

Losing My Religion: Crafting Meeting Room Policies that Keep You In Charge and Out of Court

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Alliance Defense Fund



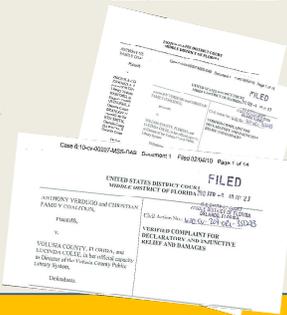
Conservative Christian organization that is the sponsor of a letter-writing campaign that targets libraries with meeting room policies that restrict the use of the library's meeting rooms for religious services.



Alliance Defense Fund



ADF has filed multiple lawsuits against libraries that refused meeting room space to religious speakers and groups.



Library Bill of Rights

"Libraries that make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use."



Library Bill of Rights

Meeting Rooms

"... the library may not exclude any group based on the subject matter to be discussed or the ideas that the group advocates. If a library opens its meeting rooms to a wide variety of civic organizations, then the library may not deny access to a religious organization."

<http://ifmanual.org/meetingrooms>



Library Bill of Rights

Exhibit Spaces and Bulletin Boards

Libraries should assure that space is provided on an equitable basis to all groups that request it and should not censor or remove material because some members of the community disagree with its content.

<http://ifmanual.org/exhibitspaces>



Meeting Rooms and the Courts

Concerned Women for America, Inc. v. Lafayette County (1989)
Pfeifer v. City of West Allis (2000)
Citizens for Community Values, Inc. v. Upper Arlington Public Library (2008)

-- Each of these courts held that public libraries could not exclude religious groups from library meeting rooms on the grounds that the groups might discuss religious topics or engage in religious practices during the meeting.



Meeting Rooms and the Courts

- Public libraries are not obligated to provide access to their meeting rooms, display cases, and other facilities
- If a library opens its facilities to public use, the facilities are considered a designated public forum.
- Speakers or groups cannot be excluded solely because of a disagreement with their views, or to avoid controversy or public disapproval
- A religious group's use of library facilities does not violate the Establishment Clause if no one would think the library endorses the religious group's message or activity.



Meeting Rooms and the Courts

BUT..

Faith Center Church Evangelistic Ministries v. Glover
(a.k.a. "The Contra Costa case")

The Ninth Circuit Court of Appeals upheld the library's policy excluding religious activity on the grounds that the library had a legitimate interest in screening and excluding meeting room activities that could interfere with the library's primary mission; since the group had advertised its event as a religious service, it could be excluded.

What's going on here?



Meeting Rooms and the Courts

On closer examination:

The Ninth Circuit also held that the library could not prohibit religious groups from engaging in religious activities other than worship, like Bible instruction, praying, singing, sharing testimony, and discussing political or social issues

The Ninth Circuit also warned that the library had to exercise caution when trying to distinguish between ordinary religious activities and a worship service.



Meeting Rooms and the Courts

The Ninth Circuit asked the trial court to determine whether the library could apply its policy without deciding whether a proposed use constituted "worship."

The trial court struck down the policy on the grounds that the policy required library staff to determine whether a proposed event constituted worship, thereby impermissibly entangling the public library with religion.



Policy Guidelines

The policy should:

- describe the facility with particularity and define who is eligible to use the facility.
- regulate the time, place, or manner of use without reference to the content of a meeting or to the beliefs or affiliations of the sponsors

There is no need to include a specific clause addressing religious activities or worship.



Alliance Defense Fund



If you receive a letter ...

- Only communicate with ADF through legal counsel.
- Review and revise your meeting room policy with legal counsel and/or OIF assistance.
- Remember that ADF cannot sue libraries without standing.

Questions, Comments?

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