

# RE: Review of Mead Library "Solicitation and Canvassing" Policy

Legal Dept

Tue 6/27/2023 7:40 PM

To:Erickson, Garrett <garrett.erickson@meadpl.org>;

The one concern I have with your policy as written is that it may not be sufficiently narrowly tailored. I would agree that, generally, the library building is not a "traditional public forum," where free speech rights are most protected. (And passing out flyers, etc., is speech.) Libraries are typically considered "limited public forums." A limited public forum is a place purposefully opened by the government for designated expressive activity by part or all of the public, but with restrictions on time, manner, and place restrictions.

*Kreimer v. Board of Police of Morristown, NJ*, 958 F.2d 1242 (3d Cir. 1992) is an important court opinion addressing a library user's right to enter and use the library. In that case, the court held that because public libraries are a limited public forum, constitutional protection is afforded only to those expressive activities that are consistent with the mission and purpose of the library. A public library is only obligated to permit the public to exercise rights that are consistent with the government's intent in establishing the library as a limited public forum for the purpose of receiving information and accessing the library's books, programs, and online resources. According to the *Kreimer* opinion, other activities, including activities such as photography, filming, petition-gathering, assemblies, and public speeches, may be regulated by the library using reasonable, viewpoint neutral, time, place, and manner rules.

I believe your policy is viewpoint neutral. However, it seems to suggest that all canvassing and soliciting is banned at all times except as expressly authorized by the Director. I would suggest that you consider rules that clarify when that authorization will be granted and where. For example, you may wish to allow canvassing and soliciting within a room that has been rented by an organization, but clarify that such activity must take place only inside the room and only during such time that the room has been reserved.

The last paragraph is fine, regardless. Even if you open up the forum in a limited way, you can still restrict people from causing nuisances that actually disrupt the business of the library. Just remember that this policy (and the rest of the policy) needs not only to be written in a neutral manner, but also enforced in a neutral manner.

Your policies can apply to your property, but would not apply to City property not under the control of the library. I am not certain of exactly where the lines are, but the City would have to act to exclude people from the City-owned property. I also think the library plaza comes much closer to being a traditional public forum where canvassing and soliciting are less able to be restricted.

I am sorry for the delay in response. We have been quite swamped. I hope this information is helpful.

Chuck Adams

DO NOT FORWARD INTERNAL EMAILS FROM THE CITY ATTORNEY'S OFFICE OUTSIDE THE ORGANIZATION

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**From:** Erickson, Garrett <garrett.erickson@meadpl.org>  
**Sent:** Wednesday, May 3, 2023 2:48 PM  
**To:** Legal Dept <Legal.Dept@sheboyganwi.gov>  
**Subject:** Review of Mead Library "Solicitation and Canvassing" Policy

Something not mentioned in the attached "orange sheet" is lines of jurisdiction. I assume the library board policy only pertains to patrons inside the building or under the library entrance, as opposed to the sidewalk area or parking lot. If this is incorrect, please let me know.

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