

Public

WHAT EVERY LIBRARIAN SHOULD KNOW ABOUT THE LAW



Law for Librarians

WHO ARE WE

- SARA BETH COFFMAN, MSIS
- DR. LYN HUNTER, PHD, MLIS
- XAN LASKO, MSIS



WHERE ARE WE TAKING YOU?

- LAW FOR LIBRARIANS BACKGROUND
- THE LAW, GENERALLY
- THE LAW AND YOUR LIBRARY
- PUBLIC POLICY & ADVOCACY



Law for Librarians



DISCLAIMER

WE ARE NOT ATTORNEYS, AND ANY CONTENT
RELATED TO THE LAW IS INFORMATIONAL ONLY
AND SHOULD NOT BE CONSTRUED AS LEGAL
ADVICE.

WHAT IS LAW FOR LIBRARIANS?

- ALA PROGRAM THROUGH THE OIF (OFFICE OF INTELLECTUAL FREEDOM)
- TRAIN THE TRAINER MODEL
- 2-YEAR COMMITMENT
- 1ST COHORT TRAINED IN 2024
- 2ND COHORT DEPLOYED IN 2026



THE LAW, GENERALLY

SOURCES OF LAW:

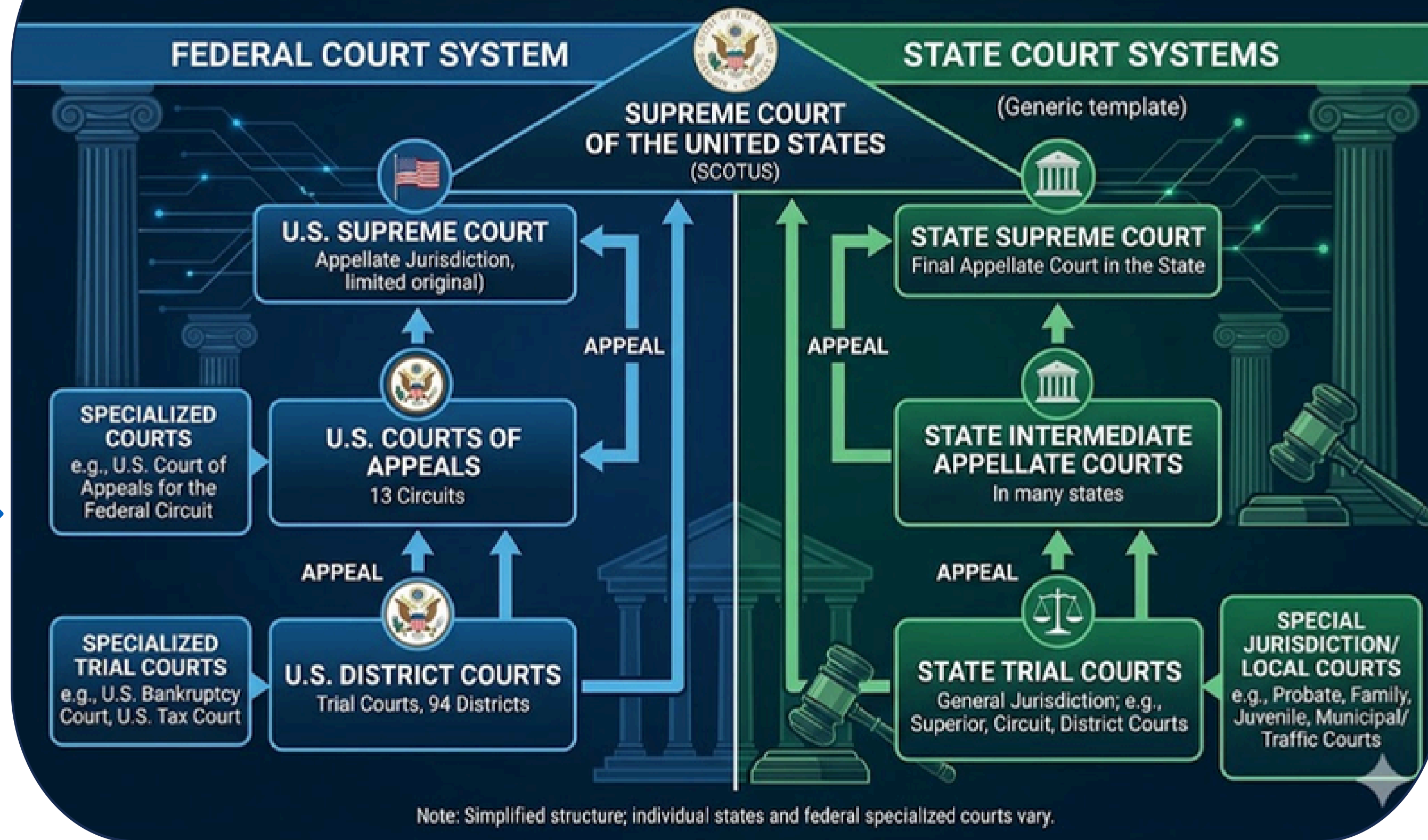
- **CONSTITUTION**
- **STATUTES OR CODES (LEGISLATIVE BRANCH)**
 - CONGRESS & STATE LEGISLATURES
- **ADMINISTRATIVE LAW, EXECUTIVE ORDER (EXECUTIVE BRANCH)**
 - PRESIDENT/GOVERNORS & FEDERAL/STATE AGENCIES
- **CASE LAW & JUDICIAL OPINIONS (JUDICIAL BRANCH)**
 - FEDERAL AND STATE COURTS

THE LAW, GENERALLY

- **PRINCIPLES OF U. S. LEGAL SYSTEM**

- GOVERNMENT OF LIMITED AND ENUMERATED (SPECIFIC RIGHTS GRANTED TO A GOVERNMENT) POWERS
- DIVISION OR SEPARATION OF POWER BETWEEN THE BRANCHES OF GOVERNMENT
- FEDERALISM - DIVISION OR SEPARATION OF POWERS BETWEEN THE NATIONAL & STATE GOVERNMENTS
- PRIMACY OF THE U. S. CONSTITUTION

COURT SYSTEMS OF THE UNITED STATES



TENNESSEE IS
IN THE SIXTH
CIRCUIT →

THE LAW AND YOUR LIBRARY

WHY DOES ALL THIS MATTER TO YOU?

- FUNDING STREAMS
 - CITY/COUNTY TAX FUNDS
 - LSTA GRANTS, ADMINISTERED BY THE STATE (2023-2027 PLAN)
 - TSLA GRANTS (TOP, CONSTRUCTION, TECHNOLOGY)
- GOVERNANCE STRUCTURES
 - SECRETARY OF STATE, TAFL, LIBRARY BOARD, COUNCIL, COMMISSIONERS
- STATE & FEDERAL LEGISLATIVE ACTION OR EXECUTIVE ORDER



IMPORTANT STATE LAW

- TN CODE TITLE 10: PUBLIC LIBRARIES, ARCHIVES AND RECORDS
 - 10-1-301 - TEL
 - 10-2-103 - CERTIFICATION BY STATE BOARD OF EDUCATION
 - 10-3 - ESTABLISHMENT OF LIBRARIES, FUNDING, BOARD GOVERNANCE
 - 10-5, PART 2 - REGIONAL LIBRARY EMPLOYEES
 - 10-8-102 - CONFIDENTIALITY OF PATRON RECORDS
- HB2449/SB2319
 - BILL TO AMEND TITLE 10 TO REQUIRE MATERIALS RECONSIDERATION POLICY
- HB1448/SB1466 - RECALL OF ELECTED OFFICIALS



IMPORTANT FEDERAL DESIGNATIONS AND FUNDING CONCERNS

- FOURTH AMENDMENT PROTECTIONS & PRIVACY
- IMLS
- E-RATE



SUPREME COURT (& OTHER) PRECEDENTS

ACCESS AND PUBLIC FORUM DESIGNATIONS

KREIMER V BUREAU OF POLICE (1992)

- QUESTION OF PUBLIC LIBRARY'S AUTHORITY TO RESTRICT USE OF ITS FACILITIES
- UPHOLDS BASIC REGULATIONS REGARDING DISTURBANCES

ARMSTRONG V DC PUBLIC LIBRARY (2001)

- PATRON EJECTED DUE TO "OBJECTIONABLE APPEARANCE"
- COURT HELD THIS POLICY TO BE UNCONSTITUTIONAL DUE TO ITS BEING VAGUE

NEINAST V BOARD OF TRUSTEES (2003) *

- PATRON EJECTED FOR NOT WEARING SHOES
- COURT HELD THIS POLICY TO BE CONSTITUTIONAL
- CITING HEALTH AND SAFETY PROTECTIONS

CONCERNED WOMEN FOR AMERICA V LAFAYETTE CO. (1989) *

- GROUP SUED THE PUBLIC LIBRARY FOR REFUSING PRAYER GROUP ACCESS TO THE AUDITORIUM
- 5TH CIRCUIT FOUND IT UNCONSTITUTIONAL

* THESE CASES DID NOT ADVANCE
BEYOND THE CIRCUIT COURT

SUPREME COURT (& OTHER) PRECEDENTS

CENSORSHIP

MARTIN V. STRUTHERS (1943)

- ESTABLISHED SCOPE OF FREEDOM OF SPEECH, INCLUDING “THE RIGHT TO DISTRIBUTE LITERATURE” AND “THE RIGHT TO RECEIVE IT.”

MILLER V. CA (1973)

- ESTABLISHED 3-PART OBSCENITY TEST
 - TAKEN AS A WHOLE
 - PATENTLY OFFENSIVE
 - LACKS VALUE

FAYETTEVILLE PUBLIC LIBRARY V. CRAWFORD CO. (2023) *

- CHALLENGED CONSTITUTIONALITY OF 2023 ARKANSAS ACT 372
- CRIMINAL PENALTIES FOR THOSE MAKING OBSCENE MATERIALS AVAILABLE
- 8TH CIRCUIT APPEAL

LITTLE V. LLANO CO. (2025) *

- PATRONS CHALLENGED CONSTITUTIONALITY OF PUBLIC LIBRARY BOARD ACTION TO REMOVE BOOKS
- 5TH CIRCUIT APPEAL
- SUPREME COURT REFUSAL

* THESE CASES HAVE NOT
ADVANCED BEYOND THE CIRCUIT
COURT

INTELLECTUAL FREEDOM & CENSORSHIP

- FROM FEDERAL ACTION
- FROM THE STATE OR LOCAL GOVERNMENT
- FROM A COMMUNITY MEMBER
- FROM A PATRON



INTELLECTUAL FREEDOM & CENSORSHIP

- NEW REPORTING FORM THROUGH TNLA'S INTELLECTUAL FREEDOM AND LEGISLATION COMMITTEES
- ALA REPORTING AND SUPPORT MECHANISMS
 - CONSULTING SERVICES -NOT ONLY FOR ALA MEMBERS!



ADVOCACY & PUBLIC POLICY

WHAT CAN YOU DO TO HELP PRESERVE AND PROTECT LIBRARIES?

- WORK WITH YOUR FRIENDS GROUPS
- ENCOURAGE PUBLIC PARTICIPATION IN BOARD MEETINGS THROUGH SOCIAL MEDIA AND OTHER FORUMS
- EDUCATE THE PUBLIC AS TO HOW THE BOARD MEMBERS ARE CHOSEN - MOST HAVE NO IDEA
- INVITE YOUR STATE LEGISLATORS TO YOUR LIBRARY
- IF YOU ARE AWARE OF FIRST AMENDMENT INFRINGEMENT, REPORT IT. THIS CAN BE DONE ANONYMOUSLY. VIOLATORS DEPEND ON SILENCE!



WHAT TO DO IF YOUR LIBRARY IS THREATENED?

DOES YOUR LIBRARY NEED A LAWYER? DO YOU NEED A LAWYER?

- LAWYERS FOR LIBRARIANS PROGRAM
- REACH OUT TO ALA'S OFFICE OF INTELLECTUAL FREEDOM
- THE LEROY C. MERRITT HUMANITARIAN FUND
- REMEMBER - YOU ARE NOT ALONE!!!!



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OTHER HELPFUL RESOURCES

- BOOK RESUMES
- STATE LAW FOR PUBLIC LIBRARIES
- MTSU FREE SPEECH CENTER - A PLETHORA OF INFORMATION!
- CONSTITUTION CENTER FREE SPEECH INTERPRETATION
- CENSORSHIP CASES BOT ON BLUESKY



QUESTIONS?

AND OUR CONTACT INFORMATION

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THANK YOU!

WE APPRECIATE YOUR FEEDBACK

[HTTPS://BIT.LY/L4LTRAININGEVALUATION](https://bit.ly/L4LTrainingEvaluation)



L4L

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