

**RESOLUTION TO CONTINUE OPPOSITION TO THE USE OF
SECTION 215 OF THE USA PATRIOT ACT AND THE USE OF
NATIONAL SECURITY LETTERS TO VIOLATE READER PRIVACY**

Whereas, Freedom of thought is the most basic of all freedoms and is inextricably linked to the free and open exchange of knowledge and information; and these freedoms can be preserved only in a society in which privacy rights are rigorously protected; and

Whereas, The American Library Association (ALA) is committed to preserving the free and open exchange of knowledge and information and the privacy rights of all library users, library employees, and the general public; and

Whereas, ALA opposes any use of governmental power to suppress the free and open exchange of knowledge and information; and

Whereas, The USA PATRIOT ACT includes provisions such as Sections 215 and 505 that threaten the free and open exchange of knowledge and information; and

Whereas, Section 215 of the USA PATRIOT Act allows the government to request and obtain library records secretly 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 records from libraries with National Security Letters (NSLs) without prior judicial oversight; and

Whereas, Orders issued under Sections 215 and 505 automatically impose a nondisclosure or gag order on the recipients, thereby impairing the reporting of abuse of governmental authority and abrogating the recipients' First Amendment rights; and

Whereas, The Foreign Intelligence Surveillance Act (FISA) Court issued more than 220 Section 215 orders between 2005 and 2007, some of which may have been issued to libraries; and

Whereas, A recent Department of Justice report on surveillance activities for 2010 disclosed a dramatic increase in surveillance of Americans between 2009 and 2010,

with the government more than quadrupling its use of section 215 orders compared to 2009; and the FBI more than doubling the number of US persons it surveilled with NSLs, requesting 24,287 NSLs on 14,212 people (up from 14,788 NSLs on 6,114 people in 2009); and

Whereas, The Office of the Inspector General (OIG) of the Department of Justice reported the issuance of 234,043 NSLs under Section 505 between 2003-2008, at least one of which was issued for library user records; and

Whereas, ALA has repeatedly called on Congress to institute reforms to the USA PATRIOT Act that protect reader privacy and rescind the nondisclosure or gag orders on the recipients of Section 215 and 505 orders for library user records; and

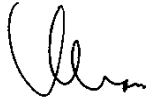
Whereas, Members of Congress have sought to address the concerns of ALA and restore privacy rights by introducing legislation such as the Freedom to Read Protection Act, the National Security Letters Reform Act, and the USA PATRIOT Act Improvements Bill; and

Whereas, Congress reauthorized Section 215 of the USA PATRIOT Act without any reforms and extended the sunset provision until June 1, 2015; now, therefore, be it

Resolved, That the American Library Association (ALA):

1. Continues to support reforms that protect reader privacy and civil liberties, especially the freedom to read without fear of government surveillance.
2. Continues to oppose the use of Section 215 of the USA PATRIOT Act and the use of National Security Letters (NSL) to violate reader privacy.
3. Supports the passage of legislation which includes such reforms as heightened protections for library and bookseller records; judicial review of FISA orders, NSLs and their associated gag orders; and the sunset of the USA PATRIOT Act's NSL authorities, as proposed in S. 1125, the USA PATRIOT Act Improvements Bill.
4. Expresses its thanks and appreciation to the members of Congress who work to protect reader privacy.

Adopted by the Council of the American Library Association



Keith Michael Fiels

ALA Executive Director and Secretary of the ALA Council

Tuesday, June 28, 2011

In New Orleans, Louisiana