



March 25, 2025

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Sent via U.S. Mail and Electronic Mail (smarshall@rfrlaw.com)

Dear Ms. Marshall:

Thank you for your February 7 response to FIRE's January 21 letter to the Tulsa City-County Library Commission. We are glad to receive confirmation that the library does not have a general prohibition on adults being in the children's section or on discussing politics with minors. However, we remain concerned by the enforcement and unclear scope of the library's filming policy.

As we noted in our previous letter, library staff provided Ms. Snyder a flyer noting the library's restriction on filming and photography.¹ The flyer's admonition that "filming and photography are not allowed at Tulsa City-County Library without prior approval" reads as a categorical ban on all filming and photography in the absence of prior permission. However, the flyer also contains a QR code to the library's Onsite Media/Film Request form and two URLs for more information, and these additional sources suggest the filming restriction is narrower.

The Onsite Media/Film Request form requires applicants to agree "to use media and film materials in an appropriate manner" and provides a space for applicants to list their organization.² One of the URLs leads to a page instructing that "[b]efore filming at any Tulsa City-County Library location or event, members of the media or independent filmmakers must complete and submit" the media request form, and applicants must submit these requests at least 30 days

¹ A photograph of the flyer is enclosed.

² *Waiver and Acknowledgement Onsite Media/Film Request*, TULSA CITY-CNTY. LIBR. (2023), https://www.tulsalibrary.org/sites/default/files/2023-10/TCCL-onsite-media-film-request_1.pdf.

in advance.³ The page instructs that any “individual wishing to utilize a library location for media interviews, filming or photography must receive written approval.”⁴

These references to “media and film materials,” organizational affiliation, “members of the media or independent filmmakers,” “media interviews,” and especially the 30-day notice requirement suggest the policy is intended to apply to members of the media and other professionals whose filming activities may present significant risk of disruption to the library’s environment and operations.

Nevertheless, the library enforced the policy against Ms. Snyder as if it requires prior approval for filming *in all cases*. Even assuming a more limited policy could be constitutional, a blanket 30-day notice requirement for literally any filming or photography is not.

A restriction on filming necessarily restricts speech, as “videorecording is ‘unambiguously’ speech-creation, not mere conduct.”⁵ Because libraries are designated public forums under Tenth Circuit precedent, “the government may only impose content-neutral time, place, and manner restrictions that: (a) serve a significant government interest; (b) are narrowly tailored to advance that interest; and (c) leave open ample alternative channels of communication.”⁶

Requiring prior approval for *all* filming and photography cannot satisfy this requirement. Even assuming that promoting peace and privacy in the library are significant government interests, banning anyone from taking a single cell phone photo without asking permission 30 days in advance can hardly be described as *narrowly* tailored. For example, the filming policy appears to apply even when a group has reserved a library meeting room, where peace and privacy concerns are less applicable.⁷ The policy also fails to leave open ample alternative channels of communication, as alternatives like written notes are not adequate substitutes for the expressive value of visual media.

Even analyzing a universal 30-day notice requirement under the more lenient rule standard for nonpublic forums that requires meeting only a threshold of reasonableness,⁸ requiring 30 days’ notice before someone may take so much as a selfie anywhere in the library would fail First Amendment scrutiny as unreasonable.

³ TULSA CITY-CNTY. LIBR., *About*, www.tulsalibrary.org/about.

⁴ *Id.*

⁵ *Irizarry v. Yehia*, 38 F.4th 1282, 1289 (10th Cir. 2022) (quoting *Animal Legal Def. Fund v. Kelly*, 9 F.4th 1219, 1228 (10th Cir. 2021)).

⁶ *Doe v. City of Albuquerque*, 667 F.3d 1111, 1128–31 (10th Cir. 2021) (quoting *Shero v. City of Grove*, 510 F.3d 1196, 1203 (10th Cir. 2007)).

⁷ See TULSA CITY-CNTY. LIBR., *Meeting Rooms*, <https://www.tulsalibrary.org/using-the-library/meeting-rooms>.

⁸ *Perry Educ. Ass’n v. Perry Local Educators’ Ass’n*, 460 U.S. 37, 46 (1983).

Such a requirement also restricts the constitutionally protected practice of filming interactions with government officials and employees.⁹ That is exactly what happened in Ms. Snyder’s case. Even assuming her interaction with the Teen Teamer warranted removal from the library, that would not by itself transform filming an interaction with a library staff member into something sanctionable. In any event, a 30-day notice requirement effectively prohibits *anyone* from *ever* filming spontaneous interactions or disputes with library staff.

Enforcement of the filming policy against Ms. Snyder, the flyer handed to her, and your response to FIRE’s letter indicate the policy applies to all filming or photography—despite several references in the policy materials to professional filming activities. We therefore urge Tulsa City-County Library to revise the policy and any associated guidance to clarify its scope and ensure its constitutional compliance. We further call on the library to rescind any sanction against Ms. Snyder for violating the policy, which cannot constitutionally apply to her filming activity. Finally, we request that the library train staff in how to properly enforce the policy to protect the First Amendment filming rights of future library patrons.

We respectfully request a substantive response to this letter no later than April 22, 2025.

Sincerely,

A handwritten signature in black ink that reads "M. Brennen VanderVeen". The signature is written in a cursive, slightly slanted style.

M. Brennen VanderVeen, Esq.
Program Officer, Public Advocacy

Encl.

⁹ See *Irizarry*, 38 F.4th at 1289 (“Filming the police and other public officials as they perform their official duties acts as a ‘watchdog of government activity,’ and furthers debate on matters of public concern.”) (quoting *Leathers v. Medlock*, 499 U.S. 439, 447 (1991)). Although *Irizarry* is principally about the right to film police officers at a traffic stop, especially in its qualified immunity analysis, its holding that filming the police is protected is based on three principles—that the First Amendment protects newsgathering, videorecording, and discussion of governmental affairs—which all apply to filming an interaction with a government official or employee who is perceived to be hostile or violating an individual’s constitutional rights.

FILMING AND PHOTOGRAPHY ARE NOT ALLOWED AT TULSA CITY-COUNTY LIBRARY WITHOUT PRIOR APPROVAL.

This includes filming and photography in reserved meeting rooms. Scan the QR code, ask staff at this location or call 918-549-7323 for an **Onsite Media/Film Request** form in advance of your requested date.



For more information, visit www.TulsaLibrary.org/about
and www.TulsaLibrary.org/using-the-library.

