



# FIRE

Foundation for Individual  
Rights and Expression

July 21, 2023

**Sent Via Email**

Steve Earl  
Orem City Attorney  
scearl@orem.org

**Re: Retaliation against the Utah Library Association and  
Censorship of Employee Speech**

Dear Mr. Earl:

The Foundation for Individual Rights and Expression (FIRE) received your letter dated July 7, 2023, responding to FIRE's letter dated June 2, 2023, which details the City of Orem's violations of the First Amendment rights of our client, the Utah Library Association (ULA).

Your letter confirms that the City has taken some important steps in the right direction. But the City's policies still violate the First Amendment rights of library employees and the ULA's concerns are not fully satisfied.

The ULA also disagrees with the City's characterization of many of the facts. In particular, the ULA has acted in good faith and made repeated efforts to reach out to and work with Orem leadership.

However, the ULA is heartened by the City's efforts to address the matter and we hope to move forward toward resolution and repairing the relationship between the City and the ULA.

Specifically, you write that "the City has reestablished its policy of paying for Orem librarians' ULA membership dues and allowing Orem librarians to participate in ULA activities on City time to the same extent it did prior to June 2022." This is a welcome development. We ask that the City put its policy regarding participation in the ULA into writing in the Orem Employee Handbook and inform library staff of the changes in an all-staff meeting. Communicating this positive change is especially important because the ULA Participation Ban was announced haphazardly and through word of mouth. Orem library employees must know they are once again able to seek professional development with the ULA.

Your letter requests an in-person meeting, as soon as possible, to facilitate a better understanding between the parties going forward. ULA leadership is unavailable to meet before August 21, 2023 due to prior engagements, but is willing to meet with Orem library leadership after that date. Please let us know a list of

proposed attendees for the library and suggest a date and time at your earliest convenience.

The City must also make changes to its social media policy to reduce the chilling effect it has had on employees. We appreciate the City's declaration of its "commitment to respecting the constitutional rights of both employees and others with whom the City interacts."<sup>1</sup> However, the City fails to recognize the chilling effect that its social media policy has already had on employees. In fact, the policy has significantly chilled employee speech concerning the ULA's letters and the city's display policies.

ULA nevertheless appreciates the City's stated willingness to examine the policy to protect the First Amendment rights of City employees, including Orem librarians. FIRE on behalf of the ULA offers its First Amendment expertise to help the City refine its policy so that it is consistent with the City's obligations under the First Amendment. We will develop proposed changes and submit them to you for your consideration and for further discussion. We will want to review any changes to ensure that they satisfy the First Amendment before we can consider this matter resolved.

We also request that any changes the City makes be conveyed to City employees via email and in an all-staff meeting along with a public declaration that City employees generally have a First Amendment right to speak on social media as private citizens on matters of public concern, including City policies.

We are also grateful to see the City's commitment to transparency with respect to the library's new display policy, as well as the strong language regarding freedom of speech and the right to read contained in that policy. To that end, the ULA is interested in working with the Orem library on a joint statement in favor of free speech and freedom of expression regarding both the rights of library patrons and the rights of library employees.

Please let us know if you have any questions about our requests or anything else in this letter. We look forward to continuing to work with you toward a resolution of this matter that respects the First Amendment rights of all involved.

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<sup>1</sup> <https://orem.org/orem-responds-to-f-i-r-e-letter/>.

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Sincerely,

/s/ Jerome Mooney

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