



**BOARD OF TRUSTEES
PIERCE COUNTY LIBRARY SYSTEM
MEETING MINUTES – JUNE 7, 2023, STUDY SESSION**

CALL TO ORDER

Chair Jamilyn Penn called to order the special meeting of the Pierce County Rural Library District Board of Trustees at 3:31 pm. Board members present were Jamilyn Penn, Pat Jenkins, Pam Duncan, and Neesha Patel. Abby Sloan was excused. The meeting was conducted in person, with the option of virtual attendance.

Daniel Gottlieb, Attorney with Hillis, Clark Martin & Peterson provided training on the First Amendment Issues in Public Libraries.

Areas of discussion included:

Fundamental Freedoms

The First Amendment protects freedoms of speech in all forms, religion, press, assembly, petition and Penumbral rights of association and privacy. The role of government, including libraries as government institutions, is crucial in upholding and safeguarding the principles of the First Amendment. As government entities, libraries play a significant role in ensuring access to information and intellectual freedom by providing resources, services, and programming that promote a variety of perspectives, allowing individuals to explore and engage with different viewpoints.

Free Speech

Categories of speech not protected by the First Amendment include incitement, fighting words, defamation, obscenity, and child pornography. Behavior is also not protected.

Regulation of free speech is recognized in the following types of public forums: traditional, designated, and non-public. The public spaces of public libraries are limited public forums; the administrative spaces are nonpublic forums.

Discussion ensued on applying policy and protected expression in meeting rooms as well as election speech protections.

Mr. Gottlieb addressed censorship issues, including requests to relocate or remove materials based on content. He stated collection development policies are critical in addressing how the selection of materials is made.

Internet filtering and The Children's Internet Protection Act (CIPA) were discussed. CIPA denies federal funds if libraries do not filter the internet to minors under 17 years of age.

Mr. Gottlieb noted that in the state of Washington, extending filtering to all computers in its libraries is not a violation of free speech.

Executive Director Gretchen Caserotti noted additional exploration will continue when the code of conduct and internet policies are reviewed. She noted additional restraints around power supply and personal devices with respect to public computer placement in the branches.

Religious Freedom

The First Amendment prohibits governmental establishment of religion through sponsorship, financial support, or active involvement in religious activity. It also protects the free exercise to believe and to act on those beliefs, such as when the library may need to accommodate an employee's request for religious expression.

In the 9th Circuit courts, the prevailing case law upholds the right of the library to prevent religious worship, however it is not advised.

Freedom of the Press

Freedom of the press, assembly and petition, while important, have little impact on public libraries.

Penumbral Rights of Association and Privacy

These are not explicitly stated in the Constitution but can be inferred from other enumerated rights such as the rights guaranteed by the First Amendment.

Examples include expressive association such as unions, intimate association such as interpersonal relationships, and associational privacy relating to confidentiality of data regarding library users and their personally identifiable information.

Discussion ensued around privacy of user data and the limitations of software to ensure that historical data does not remain in the library's records.

Discussion also ensued around the protective rights to photograph within the library.

Trustees expressed gratitude to Mr. Gottlieb for his training.

ADJOURNMENT

The meeting was adjourned at 3:45 pm on motion by Trustee Patel, seconded by Trustee Duncan.

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Gretchen Caserotti
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Gretchen Caserotti, Secretary

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Jamilyn Penn
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Jamilyn Penn, Chair