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Book Bans, Academic Freedom, and the Academic Law Library: Reflections on an AALL Discussion Den

Posted on [August 2, 2023](#) by [Olivia Smith Schlinck](#)

Discussion Dens are consistently among my favorite programs at the AALL Annual Meeting, and Leslie Street's *Book Bans, Academic Freedom, and the Academic Law Library* discussion was truly a highlight of AALL 2023. Street approached this difficult and ever-evolving issue with expertise, passion, and open-mindedness, guiding the group to consider: what can law librarians do to support our colleagues in states facing books bans on diversity, equity, and inclusion (DEI) bases?

What I found most striking was the discussion of Florida's "College Culture War Bill," [SB 266](#), which was signed in May and went into effect July 1 and explicitly prohibits any Florida state university from spending state or federal money "to promote, support, or maintain any programs or campus activities that [...] advocate for diversity, equity, and inclusion, or promote or engage in political or social activism, as defined by rules of the State Board of Education and regulations of the Board of Governors." [Fla. Stat. § 1004.06](#).

There is a carve-out for programs "required for compliance with general or federal laws or regulations [and] for obtaining or retaining institutional or discipline-specific accreditation," [Fla. Stat. § 1004.06](#), which should protect law schools. The American Bar Association, the accrediting body for law schools in the United States, requires law schools to "provide education to law students on bias, cross-cultural competency, and racism." [Standard 303\(c\)](#).

But the College Culture War Bill prohibits accrediting agencies like the ABA from "compel[ling] any public postsecondary institution to violate state law [...] except to the extent that state law is preempted by a federal law that recognizes the necessity of the accreditation standard or requirement." [Fla. Stat. § 1008.47](#). (What would happen if the Department of Education promulgated new regulations regarding accreditation as it relates to DEI?)

The College Culture War Bill also requires public postsecondary institutions to seek new accreditation associations after five years, with a carve-out for "those professional, graduate, departmental, or certificate programs [...] that have specific accreditation requirements for best practices, including, but not limited to, law, pharmacy, engineering, or other similarly situated educational programs." [Fla. Stat. § 1008.47](#).

If we take the broad view of the term "colleagues" to include *all* librarians, how can we support academic librarians in undergraduate public libraries in Florida and states with similar laws? If the College Culture War Bill largely exempts law schools, could the affiliated law schools purchase materials that undergraduate libraries might need, to cast ABA accreditation protection over those purchases? What if a law school library combines its catalog with their undergraduate library? [What about materials purchased in a bundle on a platform where librarians don't individually select materials? If they contain content about race, gender, or sex, does that violate the law?](#)

What happens if a library subject to the law receives a donation of otherwise prohibited materials? The College Culture War Bill prohibits spending state or federal money to *maintain* any programs supporting DEI initiatives. Is money spent on the salaries of those cataloging and shelving the donated material a violation? Does a library collection fall into the category of “programs or campus activities”? Is this law even enforceable, given its vagueness? Is this law unconstitutional?

As a group, the Discussion Den participants considered strategies for supporting libraries and librarians facing similar laws, particularly for those of us (like me) who are lucky enough to live and work in a state without extreme book banning policies. There were three that I want to highlight:

- Contact your representatives, and specifically, *write* to your representatives. Identify yourself as a librarian and advocate for free access to information, and make it known where you stand—and where you expect your representatives to stand.
- Consider writing or joining active litigation against book bans through amicus briefs, especially for those law librarians who are barred attorneys.
- Encourage AALL to fill the currently-vacant advocacy role, so that our professional organization has a voice in the political happenings that are important to us as librarians like book banning.

What other ways can we support our colleagues and the right to read?

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1 Response to *Book Bans, Academic Freedom, and the Academic Law Library: Reflections on an AALL Discussion Den*



Patrick Lavey says:

August 3, 2023 at 12:00 pm

Thank you for this summary of a meeting I was unable to attend. This is a very important topic; I am grateful for this overview.

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