. Checks or money orders, payable to the Freedom to Read Foundation, should accompany requests.