



Intellectual Freedom Fighters: Refighting a War Already Won

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In July 2022, our County Commissioners also tried to get involved and passed a resolution, which stated:

“It is requested that all sexually explicit content and/or materials within our Public Library Children Departments be clearly marked as sex education and relocated at minimum behind the counter and out of reach of prepubescent children. Further, any such access should first be at the discretion and with the authorization of the parent or legal guardian, without exception.”



News article about that
Commissioner's meeting.



THE COMPLAINTS (just some of many)

“The library is grooming children with these books.”

“The Children’s Department of the Chetco Community Public Library has sexually explicit materials available to prepubescent children.”

“Chetco Library Board of Directors voted to reject the expulsion of sexually graphic child grooming books.”

“... sexually provocative materials are scattered throughout the Children’s Department in various locations. There is a grouping of sexually graphic books on the lowest shelf possible, closest to the ground, making them easily accessible to children of all ages.”

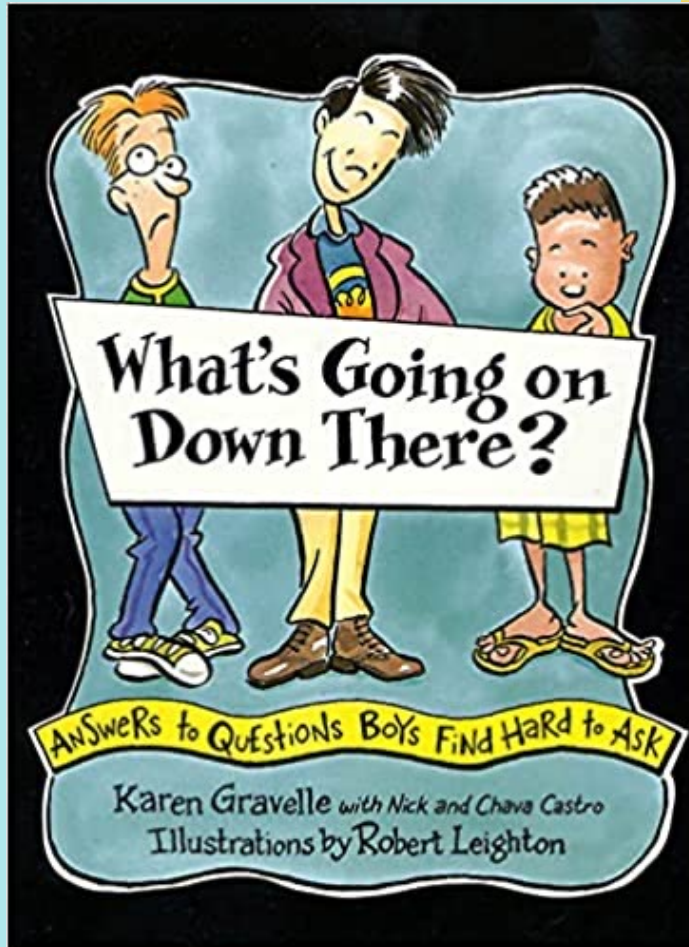
“Kids can check out anything they want.”

THE FACTS

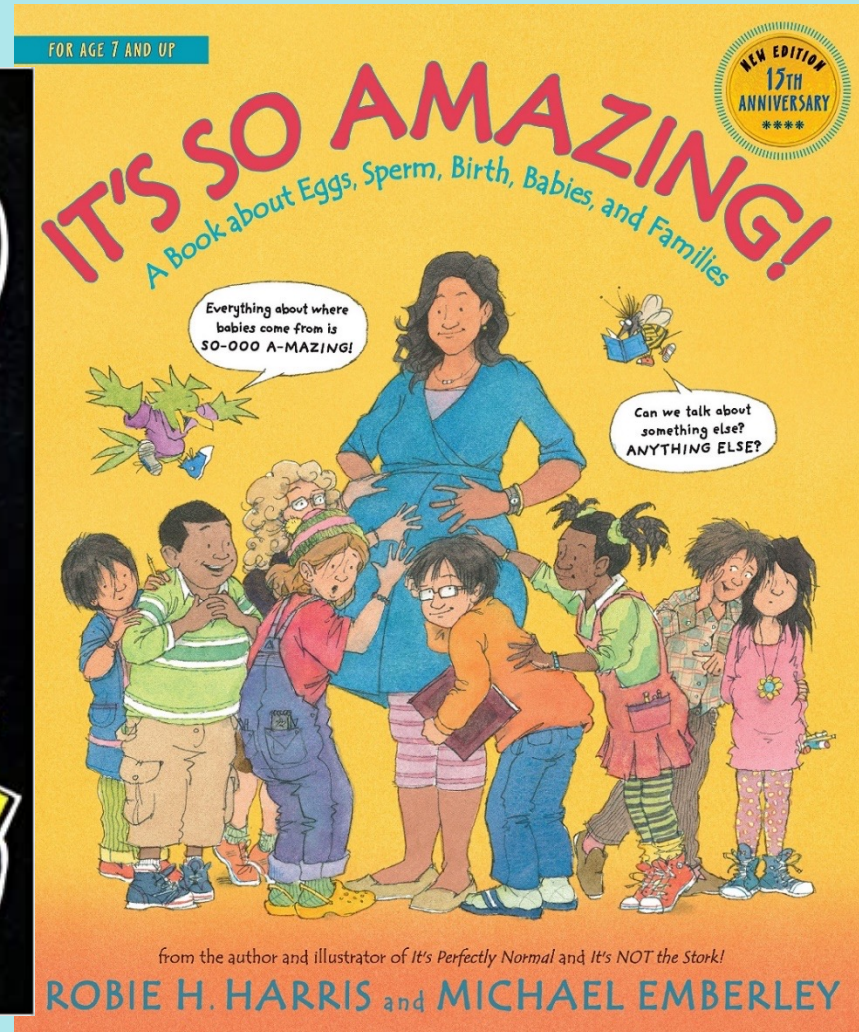
FACT: There is ONE section of books in the Junior section that contain information and drawings about bodies. There are a total of SEVEN books in this section. I was unable to find a single book elsewhere in the children's collection that depicts nudity. These are the actual books (book covers in next photos):



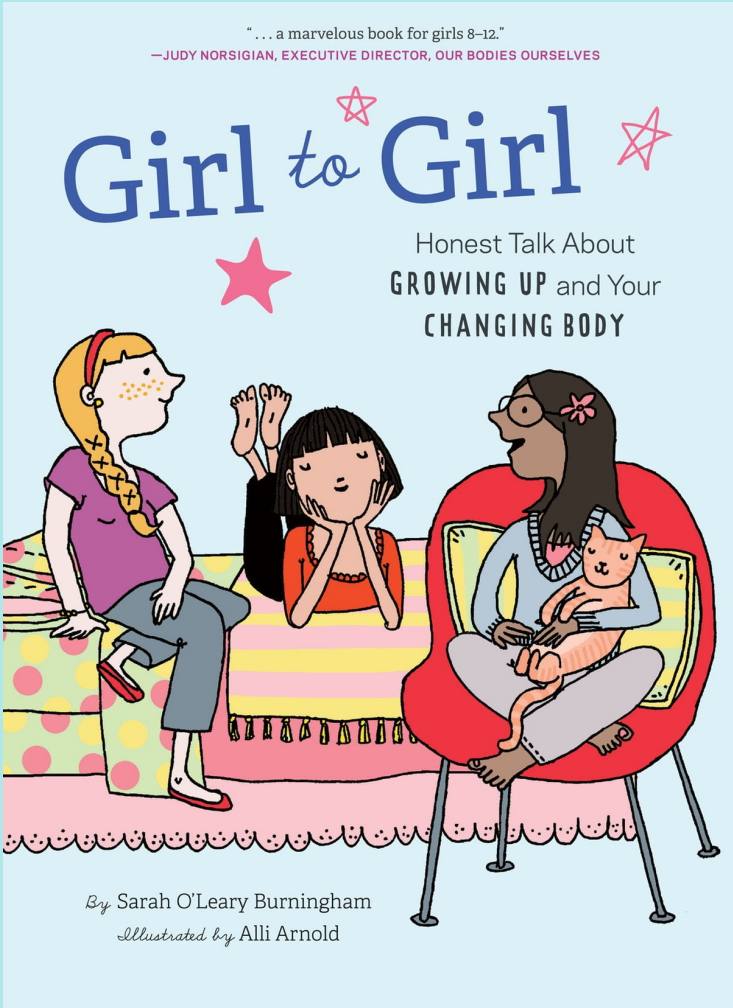
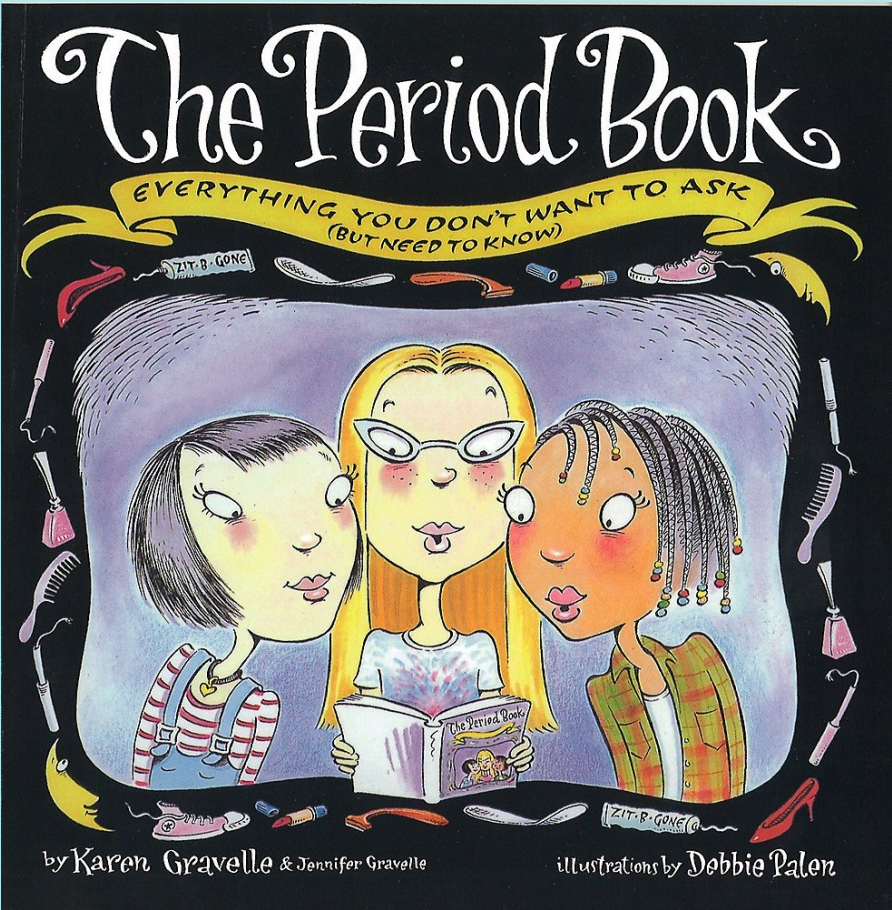
THE FACTS



*Weeded: no checkouts in 3 years

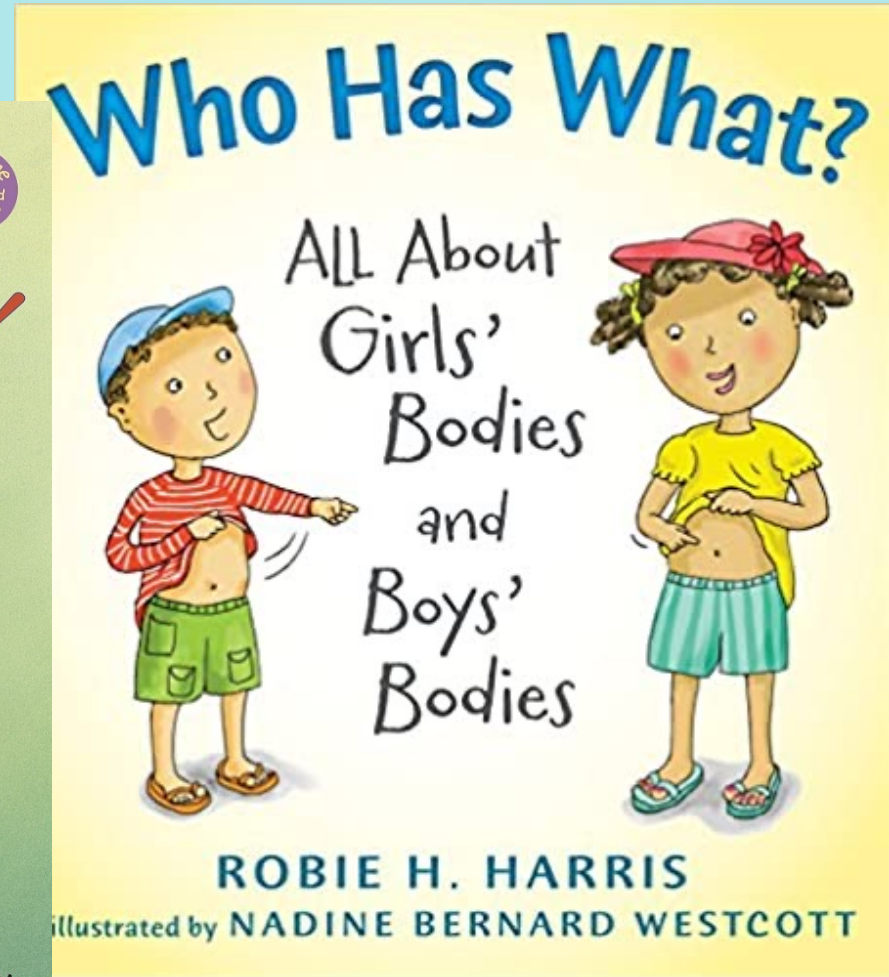
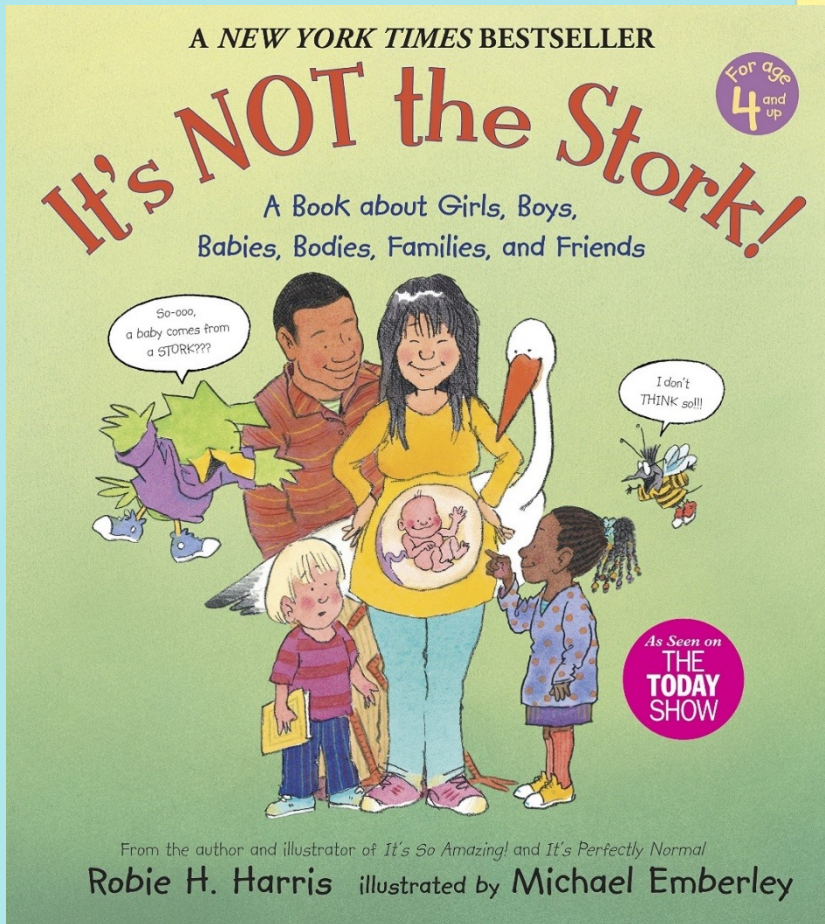


THE FACTS



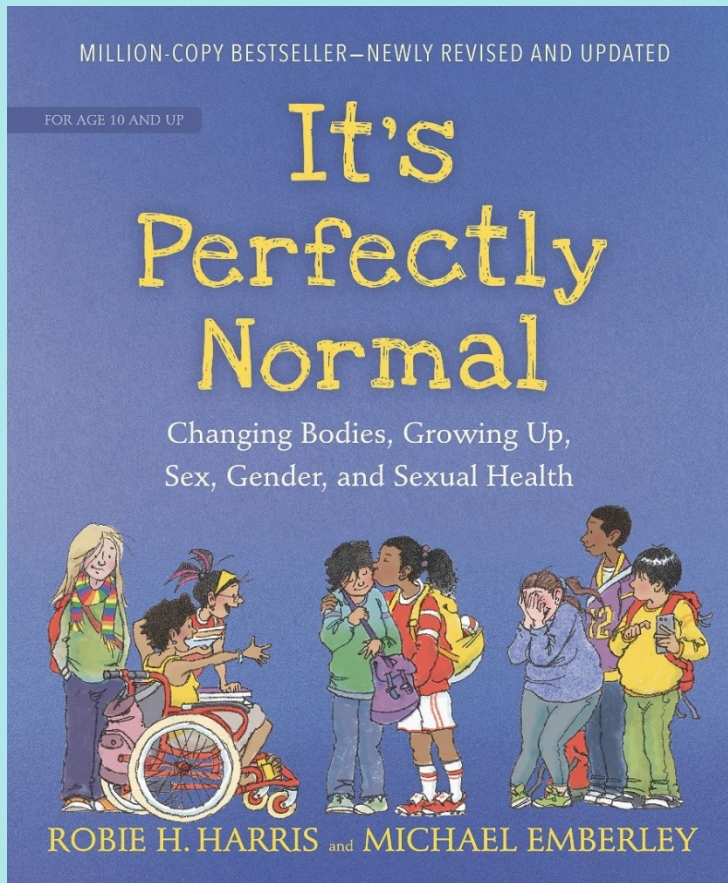
Intellectual Freedom, Our Library, and the Law.

THE FACTS



THE FACTS

Aside from *Gender Queer*, this is the title that gets the most attention:



"It's Perfectly Normal, which is geared toward children nearing puberty, has sold more than one million copies, been translated into more than 35 languages, and has been endorsed and used by teachers, librarians, clergy, health care and mental health professions across this country." School Library Journal

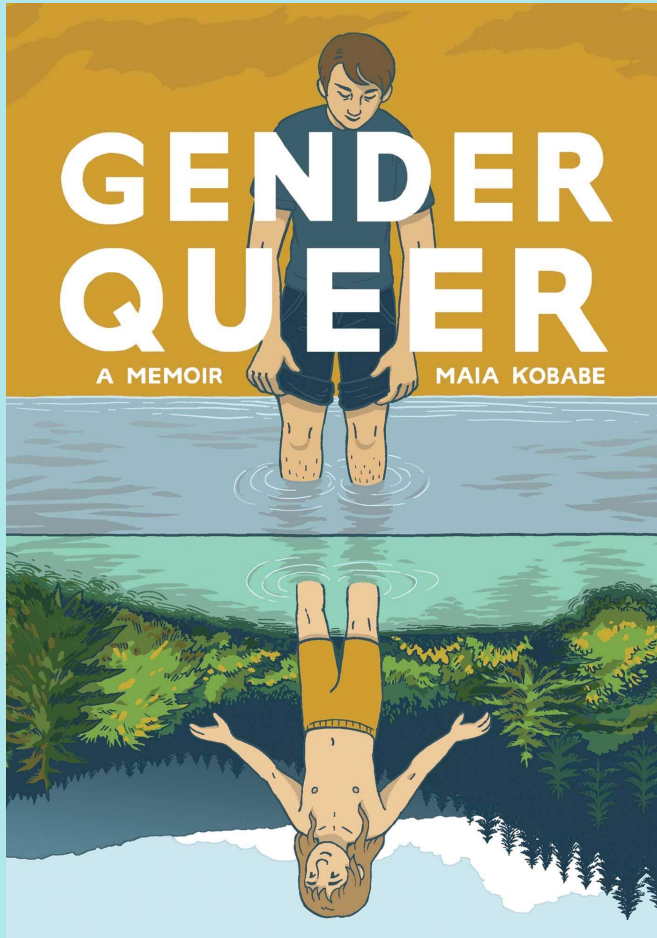
"Still a useful resource, but it doesn't meet the needs of many readers." Kirkus Reviews (review of 2021 updated edition)

(Doesn't meet everyone's needs because "this book falters significantly in its attempts to include intersex, trans and nonbinary readers.")

"This intelligent, amiable and carefully researched book... frankly explains the physical, psychological, emotional and social changes that occur during puberty. Emberley's watercolor and pencil art reinforces [the] message that bodies come in all sizes, shapes and colors-and that each variation is 'perfectly normal.'"

Publisher's Weekly

THE FACTS

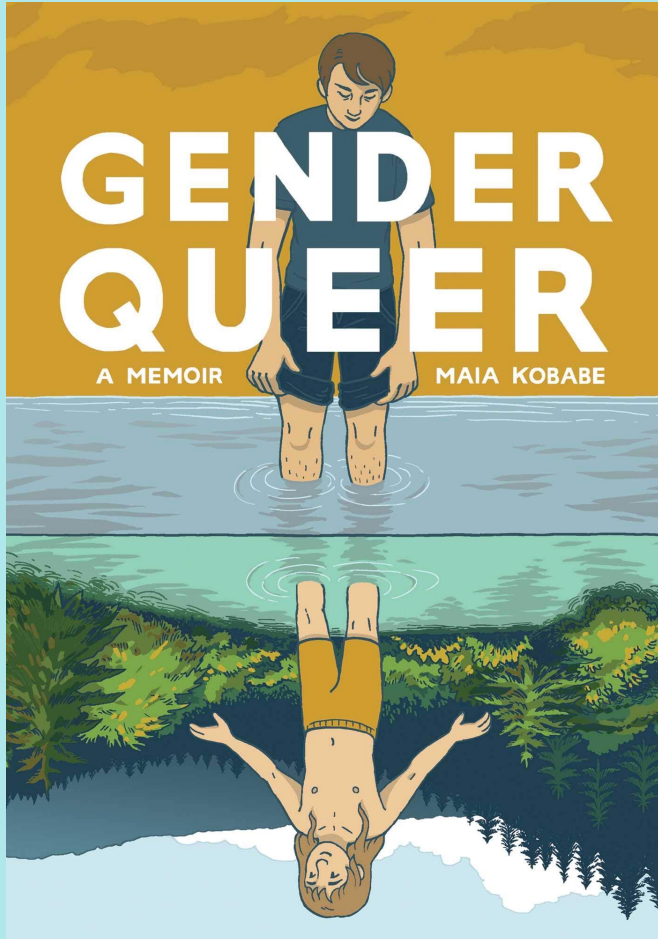


FACTS: *Gender Queer* by Maia Kobabe, the book that gets the most attention in this debate, is **in the adult section of the library and always has been.**

It is highly regarded and reviewed content for adults or older teens, and meets our standards for inclusion in the collection.

There are 4 copies in Coastline, they have been checked out a total of 30 times. One 17 year old, and the rest were 20 - 76. Average age: 47. (data from Nov 2022)

THE FACTS



April 24, 2024

Review Quotes about this book:

Publisher's Weekly: "This entertaining memoir-as-guide holds crossover appeal for mature teens (with a note there's some sexually explicit content) and is sure to spark valuable discussions at home and in classrooms."

School Library Journal: "This is a sensitive, nuanced graphic novel that includes depictions of masturbation, sex, and painful gynecological exams, but most of the story is concerned with smaller moments of interactions with family and friends, and how being unsure of one's gender can change the effect of even a well-meaning comment."

For more info & quotes, go to <https://tinyurl.com/ChetcoKobabe>

From the Chetco Library's Code of Conduct:

Ensure children under the age of 10 are accompanied by a responsible caregiver 14 years or older at all times. Children under 5 should remain within sight of that responsible party at all times.

FACT: Children under 10 cannot checkout any item without a parent or caregiver, because they aren't supposed to be in the library without them.

FACT: Children under 5 should never be out of sight long enough to stumble into a section the parent/caregiver doesn't want them to be.

But can a 14-year old make these judgments?

Our assumption (and the legal assumption) is that if your child is at the library with a sibling or babysitter, then you have fully entrusted your children to their care.

FACT: It is not the library's role to act in the place of a parent.

THE REQUESTS

“We request all sexually explicit materials be clearly marked as sex education and relocated OUT of the reach of prepubescent children in the Children’s Department.”

~from petition signed by 400+ people

“It is requested that all sexually explicit content and/or materials within our Public Library Children Departments be clearly marked as sex education and relocated at minimum behind the counter and out of reach of prepubescent children. Further, any such access should first be at the discretion and with the authorization of the parent or legal guardian.”

~request from Curry County Commissioners

Intellectual Freedom, Our Library, and the Law.

STATE LAW



State law (ORS) says the State Library Board establishes minimum conditions for every public library in the state.

The Oregon Secretary of State's rules (OAR) dictate library ALL public libraries must incorporate relevant American Library Association guidelines into their policies.

The Chetco Library abides by these rules, as we are required to do.



First: We are SAFER here in Oregon than many other states may be.

"The bar is VERY high to formulate a constitutional prior restraint on speech. Oregon caselaw does not examine this issue under Oregon's constitution. However, our state is even more protective of free speech."

-Chetco Library's legal counsel

ORS 357.405

Minimum conditions for public libraries

TEXT

ANNOTATIONS

- (1) The State Library Board shall establish minimum conditions that a public library must meet.
- (2) The conditions established under this section must, at least:
 - (a) Include financial support from public funds and regularly scheduled open hours; and
 - (b) Provide reasonable exemptions to libraries with service populations of 2,000 or fewer residents of the local government unit. [2019 c.158 §3]

Oregon Revised Statutes

Intellectual Freedom, Our Library, and the Law.

STATE LAW

Chapter 543

Division 10 ADMINISTRATION

543-010-0036 Official Recognition of Public Libraries

- (1) The State Library Board will officially recognize those public libraries that become legally established under one of the methods described in ORS 357.216-286 or 357.400-621 and have met all minimum conditions.
- (2) Libraries, that have a service population of over 2000, shall meet the following minimum conditions:
 - (a) Have at least half (50%) of its operational financial support from public funds.
 - (b) Be open to the public a minimum of 20 hours per week.
 - (c) Provide a collection comprising books, media, or electronic resources.
 - (d) Offer free public access computers with Internet access.
 - (e) Offer free public wireless Internet access (wi-fi).
 - (f) Provide a website that enables local library users to access State Library of Oregon resources and services available to all Oregon residents.
 - (g) Employ at least 0.5 full-time equivalent (FTE) staff that include at least one librarian.
 - (h) Have basic policies in place and accessible online for collection management, circulation, and patron confidentiality that incorporate relevant American Library Association (ALA) professional ethical codes, rules, and guidelines.**
 - (i) Provide basic services for reference and youth services.
 - (j) Complete the annual statistical report as required under ORS 357.520 and OAR 543-010-0035.

OAR 543-010-0036(2)(h):
Have basic policies in place and accessible online for collection management, circulation, and patron confidentiality that incorporate relevant American Library Association (ALA) professional ethical codes, rules, and guidelines.

Oregon Administrative Rules (Secretary of State)

FEDERAL CASE LAW

Many of these principles have been tested through lawsuits and appeals to state and federal Supreme Courts.

When a court makes its ruling, that ruling is used as legal precedent and treated as law unless the ruling is later overturned by a higher court.

The following images describe two directly relevant cases—they tell us exactly how to apply principles of the 1st Amendment.

FEDERAL CASE LAW

Sund v. City of Wichita Falls, Tex (2000)

Based on a petition from community members, the library's governing body passed a resolution allowing certain "offensive" books to be moved from the children's section of the library to the adult book section.

The court found that the relocation of these books "violates Plaintiff's federal and state constitutional rights to receive information. The Resolution and the book removals burden fully-protected speech on the basis of content and viewpoint and they therefore cannot stand."

FEDERAL CASE LAW

Island Trees Sch Dist v. Pico, eg. US Supreme Court (1982)

The Board of the school district gave instructions to remove certain books that they “characterized as ‘anti-American, Anti-Christian, anti-Semitic, and just plain filthy.’” They also stated that it was “our duty, our moral obligation, to protect the children . . . from this moral danger.”

Students sued, alleging the Board’s actions denied respondents their rights under the first Amendment. **The Supreme Court upheld a lower court’s ruling that the removal of these books violated the students’ constitutional rights.**

CONCLUSIONS

The library has a *statutory duty* to enact policies that incorporate the relevant ALA guidelines.

CONCLUSIONS

Oregon and federal free speech protections do not allow the library to remove, restrict, or censor books based on their content.

CONCLUSIONS

The Chetco Library is following (and will continue to follow) these laws & guidelines, and will continue to stand up for intellectual freedom and the right for people of all ages from all backgrounds to find quality content in the subject area of their choice.



Did it work?



One final statement to our community





Discussion & Questions

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