

RESOLUTION ON THE USA PATRIOT ACT AND LIBRARIES

- WHEREAS,** for over half a century the American Library Association has actively sought to protect the freedom of Americans to read and receive information without the threat of surveillance as part of their First Amendment rights to free expression; and
- WHEREAS,** *Privacy: An Interpretation of the Library Bill of Rights* states that “The American Library Association affirms that rights of privacy are necessary for intellectual freedom and are fundamental to the ethics and the practice of librarianship” and calls upon librarians “to maintain an environment respectful and protective of the privacy of all users”; and
- WHEREAS,** the American Library Association opposes any use of governmental power to suppress the free and open exchange of knowledge and information to intimidate individuals exercising free inquiry; and
- WHEREAS,** the American Library Association, since 2003, has passed resolutions calling for the USA PATRIOT Act to be amended to protect the privacy rights of library users; and
- WHEREAS,** all the states and the District of Columbia protect the confidentiality of library records; and
- WHEREAS,** Section 215 of the USA PATRIOT Act allows the government to secretly request and obtain library records for large numbers of individuals without any reason to believe they are involved in illegal activity; and
- WHEREAS,** Section 505 of the USA PATRIOT Act permits the FBI to obtain electronic records from libraries with a National Security Letter without prior judicial oversight; and
- WHEREAS,** such open-ended searches expose all library users to the search and seizure of their records and to the invasion of their privacy; and
- WHEREAS,** Attorney General Alberto Gonzales and Federal Bureau of Investigation (FBI) Director Robert Mueller have told Congress that they are not interested in library records and, as recently as April 2005, that Section 215 has never been used to request library records; and
- WHEREAS,** a comprehensive study of the impact on the public of federal law-enforcement activities in America’s libraries, “Impact and Analysis of Law Enforcement Activity in Academic and Public Libraries,” * found that federal law-enforcement officials have made numerous requests for reader records and other confidential library information; and
- WHEREAS,** the SAFE Act in both the Senate (S. 737) and House (H.R. 1526) and the Freedom to Read Protection Act (H.R. 1157) contain provisions that would restore the privacy rights of library users; and
- WHEREAS,** the House of Representatives took a stand against open-ended searches of library records when it passed on June 14, 2005, by a vote of 238 to 187, the amendment proposed by Representative Bernie Sanders to the House FY 2006 Science-State-Justice appropriations bill barring the Department of Justice from using appropriated funds to search library and bookstore records under Section 215 of the USA PATRIOT Act; and
- WHEREAS,** the Senate Select Committee on Intelligence recently passed legislation (S. 1266) that would vastly expand the government’s authority under the USA PATRIOT Act allowing the FBI to

issue subpoenas, with no prior judicial oversight, to get any records from any entity; now, therefore be it

RESOLVED, that the American Library Association urges the Senate, in the FY 2006 Senate Commerce-Justice-State appropriations bill, to bar the use of appropriated funds by the Justice Department to search library and bookstore records under Section 215 of the USA PATRIOT Act; and, be it further

RESOLVED, that the American Library Association urges Congress to pass legislation that restores the privacy rights of library users; and, be it further

RESOLVED, that the American Library Association opposes any further initiatives on the part of the United States government to constrain the free expression of ideas or to inhibit the use of libraries as represented in the USA PATRIOT Act expansion bill marked-up in secret by the Senate Select Intelligence Committee; and, be it further

RESOLVED, that the American Library Association urges librarians and other library workers, trustees and advocates throughout the country to continue their efforts to educate their users on the impact of Sections 215 and 505 of the USA PATRIOT Act on libraries.

Background:

Code of Ethics of the American Library Association (Policy 54.16);

Privacy: An Interpretation of the Library Bill of Rights (Policy 53.16);

Resolution: The USA PATRIOT Act And Related Measures That Infringe On The Rights Of Library Users (American Library Association 2003 Midwinter Meeting);

Resolution on Proposed Amendments to the USA PATRIOT Act (American Library Association 2004 Midwinter Meeting);

* “Impact and Analysis of Law Enforcement Activity in Academic and Public Libraries: Preliminary Findings Summary” and a related Press Release can be found at www.ala.org/oitp .

Adopted by ALA Council at the American Library Association Annual Conference June 29, 2005.

Endorsed in principle by:

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