

# The Marlatt (and Morin) Case

## Abby Marlatt

- B.S. Kansas State University
- Ph.D. University of California, Berkeley
- 1945 - Associate Professor (later Professor),  
University of Kansas
- 1956 - Appointed Director of UK School of  
Home Economics
  - Begins activity with UK student YMCA;  
counsels students on approaches in civil  
disobedience toward nonviolent objectives



# Feb. 2, 1962: Marlatt Participates In Public "Stand-in" To Protest For Racial Equality

## Theater Sues C.O.R.E. In Stand-Ins

### Claim Situation May Cause Injuries

2-21-62  
Lexington, Ky., Feb. 20 (AP)—  
Owners of the Strand Theatre here filed suit Monday to prevent further stand-ins, claiming they have created a dangerous situation likely to cause injury or bloodshed.

The Phoenix Amusement Company filed suit in Fayette Circuit Court against Lexington chapter of the Congress of Racial Equality and seven individuals claimed to be members.

The individuals include a top University of Kentucky official, a university sociology instructor, and a student at the College of The Bible here.

### Charges Dismissed

Breach - of - peace charges were dismissed here Saturday against six C.O.R.E. members arrested Friday night for allegedly blocking the Strand's sidewalk and refusing to move.

The suit asks an injunction to prevent C.O.R.E. members from trespassing on theater property or blocking its premises. Attorneys said they will seek a restraining order Tuesday—the first step toward obtaining a permanent injunction.

### Include Instructors

The defendants include Dr. Abby Marlatt, director of the University of Kentucky School of Home Economics; sociology instructor Daniel S. Claster, Bible student Daniel C. Garrison, and Julia Lewis, Audrey L. Grevious, Bobby C. Wilhite, and Simon W. Gentry.

The suit said the seven individuals were being sued as representatives of C.O.R.E. and that the organization's members were too numerous to bring to court. C.O.R.E. is trying to force the theater to admit Negroes.



# March 27, 1962: Marlatt Publishes Letter in UK Kentucky Kernal Advocating Conscientious Objector Philosophy;

## Informed Citizenry Called The Basis Of Democracy

By DR. ABBY L. MARLATT  
Dean Of The School Of Home  
Economics

My views of politics and government are based on the recognition of the innate worth of the individual and on my belief in the capacity for good in every person.

I recognize, of course, that this capacity is not equally developed in all persons.

I believe that we should attempt to preserve our democratic form of government as one which derives from the will of the people and which seeks to preserve individual freedoms so long as their exercise does not deprive others of their freedoms. This assumes a balance between freedom and responsibility for each citizen, and further assumes that the responsibility for government rests with each individual citizen.

Therefore, I believe that I have an obligation to participate in community affairs and to try to influence, to the extent that I am able, the conduct and trends of community, state and national government. I believe I have an obligation to oppose policies and practices which, I believe, are not in the best interests of all people in our communities—local, state, national and international.

I am particularly concerned with individual freedoms as set forth in the "Bill of Rights," including freedom of religion and freedom of speech, and expanded by further

amendments to apply to all citizens regardless of sex, race or national origin. I support those who because of religious training and belief are conscientious objectors to military service, and those who seek more creative roads to international peace than preparations for war. *Ky. Kernal*

A healthy democracy is based on an intelligent and informed citizenry. This requires that all citizens be able to get information representing the various points of view on all public issues. All too often today the commonly available communication channels cover only part of the news and present only one point of view. **MAR 27 1962**

Today our community is the world and all its citizens belong to one race—the human race. In this rapidly shrinking world peoples of the rapidly developing countries are still looking to us in the United States for leadership in solving their economic, social and political problems. We can no longer afford the luxury of discriminating among people on the basis of race, color, national origin, creed, or sex in areas of citizenship rights (including voting rights), educational, and employment opportunities, housing, public services, and accommodation. Our potential friends in other lands are saying to us, "What you do speaks so loudly; we can not hear what you say."

# August 5, 1962: Marlatt (and Morin) Distribute 400 Pacifist Handbills, Advocating Civil Disobedience, In Front of Lexington Churches Publishes

AUGUST 6, 1945

## DARK DAY FOR HUMANITY!

On that date the U. S. Air Force unleashed a secretly developed weapon of intense destructive power on the people of Japan.....and on all the people of the world.

For the threat of annihilation has made people in all countries hostages of the world's militarists and scientists, acting under direction of their respective governments.

1945

The Hiroshima Bomb:  
20,000 tons of TNT  
equivalent.

The casualties:  
260,000 killed in  
the Hiroshima  
blast.

The U.S. and U.S.S.R. now have the total destructive power of 20 tons of TNT for every human being now alive; or 200 tons for every American citizen.

### WHAT CAN ONE PERSON DO?

Governments hold the power to destroy humanity. And these governments are not easily controlled, -- in a democracy, a republic, or a dictatorship.

(over)

The Situation  
Now: 1962

The 20 megaton bomb:  
1,000 times the destructive  
power of the Hiroshima  
bomb.

A 20 megaton bomb would  
destroy all concrete and  
brick structures within 200  
square miles. 1000° tem-  
peratures would make  
underground shelters a  
scorching inferno.

## BUT YOU ARE STILL A SOVEREIGN INDIVIDUAL!

YOU can decide whether to cooperate with the military and political leaders who have carried the world to the point of mutual mass suicide, or holocaust triggered by accident.

YOU can oppose these mad military policies by direct action:

- Refuse to pay income taxes.
- Do not work in a war plant.
- Do not register for the draft; or return your draft card if you have one.
- Join others in peace demonstrations. Make your views known.
- Work to become a nonviolent individual; be careful not to exploit or dominate others; and do not accept domination or exploitation by others. This is the true meaning of freedom.

This leaflet prepared by PEACEMAKERS,  
10208 Sylvan Ave., Cincinnati 43, Ohio

and distributed by:

MISS ABBEYL MARLATT  
230 Talpers Road  
Lexington, Kentucky

*I believe this position is the only  
thoughtful conservative M.M.*

# August 8, 1962: UK President Frank Dickey Issues Press Release in Response to Activities of Marlatt (and Morin)

## President Dickey's Total Public Statement:

In response to the questions and editorials relative to the distribution of handbills by faculty members, the University of Kentucky does not in any way subscribe to the propositions that the law of our land be violated. In the tradition of this nation and in the academic setting of freedom, a citizen must be guaranteed freedom of speech. In actuality, the problem in this case is not too much one of "academic freedom", since this term refers to freedom in the classroom. Rather, it is a case of how far freedom of speech is permitted. We feel that a grave error has been committed when advice is given to break the laws of the United States. I personally do not agree with the means which have been suggested for the accomplishment of certain objectives for peace.

# Kentucky Newspapers Print Editorials

## Critical of Marlatt and Morin Activity

### What About "Academic Freedom?"

According to news stories, the handbills were placed in churches or distributed in front of churches. According to news stories, Edward A. Morin, Jr., identified as an English instructor at UK, and Miss Abbey L. Marlatt, head of the Department of Home Economics at UK, were connected with the movement. We do not suggest that the distribution of this material was in any manner connected with the University or that these two faculty members were representing the university in their actions, but we do suggest that since as members of the UK faculty they are charged with

the responsibility of instructing our youth, the University of Kentucky should make a thorough investigation of this incident. It would seem that persons who openly advocate violation of our laws, even in their extracurricular activities, should not be entrusted to teach our children.

If the University of Kentucky wants to keep its skirts clear of any possible charges that it is promoting un-American activities, then by all means its officials should initiate a thorough probe and let the public know their attitude in cases involving faculty members.

To see the entire editorial in the Aug 9 1962 Kentucky Standard, [click here](#)

# President Dickey Reports Marlatt & Morin Activity to the Attorney General of the United States, Robert F. Kennedy, Aug 12 1962

The Honorable Robert F. Kennedy  
The Attorney General of the United States  
Washington, D. C.

My dear Mr. Attorney General:

I am enclosing a handbill which has been distributed on the streets of Lexington by two University of Kentucky faculty members. We are concerned because there is some feeling that there may be a technical violation of some of the conspiracy statutes of the United States. The ideas that are expressed here, indicating that citizens should refuse to pay income taxes and should not register for the draft, are major points of concern. We have taken no action whatsoever in these cases because unless there is some indication that statutes of the United States have been violated we shall consider that these staff members have acted as citizens and not as staff members and are, therefore, guaranteed usual freedom of speech and action.

I should appreciate, however, any information which you might be able to supply relative to the legal point of view in this particular question. I should also be pleased to have some additional information regarding the organization "Peacemakers" of Cincinnati, Ohio.

Very truly yours,

Frank G. Dickey  
President

# August 24, 1962: UK Board of Trustees Establishes Faculty-Board Committee To Investigate Newspaper Reports of Marlatt's Activity

## T. Information on Distribution of Handbills by Faculty Members Requested.

Dr. Ralph J. Angelucci asked President Dickey for a statement of developments concerning published newspaper reports of the distribution of handbills in the City of Lexington requesting people to refuse to register for draft purposes or pay income taxes under certain conditions. President Dickey complied with the request and gave a brief resume of developments, stating that he had made inquiry of State and Federal officials as to whether or not State or Federal laws had been violated. He also stated that he had interviewed Mr. Edward A. Morin and Dr. Abby Marlatt and that they maintain they were acting as private citizens and not representing the University. The attitude of the faculty was discussed and various members of the Committee made brief statements: whereupon, a motion was made, seconded and carried that the Chairman of the Executive Committee appoint a committee composed of faculty and Board members to investigate and report to the Board of Trustees. Dr. Angelucci stated that he would name the committee before the Executive Committee adjourned, and he did later make the following designations: Robert H. Hillenmeyer, Clifford E. Smith, Sam Ezelle, Paul Oberst, Wendell C. De Marcus and Dr. Edmund D. Pellegrino.

From August 24, 1962 Minutes of Board of Trustees

To see President Dickey's statement of procedural charge to the Faculty-Board Committee, [click here](#)



# Faculty Board Committee Holds Hearing With Marlatt (and Morin) on Sept 12 1962; Official Transcript is Made

FACULTY-TRUSTEE COMMITTEE MEETING HELD  
WEDNESDAY, SEPTEMBER 12, 1962, AT THE  
HOUR OF ABOUT 1:30 P. M. IN ROOM 206,  
STUDENT UNION BUILDING, UNIVERSITY OF  
KENTUCKY, LEXINGTON, KENTUCKY,

Present were: Chairman, Robert Hillenmeyer, Sam  
Ezelle, Clifford Smith, Wendell DeMarcus, Dr. Edmund  
Pellegrino and Paul Oberst.

MR. SMITH: For the record, I would like to advise  
as a member of the committee and a member of the Board of  
Trustees that Miss Marlatt and the other gentleman under  
their Constitutional rights are not required to say anything

whatever and are not required to answer any questions that  
might be asked either of you and if you waive those  
Constitutional rights and desire to answer questions or  
make statements, whatever statements you make might be used  
against you in any action that should be taken at a hearing  
before the Board of Trustees or any action that should be  
taken of a criminal nature before the courts. Do you agree  
with that, Dr. Oberst?

DR. OBERST: I might add that you don't have to  
answer any questions that you feel you don't want to answer  
not whether they might incriminate you but if you don't want  
to say, you don't have to say.

MR. SMITH: You can refuse to answer or say no but a  
transcript is being taken and with that admonition whatever

First page of transcript; for entire transcript [click here](#)

# Sept. 18, 1962: Board's Committee Reports to BOT; Reviews UK Tenure Regulations; Recommends Against Punitive Action

R. Report of the Committee of the Executive Committee on Handbill Distribution by Dr. Abby Marlatt and Edward A. Morin.

It was recalled that a committee was appointed to investigate the passing out of handbills in front of some churches in the City of Lexington by two members of the staff of the University of Kentucky on Sunday morning, August 5, 1962. Mr. Robert Hillenmeyer, chairman of the committee, stated that the committee did have a report and that four members of the committee had voted to make the report as written and two members of the committee had voted not to make the report as written. He read the report which related to the statutes involved, if any, the University Regulations as they relate to tenure of University faculty and the powers of the governing body of the University. Also, he referred to the academic freedom and political activities section of the regulations and to the recommendations of the committee.

"Sec. 6. Recommendations of the Committee.

"1. The members of the committee in no way subscribe to the action taken by Dr. Marlatt and Mr. Morin or the points made in the handbill. While we believe that they did not violate the Governing Regulations of the University, we feel that their action was imprudent in the light of its impact upon the community. In their position as professors at the University, they might expect to have an impact greater than others.

"4. The committee believes it would be unwise for any charges to be filed with the Board of Trustees.

A motion was made that the committee's recommendation be "accepted". A motion was made to amend the motion that the committee's recommendation be "received and filed". A general discussion ensued concerning the law, freedom of personal speech, tenure, etc., and after a thorough discussion, a motion was made, seconded and carried that the committee's recommendation be received and filed.

From Sept,  
18, 1962  
Minutes of  
Board of  
Trustees

To see full  
committee  
report,  
[click here](#)

# Prior to Sept 18 1962 Board Meeting, President Dickey Prepares for the Board a *Recommendation, That Is Not Publicly Disclosed,* That The Board Ought to Terminate Marlatt (and Morin)

The problem of the faculty members and the student who distributed handbills suggesting violation of federal laws is a very complex one. Everyone of us knows that we are living in a time of upheaval throughout the world--a time of conflict and peril--a time of trial and testing for our nation--and for each of us individually. As I have stated publicly, the University of Kentucky does not hold the point of view expressed by these persons and I personally disagree completely.

In view of all the evidence which we have at our command and in light of the investigations made by the Faculty-Board Committee, it is my belief that the Board of Trustees should terminate immediately the appointments of Dr. Abby Marlatt and Mr. Edward Morin, Jr. This decision is not one which has been arrived at hastily. It is based on all of the court evidence in similar cases and is based upon that which seems to be best for the University and the national interests. In making this recommendation, I wish to state emphatically that the University in no way views this as a limitation upon freedom of speech or inquiry. Even though the suggestions

(from pgs 1, 4 and 5; to see the entire five page recommendation, [click here](#))

# **Sept. 18, 1962: Board of Trustees Receives Petition Signed by 15 Private Citizens That Urges Dismissal of Marlatt (and Morin) from the University of Kentucky**

## **The Petition Stated:**

Marlatt (and Morin) by urging citizens to refuse to register for the military draft, violated the Universal Military Act, Section 462 of 50 United States Code Appendix, that forbids anyone to aid, abet, or encourage another person to evade Selective Service registration, under a maximum penalty of five years in prison or \$10,000 fine or both.

## **The Petition Charged:**

“We charge that the foregoing acts constitute incompetency, neglect of, or refusal to perform his duty or immoral conduct as provided by KRS 164.230.”\_

## **The Petitioners Requested:**

That the Board consider these as formal charges against Marlatt (and Morin) take formal action on these charges against the two individuals

(To see the actual petition, [click here](#))

# Sept. 18, 1962: Board of Trustees Discusses the Citizens Petition of Charges Against Marlatt (and Morin)

It was also called to the attention of the Board by the Chairman that fifteen citizens of Lexington and Fayette County had preferred charges against Abby Marlatt and Edward A. Morin and requested the Board of Trustees to consider the charges. A long discussion ensued as to what to do with the charges directed to the Board of Trustees by the Lexington and Fayette County citizens.

From BOT Sept. 18, 1962 minutes

**Chair of Board of Trustees (Governor Bert Combs) states:**

“They should be fired for incompetence...rather than being tried for something that could martyrize them.”

**Chair of Board Advisory Committee (Robert Hillenmeyer) states:**

“No university professor...should operate under the cloak of academic freedom to destroy a form of government which guarantees that freedom.”

**Board Member Clifford Smith states:** “...all of these freedoms [of speech] are subject to restraint for the public good...To advocate open defiance of the law is something that no court has yet approved.”

**Board Executive Committee Chair (Ralph Angelucci) noted** that a professor’s position in the community “imposes special obligations” and he then offered the option that Dr. Marlatt be removed from her post as Director of the School of Home Economics, since that Board action would require no public hearing.

## Sept. 18, 1962: Board Decides to Appoint New Committee to Investigate Charges Made in the Citizen's Complaint

After much discussion concerning the law involved, the acts of Abby Marlatt and Edward A. Morin, the reaction of the public and the unfavorable publicity received by the University, the question of freedom of speech, the meaning of democracy and civil liberties and the Bill of Rights, religious beliefs and convictions, the unwise and imprudent acts on the part of the individuals, a motion was made, seconded and carried that a new committee

be appointed, composed of three members of the Board, to report what action the Board should follow in connection with the charges filed by the citizens. The Chairman of the Board appointed Wendell Butler, chairman; Dr. R. W. Bushart and Aubrey J. Brown, members of the committee.

From Board Sept. 18, 1962 minutes

**Subsequent to Sept 18 1962 Board Meeting, Various University Faculty Groups Petition The Board In Support Of The Academic Freedom And Free Speech Of Marlatt (And Morin)**

**Sept. 24, 1962 - Petition by College of Commerce faculty**

(to see the petition and signatures, [click here](#))

**Oct. 9, 1962 - Petition by various University faculty members**

(to see the petition [click here](#))

**Oct. 30, 1962 - Petition unanimously voted by Arts & Sciences faculty to be transmitted to the Board**

(to see the petition, [click here](#))

**Marlatt-Morin Case<sup>60+</sup>  
Placed Under Study<sup>Leader</sup>  
By AAUP Chapter**

A study of the case of two University of Kentucky faculty members, Dr. Abby Marlatt and Edward A. Morin Jr., was turned over to a committee of the UK chapter, American Association of University Professors Friday.

Dr. Marlatt, head of the Department of Home Economics, and Morin, an English instructor, have been under criticism since they took part in distributing handbills last August advocating non-payment of income taxes and refusal to submit to the draft laws.

Dr. Wagner, president of the chapter, said the group's committee on academic freedom, headed by Dr. Morris Cierley, would study the matter and make a report to the chapter's directors.

(to see two chapters of the AAUP report from its study, [click here](#))



# Dec. 11, 1962: Inquiry At Board of Trustees Reveals Investigating Committee Has Not Acted On Marlatt Case

Minutes of the Board of Trustees of the University of Kentucky, December 11, 1962.

T. Dr. Abby Marlatt.

Mr. Sam Ezelle asked for the status concerning the controversy revolving about Dr. Abby Marlatt. He was advised that no change existed and no report was available.

(In fact, the appointed investigating committee never met at all)

# Dec. 20, 1962: President Dickey Declines College of Agriculture Dean's Recommendation that Dr. Marlatt be Demoted (At That Time) From Directorship of School of Home Economics

## *Dickey Refuses To Remove Home-Economics Head*

12-20-62 c-5

### 'Punitive' Label Feared In Move Now

By JIM HAMPTON

Courier-Journal Bluegrass Bureau

Lexington, Ky., Dec. 19.—

University of Kentucky President Frank G. Dickey has vetoed a recommendation to remove controversial Dr. Abby Marlatt as head of the School of Home Economics.

The president said he asked Dean Seay to talk with Miss Marlatt about their differences. This talk took place on January 7. Miss Marlatt said she then informed the Kentucky Civil Liberties union and the U. K. Branch of the American Association of University Professors of the recommendation.

Neither Dean Seay nor Miss Marlatt would enumerate the particulars on which he based his recommendation to replace her.

However, she said they "involved my lack of administrative leadership and failure to utilize normal channels of communication."

# June 3, 1963: Board of Trustees Demotes Marlatt, Acting Upon the Recommendation of President Dickey and Agriculture Dean Seay

## U. Of K. Demotes Dr. Abby Marlatt

6-5-63

Courier-Journal Bluegrass Bureau

Lexington, Ky., June 4.—The University of Kentucky Tuesday removed Dr. Abby L. Marlatt as director of the School of Home Economics, effective September 1.

U. K. President Frank G. Dickey emphasized that his action had nothing to do with Dr. Marlatt's passing out pacifist handbills at Lexington churches last summer.

In an interview last December, Miss Marlatt said the university's dissatisfaction with her work "involved my lack of administrative leadership and failure to utilize normal channels of communication."

Asked to define "normal channels," she said she referred to internal procedures and administrative matters.



DR. ABBY L. MARLATT

## **Epilogue: Subsequent to Her Retirement From the University of Kentucky, Abby Marlatt Received Numerous Accolades for Her Social Activities**

1985 - awarded UK's Sullivan Medallion for service to the community and University,

Honored by National Conference of Christians and Jews for her "leadership fostering amity, justice and cooperation among the people of Central Kentucky."

June 1999, Kentucky House of Representatives recognized here as a "model of good citizenship" for her continuing work with youth programs.



Epilogue: Several weeks after demoting Dr. Marlatt, President Frank Dickey resigned as President and left the University, June 30, 1963

New **President John Oswald** arrived in August 1963, and immediately began working with faculty trustee Paul Oberst, and the faculty Senate (Council Chair, Ralph Weaver), to have the Board adopt new procedural regulations on academic freedom to protect faculty from summary dismissal of appointment. On September 15, 1964, the UK Board of Trustees adopted a new regulation stating:

“If a faculty member on a non-tenure appointment alleges that a decision not to reappoint him was caused by considerations violative of academic freedom ... his allegations shall be given preliminary consideration by the Faculty Committee on Privilege and tenure... *Administrative personnel who hold academic rank are subject to the foregoing regulations in their capacity as faculty members.*”

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....forty years later, we still have that regulation,  
at Gov. Reg. X.B.8.....

...and now you know the rest of the story.