

8617 Ashford Lane
Pickerington, OH 43147

December 2, 2015

President Cristie Hammond
Pickerington Library Board of Trustees
201 Opportunity Way
Pickerington, Ohio 43147

Dear Ms. Hammond:

I moved to Pickerington in 1988 and have lived here ever since. I really don't remember when I got my library card (though looking at it, it has seen extensive use). For the last 20 years or so, for health and spiritual/religious reasons, I have gone about my life barefoot.

And I used the library barefoot, too. Always. I have never been in the new building wearing footwear.

I used the library barefoot while supporting it with my taxes. I used the library barefoot while supporting it by voting (barefoot, of course) for its various levies. I used the library barefoot while my children, now grown, attended Storytime. I used the library barefoot while supporting it by donating books to it, and by buying books, barefoot, at the Book Sales. I used the library barefoot through the tenures of Directors Becky Callender and Suellen Goldsberry. I even recently used the library barefoot to attend the author's event with science-fiction author John Scalzi (great get, that!). I was always treated with dignity and respect by a great bunch of people.

Then you got a new director who convinced you that you needed to ban people like me from the library, and you changed the code of conduct to specifically exclude me, or people like me, from using library services. This past Monday, while using the library like I have for the past 20 years, Mr. Howard informed me that I would basically not be able to come in ever again, for I will not wear shoes or other footwear.

Yes, the Board of Trustees did add a line in the Code of Conduct in 2011 about "Appropriate Attire" being required, but bare feet were not specifically banned by that rule, and over all that time they were not considered to be banned, since I continued to use the library barefoot. Under Ms. Goldsberry and all the other librarians I had come to know over the years, I continued to use the library barefoot as I always had. Bare feet were certainly "appropriate" for them, for they are quite appropriate in a library environment. (They are also certainly better than loud high heels.)

Mr. Howard told me the rule was needed for "sanitation" reasons. He said I or others might come in with athlete's foot, and since the library had children on the floors, he just could not risk it.

It is sad when a librarian refuses to use the resources at his or her fingertips and refuses research and learning. Athlete's foot is a shod disease that thrives in the warm, dark, moist environment inside of a shoe. It is virtually unknown in barefoot populations. Not only that, but if somebody who has athlete's foot comes into the library wearing sandals, they are shedding the fungal spores as they walk. Where is his concern for the children there? Is a ban on sandals next, because of "sanitation"? For that matter, those children on the floor could have ringworm (a non-foot variety of athlete's foot), or impetigo, or a recently skinned knee, or some other rash while they sit there. But there is no new rule about them. That's a risk the new director has no problem with. This new rule, while claiming to be about sanitation, attacks the barefooted while leaving the door open to similar supposed sanitation issues. It appears that the new director is just prejudiced regarding bare feet.

Unsurprisingly, over the past 20 years of using the library barefoot there were no sanitation or other issues that arose. I simply used the library as every other patron did. Did you know that libraries only started making shoe rules in the early- to late-1960s when hippies increased in numbers and the busybodies of the time used new rules to express their disapproval? Before that kids and older people were free to use libraries barefoot without officials trying to prove their authority over them.

Sometimes I also hear the facile excuse that nobody wants to see bare feet, as if it is an esthetics issue. Yet, those very same people seem to have no problem with minimal footwear such as flip-flops, which expose to public view just as much of the foot as going barefoot does.

It must be noted that there is no Health Department regulation requiring shoes in public buildings. In fact, I go about my daily life quite easily while barefoot, visiting all manner of public buildings like grocery stores, home improvement stores, and even doctors' offices. Why is it that libraries seem to think they have been tasked with taking over the duties of Health Departments while knowing nothing about the subject? Do they just think that libraries are comparatively horribly unsanitary and are unsafe places compared to every other kind of business out there?

I already mentioned that one reason I go barefoot is for health reasons. I have a back that we in my family affectionately call the "Jorgensen back" after my mother's maiden name and the side of the family it came from. The Jorgensen back gives us all a lot of trouble. In my case CT scans show that my spine is deteriorating and it gives me a fair bit of pain. However, I have noticed that going barefoot alleviates a large portion of that pain, at least when walking or doing physical activities. As far as I can tell, shoes distort a natural walking style, which has implications all the way up the spine. While shod, forces are redistributed and shocks from impact are not dealt with the way they are when barefoot. In addition, the proprioceptive feedback directly from my soles allows me to place my feet in a way that removes many of the adverse effects from shoe-wearing. These statements are backed up by scientific research.

I also have a bum knee. A CT scan of it (done in 2003) showed shattered cartilage in it. Yet, I have managed to continue to use that knee without a problem . . . while barefoot. When I put on footwear it immediately starts aching and quickly gets worse. Again, it's the proprioceptive benefits and the ability to position the leg undistorted by footwear that is providing relief. (By the way, that knee injury occurred when I, against my better judgment, put on footwear

to enter a place I wanted to enter that required footwear. I turned, my shod foot caught on the carpeting because of a lack of feedback and a non-natural sole, and my knee cracked. I knew exactly when I did it.)

When Mr. Howard confronted me I told him of these issues, and that I thought that the Americans with Disabilities Act (along with its later amendments) applied, along with similar state protections in the Ohio Revised Code Chapter 4112. The ADA is quite expansive in its definitions of what constitutes a disability. I clearly have a “physical impairment” that limits my ability to walk when forced to wear footwear. Not only that, allowing me to go barefoot does not pose “a direct threat to the health or safety of others”, where

A “direct threat” is a significant risk to the health or safety of others that cannot be eliminated or reduced to an acceptable level by the public entity's modification of its policies, practices, or procedures, or by the provision of auxiliary aids or services. The public entity's determination that a person poses a direct threat to the health or safety of others may not be based on generalizations or stereotypes about the effects of a particular disability. [The Americans with Disabilities Act—Title II Technical Assistance Manual.]

Mr. Howard's comments to me were most clearly based on generalizations and stereotypes. You might consider furthering Mr. Howard's training in complying with the ADA. What he did was equivalent to ejecting a disabled person with a service dog because animals are not allowed in the building. The only difference is that the library rules were specifically written with that sort of exception in mind. But allowing service animals is not the only requirement of the ADA and cannot be the only exception.

I also have a letter from my doctor detailing my physical impairment and stressing the need for me to go barefoot. I have attached a copy of that letter. (In all fairness to Mr. Howard, I did not mention this letter to him, since I was fairly rattled by the confrontation. In addition, I never bother carrying the letter into the library because of my 20 year ability to use the library barefoot. Why bother in a place I thought was barefoot-friendly?)

I also told Mr. Howard that I should be granted a religious exemption to any footwear rule. I practice of form of Naturistic Deism that dictates that Providence is happiest with me (and I am happiest with Providence) when I go barefoot. When barefoot I am most directly connected to Providence and it is incumbent upon me to do so. He pooh-poohed this.

The library, as an agency of the State of Ohio, is required to follow the Ohio Constitution. In *Humphrey v. Lane*, 2000-Ohio-435, 89 Ohio St.3d 62, 728 N.E.2d 1039, the Ohio Supreme Court ruled that under Article I, Section 7 of the Ohio Constituion, “the standard for reviewing a generally applicable, religion-neutral state regulation that allegedly violates a person's right to free exercise of religion is whether the regulation serves a compelling state interest and is the least restrictive means of furthering that interest.”

Clearly, the shoe rule, with its emphasis on what is merely what some person in authority considers “appropriate” cannot come even close to meeting this legal standard. My sincerely held religious belief cannot be subjected to the library’s shoe rule.

I am asking that the library Board of Trustees simply remove the newly enacted shoe rule (located in Appendix A). It serves no useful purpose as shown by the past 20 years. Even worse, it succumbs to fearmongering and the promulgation of popular myths, something that libraries are supposed to be fighting, not encouraging.

Absent that, I ask that you direct Mr. Howard and all the librarians (or those in authority) not to enforce the shoe rule against me, due to the reasons I have outlined above. Again, the rule serves no useful purpose and cannot overcome the burden it must meet to violate my rights under the law.

Thank you for your consideration, and I hope to hear a favorable resolution to this situation soon.

Sincerely,

Robert A. Neinast