

Ex-City Librarian Sues City For Job

Miss Ruth W. Brown, discharged as city librarian by city commissioners last July 25, Thursday morning filed a petition in district court asking that she be reinstated.

With Darlene Essary, a member of the old library board which was dissolved under a new ordinance enacted by the city commission last June 24, listed as a co-plaintiff, the following defendants were named in the civil action:

Edwin S. Dunaway, E. F. Kinsdvrer, Milo L. Margenau, W. A. Forrest and Joe Henton, members of the board of city commissioners; City Manager E. E. Jones; E. R. Christopher, Mrs. Lloyd Lynd, Dr. Elizabeth Chamberlin, Don Koppel, Russell Blachly and George Cohrs, members of the recently appointed library board, and Virginia Lasley, who was appointed city librarian after Miss Brown was discharged.

IN HER PETITION, Miss Brown charges that the new library ordinance is in conflict with state laws and that she was illegally removed. Highlights of her petition are as follows:

"During 1911 the city council decided to establish and maintain a public library and reading room.

"Pursuant to state statutes and ordinances of the city a library board of six directors was created to hold office for a term of three years, one third of whom should be appointed each year.

"**PRIOR TO MAY, 1950** and at all times subsequent thereto Darlene Essary, Russell Davis, Richard Kane, Mrs. Effie Freiburger and Mrs. Olga Beecher were qualified and acting members of the library board. A vacancy exists in that one of the six members of the library board has vacated his office, leaving only the five named members.

"On June 14, 1950 the city commissioners enacted a new ordinance, repealing the ordinance of 1924 and providing for a new library board to consist of six members to serve two years each; three of whom were to be appointed each year.

"Pursuant to said purported ordinance the city commissioners purported and attempted to
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appoint Christopher, Mrs. Lynd, Dr. Chamberlin, Koppel, Blachly and Cohrs as members of the library board.

"THE NEW ORDINANCE also provides that the library board shall be subject to removal at any time by the board of city commissioners without cause.

"The ordinance also provides that the librarian may be appointed with the approval of city commissioners and shall be subject to removal at any time by the city commissioners.

"The new ordinance is in conflict with state laws. Under state law the library board is to hold office for terms of three years with two members of the board to be appointed each year and may be removed by the mayor by and with the consent of city commissioners, only for cause, to wit, for misconduct or neglect of duty.

"The new ordinance also is in violation of state law in that the library board has the power to appoint a suitable librarian and necessary assistants and to fix their compensation without approval of the city commission and alone has the power to remove such librarian.

"UNDER STATE LAW the library board cannot be removed by city commissioners without being given notice of proceedings to remove them and an opportunity to be heard.

"The mayor and city council have not given the library board notice of an intention to remove them or an opportunity to be heard and consequently Russell Davis, Richard Kane, Mrs. Effie Freiburger, Mrs. Olga Beecher and Darlene Essary have not been removed as members of the library board and are now the duly qualified and acting members and that the new board has no right to exercise powers and duties of the library board.

"THE LEGALLY CONSTITUTED library board has not removed or attempted to remove Ruth W. Brown as librarian.

"On July 25, 1950 the city commissioners attempted to remove Miss Brown as librarian and notified her of the attempted removal and the defendants, acting in their capacity as purported members of the library board and as members of the board of city commissioners attempted to appoint Virginia Lasley as acting librarian.

"RUTH W. BROWN objected to the attempted removal and has demanded of the defendants that the custody of the library be returned to her but the demand has been denied.

"The attempted removal of Miss Brown was illegal and void and the appointment of Virginia Lasley is likewise illegal and void.

"It is the plain legal duty of the defendants to deliver to Ruth W. Brown the books, records and appurtenances of the library and to desist from interfering with her exercising the powers and duties as such librarian."

THE SUIT ASKS A judgment decreeing that the new ordinance is null and void; that the appointment of the new board is null and void; that the old board is the duly qualified and acting members of the library board, and that Ruth W. Brown is the duly appointed librarian.

District Judge James T. Shipman signed an alternative writ of mandamus ordering the defendants to either deliver the books and records of the library to Miss Brown or appear on Oct. 2 to show cause for refusal.