ADVERSE LEGISLATION & POLICY

A Toolkit-in-Development for Library Advocates
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Overview

Libraries are essential partners in building strong communities and, most of the time, advocates engage with local, state, and federal elected officials who understand the role of the library and work with advocates for the betterment of libraries and the communities they serve. Sometimes, library advocates find themselves in the unexpected position of responding to negative perceptions, misinformation, or even well-intentioned but misguided ideas from decision makers whose policy or legislative proposals will harm libraries and/or library workers and impair our ability to serve communities. It is equally important to be prepared for those instances.

Recent adverse legislation targeting libraries and library workers reflects a moment when social tensions run high and political divisions are strong. While this is not unique to libraries, it is understandably difficult for those library workers, library trustees, and other advocates who must address such legislation. Advocates can take strength in the core principles of librarianship that guide library services in all types of settings and to communities across the country. Yet that, alone, is sometimes not enough.

The work of preparing to address adverse legislation is closely related to the proactive advocacy work in which many library organizations are already deeply engaged. Libraries and library associations operate as non-partisan entities in diverse communities across varied political contexts. Library advocates must engage with a broad range of decision makers as reliable and trusted experts in advancing community priorities and meeting the information needs of stakeholders through a broad range of programs, services, and resources.

ALA’s state partners have the support of ALA staff, member leaders, and thousands of library advocates. Even in difficult times, the library ecosystem will stand strong in advancing access; recognizing and celebrating diversity, equity, and inclusion; safeguarding intellectual freedom; and ensuring that libraries of all types are positioned to continue evolving to and provide services and resources that welcome and serve all.

This toolkit is intended to help state associations and ALA member groups prepare for defensive legislative advocacy and it will be expanded and updated in the coming months. It is a starting point for planning and conversation within and across organizational leadership and can be used to engage with members. It is not an advocacy training manual nor is it intended for public dissemination.
Legislative Advocacy

Advocate

VERB: to turn passive support into informed action; persuade in favor of something, such as a cause, idea, or policy.

Lobby

VERB: to try to influence legislators and other public officials to support or oppose a specific policy, piece of legislation, or contract.

Legislative advocacy encompasses many facets—collecting and sharing stories with decision makers through multiple channels; hosting site visits; meeting with lawmakers; attending events and meetings; and contributing subject area expertise to community conversations, and agency or legislative hearings.

Lobbying is more strictly defined and governed by state law, and is only a small fraction of an overall advocacy program. Lobbying efforts are usually coordinated through a key point person (lobbyist, consultant, advocacy director, government relations manager) who relies on the groundwork being laid by many advocates, and who is your organization's expert on navigating state government.

For organizations that do not retain a professional lobbyist, it is critical to have a succession plan in place for your volunteer legislative committee so that member leaders have time to familiarize themselves with the organization’s policy priorities, the state’s legislative landscape, and state lobbying laws. For those organizations that do have a professional lobbyist, there is still an advocacy foundation that must undergird the association’s legislative work.

Every member of the library ecosystem is an advocate who contributes to how decision makers at all levels of government perceive their libraries, even when they are not actively participating in legislative advocacy. For this reason, coordinated, year-round advocacy is an organization’s best preparation for successful legislative advocacy.

Library organizations also have a powerful resource: a large base of grassroots advocates. Patrons of all libraries are the constituents of elected officials and other decision makers and can help them understand how the library's work improves the lives of their constituents. Sometimes legislative advocacy will be done without mobilizing grassroots advocates; it is important to understand when it is beneficial to tap into this valuable resource.

Preparing for the upcoming legislative session

Legislative planning is generally cyclical but there are exceptions. Some state legislatures in 2021, for example, continued to meet in special sessions well past their regular calendar. It is important for your legislative committee to know your state’s legislative calendar and procedures for introducing, moving, and enacting
legislation. Here is a quick checklist of questions to answer as the legislative committee commences its planning in summer or early fall.

- When is your state legislature in session?
- When can bills be introduced?
- Is there a limit on the number of bills a legislator can introduce?
- How do the bills move through the chamber(s) of your legislature?
- Do legislators hold pre-session meetings?
- Do all introduced bills get a hearing?
- What are the procedures for providing written or in-person testimony? (Have they changed due to COVID restrictions?)
- Who are the legislature's majority/minority leaders?
- Who are the other power brokers at your state capital that wield influence?
- What are the key committees that consider library related bills and who leads those committees?
- What happens when a bill passes out of the legislature and is sent to the Governor?
- What happens if the Governor vetoes a bill?
- Who are the people in your organization that coordinate legislative advocacy? In the partner organizations in your state?
- How are your organization’s key legislative point people being kept apprised of legislative developments?

ALA’s Government Documents Roundtable has created this compilation of guides to state governments:
https://godort.libguides.com/bluebooks
Take Action

Be Proactive
The best way to prepare for any sort of legislative advocacy is to lay the groundwork and create a climate of support among the public and elected officials long before any legislative engagement; the same goes for addressing adverse legislation. Ideally, lawmakers will reach out to the experts at their state library organization(s) for input before introducing or voting on bills, but this does not always happen. Library organization leaders can and should be engaging with policymakers at all levels of governance on a regular basis.

Advocacy Fundamentals
This is a brief overview of advocacy fundamentals that will help create a climate of support. As stated earlier, this is not a training manual but a tool for discussion and can be used to identify areas for additional work.

KNOW YOUR COMMUNITY
- What are your community's/state's priorities?
- How do libraries of all types in your community/state support those priorities?
- Who else is working on these priorities?

FRAME THE LIBRARY NARRATIVE
- How do the public facing communications from your organization—from social media to press releases to event—convey the integral role libraries play in their communities?
- Communicate regularly about the many ways libraries support community or statewide priorities--through education, workforce development, digital access, civic engagement, access to telehealth and government services, etc.--so that elected officials and the public understand the critical role of today's library.
- Use specific examples to tell the library story and demonstrate impact; center the library user.

TELL THE LIBRARY STORY
Introduce your Hero
Describe the Problem/Need
Name the Solution/Library Intervention
Reveal the Happy Ending
Connect to Lawmaker Priority

- Collect and share data that underscores your stories.
BUILD RELATIONSHIPS

- Do your homework; know key decision makers and elected officials and understand their focus in terms of community or state priorities.

- Introduce your organization to newly elected officials and share policy priorities that align with their policy agendas. Send an introductory letter prior to the beginning of legislative session.

- Offer your organization’s expertise and collaborate with other stakeholders including state agencies, statewide organizations, and city, county, and regional officials.

- Establish and maintain trust as a reliable and dependable source of information for elected officials, the press, and other organizations.

- Invite local elected officials to visit the library and attend events that they host. Thank them and highlight the work they do that benefits library patrons, staff, and institutions.

- Share good news with elected officials. Send news articles and press releases that are related to their priorities.

- Consider the power dynamics of your legislative environment and use tools to prioritize your outreach. The mapping tools on the following pages represent tools that can help your organization identify
TOOL: RELATIONSHIP/NETWORK MAP
A relationship map helps advocates consider existing and potential connections to influencers and decision makers across the library ecosystem. This version of the relationship map can be used by your state organization or in an individual library of any type. Its design acknowledges that social connection can play an equally important role as perceived influence.

In this sample map:
Size of circle = perceived influence
Thickness of arrow = social connection

Stakeholders to Consider:
- Association staff/leaders
- Library staff
- Boards of trustees
- Foundations
- Friends
- Patrons/students
- Agency leaders
- Civic leaders
- Foundation leaders
- Education leaders
- Business leaders
- Faith leaders
- Union leaders
- News editors/reporters
- Elected officials
- Family
- Friends
- Etc.
TOOL: ISSUES/QUADRANT MAP
This issues map is situational and allows advocates to prioritize outreach to build support for a specific project, piece of legislation, etc. It recognizes that advocates will not always win universal support for a particular issue and enables the mobilization of limited resources for greatest impact.

Combining these two power mapping tools enables organizations to prioritize and distribute outreach, with an understanding of which decision makers are most likely to support a particular cause and where influencer support can be leveraged to move towards a favorable outcome.
BUILD PARTNERSHIPS AND COALITIONS

● Partnerships are usually relationships between two or more organizations for a specific project. Many libraries and library organizations already work in partnership with other institutions, agencies, or organizations that share a similar mission or whose priorities intersect with the work of libraries. Those partners can be a valuable source of strength and support for library advocacy.

● Coalitions are usually organized around an issue and bring different groups together to achieve a common goal. Coalition work can be particularly important in advancing or defeating legislation because each member of a coalition brings different relationships to the table and, therefore, the coalition can have greater reach than a single organization.

Coalition building will look different in every state and will depend upon the priorities of your state organization and of other organizations in your state. Here are some types of organizations to consider:

- Education Organizations
- Civic and Cultural Institutions
- Business Organizations
- Social Service Agencies
- Health Providers
- Civil and Human Rights Organization
- Non-Profit Organizations

SPREAD THE WORD

● Ensure that the library organization is visible in the capital and in communities around the state.
● Consider where the library voice is missing from important state and local conversations and identify the appropriate representatives to get that voice to the table.
● Help others prepare to speak on your behalf. (Make library stories portable, so others can share them.)
● Unify your messaging, with focused talking points. Communicate those talking points to members.
● Make use of social and traditional media.
● Take advantage of library-centric (e.g., National Friends of Libraries Week) and other (e.g., Lights on After School Day) holidays, events, etc., to highlight how communities are positively impacted by their libraries.
Maintain your advocacy infrastructure

- Incorporate advocacy training and discussions about legislative priorities into regularly scheduled events so that library workers and volunteers are already creating a climate of support within their institutions and are ready to take constructive action when called upon.

- Develop an advocacy and/or legislative committee with staggered terms and a succession plan.

- Update your membership database and communications lists regularly.

- Identify your legislative team, including an administrator for your state's advocacy software (Engage) account.

- Connect with your state library and other organizations within the state to discuss and, to the extent possible, align advocacy and legislative priorities. Visit ALA’s state ecosystem web page for tools that help states engage in cooperative legislative planning.

American Library Association
Track legislation and media

Know what conversations are happening in your state legislature (as well as city council, county commission, school district, or campus) by regularly engagement with stakeholders and though media and legislative tracking. If your organization does not have a media tracking service, use a free tool like Google alerts to monitor news. While there are plenty of paid tracking tools that can help with these efforts, there are also free tracking tools including:

- Bill Track 50: [www.billtrack50.com](http://www.billtrack50.com)
- Legiscan: [www.legiscan.com](http://www.legiscan.com)
- Some state legislatures offer bill tracking options through their websites.

ALA also tracks legislation and may contact state association leadership when a library-related bill is introduced. Tracking legislation at the national level allows ALA to better understand and respond to trends and improve support for all states.

Follow elected officials and policy influencers on social media. Facebook and Twitter are still the most widely used social media tools but do your own homework to find out what your lawmakers use. Look for strategic opportunities to repost relevant information from them, tag them with relevant library news, and thank them when their efforts help libraries better serve their constituents.
When an Issue Arises

Even with thoughtful and continual preparation, adverse legislation will sometimes be proposed in your state. Advanced planning can alleviate some of the stress on organizational leadership and individual members, and support from others can be critical.

Report
While ALA tracks legislation and may reach out to you, it is important to be in communication when adverse legislation is proposed in your state. Even if your organization does not require assistance, ALA tracks legislative activity to identify both positive and negative trends across the country. In addition, ALA can provide specific information—from related legislation and possible legal implications to strategy assistance to talking points on the specific issue.

In addition, there are steps that your own organization can take that will enable a measured and thoughtful response that leverages the groundwork your organization has already laid, and that will not jeopardize the association’s relationships with legislators or hinder its ability to advance other legislative priorities.

Research
- What is the proposed bill/policy?
- Who has introduced it? Why have they introduced it?
- Who supports it? Why do they support it?
- What is the political landscape—and will that impact whether or not this bill gains traction?
- What are the legal standards/implications of the bill?

Strategize
- Where in process is the bill and what needs to happen immediately?
- Will the library association take the lead on legislative advocacy or work in a coalition led by others? For bills that are primarily library related, the association is likely the lead organization on the bill.
- What work will be done quietly or behind the scenes?
- When is it time to mobilize grassroots action?
- Can the bill be defeated outright, or will amendments need to be proposed?

Prioritize
- What is the next stop for the bill? Does it go to committee, or a hearing?
- What relationships can be leveraged to address the bill in committee?
- Who needs to be contacted immediately?

Collaborate
- If the library association is taking the lead, who are potential coalition partners?
● What tools has the legislative team provided to grasstops advocates who can engage with lawmakers and influencers on your behalf? Is the organization in contact with other library organizations in the state to align messaging?

● If the library association is not taking the lead, how actively will they participate in efforts to defeat an adverse bill? File a statement in opposition? Testify at a hearing? Sign onto a coalition letter? Mobilize advocates? Formally join a coalition?

Communicate

● Crisis communications
  ○ Coordinate with your organization's leadership and communications teams so that they are prepared to respond to member or external inquiries. Develop talking points together.
  ○ If the proposed legislation has garnered public attention, ensure that member leaders are prepared with talking points.
  ○ Share updates with members and let them know if action is requested.
  ○ Prepare your spokesperson(s).
  ○ Keep your messaging consistent and, where possible, unified with other library organizations in your state.

● Outreach
  ○ What is the best timing to engage which lawmakers? (Committee members, leadership, key champions, all lawmakers.)
  ○ Who should engage with those lawmakers—one or two key legislative team members? Grasstops advocates? Grassroots advocates?
  ○ What should that engagement look like? One-on-one meetings? Committee testimony? Larger group events?
  ○ Develop talking points. Briefly and clearly explain your position based on the bill’s potential impact on library services, library workers, and patrons’ ability to access library resources and services.
  ○ Correct misinformation or false information without “repeating the lie.”
  ○ Use data or research to support your talking points and reinforce potential impact of the proposed legislation.
  ○ Consider what channels are best to reach lawmakers, stakeholders, members, and key partners.

Adapt

Legislative processes can be unpredictable and the status of a bill can change quickly. Be prepared to adapt or mobilize as necessary and ensure frequent communication with members and key stakeholders.
The Importance of Library Policies

LIBRARIES HAVE A responsibility to meet the information needs of every-one in their communities. To do so, they must promote and protect users’ intellectual freedom and ensure that the delivery of library services to the community is fair, equitable, and non-discriminatory. This can be achieved only if the library has developed and adopted formal, written library policies and procedures. Written policies are essential because they provide a legal framework for the operations of the library and provide a bulwark against claims that the library or its staff is acting in violation of its mission or the law.

Well-written, board-approved policies and up-to-date procedures based on those policies achieve several things:

• They encourage stability and continuity in the library’s operations while reducing ambiguity and confusion about ongoing practice and procedure
• Inform the community about the library’s intent, goals, and aspirations
• Give the public a means to evaluate library performance and show that the library is willing to be held accountable for its decisions
• Dispels unfounded claims of bias or arbitrary selection when the library’s operations are based on policies and procedures that reflect thorough research, sound judgment, and careful planning
• Serve as evidence of the library’s normal practices, which can be helpful if the library is sued for enforcing reasonable policies.

Guidelines for Library Policies

PUBLICLY SUPPORTED LIBRARIES exist within the context of a body of law derived from the U.S. Constitution, defined by federal, state, local, and tribal law, and implemented by regulations, policies, and procedures established by their governing bodies and administrations. These regulations, policies, and procedures establish the mission of the library; define its functions, services, and operations; and help ascertain the rights and responsibilities of the individuals served by the library.

Publicly supported library service is based upon the First Amendment right of free expression. The publicly supported library is a government entity that provides free, equal, and equitable access to information for all people of the community it serves. When this purpose is confirmed in policies and practices, the library is a designated limited public forum for access to information. When library policies or practices make meeting rooms, exhibit spaces, or bulletin boards available for public use, these spaces are designated as limited public forums for the exchange of information.

Libraries adopt administrative policies and procedures to regulate the organization and use of library materials, services, and facilities. These policies and procedures may have the effect of restricting, denying, or creating
barriers to access to the library as a public forum, including the library’s resources, facilities, and services. Library policies and procedures that impinge upon First Amendment rights are subject to a higher standard of review than may be required in the policies of other public services and facilities.

Public libraries function as limited public forums for access to information. Article V of the Library Bill of Rights states: “A person’s right to use a library should not be denied or abridged because of origin, age, background, or views.” Thus, policies, procedures, or regulations that may result in denying, restricting, or creating physical or economic barriers to access to the library’s public forum must be based on a compelling government interest.

However, publicly supported libraries’ governing authorities may place reasonable and narrowly drawn restrictions on the time, place, or manner of access to library resources, services, or facilities, provided that such restrictions are content neutral and are not based upon arbitrary distinctions between individuals or classes of individuals. Some examples of such distinctions would be restricting access based on citizenship or immigration status, restricting access for minors to resources routinely provided to adults, restricting access based on financial means or housing status, or restricting access based on partisan or doctrinal disapproval of the user’s views or of the information the user seeks.

All library policies, regulations, and procedures should be carefully examined to avoid denying or restricting access or creating barriers to access. All policies should:

- Be developed and implemented within the legal framework that applies to the library (including the U.S. Constitution, especially the First Amendment, and those provisions addressing due process and equal and equitable treatment under the law as provided in the amendments to the U.S. Constitution and all other applicable federal, state, local, and tribal law);
- Cite statutes or ordinances upon which the authority to make that policy is based, when appropriate;
- Be developed and implemented within the framework of the Library Bill of Rights and its interpretations;
- Be based upon the library’s mission and objectives;
- Avoid restrictions on the access to or use of library resources, services, or facilities unless those restrictions are necessary to achieve the library’s mission and objectives;
- Tailor prohibitions or restrictions narrowly, in the rare instances when they are required, so they are not more restrictive than necessary to serve their objectives;
- Balance competing interests and avoid favoring the majority at the expense of individual rights;
- avoid arbitrary distinctions between individuals or classes of users and denying or abridging a person’s right to use library resources, services, or facilities based upon arbitrary distinctions such as origin, age, background, or views;
- Not target specific users or groups of users based upon an assumption or expectation that such users might engage in behavior that will materially interfere with the achievement of substantial library objectives;
• Be clearly stated so that a reasonable person will have fair warning of what is expected;
• Provide a means of appeal;
• Be reviewed regularly by the library’s governing authority and legal counsel.

The Collection Development Policy

EVERY LIBRARY — whether an academic, public, or school library — should have a comprehensive written policy that guides the selection, deselection, and reconsideration of library resources. The most valuable selection policy is current; it is reviewed and revised on a regular basis; and it is known and understood by all members of a library’s staff. The policy must be approved by the library’s governing board or other policy-making body, made available for public review, and disseminated widely for understanding by all stakeholders, including library trustees, elected officials, and community organizations.

The primary purpose of a collection development or resource selection policy is to promote the development of a collection based on institutional goals and user needs. The policy serves as the basis of a sound selection program by identifying specific criteria for resources to be added to the collection through purchase, subscription, or donation. It also reduces the opportunity for individual, institutional, or community biases to limit what is chosen for the collection.

Objections to resources will be made despite the quality of the selection process. Having a well-prepared policy— and following it carefully— will be invaluable should a challenge arise, or should the library need to defend its collections or resources in the court of public opinion.

A sound collection development policy:

• Identifies the resources consulted in making selection decisions
• Identifies the criteria used in selecting materials, such as artistic or literary excellence, suitability of subject and style for intended audience, authenticity, authority, interest, cost, suitability of format for library use, representation of various perspectives and minority points of view, relation to the existing collection, timeliness or permanence, and local interest.
• Establishes criteria that ensure that a wide range of diverse materials are chosen for the collection and that the particular information needs of underserved or marginalized groups are met by the institution.
• Explains how users can request that resources be added to the collection and how such requests will be considered.
• Explains how the library will treat donated resources or works by local authors and specify that such resources will be subject to the same selection criteria as resources the library purchases.
• Explains that resources covering controversial topics will be included in a collection when they meet the selection criteria adopted by the library

• Explains that representation of an idea, opinion, or school of thought within the library’s collections does not constitute endorsement by the library, its staff, or its trustees

Policies that include specific messages of diversity will provide more explicit guidelines for building library collections that are fair, equitable, and aligned with library standards and core values. By incorporating the Library Bill of Rights and other statements of professional values, the library can establish intellectual freedom as an underlying philosophy of its collection development policy and support a commitment to providing access to a diversity of opinions, including controversial materials.

A Policy for Reconsideration of Library Materials and Resources

Because objections to resources will be made despite the quality of the selection process, the collection development policy should include, or be accompanied by, a written policy and procedure for the reconsideration of challenged resources. A reconsideration of library materials policy is a core intellectual freedom tool for school and public libraries that may be subject to external pressure from elected officials, governing bodies, and members of the public who wish to censor particular books or resources.

Incorporating written procedures for managing concerns about resources into the reconsideration policy and requiring that those procedures be followed regardless of who brings a challenge to a resource can prevent or forestall arbitrary or precipitous decisions to remove or restrict a resource.

Reconsideration policies can assure due process and fairness by providing an equal voice to all involved in the reconsideration process and assuring that the resource itself is evaluated as a whole, using objective criteria set forth in the collection development policy.

The procedure should establish a fair framework for registering complaints while defending the principles of intellectual freedom, library users’ right of access, and professional responsibility. Having a well-prepared policy—and following it carefully—will be invaluable should a materials challenge, public controversy, or legislative challenge arise.

A sound reconsideration policy should:

• Include a statement that acknowledges users’ right to question selection decisions and states the library’s respect for this fundamental right.

• Outline the procedure for handling complaints about resources, describing every step from the initial response to the complaint through the highest appeal of any decision about the status of the challenged material;

• Indicate that the procedure applies regardless of the source of the challenge (library user, library staff member, library volunteer, faculty member, administrator, trustee or board member, community member, elected official, or government employee);
• Include – and require use of – a “Request for Reconsideration” form, asking why the challenger believes the resource does not meet selection criteria and what action they request. (See “Sample Form: Request for Reconsideration of Library Resources.”)

• State that challenged resources will be evaluated using the criteria in the selection policy and that they will remain in place during the reconsideration process.

• If a committee is used, all meetings should conform to any requirements imposed by your state’s open-meeting and public-records laws as they apply to trustees or staff committees making policy-related decisions or recommendations.

• Provide a decision letter to the user indicating how to appeal the decision. The letter should refer directly to the user’s request; it should not be a form letter.

Tools and Resources for Developing IF Policies

There are a number of excellent resources that provide guidance for libraries wanting to adopt policies supporting intellectual freedom in the library.

The Selection and Collection Policy Toolkit is available online at the ALA website, and provides tools and guidance for all types of libraries seeking to review or implement sound collection development policies.


Creating Policies for Results: From Chaos to Clarity, written by Sandra Nelson and June Garcia for the Public Library Association (2003, ALA Editions) provides a detailed roadmap and advice for developing all types of library policies.

The staff at the Office for Intellectual Freedom and Public Policy and Advocacy Office are available to consult on library policy development.
Challenge Support and Challenge Reporting

**Those seeking support** when addressing a challenge to materials, resources, or library policies may reach out to the Office for Intellectual Freedom (OIF) for assistance. We recommend using the online reporting form at [www.ala.org/challengereporting](http://www.ala.org/challengereporting), or by calling OIF at (800) 545-2433 ext. 4226 or e-mailing the office at OIF@ala.org. Experienced OIF staff are available to listen, provide advice and resources (including book reviews), or write letters of support to school boards and library authorities.

OIF can also coordinate support with other ALA units, provide information for other contacts in your state, collaborate on strategies for defending the resource, and advise on building support in the community.

General [online guidance](http://www.ala.org/challengereporting) and information about OIF’s challenge support services is available on the ALA website.

**Reporting censorship** gives the OIF a clearer picture of what is occurring around the country, enabling better support to those facing intellectual freedom challenges. The OIF maintains a confidential database of challenges to track trends for the purpose of raising awareness of the detrimental effects of censorship. Anyone can report censorship via the [online reporting form](http://www.ala.org/challengereporting), even if they do not require assistance.
Legislation and Legal Information

The Office for Intellectual Freedom and the Freedom to Read Foundation can assist with legislative analysis and information about existing statutory law at the state and national level. While this cannot substitute for a legal counsel’s opinion and advice, it can help identify issues for discussion and further action.

The Intellectual Freedom Manual, 10th Edition includes several essays addressing intellectual freedom, libraries, and the law. These essays can provide an overview of the library’s First Amendment responsibilities as well as information that will aid in understanding the impact of a particular piece of legislation. These essays include:

- The Right to Receive Information: Libraries, the First Amendment, and the Public Forum Doctrine
- The Law Regarding Access to Library Resources: Removal of Resources
- The Law Regarding Minors’ First Amendment Rights to Access Information
- The Law Regarding Access to the Library: User-Behavior Rules
- The Law Regarding Access to Meeting Rooms, Exhibit Spaces, and Social Media

Does the First Amendment Apply to Your Library?

The First Amendment applies only to the government and to publicly funded agencies. It does not apply to private entities. The extent to which it applies to a public agency—whether a public library, public school library, or academic library that is part of a public institution—will depend on the context and application of the public forum doctrine.

Because the mission of public libraries is to serve the larger community, courts have imposed stricter standards on restrictions to access and have required greater access to information and the library facility in those institutions. Public schools and universities—including their libraries—serve defined communities of students and employees, rather than the general public. As a result, they generally are considered nonpublic forums. They may have greater latitude to impose restrictions on access consistent with their missions.

Students’ access to resources and the removal of materials in public schools and public academic libraries, however, are matters still subject to the First Amendment.
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