



# Freedom to Read Foundation News

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## U.S. Supreme Court Actions

### Justices Reject Oregonian's Conspiracy Appeal

In a round of decisions announced in December, the U.S. Supreme Court declined to review the criminal conspiracy conviction of Frank Giese. No justice voted to hear the case.

Giese, a former teacher of French at Portland State University and proprietor of the Radical Education Project Bookstore, was convicted of engaging in a conspiracy to bomb Army and Navy recruitment centers in 1973, supposedly in protest against U.S. participation in the Vietnam war.

In its friend-of-the-court brief in the case, the Foundation told the justices that the U.S. Court of Appeals' decision against Giese could have a "devastating" impact on the freedom to read and discuss books.

In the words of then-Judge Shirley Hufstедler, President Carter's choice to head the new Department of Education, Giese's conviction was "obtained by patently inadmissible evidence of the contents of the book *From the Movement toward Revolution* [by Bruce Franklin], which the prosecutor forced Giese to read to the jury after defense counsel's objection to the admission of the book had been overruled." According to Hufstедler, "The prosecutor used the contents of the book to convince the jury that the ideas expressed in the book were Giese's own and that he acted on those ideas to form a conspiracy to blow up recruiting centers."

Giese's fingerprints were found on several pages of *From the Movement toward Revolution*, and on cross-examination the prosecutor required him to read aloud several passages, including one which quoted Che Guevara as saying that "armed struggle is the only solution for people who fight to free themselves."

The Justice Department urged the Court to deny Giese's petition, saying the book had been used properly in the trial to rebut Giese's use of other books to attest to his good character.

### Novelist and Publisher Lose Libel Fight

In their December rulings the justices also refused to review a \$75,000 libel judgment against a novelist and

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## Moore v. Younger

### California Legal Battle Reaches Finish Line

In a letter mailed to California librarians in February, the Freedom to Read Foundation announced final victory in the Foundation's long-pending action in *Moore v. Younger*, the suit which challenged the constitutionality of California's "harmful matter" law and its applicability to library services.

In a letter dated December 31, 1979—sent to California State Librarian Ethel S. Crockett at the direction of U.S. District Court Judge Harry Pregerson—California Attorney General George Deukmejian declared:

"While the Attorney General continues, as previously indicated, to disagree with the interpretation of the California Harmful Matter Statute, California Penal Code sections 313-313.5, rendered by the Superior Court in *Moore v. Younger*, L.A. Sup. Ct. C85493, the State of California is nevertheless bound by that decision in all respects."

In his order of January 13, 1975, Los Angeles County Superior Court Judge Robert P. Schifferman stated:

"The court declares that it was the intention of the Legislature to provide librarians with exemption from application of the Harmful Matter Statute when acting in the discharge of their duties.

"The court declares alternatively that the availability and distribution of books at public and school libraries is necessarily always in furtherance of legitimate educational and scientific purposes for which these libraries were founded, and accordingly, librarians are not subject to prosecution under the Harmful Matter Statute for distributing library materials to minors in the course and scope of their duties as librarians."

Because the state attorney general refused to accept Judge Schifferman's ruling as binding outside the Superior Court's immediate jurisdiction, Foundation attorneys asked Judge Pregerson to take the action which resulted in the letter to the state librarian.

The plaintiffs in the action were Everett T. Moore, the Board of Library Commissioners of the City of Los Angeles, Albert C. Lake, Robert E. Muller, Chase Dane, the Rev. Charles J. Dollen, the American Library Asso-

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## 1980 Slate

### Committee Nominates Ten for Board of Trustees

Ten candidates for the Freedom to Read Foundation's 1980 election have been slated by a committee composed of Trustees Richard P. Kleeman, Grace P. Slocum, and Nancy D. Bolt, chairperson.

Trustees to fill five scheduled vacancies on the Board of Trustees will be chosen from the following list of candidates:

- Rebecca Bingham, Director, Library Media Services, Jefferson County Board of Education, Louisville, Kentucky.
- Pamela G. Bonnell, Librarian, Research Library, Office of the City Manager, Management Services, Dallas.
- Robert N. Case, Director, Lancaster County Library, Lancaster, Pennsylvania.
- Joan Collett, Librarian and Executive Director, St. Louis Public Library.
- Burton Joseph, Attorney, Lipnick, Barys and Joseph, Chicago.
- Margaret Lefever, Head, Media Center, Bethesda-Chevy Chase High School, Bethesda, Maryland.
- Helen Meyer, Editorial Consultant, Doubleday and Company, New York.
- Elliott L. Shelkrot, State Librarian, Pennsylvania State Library, Harrisburg.
- Henry R. Stewart, Associate Dean, Management and Public Services, Old Dominion University, Norfolk, Virginia.
- L. B. Woods, Assistant Professor, Graduate Library School, University of Rhode Island, Kingston.

According to FTRF election rules, at least two candidates must be nominated for each vacancy on the Board.

Ballots will be mailed on May 1 to all persons holding paid membership in the Foundation on that date.

#### Nominations by Petition

Persons who wish to *nominate candidates by petition* should submit twenty-five signatures of current members of the Foundation in support of each candidate. Names of petition candidates, statements of consent from the candidates, and the required signatures to support each must be received by the executive director of the Foundation no later than April 18, 1980.

#### Current Trustees

Elected trustees currently serving on the Foundation Board are Neil H. Adelman (1980), Nancy D. Bolt (1980), Eli M. Oboler (1980), Sophie Silberberg (1980), Grace P. Slocum (1980), Mary K. Chelton (1981), Kenneth Donelson (1981), Richard P. Kleeman (1981), and Florence McMullin (1981).

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## Utah Librarian Returned to Job

Jeanne Layton, director of the Davis County (Utah) Library until she was fired last September, resumed her duties on January 14 after the Davis County Merit (civil service) Council found that she had been fired without cause. The council made the determination as ordered by the U.S. District Court in Salt Lake City.

"It's a major victory," Layton told *American Libraries* (Feb. 1980), "but it's a long way from being resolved. The other side may appeal."

The "other side"—County Commissioner Morris F. Swapp and the two other library trustees who voted to dismiss her, Sharon Shumway and Robert Arbuckle—did in fact decide to appeal the Merit Council's ruling in the state court system. In March, at the library board's request, the Davis County attorney asked the local state court to find that Utah library directors do not enjoy civil service protection and may be removed at the pleasure of county authorities.

Robert D. Duffin, chairperson of the three-member Merit Council, said the decision to reinstate Layton was unanimous. Under the federal court order, the council had to determine whether authorities followed proper procedure in Layton's dismissal, and whether there was "cause."

The Merit Council ruled that the library board's compliance with procedural requirements was "minimal" but sufficient to satisfy merit regulations. However, the council said the library board "failed to establish that [Layton's] termination was with cause."

#### Federal Suit Filed

Still pending in federal court is Layton's suit against Swapp, Shumway, and Arbuckle. They are accused of having violated Layton's constitutional rights and the First Amendment right of the citizens of Davis County to read controversial literature, including Don DeLillo's *Americana*, which Swapp wanted removed from Davis County libraries. Layton wants the federal court to award her monetary damages and legal fees.

To date, the Freedom to Read Foundation has supported Layton's cause through cash grants totaling \$9,000. In addition, the Foundation has agreed to assist the Utah Library Association in preparing a legal response to the Davis County attorney's contention that head librarians in Utah do not qualify for civil service protection.

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*Freedom to Read Foundation News* is edited by the staff of the Office for Intellectual Freedom, American Library Association. It is issued quarterly to all members of the Foundation.

Regular membership in the Freedom to Read Foundation begins at \$10.00 per year. Contributions to the Foundation should be sent to: Freedom to Read Foundation, 50 E. Huron St., Chicago, Ill. 60611. All contributions are tax-deductible.

## Trustees Honor Late Justice Douglas

### Highlights of Chicago Midwinter Meeting

*In a presentation to the Council of the American Library Association at the ALA's 1980 Midwinter Meeting, FTRF President Florence McMullin reported on the business transacted by the Foundation Trustees at their January meeting.*

Tomorrow Justice William O. Douglas will be buried in Arlington National Cemetery. You all know that the freedom to read has lost an unfailing ally. At our meeting on January 19, the Trustees of the Freedom to Read Foundation unanimously adopted the following resolution:

WHEREAS, Justice William O. Douglas served for over thirty-six years as the conscience of the Supreme Court in the defense of First Amendment rights; and

WHEREAS, His total commitment to intellectual freedom and the constitutional right to read of every citizen never failed or flagged or yielded to fear or favor; and

WHEREAS, The words of his opinions will forever inspire Americans to defend their constitutional heritage of freedom and forever constitute the rationale of the defense; and

WHEREAS, With the death of Justice Douglas on January 19, 1980, libraries and librarians have lost a friend who can never be replaced and who can never be forgotten;

NOW, THEREFORE, BE IT RESOLVED, That the Freedom to Read Foundation honor the memory of Justice Douglas and dedicate itself to continue the work to which he dedicated his life—eternal vigilance in defense of the First Amendment.

Virtually from the beginning of these Freedom to Read Foundation reports to Council, you have heard about *Moore v. Younger*. This is the suit of California librarians, the California Library Association, and the American Library Association against the state "harmful matter" law. Today we are proud to announce a victory.

Three weeks ago, the attorney general of California, George Deukmejian, declared that the state now considers itself bound in all respects by the 1975 decision of Los Angeles Superior Court Judge Robert Schifferman, who ruled that public and school librarians serving minors are exempt from criminal prosecution under the "harmful matter" law.

The attorney general's letter was sent to the California state librarian in compliance with an order issued by U.S. District Court Judge Harry Pregerson. This federal order was sought by the Foundation because the attorney general refused to accept Judge Schifferman's ruling as binding.

In February the Foundation will announce these important legal events in a mailing to librarians throughout California. It would be wise for California librarians to

*(Continued on p. 4)*

## Zykan v. Warsaw Community School Corp.

### Foundation Files Appellate Brief In Support of Indiana Students

*In a friend-of-the-court brief filed with the U.S. Court of Appeals for the Seventh Circuit in February, the Freedom to Read Foundation, joined by the National Council of Teachers of English and its Indiana affiliate, supported the efforts of Warsaw, Indiana students who want to reverse censorship of their community schools by the school board.*

*The students filed suit in U.S. District Court last year to challenge actions of the school board that removed books from classrooms and libraries and canceled virtually all of the high school English curriculum. The suit was dismissed by Judge Allen Sharp.*

*The Foundation, the National Council of Teachers of English and the Indiana Council of Teachers of English told the appellate bench:*

This case holds national attention and importance. It touches directly on education and freedom to learn, two special concerns to everyone in our society. The purported conflict between these two concerns, as seen by the Warsaw School Board of Trustees, has led to the public burning of books—an event rarely seen in America and frighteningly reminiscent of Germany in the 1930s. The book burning, and the deeper emotions and motivations behind it, have focused the national press on this case. . . .

Censorship of curriculum and library materials was once a problem of little incidence. Today such censorship has burgeoned to an issue of national importance as school officials and special interest groups full of Orwellian notions of what is right seek to impose their narrow political, religious, and social views on public high school students. All too often, textbook selections do not utilize criteria regarding language, students' "sensitivity," or education for moral values. Selection decisions, in truth, are used to achieve the ends of the political censor.

There is an ever-growing danger that "a pall of orthodoxy" is falling over the classrooms of the nation. In New Hampshire, *Ms.* magazine was removed from the high school library, because of its "political" content." *Salvail v. Nashua Bd. of Educ.*, 469 F.Supp. 1269, 1274 and n. 4 (D. N.H. 1979). On Long Island, *Best Short Stories By Negro Writers* was temporarily removed from the high school library, curriculum and access restrictions were put on Richard Wright's classic *Black Boy*, and other books including *Down These Mean Streets*, an autobiography by a Puerto Rican youth in Spanish Harlem, were removed from the library permanently. *Pico v. Board of Educ.*, 474 F.Supp. 387, 391 (E.D. N.Y. 1979). In one large California school district, students

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### Highlights (from p. 3)

keep the *Moore v. Younger* documents on file to bring an end to raids on libraries like the one that closed an art exhibit in a Palos Verdes library.

Many of you have read in *American Libraries* about the legal battle of Jeanne Layton to regain her job as director of the Davis County Library in Utah. Ms. Layton was fired in September in an action which the Davis County Merit Council unanimously ruled was without appropriate legal basis.

At the heart of the dispute is County Commissioner Morris Swapp's focus on the book *Americana*, which he considers "immoral." There can be no doubt, of course, that this work is fully protected by the First Amendment.

Today, Ms. Layton is back on the job, as a result of the Merit Council ruling. But the struggle is far from ended. Commissioner Swapp and his allies on the library board have imposed severe restrictions on the director's position. For example, the director cannot purchase books or other materials without the explicit permission of a library trustee.

Ms. Layton has taken legal action in the federal courts to protect her personal and professional rights. To date, the Freedom to Read Foundation has contributed nearly \$9,000 toward payment of her legal fees, but the battle has been, and will continue to be, costly. A large balance will remain to be paid if she cannot win a favorable court judgment which includes payment of her legal fees.

### Trustees Focus on School Library Censorship

The federal court case over censorship of school libraries in the Island Trees School District on Long Island continues in the U.S. Court of Appeals for the Second Circuit. Acting on behalf of the American Library Association and the New York Library Association, the Foundation has filed a friend-of-the-court brief in support of the student plaintiffs. If the case goes to the U.S. Supreme Court, as it very well may, the Foundation will take appropriate steps to defend the students' right to read. You will recall that this case involved the board-ordered removal of such works as *The Fixer* and *Slaughterhouse-Five*.

In a second school library case, also currently before the Second Circuit Court of Appeals, the Foundation voted to grant an additional \$1,000 to the Vermont Civil Liberties Union to pay the direct costs of volunteer attorneys. This case involves the First Amendment rights of Librarian Elizabeth Phillips and student plaintiffs who have challenged censorship of the Vergennes Union High School library.

In a third public school case—one that *Saturday Review* described as "book burning in the heartland"—the Foundation will file a friend-of-the-court brief in the U.S. Court of Appeals for the Seventh Circuit here in Chicago. This suit, brought by students, responds to ac-

tions of the Warsaw, Indiana school board that canceled virtually the entire English curriculum and removed dozens of books from classrooms and libraries.

In closing, I want to stress what is apparent to all of the Trustees of the Freedom to Read Foundation. The freedom to read needs the support of the personal members of the American Library Association. Undeniably, First Amendment rights are crucial to librarians and library users. Censorship problems increase dramatically in times of national and international tension. If every personal member of the ALA were to join the Foundation at the basic level of \$10, our ability to act would be increased by a factor of ten. Won't you join us now—at *this* Conference.

Respectfully submitted,

FLORENCE McMULLIN

President

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### Supreme Court (from p. 1)

her publisher, in a libel award upheld by a California appellate court in 1979.

Three justices, William J. Brennan Jr., Potter Stewart, and Thurgood Marshall, voted to hear the case. The votes of four justices are required to grant review.

The libel award against Gwen Davis Mitchell and her publisher, Doubleday, was based upon Mitchell's "libelous" portrayal of Paul Bindrim, a California psychologist who successfully claimed he was the model for Simon Herford, a character in Mitchell's book *Touching*.

According to Mitchell, *Touching* was based in part on experiences she had in attending a "nude marathon" encounter session conducted by Bindrim. But Mitchell said the character in *Touching* was unlike Bindrim in name, appearance, and personality.

In action on other cases before the Court, the justices:

- Let stand a decision allowing public schools to fire teachers who refused to teach the Pledge of Allegiance and patriotic songs. The Court rejected the appeal of a Chicago elementary school teacher who was dismissed after she told officials that her religious beliefs prohibited her participation in such instruction.
- Declined to revive the complaint of a television watchdogging group that CBS is unfairly "dovish" on issues of national security.
- Refused to review lower court rulings that the Federal Bureau of Investigation acted properly when it withheld certain materials sought by Studs Terkel from his FBI dossier.
- Turned down a request by a group of adult motion picture theaters in Texas that enforcement of a new state law regulating the showing of allegedly obscene films be temporarily stayed. Only Justices Marshall and Brennan said they would have granted the request.

## California Suit (from p. 1)

ciation, the California Library Association, and the Los Angeles Public Library Staff Association. The original defendant was the former attorney general, Evelle Younger.

## Seven-Year Battle

The history of the California Attorney General's efforts to avoid a final ruling in favor of librarians is complex, but the steps leading to our victory can be briefly outlined.

In 1973, a three-judge federal panel in Los Angeles ruled on the federal suit filed by the plaintiffs against the "harmful matter" law. The federal panel found that the suit against the law raised serious constitutional questions under the First Amendment, but the panel decided to withhold a final ruling until the California courts could interpret the law.

In 1975, in response to the suit filed by the plaintiffs in the state court system, Judge Schifferman held that librarians acting in fulfillment of their duties as librarians cannot be prosecuted under the law.

The California statute defines "harmful matter" as

matter, taken as a whole, the predominant appeal of which to the average person, applying contemporary standards, is to prurient interest, i.e., a shameful or morbid interest in nudity, sex, or excretion; and is matter which taken as a whole goes substantially beyond customary limits of candor in description or representation of such matters; and is matter which taken as a whole is utterly without redeeming social importance for minors.

The language of the statute is based, of course, on the language of obscenity laws. But, like other "harmful matter" laws in the United States, it reaches beyond so-called obscenity and makes it a crime for anyone to disseminate "harmful" materials to minors.

The Freedom to Read Foundation's legal argument against the law was three-fold.

- First, given the history of notorious problems associated with obscenity laws applied to adults, the "harmful matter" law is vague and impossible to understand because minors who use libraries can be five years old or sixteen. The differences in development, sophistication, etc., implied by eleven years' difference in age are enormous and make it impossible to arrive at a clear grasp of what the law forbids.

- Second, the "harmful matter" law requires librarians to establish a comprehensive system of self-censorship that cannot be monitored by the judicial system. Yet, the U.S. Constitution requires that censorship be imposed on the public only by competent courts of law.

- Third, the law ignores the special role and nature of libraries as non-commercial institutions.

Development of the suit was supervised by Foundation General Counsel William D. North.

## Atlanta Prosecutor Found Guilty of 'Harassing' Retailers

Fulton County (Atlanta, Ga.) Solicitor Hinson McAuliffe unconstitutionally pursued a "scheme of warrantless arrests and harassing visits to retailers" who sold *Oui*, *Penthouse*, and *Playboy*, the U.S. Court of Appeals for the Fifth Circuit ruled in February. All three members of the panel agreed that McAuliffe's conduct represented illegal prior restraint of First Amendment freedoms.

In addition, the appellate judges held that the "taken as a whole" aspect of the U.S. Supreme Court's test for obscenity must be applied to entire issues of magazines rather than their "separate component parts."

However, two magazines before the court—the January 1978 issues of *Penthouse* and *Oui*—were held to be obscene by Judges Homer Thornberry and Charles Clark. All three judges agreed that the January 1978 issue of *Playboy* was not obscene.

When he considered the case, U.S. District Court Judge Richard C. Freeman ruled that all the magazines were non-obscene. Appellate Judge Phyllis Kravitch agreed with Judge Freeman's opinion of the three publications.

In a friend-of-the-court brief submitted to the appellate bench, the Freedom to Read Foundation argued that the "taken as a whole" test must be applied to each issue of a magazine in its entirety.

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## Committee Nominates (from p. 2)

Trustees serving on the Board by virtue of their office in the American Library Association are Frances C. Dean, chairperson of the Intellectual Freedom Committee; Thomas J. Galvin, ALA president; Peggy Sullivan, ALA president-elect; and Robert Wedgeworth, ALA executive director.

Officers of the Foundation are Florence McMullin, president; Eli M. Oboler, vice president; and Neil H. Adelman, treasurer. Judith F. Krug serves as secretary.

## Have you overlooked your membership renewal notice?

Your membership in the Freedom to Read Foundation represents a personal commitment to the defense of First Amendment rights. As you read this issue of *FTRF News*, remember that our story of resistance to censorship is a story that depends on you. If you haven't returned your 1980 membership renewal envelope, please take a moment today to send it in.

### Appellate Brief (from p. 3)

are required to take a course called "Free Enterprise." One question in the course asks, "True or false: The Government spends too much money on the environment." The "correct" answer, the students are told, is "true." King, "Censorship of Textbooks Is Found on Rise in Schools Around Nation," *N.Y. Times*, March 27, 1979, at B15.

Nowhere is the political nature of this new censorship more clear than in the leading case, *Minarcini v. Strongsville City School Dist.*, 541 F.2d 577 (6th Cir. 1976) (holding that students' First Amendment rights were violated). There, an Ohio school board removed from the high school library and curriculum Joseph Heller's prize-winning antiwar novel *Catch-22* and two novels by Kurt Vonnegut, an outspoken antiwar activist. In their place, the leader of the board's action recommended a biography of Herbert Hoover, the *Reminiscences of Douglas MacArthur*, and Solzhenitsyn's *One Day in the Life of Ivan Denisovich*. One need not be a cynic to see a determined and intentional shift in political coloration. The proposition that students are free to think and explore the world of ideas but can read no books by anyone to the left of Herbert Hoover and Douglas MacArthur—or the right of Karl Marx, for that matter—can only be described as the ultimate educational "Catch-22."

The instant book burning in Warsaw may be the most egregious case of censorship yet. Many of the books banned from the curriculum here relate to women, their rights and their role in society. We are in the midst of a national debate on the Equal Rights Amendment to the Constitution and a raging controversy over women in our armed forces, and these are subjects of indisputable public concern. While such curriculum restrictions may be appropriate in a private school, *Pierce v. Society of Sisters*, 268 U.S. 510 (1925), no public school official should be allowed to force his parochial views of the woman's place in our world upon public high school students.

We believe that Judge Sharp erred in dismissing plaintiffs' complaint here. In our view, it plainly states a claim. The plaintiffs have made very serious charges, and their complaint and affidavits show that they are entitled to a hearing on the merits.

### Argument

Judge Sharp must be reversed because he applied the wrong standard of law in summarily dismissing plaintiffs' complaint. He held that plaintiffs' allegations that school officials made curriculum decisions for "political" purposes were "insufficient" to allege a violation of constitutionally protected rights. His decision ignores over fifty years of constitutional law.

The First Amendment does not stop at the school house door. Since *Meyer v. Nebraska*, 262 U.S. 390

(1923), the Supreme Court has held that public school curriculum decisions are *not* immune from judicial scrutiny. Even when the Court has bowed most deeply in judicial deference to local school boards, it has intervened to protect fundamental rights. *E.g.*, *Epperson v. Arkansas*, 393 U.S. 97 (1968) (courts should defer to local school authorities, but law mandating religiously motivated curriculum struck down); *Meyer v. Nebraska*, 262 U.S. 390 (1923) (state properly has extensive control over education, but law prohibiting modern language curriculum struck down). In each case, deference to school authorities must be weighed against the particular curriculum or actions mandated or prohibited and the motivations behind them.

By its nature, the learning process exposes high school students to widely divergent commentaries on values, customs, laws and beliefs. School officials must accept a diversity of views in the classroom, because the Constitution will tolerate no state-imposed orthodoxy in the schools regarding political, religious or social beliefs exposed to students. *E.g.*, *Tinker v. Des Moines Ind. Comm. School Dist.*, 393 U.S. 503 (1969) (political expression protected); *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624 (1943) (religious belief protected); *Meyer v. Nebraska*, 262 U.S. 390 (1923) (ethnic identity protected). "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion. . . ." *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. at 642.

The public school should be a vibrant, free market of ideas. Indeed, if the "right to read and be exposed to controversial thoughts," *Right To Read Defense Comm. v. School Comm.*, 454 F.Supp. 703, 714 (D. Mass. 1978), cannot flourish in the school house, the prospects are bleak that it will ever flourish anywhere in society. The Supreme Court has recognized "the right of the public to receive suitable access to social, political, esthetic, moral and other ideas and experiences. . . ." *Red Lion Broadcasting Co. v. FCC*, 395 U.S. 367, 390 (1969). This right extends to "all issues about which information is needed or appropriate to enable the members of society to cope with the exigencies of their period." *Thornhill v. Alabama*, 310 U.S. 88, 102 (1940). If public high school students do not share this right, they will find it of little value once they grow old enough to "deserve" it. . . .

### Standard

We submit that the determinative factor to prove a violation of a student's rights in cases like this is whether a school official or board intentionally acted to impose a closed system of political, religious, and social views on public school students. For example, a decision not to teach evolution because of academic reasons or reasons

of time and economy would not implicate the Constitution, but a ban on teaching Darwinian evolution because of religious motives is unconstitutional. *Epperson v. Arkansas*, 393 U.S. 97 (1968). Similarly, to require a course in civics is wholly proper, but to forbid all criticism of the Government in the classroom is not. *Tinker v. Des Moines Ind. Comm. School Dist.*, 393 U.S. 503 (1969). Or, to teach a course in environmental economics is permissible, but to teach that the federal Government spends too much money on pollution control is not. As with proscribed racial discrimination, the intent of the state officials proves the constitutional violation. *Village of Arlington Heights v. Metropolitan Housing Dev. Corp.*, 429 U.S. 252 (1977). . . .

**ALA approves new text**

***Library Bill of Rights***

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
5. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
6. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 18, 1948.  
Amended February 2, 1961, June 27, 1967, and  
January 23, 1980, by the ALA Council.

**Report of the Auditors**

At its 1980 midwinter meeting, the FTRF Board of Trustees received and approved the annual report of the appointed auditors, Kupferberg, Goldberg & Neimark, Certified Public Accountants, 111 E. Wacker Drive, Chicago, Ill. 60601.

*The report stated:*

We have examined the comparative statement of assets and fund balance arising from cash transactions of the Freedom to Read Foundation as of August 31, 1979 and 1978 and the related comparative statement of cash receipts and expenditures and fund balance for the years then ended. Our examination was made in accordance with generally accepted auditing standards and, accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

As described in Note 1, the Foundation's policy is to prepare its financial statements on the basis of cash receipts and disbursements; consequently, revenue and the related assets are recognized when received rather than when earned, and expenses are recognized when paid, rather than when the obligation is incurred. Accordingly, the accompanying financial statements are not intended to present financial position and results of operations in conformity with generally accepted accounting principles.

In our opinion, the financial statements referred to above present fairly the assets and fund balance arising from cash transactions of the Freedom to Read Foundation as of August 31, 1979 and 1978, and the revenue collected and expenses paid during the years then ended, using the method of accounting described in Note 1, which method has been applied on a consistent basis.

*Freedom to Read Foundation  
Comparative Statement of Assets  
and Fund Balance  
(Cash Basis)  
August 31, 1979 and 1978*

	<i>Assets</i>	
	1979	1978
Cash in bank	\$ 1,297	\$ 2,705
Cash in savings account	39,080	30,305
Cash in savings account (David H. Clift Fund)	1,489	1,412
	<u>\$ 41,866</u>	<u>\$ 34,422</u>
	<i>Fund Balance</i>	
Fund balance	<u>\$ 41,866</u>	<u>\$ 34,422</u>

*(Continued on next page)*

*Comparative Statement of Cash Receipts and Expenditures and Fund Balance  
For the Years Ended August 31, 1979 and 1978*

	1979		1978	
	Amount	% to Total Receipts	Amount	% to Total Receipts
<i>Receipts</i>				
Memberships received	\$ 27,693	90.1%	\$ 27,523	94.8%
Interest on savings accounts	2,852	9.3	1,433	4.9
Sale of briefs	196	.6	79	.3
Total receipts	30,741	100.0	29,035	100.0
<i>Expenditures</i>				
Legal fees	8,238	26.8	31,171	107.3
Meeting and convention expenses	2,958	9.6	159	.6
Grants	4,300	14.0	2,546	8.8
Accounting, audit and election fees	1,480	4.8	1,187	4.1
Printing and duplicating expense	4,314	14.0	4,930	17.0
Stationery expense	723	2.4	297	1.0
Postage and mailing	174	.6	88	.3
Temporary office help	35	.1	127	.4
Publications	70	.2	115	.4
Franchise tax	5	-	5	-
Space and personnel	1,000	3.3	-	-
Total expenditures	23,297	75.8	40,625	139.9
<i>Excess or (deficiency) of cash receipts over expenditures</i>	7,444	24.2%	(11,590)	(39.9)%
<i>Fund balance, beginning of year</i>	34,422		46,012	
<i>Fund balance, end of year</i>	\$ 41,866		\$ 34,422	

The accompanying **Notes to Financial Statement** are an integral part of this report.

**Note 1.** These financial statements are prepared using the "cash basis" of accounting. Accordingly, receipts are recorded only as collected and expenditures are recorded only as actually disbursed. Amounts receivable

and payable by the Foundation are not included.

**Note 2.** The Foundation has been granted exemption from federal income taxes under Section 501(c)(3) of the Internal Revenue Code. Accordingly, no federal income tax provision has been recorded in these financial statements.

**Freedom to Read Foundation**  
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**Ballots Coming!**

This issue of *FTRF News* announces the slate for the 1980 election. Ballots will be mailed on May 1 to all Foundation members who have paid their 1980 dues by that date. If you have overlooked your 1980 contribution, please send your check today.