

ALA American Library Association

What to do about Laws and Government Actions That infringe on Civil Liberties and Privacy

Make Yourself Heard! Make It Count! TIP SHEET

The USA PATRIOT Act (PL 107-56) raises many questions for librarians about its impact on state and local privacy laws. In addition, the Attorney General has issued revised guidelines expanding the FBI's investigative powers, which allow for very broad surveillance of library users and their activities.

All of these measures have profound implications for libraries, user policies, and privacy:

- What constitutes a business record?
- How broadly are "computer trespassers" defined?
- What is the new relationship between domestic criminal investigations and foreign intelligence?
- What do librarians do if law enforcement "knocks at the door?"
- How do we answer if the FBI gets a secret order for library records from a special court created by the Foreign Intelligence Surveillance Act (FISA)?
- How does a community learn to what extent libraries have been served with court orders that require secrecy?

What Can We Do?

ALA and others make it easier to understand the laws.

www.ala.org/espv/

Link to USA Patriot Act pages for

- Information about how to respond if law enforcement "knocks at the door"
- ALA Washington Office's matrix that shows changes made by the USA Patriot Act to a number of laws
- ALA Resolution on Patriot Act regarding electronic surveillance and privacy

www.ala.org/oif

Link to Office of Intellectual Freedom pages for

- Information about the USA Patriot Act prepared by the ALA Office for Intellectual Freedom (and reviewed by counsel)
- ALA resolution reaffirming the principles of intellectual freedom in the aftermath of the terrorist attacks
- Privacy: an Interpretation of the Library Bill of Rights

www.ftrf.org

Link to Freedom to Read Foundation pages for

- Information from the Freedom to Read Foundation, which is particularly interested in how the government is using its expanded surveillance powers in libraries and bookstores

Do More!

1. Keep informed and up to date
2. Educate library boards and staff, communities, the media and local governments.
 - a. Write newspaper articles, guest editorials and letters to the editor
 - b. Make presentations to local and civic organizations
 - c. Keep government officials up to date
3. Gather information about impact on local communities by compiling binders or web site links concerning effects of laws and governmental actions that infringe on civil liberties and privacy
4. Organize a publicity campaign
 - a. Prepare brochures and handouts to explain local and national impacts
 - b. Take out ads in your association's newsletters and journals and the local newspapers
5. Organize town meetings
6. Cooperate with other interested organizations like the ACLU, AAUW, League of Women Voters, Common Cause, church and civic groups, and local bar associations in discussions about how to counter the sections of the laws that infringe on civil liberties
7. Make information available to those, such as library boards and organizations, local governmental bodies and others, who want to pass resolutions opposing these laws (or parts of them) and related matters
8. Form or join coalitions
9. Contact legislators at the federal, state and local levels to persuade lawmakers to amend and change laws that infringe on civil liberties
 - a. Attend National Library Legislative Day sponsored by ALA and DCLA
 - b. Attend your state legislative day
 - c. Establish a personal relationship with your federal, state and local legislators and staff.
 - d. Write letters and include resolutions passed by your professional organization
10. Require accountability from law enforcement agencies
 - a. Ask local law enforcement officials to speak to local organizations, town meetings and participate in programs at your library
 - b. Keep abreast of local law enforcement activities concerning civil liberties and privacy.
11. Encourage libraries to join court challenges
 - a. Investigate appropriateness of joining other groups' initiated court challenges
 - b. Keep informed about court cases such as the denial of Freedom of Information Act requests for information about surveillance of library users