
ARIZONA HISTORICAL SOCIETY

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MS 1200

Elfbrandt, Barbara

Elfbrandt vs. Russell loyalty oath case documents, 1948-1996 (bulk: 1961-1966)

DESCRIPTION

This collection consists of material related to the Elfbrandt vs. Russell loyalty oath case in Tucson, 1961-1966. The majority of the collection consists of correspondence concerning the financial support of the Elfbrandts while their case was pending, and newspaper articles on or relating to the loyalty oath case. The remainder of the collection consists of legal documents, biographical material, financial records, awards, photographs, government documents and more.

3.5 boxes, 1.75 linear ft.

ACQUISITION

Barbara Elfbrandt donated the collection in November 2000.

ACCESS

There are no restrictions on access to this collection.

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Requests for permission to publish material from this collection should be addressed to the Arizona Historical Society - Tucson, Archives Department.

PROCESSING

Brandi Barleycorn, AHS volunteer, processed this collection under the supervision of Riva Dean. August 2001.

ARRANGEMENT

Six series : 1/Elbrandt , 2/Correspondence , 3/ECDLAPE , 4/Clyde Appleton , 5/Printed material, 6/Loyalty Oath.

BIOGRAPHICAL NOTE

Vernon and Barbara Elfbrandt spent nearly a decade trying to fight the Arizona loyalty oath statute, passed in 1961, on the grounds that the statute undermined their individual rights as U.S. citizens according to the United States Constitution. Vernon Elfbrandt was born in Montesano, Washington. He graduated from Eastern Washington State College with a degree in education. He married Barbara, and the couple moved to Tucson from Spokane, Washington in 1957. Vernon Elfbrandt taught at four Tucson junior high schools; Wakefield, Doolen, Utterback, and Maxwell.

In 1961 the state of Arizona passed a statute making it mandatory for all public employees to file a disclaimer oath/ loyalty oath in order to receive salary payment. At the time, the State of Arizona employed Barbara Elfbrandt as an eighth grade social studies and language arts teacher in the Amphitheater School District in Tucson. Her husband, Vernon Elfbrandt, was also a teacher in the district. As a matter of conscience and belief that the statute was in violation of the provisions of the United States constitution, the Elfbrandts filed an action in the Superior Court of Pima County, Arizona. Under the 1961 Arizona statute, the Elfbrandts were allowed to continue to teach, but received no pay for their teaching term. The Superior Court of Pima County ruled adversely to them. They then appealed to the State Supreme Court which, by split decision, also ruled adversely to them. Next, the couple applied to the United States Supreme Court for a writ of certiorari (en forma pauperis). The writ was granted and the court remanded the case back to the Arizona State Supreme Court for review in light of the U.S. Supreme Court's decision in the case of *Baggett vs. Bullitt*, 1963-64. The Arizona State Supreme Court upheld its original decision, ruling adversely to the Elfbrandts. The Elfbrandts then took the case back to the United States Supreme Court, and in 1966 the court ruled 5-4 in their favor. The Arizona statute was declared unconstitutional and the Amphitheater School District was held responsible for monetary compensation to the Elfbrandts for those years they taught without salary. However, it took several years before the couple was able to retrieve some 60,000 dollars in back pay.

Vernon died March 29th, 1982 at his home in Tucson. He was 54.

SCOPE AND CONTENT NOTE

The papers in the Elfbrandt vs. Russell collection include documents relating to the loyalty oath issue in Arizona during the 1960's, and its association with contemporary national ideas. The 1961 Arizona Statute, concerning the mandatory signing of a loyalty oath by all state employees, reflected the policies in other states throughout the United States at a time when fear of communist tendencies was a national prerogative. The legal battle that ensued, due to both Vernon and Barbara Elfbrandt refusing to sign the loyalty oath, stating religious differences, brought out many supporters and derogators alike. The collection includes biographical material on the Elfbrandts, both their activities prior to and post loyalty oath legal battle. After the settlement Vernon held various positions of public committee's and ran for Arizona State representative, for District 7A, in 1978. And Barbara was active in various committees for Arizona social causes, eventually becoming the Co-director of the Quaker United Nations committee in 1989.

The bulk of the collection includes newspaper articles from throughout the country on the legal progress of the case and the loyalty oath issue itself. The collection also includes several folders of correspondence to and from the Elfbrandts, and the Emergency Committee to Defend the Liberties of Arizona Public Employees. This committee was originally set up to help raise money for the

Elfbrandts, and other Arizona public employees facing similar legal battles. Within the collection there are fundraising records/schemes, and financial accounts of the committee dating from 1959 to 1977.

Documents concerning the activities of Clyde Appleton are also included in the collection. He was a fellow teacher in the district, and also refused to sign the loyalty oath. He was one of the first chair members on the Emergency committee, along with Vernon and Barbara. The FBI files on both the Emergency committee's activities and those of Appleton's give a very insightful look at how, at the time, the government was spying on citizens' activities, when the activities in question were thought to have dangerous communist overtones.

Similar loyalty oath cases were being presented to the courts throughout the United States at the same time as the Elfbrandts', and documents concerning them are included within this collection. These documents are of interest because they show a nationwide response to loyalty oaths at a time when it was considered by many citizens and government bodies alike, un-American to not sign them. Several states were passing similar loyalty oath statutes for their state employees at and around the same time as the 1961 Arizona statute. However, the way the individual cases turned out are somewhat different to the outcome of the Elfbrandt case. Therefore, these additional cases give a broader view of the way a nation was trying to handle dissent from public policy.

BOX AND FOLDER LIST

Series 1: Elfbrandt Papers

Box 1

- f. 1 Barbara Elfbrandt biographical material, 1958-1991
- f. 2 Vernon Elfbrandt biographical material, 1942-1988
- f. 3 Government and financial documents, 1961-1967
- f. 4 Photographs, 1966
- f. 5 Southern California summer speaking tour material, 1966

Series 2: Correspondence

- F. 6 – f. 16 Correspondence regarding Elfbrandt case, largely concerning donations, 1961-1967
- f. 17 Correspondence pertaining to Helen D'Autremont's support of the case by waiving the Elfbrandt's rent, 1961-1966
- f. 18 Correspondence from the LCC group of Tucson citizens, involved in monitoring legislative issues, esp. education, 1948-1967

Series 3: Emergency Committee to Defend the Liberties of Arizona Public Employees papers

Box 2

- f. 19 Emergency Committee mailings, 1961-1966
- f. 20 – f. 27 Correspondence pertaining to Emergency committee's appeals for funds from general public, 1961 -1968
- f. 28 Pamphlets and flyers for Emergency committee's fund raising events, undated
- f. 29 Copies of holiday cards, designed by Susan Hibbs, to raise money for the Emergency committee, 1963-1965
- f. 30 – f. 32 Correspondence regarding the Emergency committee's efforts to gain financial support from organizations and famous peoples, 1959-1964
- f. 33 Emergency committee's miscellaneous papers, undated
- f. 34 – f. 35 Emergency committee's financial records, 1961-1966

Box 3

- f. 36 – f.38 FBI files on Emergency Committee activities, 1961-1977
- f. 39 letter from Vernon Elfbrandt to the National Committee, regarding help it might receive from the Emergency committee, 1964
- f. 40 Printed document on Richard Gorby, treasurer of Emergency committee, 1965

Series 4: Clyde Appleton papers

- f. 41 Appleton's biographical material, 1961-1985
- f. 42 FBI files on Appleton's activities, 1961-1964
- f. 43 financial records, 1961

Series 5: Printed material

- f. 44 – f. 53 Newspaper and magazine articles relating to the Elfbrandt case or loyalty oath subject, 1961-1996
- f. 54 Printed documents concerning educational meetings relating to the Elfbrandt case, 1962-1985
- f. 55 Interview notes for Ruth Gardener's unpublished article on the Elfbrandt case, 1964-1965
- f. 56 Miscellaneous material for the 30th anniversary of the final U.S. Supreme Court Decision, 1996

Series 6: Loyalty Oath cases

- f. 57 Correspondence concerning Julia Arnold's legal recourse in sustaining her employment without signing the loyalty oath, and legal affidavits, 1961
- f. 58 Booklets of writing on John Caughey, an anti-loyalty oath supporter, 1950-1965
- f. 59 Newspaper articles on Gerald Dulgov, a Tucson social studies teacher who also refused to sign the loyalty oath, undated

Box 4

- f. 60 Papers of Alan MacEwan, a University professor fired for his pro-Cuban policies and supporter of Elfbrandt case, 1961-1966
- f. 61 Letters from Barbara Elfbrandt concerning Eddie Mott, a state employee fired for refusing to sign a loyalty oath, 1966
- f. 62 Papers of David Perkins who signed the loyalty oath only after altering it, undated
- f. 63 Printed documents of Wendell Phillips, a welding teacher fired for his past ties with the Communist Party, 1961-1962
- f. 64 Miscellaneous material concerning loyalty oath issues in other states, 1952-1979
- f. 65 Copies of documents, post Supreme Court Elfbrandt decision, regarding the necessity of House Representatives to sign a loyalty oath, 1966-1980
- f. 66 Newspaper articles on Fabricio Rodriguez, elected vice-president of the student body at Mesa Community College who refused to sign a loyalty oath, 2000
- f. 67 Copies of various versions of the oath required to be signed by public employees by the 1961 Arizona statute, some still used after the 1966 Elfbrandt decision, undated
- f. 68 W. Edward Morgan biographical materials, 1963-1970