



## In Response to Assertions of Unethical Behavior on the part of the St. Mary's County Library

March 9, 2017 – Leonardtown, Md. – It has come to the attention of the St. Mary's County Library that the call to action (to contact the Maryland State Senator and Delegates who represent St. Mary's County) has been labeled 'Unethical' in form responses back to library users. We sought legal counsel. Below is the response we received.

*[The library] recently engaged me to provide my legal opinion on whether or not the Board or library staff acted illegally or unethically by using library resources (ie. staff time and equipment) to advocate for the passage of a bill providing bonding authority to the St. Mary's County Board of County Commissioners. In short, my answer is no; the library has violated no law or ethical cannon in advocating for legislation that impacts library operations. In support of this opinion, I rely on the fairly recent holding of the Maryland Court of Appeals, Fraternal Order of Police vs. Montgomery County Maryland (No. 45, Sept. Term 2015). This case involved the Executive of Montgomery County spending public money to advocate for a particular position on a ballot referendum. The Court there held that the concept of government speech "provides an affirmative basis for government entities to inform the public of their views regarding legislative measures that may significantly affect their operations or programs, including ballot questions." The Court distinguished this sort of advocacy from "political" speech, which involves the support of a particular party or candidate for public office. Unlike government speech related to the operations of the agency, state law may very well prohibit the expenditure of public funds to engage in political speech.*

*The actions of the Board of Trustees and library staff in sending an email to library patrons encouraging them to contact their legislators in support of the bond bill is clearly government speech protected by the First Amendment to the Constitution of the United States. Furthermore, there is no state law, regulation or ethical cannon that would prohibit or limit such non-political activity in Maryland. Of utmost importance to this analysis is the distinction between speech in support of, or opposition to, a particular candidate or political party on one hand and speech intended to affect the outcome of the legislative process on the other. The actions of the library clearly fall into the latter category.*

We categorically reject any claim that we are acting unethically.

Continued on Page 2

Administrative Offices	Charlotte Hall Library	Leonardtown Library	Lexington Park Library
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Leonardtown, MD 20650	Charlotte Hall, MD 20622	Leonardtown, MD 20650	Lexington Park, MD 20653
301-475-2846 x1012	301-884-2211	301-475-2846	301-863-8188
FAX: 301-884-4415	FAX: 301-884-2113	FAX: 301-884-4415	FAX: 301-863-2550
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For questions concerning the Library, please contact Michael Blackwell, Director at [mblackwell@stmalib.org](mailto:mblackwell@stmalib.org) or call 301-475-2846 ext. 1013.

The library strives to provide correct and factual information. We rely upon our elected officials to do the same and therefore have used the information received from our county commissioners to call our customers to action in good faith.

For questions concerning the use of public funds for major capital improvement projects, borrowing authority, and/or the financial decisions of the Commissioners of St. Mary's County, please contact the Commissioners of St. Mary's County.

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