Impact and Analysis of Law Enforcement Activity in Academic and Public Libraries

By

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INTRODUCTION

This report provides a summary of the first comprehensive study of the *Impact and Analysis of Law Enforcement Activity in Academic and Public Libraries*. Overall, the study finds that there have been limited impacts on public and academic libraries in terms of law enforcement activity since the September 11, 2001 terrorist attacks in the United States. Nonetheless, the study also suggests that there have been some impacts and a number of key issues that raise important questions for the library community to consider.

Academic and public librarians have always had some contact with law enforcement agencies. But since September 11, 2001 increased attention has been given to the extent that such contact has occurred and the degree to which such contact has affected the management and operation of academic and public libraries. Additional interest in law enforcement agency contact with public libraries has also occurred as a result of the passage of the USA PATRIOT Act (P.L. 107-56). To better understand the contact and impact, the American Library Association obtained support from a number of Foundations to support the study. The study was developed in Fall 2004 and the data collection/analysis occurred in the Winter and Spring of 2005.

The purpose of the study was to obtain descriptive information regarding the type of contact academic and public librarians have had with law enforcement agencies, and to obtain information about how the potential for law enforcement contact and contact itself has affected the management and operation of the academic and public library. The information that this study gathered is very important to libraries, librarians, the patrons of libraries, and federal, state, and local policymakers as each seeks to better understand law enforcement activities and impacts in academic and public libraries.

The intent of the study is to also help understand how the law is affecting the policies, management, and use of libraries, as well as the behaviors of librarians and library patrons in the post-September 11 environment. A national survey distributed to academic and public librarians, as well as some 50 in-depth interviews with librarians and national library leaders provides a number of insights regarding libraries' roles and activities related to law enforcement activities. Ultimately, the results of this study are intended to inform the policy debate about law enforcement activity and laws such as the PATRIOT Act and their impacts on academic and public libraries.

The next section of the report is a brief overview of the study methodology. Then data from the national surveys of academic and public libraries are provided. The next section provides a summary of the interviews with academic and public librarians and library leaders. The report closes with a brief discussion of the data presented throughout the report.

METHODOLOGY

The study sought to obtain descriptive information regarding the type of contact academic and public librarians have had with law enforcement agencies, and to obtain information about how the potential for law enforcement contact and contact itself has affected the management and operation of libraries in the United States recently. The study utilized a national survey distributed to academic and public librarians over the web, as well as in-depth interviews with librarians and library leaders conducted between January and April 2005. This section will describe the sampling procedures, the survey instrument and interview protocol development, procedures used to distribute surveys and conduct the interviews, and information regarding the response rate.

<div align="center">Sampling Procedures</div>

The researchers drew a sample of public libraries, academic libraries, and key opinion leaders to obtain data. The manner in which these various samples were developed are described below.

Public Library Survey Sample

With assistance from the National Center for Educational Statistics (NCES), the researchers drew a sample of 1,536 public library administrative units. The sample was selected from the Public Library Data 2001 Universe File of public libraries maintained by NCES (NCES, 2001).[1] According to the Universe File, there are 8,974 public library systems in the United States.

In drawing the sample, the public library Universe File was stratified by library legal service population class (the legal service population classes were as follows: million+, 500,000-999,999, 100,000-499,999, 25,000-99,999, 5,000-24,999, and less than 5,000) and, within legal service population class, by three metropolitan status codes (the metropolitan status groupings were as follows: CC=Central City [Urban], NC=Metropolitan Area, but not within central city limits [Suburban], NO=Not in a Metropolitan Area [Rural]). Figure 1 describes this sampling process.

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[1]See: http://nces.ed.gov/,

Figure 1. U.S. Public Library Systems by Metropolitan Status and Population of Legal Service Area.*					
*Metropolitan Status***					
Population of Legal Service Area	URBAN	SUBURBAN	RURAL	MISSING	TOTAL
<25,000	51	1,821	5,212	57	7,141
25,000-49,999	56	409	421	9	895
50,000-99,999	121	201	193	4	519
100,000-249,999	143	85	53	3	284
250,000-499,999	59	13	4	1	77
500,000-999,999	31	8		1	40
MILLION+	16	1	1		18
TOTAL	477	2,538	5,884	75	8,974

* The numbers in this table are based on FY 2001 public library data, the latest available national figures (NCES, 2003). The "missing" column indicates public library systems for which metropolitan status codes are not available/designated. Should NCES release the FY 2002 data during the initial phases of the study, the study team will use the 2002 data to develop the sampling frame.

** The actual metropolitan status designations provided in the NCES database (2003) uses the categories of Central City (Urban); Metropolitan Area, but not Central City (Suburban); and Not in a Metropolitan Area (Rural). The labels of Urban, Suburban, and Rural are used to facilitate reading. The table uses the metropolitan status designation of the administrative entity; branches will differ for the approximately 16 percent of library systems with branches.

Requests for participation were extended to additional public libraries as replacements for non-respondents.

Academic Library Survey Census

The academic participant list was developed using the 2004 Integrated Postsecondary Education Data System (IPEDS) academic file.[2] This file lists 4200 entries for academic institutions, including community colleges, four-year colleges, and universities (not all of which have libraries). Duplicate addresses and non-U.S. institutional listings were removed, leaving a list of 4008 libraries. All 4008 were contacted to request participation.

Interview Sample

Participants were sought to represent both library opinion leaders (library professionals with knowledge of the national scene with respect to library policy and practices) as well as librarians from library settings that included a balance between public and academic libraries. A list of

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[2] See: http://nces.ed.gov/ipeds/

participants was developed from the ALA membership directory. Members holding office in one of ALA's governing bodies (roundtables, committees, etc) were selected at random as library leaders, and all other members were categorized as either public or academic librarians before a random draw from each category. In total, 400 librarians were emailed requesting a telephone interview.

Survey Instrument Development and Administration

The study team conducted a pilot study to develop and test the survey instrument in 2004. Based on comments provided by survey reviewers, the team developed two final versions of the survey form: one for public libraries and one for academic libraries (see Appendix A & B).

Due to concerns about the gag order provision of the PATRIOT Act (Section 215) the survey was examined by legal counsel for the OITP.

The survey was developed as a web-based instrument and was mounted on a secure server at the University of Waterloo. The majority of data collection (with a few exceptions) occurred via web survey form. In order to ensure anonymity and validity of participants, each library was assigned a unique ID number and password for access to either the Academic Library survey or the Public Library survey. In a few instances (less than 5) libraries requested to have a paper copy of the survey mailed to them and web data entry was completed by a member of the research team. Web survey collection occurred from January- April 2005. Once the data were received and downloaded into a separate data file the actual responses were destroyed to further ensure the anonymity of respondents.

Letters were mailed at the end of December 2004 to all library directors selected to participate in the study. The letter identified the purpose of the study, instructions for accessing the survey website and contact information for the principal investigator. These instructions also appeared on the web-based version of the survey. Of the 5,544 letters mailed out in the first announcement, 61 were returned by the post office, and we were able to correct the addresses for 48 of these.

A second follow up letter was sent in February 2005 as a reminder. To boost the survey response rate, the study team also contacted non-responding libraries via email and telephone. A small sample of public libraries was selected for demographic characteristics, and was contacted to complete the survey over the telephone.

The study was also promoted at the ALA Midwinter Meeting and through library mailing lists, and state library networks.

Interview Protocol Development and Administration

A preliminary interview protocol was developed in 2004 and pilot tested on five library respondents. Information from these interactions was used to refine the protocol and extend the pilot test to twelve librarians and library leaders resulting in a semi-structured series of questions and probes presented in (see Appendix C).

The participants comprised both library opinion leaders (individuals with knowledge of the national scene with respect to library policy and practices) as well as librarians from settings that included public and academic libraries. Participants were contacted by email and a telephone interview was scheduled. The interviews were conducted through a third party conferencing system that provided secure and anonymous 800 number access, and transcripts of the interviews.

Data analysis began as data were collected and these were used to refine the line of questioning for subsequent data collection. Data collection continued until a saturation point was reached – that is, a point of redundancy where new information did not emerge.

<div align="center">Response Rate</div>

Although there were 1,354 responses to the surveys, this represents approximately 33% of public libraries in the sample, and 23% of academic libraries. Similarly, of the 400 librarians who were contacted, only 25% agreed to take part in the interviews.

This study employed a number of techniques to increase the likelihood of response from libraries including:

- Sending an initial letter requesting participation and explaining the purpose of the survey and stressing the importance of prompt response;

- Promoting the study at the Midwinter Meeting of the American Library Association;

- Providing notices in pertinent library and ALA, NCLIS, and PLA literature to announce the conduct of the survey;

- Performing a second mailing of the request for participation to all non-responding libraries;

- Contacting state library agencies for assistance in increasing the response rate;

- Making the survey available on a Web site, and providing mailed copies for those libraries without web access;

- Returning all respondent phone call and e-mail queries concerning survey questions and procedures within 48 hours of receipt;

- Providing reminder emails and telephone calls to non-respondents; and

- Contacting a set of 568 public libraries by telephone and offering to complete the survey over the phone with assistance.

During the conduct of the study, many librarians and library directors provided reasons for not participating. The researchers found that the vast majority of people who declined to participate in the study indicated that they simply did not have the time and had too many other pressing items on their agenda. There were other reasons that contributed to non-response but lack of time and other more pressing demands was the primary reason.

> *"Due to a lack of staff support we are unable to comply with your request to complete the survey....The time we devote to the various ARL and SPEC surveys is all that we can contribute in responses at this time."*

> *"We get a lot of these types of requests and can't answer all of them. We are a small library with little support, sorry."*

Another fairly common reason given for non-participation was the library's lack of PATRIOT Act or other official law enforcement requests. As one librarian stated:

> *"I feel quite strongly that the PATRIOT Act needs to be abolished, but we've had no requests here in our library."*

> *"I've worked in three large library systems since 9/11 and not had a single request at any of them."*

A very few librarians contacted the researchers for more information about the legality of the survey questions and indicated that they had not yet taken the survey out of fear of violating the gag order. Finally, there may have been some reluctance to participate due to an email (undocumented) that reported the study to be a hoax.

> *"....it was because there was e-mails going around saying it (the study) was just a hoax."*

The next section presents results of both the public and academic surveys and of the interview protocols.

NATIONAL SURVEY RESULTS

<div align="center">Public Library Survey Data</div>

This section of the report provides a summary of findings from the national survey of public libraries. The data are presented largely in order of the questions from the questionnaire (see Appendix A).

Background

Since a number of demographic characteristics of both the sample and the population for public libraries are known, a comparison between the nature of the respondents and the population can be made. Figure 2 shows that generally, the respondents to the survey are similar to the population in terms of population of legal service area. Figure 3 also shows that in terms of metropolitan status, i.e., rural, suburban, and urban, responses are similar to the actual population although the respondents are slighted weighted to more suburban responses and less rural responses.

Figure 2. Public Library Respondent and Population Breakdowns by Population of Legal Service Area.		
Population of Legal Service Area	**Population**	**Respondents** (n=470)
<25,000	79.5%	82.0%
25,000-49,999	10.0%	7.9%
50,000-99,999	5.7%	3.9%
100,000-249,999	3.2%	3.0%
250,000-499,999	0.9%	1.1%
500,000-999,999	0.4%	1.7%
Million +	0.2%	0.4%

Figure 3. Public Library Respondent and Population Breakdowns by Metropolitan Status.		
Metropolitan Status	**Population**	**Respondents** (n=470)
Rural	62.6%	58.0%
Suburban	30.5%	37.1%
Urban	6.9%	4.9%

Library Policies and Practices

This section of the survey asked respondents to discuss library policies and practices. Figure 4 shows that some 64% of respondents have established policies and procedures for dealing with requests from law enforcement agencies and 36% do not. Figure 5 suggests that for those libraries that have developed policies and procedures, the greatest level of involvement in that development has come from library board members. A distant second and third level of involvement, respectively, came from other public libraries and the state library.

Figure 4. Public Library Established Policies or Procedures for Requests for Information.	
Yes, the library has established policies or procedures for dealing with requests for information from law enforcement agencies and/or officials	63.8% (n=298)
No, the library does not have established policies or procedures for dealing with requests for information from law enforcement agencies and/or officials	36.2% (n=169)

Figure 5. Public Library Established Policies or Procedures Development.*	
Local government agencies or officials	17.4% (n=82)
Library board members	53.2% (n=250)
Representatives members of the community	4.5% (n=21)
Law enforcement agencies or officials	8.3% (n=39)
State library	22.6% (n=106)
Other public libraries	24.0% (n=113)
Library consortia	14.7% (n=69)
Other	11.7% (n=55)
Other Identified Individuals/Agencies	• American Library Association website • County, city, town, board, or library attorney • State library association (e.g., Florida Library Association) • Professional workshop
* May not total to 100.0% as respondents could select more than one option.	

With regard to library training for the handling of requests or orders for information by law enforcement agencies and/or officials, Figure 5 shows that 62% of respondents indicated library staff have been trained to do this but 38% have not been trained.

Figure 6. Public Library Librarian Training for Handling Requests for Information.	
Yes, the library trains library staff on how to handle requests or orders for information by law enforcement agencies and/or officials	62.0% (n=289)
No, the library does not train library staff on how to handle requests or orders for information by law enforcement agencies and/or officials	38.0% (n=177)

The survey also explored public library changes to a number of library policies. Figure 7 indicates that 64% of respondents have not changed any policies regarding the collection and retention of patron information. But it is interesting to note that some 32% of respondents indicated that they now collect less information about patrons than before the PATRIOT Act. Figure 8 shows that the vast majority of respondents, 88%, replied that they had not changed its patron-use policies for materials as a result of the PATRIOT Act. With regard to government information, Figure 9 shows that 92% of respondents believe that the library has not reduced the amount of government information available to patrons as a result of the PATRIOT Act.

Figure 7. Public Library Changes to Policies Regarding the Collection and Retention of Patron Information Since Passage of the USA PATRIOT Act.	
Yes, the library collects and retains *more* information about patrons than before the Act	3.4% (n=16)
Yes, the library collects and retains *less* information about patrons than before the Act	32.1% (n=150)
No, we have not changed any policies regarding the collection and retention of patron information	64.5% (n=302)

Figure 8. Public Library Changes to Patron-Use Policies for Materials as a Result of the USA PATRIOT Act.	
Yes, the library has changed its patron-use policies for materials as a result of the USA PATRIOT Act	12.5% (n=58)
No, the library has not changed its patron-use policies for materials as a result of the USA PATRIOT Act	87.5% (n=405)

Figure 9. Public Library Reduction of the Availability of Government Information as a Result of the USA PATRIOT Act.	
Yes, the library has reduced the amount of government information available to patrons as a result of the USA PATRIOT Act	7.6% (n=35)
No, the library has not reduced the amount of government information available to patrons as a result of the USA PATRIOT Act	92.4% (n=427)

Figure 10 suggests that since the passage of the PATRIOT Act there has been more use of books, print newspapers, print magazines and journals, online databases, public access workstations, and government documents. In interpreting the data in Figure 10 it is important to recognize that the reasons for increased or decreased use of selected library services may be the result of a host of factors, such as increased demand, more or better collections, or increased number of online databases that have been made available to users.

Figure 10. Public Library Change in Usage of Library Services Since the Passage of the USA PATRIOT Act.

	Yes, MORE Use	Yes, LESS Use	No, NO Change	Don't Know
Books	34.6% (n=161)	3.7% (n=17)	55.9% (n=260)	5.8% (n=27)
Print newspapers	15.7% (n=73)	1.1% (n=5)	70.0% (n=325)	13.1% (n=61)
Print magazines and journals	20.5% (n=95)	3.5% (n=16)	66.1% (n=306)	9.9% (n=46)
Online databases	33.3% (n=154)	0.6% (n=3)	55.3% (n=256)	10.8% (n=50)
Public access workstations	42.5% (n=197)	1.5% (n=7)	50.0% (n=232)	6.0% (n=28)
Government documents	3.1% (n=14)	0.9% (n=4)	66.5% (n=300)	29.5% (n=133)

Approximately 75% of respondents indicated that patrons had not indicated to library staff that the PATRIOT Act was causing changes in usage of selected library services (see Figure 11). Approximately 10% of respondents thought that less than 10% of patrons had indicated to library staff that the PATRIOT Act had caused changes in usage of selected library services.

Figure 11. Public Library Number of Patrons that Indicated to Library Staff that the USA PATRIOT Act is Causing Changes in Usage of Selected Services.

	None	< 10	10-25	26-50	> 50	Don't Know
Print material	76.9% (n=357)	10.3% (n=48)	0.9% (n=4)	-	-	11.9% (n=55)
Online databases	76.5% (n=354)	10.2% (n=47)	0.2% (n=1)	0.2% (n=1)	-	13.0% (n=60)
Public access workstations	75.7% (n=349)	10.6% (n=49)	1.7% (n=8)	0.2% (n=1)	-	11.7% (n=54)

Figures 12 and 13 show that the vast majority of respondents replied that only in very few instances have selected library collection aspects been removed from the library since October 2001. Respondents indicated that although changes had occurred in subscriptions to various materials (e.g., magazines/periodicals, books, databases) since October 2001, the cancellation or other changes in subscriptions were dictated by budget decisions and funding issues rather that the PATRIOT Act.

Figure 12. Public Library Percentage of Removal of Selected Library Collection Aspects Since October 2001.

	No Removal	Mean Percentage of Collection Removed
Books	88.1% (n=400)	1.0% Range: 0.0%-40.0% (n=54)
Print newspapers	95.8% (n=431)	1.4% Range: 0.0%-90.0% (n=19)
Print magazines and journals	93.8% (n=423)	3.5% Range: 0.0%-100.0% (n=22)
Online databases	98.7% (n=443)	0.2% Range: 0.0%-50.0% (n=6)
Government documents	98.6% (n=438)	0.1% Range: 0.0%-15.0% (n=6)

Figure 13. Public Library Reasons for Removal of Selected Library Materials Change in Usage of Library Services Since October 2001.

	Removed voluntarily	Removed by request of law enforcement agency(ies)	Removed by request of others (e.g., library board, patrons, committee)
Books	11.3% (n=53)	-	0.6%% (n=3)
Print newspapers	6.2% (n=29)	-	-
Print magazines and journals	7.4% (n=35)	-	0.2% (n=1)
Online databases	3.0% (n=14)	0.2% (n=1)	0.6% (n=3)
Government documents	3.4% (n=16)	-	0.4% (n=2)

Figure 14 shows that the majority of respondents (65%) indicated that the library does not attempt to make patrons aware of the existence of the PATRIOT Act and its possible implications for patron activities in the library. In addition, Figure 15 suggests that 95% of public library staff have not altered their professional activities in reaction to the PATRIOT Act and other antiterrorism measures. Figure 15 also gives examples of some of the changes in behavior that the other 5% reported.

Figure 14. Public Library Patron Awareness of the Existence of the USA PATRIOT Act.	
Yes, the library attempts to make patrons aware of the existence of the USA PATRIOT Act of its possible implications for patron activities in the library	34.8% (n=160)
No, the library does not attempt to make patrons aware of the existence of the USA PATRIOT Act of its possible implications for patron activities in the library	65.2% (n=300)

Figure 15. Public Library Staff Alterations in Professional Behavior in Reaction to the USA PATRIOT Act.	
Yes, members of the library staff have altered their professional activities in reaction to the USA PATRIOT Act and other antiterrorism measures	5.3% (n=24)
No, members of the library staff have not altered their professional activities in reaction to the USA PATRIOT Act and other antiterrorism measures	94.7% (n=432)
Sample Changes in Behavior	

1. Small library, used to call patron to let them know book available, but not anymore.
2. Staff have been careful to keep fewer records relating to computer use and Interlibrary Loan requests. Computer vendors and technicians have been asked to recommend methods to erase records of websites visited by library customers.
3. We do not keep log of dates and times of internet patron users as we did in the past.
4. Records are kept for materials that are currently out to patrons, as soon as materials are returned the record is no longer necessary and is removed. We still operate on a manual circulation system so there is no computer record.
5. We give more vague and generalized answers to questions rather than being specific about anything. We try not to ""point fingers"" or ""name drop"" about anything if possible.
6. Spoken at public fora on the implications of the act for library use, privacy, etc.

The survey also explored the degree to which patrons inquired to library staff regarding library policies or practices in relation to the PATRIOT Act. Figure 16 summarizes responses to this topic and shows that 55% indicated there had been no patron inquires and 31% indicated that the library had received fewer than ten such responses. Nonetheless, Figure 16 also shows that 179 respondents reported that the library had received at least one or more inquires regarding library policies or practices in relation to the PATRIOT Act.

Figure 16. Public Library Number of Patron Inquiries to Library Staff Regarding Library Policies or Practices in Relation to the USA PATRIOT Act.	
Number of Patron Inquiries	
None	55.3% (n=256)
<10	31.3% (n=145)
10-25	4.8% (n=22)
26-50	1.5% (n=7)
>50	1.1% (n=5)
Don't Know	6.0% (n=28)

Contact with Law Enforcement Agencies

Figure 17 shows that overwhelmingly, respondents indicated that the library has not volunteered information about certain patrons to federal and state/local law enforcement officials. On the other hand it is also interesting to note that 14 respondents indicated that the library had volunteered information about certain patrons one or more times without federal law enforcement officials asking them to do so. And, 48 respondents indicated that the library had volunteered information one or more times about certain patrons without state or local law enforcement officials asking them to do so.

It should be noted here that there are legitimate and compelling reasons for libraries' voluntarily sharing information with law enforcement agencies.   For instance, in the case of patrons exhibiting dangerous, threatening or harassing behavior, or in instances when bomb threats have been made or potentially dangerous objects have been found in the library.

Figure 17. Public Library Number of Instances of Voluntarily Providing Information about the Activities of Patrons.				
	Federal Contact		**State/Local Contact**	
Number of Instances	The library has volunteered information about certain patrons to federal law enforcement officials upon the informal request of federal law enforcement officials	The library has provided information about certain patrons without law enforcement officials asking us to do so	The library has volunteered information about certain patrons to state and local law enforcement officials upon the informal request of state/local law enforcement officials	The library has provided information about certain patrons without state or local law enforcement officials asking us to do so
0 Times	98.3% (n=451)	98.7% (n=453)	96.5% (n=441)	95.6% (n=434)
1 Time	1.5% (n=7)	1.1% (n=5)	2.2% (n=10)	3.3% (n=15)
2 Times	0.2% (n=1)	0.2% (n=1)	0.9% (n=4)	0.9% (n=4)
3 Times	-	-	0.2% (n=1)	-
4 Times	-	-		-
5 Times	-	-	0.2% (n=1)	-
6 Times	-	-	-	-
7 Times	-	-	-	-
8 Times	-	-	-	-
9 Times	-	-	-	-
10 Times	-	-	-	0.2% (n=1)

With regard to the number of instances of requests for records and other items by law enforcement officials, Figure 18 shows that the vast majority of respondents indicated that no such requests had been received. There were, however, 26 instances of requests for such information at least one or more types from federal agencies and 47 instances when state/local law enforcement officials requested one or more types of such records. Of these, 10 instances were requests for electronic records or inspection of computer hard drives. There were, however, 26 instances of requests for at least one or more types of records from federal agencies and 47 instances when state/local law enforcement officials requested one or more types of records. Of these, 10 instances were requests for electronic records or inspection of computer hard drives. In reviewing the numbers and percentages in Figure 18, it might seem that the columns do not add. This discrepancy occurs for several reasons:

- The survey did not force respondents to mark all options regarding legal orders and types of material requested.
- Respondents might have indicated that the library received a legal order AND requests for one or more types of materials.
- Respondents might have indicated that the library received a legal order but not which type of material was requested.

Figure 18. Public Library Number of Instances of Requests for Records and Other Items by Law Enforcement Agencies.					
Number of Instances	Federal agency served the library with an official legal order for library records, materials, or other content	Official federal legal order to produce paper records	Official federal legal order to produce electronic records or inspection of computer hard drives	State or local law enforcement official legal order for library records, materials, or other content	Official state/local agency legal order to produce paper records	Official state/local agency legal order to produce electronic records or inspection of computer hard drives
0 Times	97.8% (n=447)	98.0% (n=448)	98.5% (n=450)	95.4% (n=435)	96.5% (n=441)	94.3% (n=443)
1 Time	2.0% (n=9)	1.8% (n=8)	1.3% (n=6)	3.3% (n=15)	2.6% (n=12)	1.3% (n=6)
2 Times	0.2% (n=1)	0.2% (n=1)	0.2% (n=1)	0.7% (n=3)	0.7% (n=3)	0.4% (n=2)
3 Times	-	-	-	0.2% (n=1)	-	0.4% (n=2)
4 Times	-	-	-	0.2% (n=1)	-	-
5 Times	-	-	-	-	-	-
6 Times	-	-	-	-	-	-
7 Times	-	-	-	0.2% (n=1)	0.2% (n=1)	-

Impacts

Depending on the type of information, Figure 19 shows that between 75% - 86% of respondents indicated that access to library information has remained the same since October 2001. Less than 1% of respondents indicated that there had been a decrease in public access to library information since October 2001. Again, it is important to note that there can be a host of possible reasons for why there might have been some increase in public access to library information.

Figure 19. Public Library Increase or Decrease to Public Access to Selected Information.				
	Increased	**Decreased**	**Remained the Same**	**Don't Know**
Scientific information	8.7% (n=40)	0.2% (n=1)	85.9% (n=396)	5.2% (n=24)
Environmental information	8.7% (n=40)	0.2% (n=1)	86.3% (n=399)	4.8% (n=22)
Health information	16.3% (n=74)	0.2% (n=1)	79.3% (n=361)	4.2% (n=19)
Emergency procedure information (e.g., emergency preparedness plans)	18.3% (n=84)	0.7% (n=3)	75.3% (n=345)	10.8% (n=50)
Geographic information (e.g., locations of buildings, materials, etc.)	5.7% (n=26)	0.9% (n=4)	86.2% (n=395)	7.2% (n=33)

Survey questions IV-2 through IV-6 asked respondents to estimate the cost of compliance with law agency requests for information, hours to comply with such requests, and costs and hours to develop policies as related to dealing with law enforcement agencies since October 2001. The data indicate a wide range within the public library community regarding compliance in terms of financial and personnel costs. Thus, it is difficult to characterize with any certainty the true costs associated with law enforcement compliance since October 2001.

The data for these questions show, however, that on average, the costs of compliance for each instance of federal or state/local compulsory order is $10.97, with a range of $0.0 to $1000. The average total time for compliance for each instance of a compulsory order is approximately 30 minutes, with a range of 0 hours to 60 hours. In addition, the financial burden of developing policies and procedures for dealing with law enforcement agencies is $232.43, with a range of $0.0 to $12,600, and the average time to develop such policies and procedures is 7 hours with a range of 0 hours to 250 hours.

Overview

The data from the public library survey suggest that overall there has been limited impact on public libraries as a result of law enforcement activities since October 2001. Clearly, there are some instances where policies have been changed, collections have been modified, and some libraries have been contacted by law enforcement agencies/officials. But interestingly, some 36% of respondents indicated that they have not policies for dealing with requests from law enforcement agencies. In addition, almost 40% of respondents indicated that in their library

training for the handling of requests or orders for information by law enforcement agencies and/or officials had not occurred. Thus, for some public libraries changes and impacts have occurred after October 2001 related to law enforcement activities. But for the majority of respondents there has only been very limited if any impacts or changes.

Academic Library Survey Data

This section of the report provides a summary of findings from the national survey of academic libraries. The data are presented largely in order of the questions from the questionnaire (see Appendix B).

Background Information

Figure 20 shows that 73% of respondents to the survey are serving institutions with enrollments of 5,000 or smaller. Some 27% of the respondents serve institutions with enrollments larger than 5,000. Figure 21 shows that in respondents were almost exactly split between being in private versus public institutions.

Figure 20. Academic Library Respondents by Institution Enrollment.	
Enrollment	**Respondents** (n=884)
<1,000	27.3%
1,000-5,000	46.1%
5,000-7,500	8.5%
7,500-15,000	10.4%
15,000-45,000	7.1%
45,000 +	0.6%

Figure 21. Academic Library Respondents by Private/Public Institution Designation.	
Public/Private Designation	**Respondents** (n=884)
Public	49.9%
Private	50.1%

Library Policies and Practices

This section of the survey asked respondents to discuss library policies and practices. Figure 22 shows that 48% of respondents have established policies and procedures for dealing with requests for information from law enforcement agencies and 52% do not. Figure 23 suggests that for those libraries that have developed policies and procedures, the greatest level of involvement in that development has come from college legal counsel (21%) and from library committee members (17%). The data also show that there are a range of other players that may have participated in the development of policies and procedures.

Figure 22. Academic Library Established Policies or Procedures for Requests for Information.	
Yes, the library has established policies or procedures for dealing with requests for information from law enforcement agencies and/or officials	47.9% (n=416)
No, the library does not have established policies or procedures for dealing with requests for information from law enforcement agencies and/or officials	52.1% (n=452)

Figure 23. Academic Library Established Policies or Procedures Development.*	
No policies developed as a result of the USA PATRIOT Act	16.6% (n=147)
Provost	14.5% (n=128)
Higher Education Administrators	15.5% (n=137)
Board of Regents/Board of Governors	3.6% (n=32)
Faculty Senate	2.6% (n=23)
College Legal Counsel	21.3% (n=188)
Library Committee Members	16.7% (n=148)
Law Enforcement Agencies/Officials	3.5% (n=31)
State Library	1.7% (n=15)
Other Academic Libraries	9.8% (n=87)
Library Association, such as ALA or ARL	5.9% (n=52)
Library Consortia	3.5% (n=31)
Other	5.8% (n=51)
Other Identified Individuals/Agencies	• Office of the State Attorney General • Academic Technology Committee • Dean of Libraries & Media Services Human Resources
* May not total to 100.0% as respondents could select more than one option.	

Figure 24 finds that 46% of respondents are in libraries that have provided training in how to handle requests or orders for information by law enforcement agencies and 54% have not provided such training.

Figure 24. Academic Library Librarian Training for Handling Requests for Information.	
Yes, the library trains library staff on how to handle requests or orders for information by law enforcement agencies and/or officials	45.8% (n=395)
No, the library does not train library staff on how to handle requests or orders for information by law enforcement agencies and/or officials	54.2% (n=468)

The survey also explored academic library changes to a number of library policies. Figure 25 indicates that 76% of respondents have not changed any policies regarding the collection and retention of patron information since passage of the PATRIOT Act. But it is interesting to note that some 23% of respondents indicated that they now collect less information about patrons than before the PATRIOT Act. Figure 26 shows that the vast majority of respondents, 95%, replied that they had not changed its patron-use policies for materials as a result of the PATRIOT Act. With regard to government information, Figure 27 shows that 97% of respondents believe that the library has not reduced the amount of government information available to patrons as a result of the PATRIOT Act.

Figure 25. Academic Library Changes to Policies Regarding the Collection and Retention of Patron Information Since Passage of the USA PATRIOT Act.	
Yes, the library collects and retains *more* information about patrons than before the Act	1.3% (n=11)
Yes, the library collects and retains *less* information about patrons than before the Act	23.1% (n=199)
No, we have not changed any policies regarding the collection and retention of patron information	75.6% (n=651)

Figure 26. Academic Library Changes to Patron-Use Policies for Materials as a Result of the USA PATRIOT Act.	
Yes, the library has changed its patron-use policies for materials as a result of the USA PATRIOT Act	5.2% (n=45)
No, the library has not changed its patron-use policies for materials as a result of the USA PATRIOT Act	94.8% (n=816)

Figure 27. Academic Library Reduction of the Availability of Government Information as a Result of the USA PATRIOT Act.	
Yes, the library has reduced the amount of government information available to patrons as a result of the USA PATRIOT Act	3.5% (n=30)
No, the library has not reduced the amount of government information available to patrons as a result of the USA PATRIOT Act	96.5% (n=829)

Figure 28 suggests that since the passage of the PATRIOT Act there has been more use of books, print newspapers, print magazines and journals, online databases, public access workstations, and government documents. In interpreting the data in Figure 28 it is important to recognize that the reasons for increased or decreased use of selected library services may be the result of a host of factors, such as increased demand, more or better collections, or increased number of online databases that have been made available to users. In addition, one should note that there is a significant number of "don't know" for this figure.

Figure 28. Academic Library Change in Usage of Library Services Since the Passage of the USA PATRIOT Act.

	Yes, MORE Use	Yes, LESS Use	No, NO Change	Don't Know
Books	12.6% (n=108)	4.5% (n=39)	66.2% (n=568)	16.7% (n=143)
Print newspapers	5.2% (n=44)	4.7% (n=40)	66.2% (n=563)	23.9% (n=203)
Print magazines and journals	7.8% (n=66)	8.3% (n=70)	63.9% (n=541)	20.1% (n=170)
Online databases	33.5% (n=285)	0.2% (n=2)	48.8% (n=415)	17.4% (n=148)
Public access workstations	17.0% (n=144)	1.7% (n=14)	60.8% (n=516)	20.5% (n=174)
Government documents	2.9% (n=24)	1.3% (n=11)	63.4% (n=529)	32.4% (n=270)

Generally, most respondents replied that students had not indicated to library staff that the PATRIOT Act was causing changes in usage of selected library services (see Figure 29). As with the previous figure, it is important to recognize that the reasons for increased or decreased use of selected library services may be the result of a host of factors, such as increased demand, more or better collections, or increased number of online databases that have been made available to users. In addition, one should note that there is a significant number of "don't know" for this figure.

Figure 29. Academic Library Changes in Usage of Library Services by Students.

	Yes, MORE Use	Yes, LESS Use	No, NO Change	Don't Know
Books	18.2% (n=155)	8.0% (n=68)	59.6% (n=507)	14.2% (n=121)
Print newspapers	7.5% (n=64)	8.0% (n=68)	61.6% (n=524)	22.8% (n=194)
Print magazines and journals	11.5% (n=97)	11.5% (n=97)	58.1% (n=492)	19.0% (n=161)
Online databases	38.3% (n=326)	0.4% (n=3)	46.7% (n=397)	14.7% (n=125)
Public access workstations	32.9% (n=277)	0.4% (n=3)	49.8% (n=419)	17.0% (n=143)
Government documents	4.1% (n=34)	1.3% (n=11)	62.6% (n=516)	31.9% (n=263)

As shown in Figure 30, most respondents replied that relatively few patrons had indicated to library staff that the PATRIOT Act caused changes in usage of selected services. There are, however, a total of 233 responses where respondents believed that in one of more instances patrons believed that changes in the use of print material, online databases, and public access workstations had been the result of the PATRIOT Act.

Figure 30. Academic Library Number of Patrons that Indicated to Library Staff that the USA PATRIOT Act is Causing Changes in Usage of Selected Services.

	None	< 10	10-25	26-50	> 50	Don't Know
Print material	76.9% (n=657)	7.8% (n=67)	0.5% (n=4)	0.4% (n=3)	0.4% (n=3)	14.1% (n=120)
Online databases	77.5% (n=661)	7.2% (n=61)	0.5% (n=4)	0.4% (n=3)	0.7% (n=6)	13.8% (n=118)
Public access workstations	76.2% (n=646)	7.9% (n=67)	0.8% (n=7)	0.5% (n=4)	0.5% (n=4)	14.2% (n=120)

Figures 31 and 32 show that the vast majority of respondents replied that only in very few instances have selected library collection aspects been removed from the library since October 2001. Respondents indicated that although changes had occurred in subscriptions to various materials (e.g., magazines/periodicals, books, databases) since October 2001, the cancellation or other changes in subscriptions were dictated by budget decisions and funding issues rather that the PATRIOT Act.

Figure 31. Academic Library Percentage of Removal of Selected Library Collection Aspects Since October 2001.

	No Removal	Mean Percentage of Collection Removed
Books	89.6% (n=734)	11.1% Range: 0.0%-60.0% (n=85)
Print newspapers	96.4% (n=785)	1.4% Range: 0.0%-100.0% (n=29)
Print magazines and journals	92.6% (n=755)	3.5% Range: 0.0%-80.0% (n=60)
Online databases	98.0% (n=798)	0.2% Range: 0.0%-30.0% (n=18)
Government documents	95.9% (n=771)	0.4% Range: 0.0%-90.0% (n=33)

Figure 32. Academic Library Reasons for Removal of Selected Library Materials Change in Usage of Library Services Since October 2001.			
	Removed voluntarily	**Removed by request of law enforcement agency(ies)**	**Removed by request of others (e.g., library board, patrons, committee)**
Books	11.1% (n=98)	-	0.2% (n=2)
Print newspapers	6.3% (n=56)	-	0.1% (n=1)
Print magazines and journals	8.5% (n=75)	-	0.1% (n=1)
Online databases	5.4% (n=14)	-	0.1% (n=1)
Government documents	6.0% (n=16)	1.6% (n=14)	1.0% (n=9)

In terms of the library attempting to make patrons aware of the existence of the PATRIOT Act and its possible implications for patron activities in the library (see Figure 33), 77% of respondents indicated that the library did not make such efforts whereas 23% did attempt to make patrons aware of the PATRIOT Act and its implications. Figure 34 suggests that 96% of academic library staff have not altered their professional activities in reaction to the PATRIOT Act and other antiterrorism measures. Figure 34 also gives examples of some of the changes in behavior that the other 4% reported.

Figure 33. Academic Library Patron Awareness of the Existence of the USA PATRIOT Act.	
Yes, the library attempts to make patrons aware of the existence of the USA PATRIOT Act of its possible implications for patron activities in the library	22.6% (n=190)
No, the library does not attempt to make patrons aware of the existence of the USA PATRIOT Act of its possible implications for patron activities in the library	77.4% (n=651)

Figure 34. Academic Library Staff Alterations in Professional Behavior in Reaction to the USA PATRIOT Act.	
Yes, members of the library staff have altered their professional activities in reaction to the USA PATRIOT Act and other antiterrorism measures	4.1% (n=34)
No, members of the library staff have not altered their professional activities in reaction to the USA PATRIOT Act and other antiterrorism measures	95.9% (n=796)
Sample Changes in Behavior	

- More careful. More involvement in professional organization workshops and training.
- No longer maintain usage statistics.
- Destroyed/erased patron records upon return of library materials; set computers to delete visited pages ASAP.
- We now include it as part of our curriculum in our library research methods courses.
- We have mounted several displays, included PATRIOT Act as a search in our library instruction sessions and worked on a policy to handle any PATRIOT Act requests.
- We have added many titles to our collection concerning many aspects of the subjects regarding or changed by the events occurring on September 11.
- Many external links from our website have been removed when the information was removed from the Internet by federal and other web sites.

The survey also explored the degree to which patrons inquired to library staff regarding library policies or practices in relation to the PATRIOT Act. Figure 35 summarizes responses to this topic and shows that 59% indicated there had been no patron inquires and 24% indicated that the library had received fewer than ten such responses. Nonetheless, Figure 35 also shows that 239 respondents reported that the library had received at least one or more inquires regarding library policies or practices in relation to the PATRIOT Act.

Figure 35. Academic Library Number of Patron Inquiries to Library Staff Regarding Library Policies or Practices in Relation to the USA PATRIOT Act.	
Number of Patron Inquiries	
None	59.0% (n=497)
<10	24.3% (n=205)
10-25	3.1% (n=26)
26-50	0.8% (n=7)
>50	0.1% (n=1)
Don't Know	12.6% (n=106)

Contact with Law Enforcement Agencies

Figure 36 shows that overwhelmingly, respondents indicated that the library has not volunteered information about certain patrons to federal and state/local law enforcement officials.[3] Only 24 respondents indicated that the library had volunteered information about patrons without federal law enforcement officials asking them to do so, and 45 respondents indicated that the library had volunteered information about certain patrons without a state or local law enforcement officials request.

Figure 36. Academic Library Number of Instances of Voluntarily Providing Information about the Activities of Patrons.				
	Federal Contact		**State/Local Contact**	
Number of Instances	The library has volunteered information about certain patrons to federal law enforcement officials upon the informal request of federal law enforcement officials	The library has provided information about certain patrons without law enforcement officials asking us to do so	The library has volunteered information about certain patrons to state and local law enforcement officials upon the informal request of state/local law enforcement officials	The library has provided information about certain patrons without state or local law enforcement officials asking us to do so
0 Times	98.0% (n=804)	98.8% (n=805)	96.8% (n=792)	97.7% (n=795)
1 Time	1.5% (n=12)	0.9% (n=7)	2.3% (n=19)	1.6% (n=13)
2 Times	0.2% (n=2)	0.1% (n=1)	0.4% (n=3)	0.5% (n=4)
3 Times	0.1% (n=1)	0.1% (n=1)	0.4% (n=3)	0.2% (n=2)
4 Times	-	-	-	-
5 Times	-	-	0.1% (n=1)	-
6 Times	-	-	-	-
7 Times	-	-	-	-
8 Times	-	-	-	-
9 Times	-	-	-	-
10 Times	-	0.1% (n=1)	-	-
35 Times	0.1% (n=1)	-	-	-

With regard to the number of instances of requests for records and other items by law enforcement officials, Figure 37 shows that the vast majority of respondents indicated that no such requests had been received. There were 33 instances of requests from federal agencies and 41 instances when state/local law enforcement officials requested one or more types of records.

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[3] It must be noted again that there are legitimate and compelling reasons for libraries' voluntarily sharing information with law enforcement agencies.   For instance, in the case of patrons exhibiting dangerous, threatening or harassing behavior, or in instances when bomb threats have been made or potentially dangerous objects have been found in the library.

Number of Instances	Federal agency served the library with an official legal order for library records, materials, or other content	Official federal legal order to produce paper records	Official federal legal order to produce electronic records or inspection of computer hard drives	State or local law enforcement official legal order for library records, materials, or other content	Official state/local agency legal order to produce paper records	Official state/local agency legal order to produce electronic records or inspection of computer hard drives
0 Times	98.2% (n=806)	99.4% (n=816)	98.4% (n=807)	98.0% (n=801)	99.1% (n=810)	97.8% (n=801)
1 Time	1.6% (n=13)	0.6% (n=5)	1.3% (n=11)	1.8% (n=15)	0.9% (n=7)	2.0% (n=16)
2 Times	0.2% (n=2)	-	0.2% (n=2)	0.1% (n=1)	-	0.1% (n=1)
3 Times	-	-	-	-	-	0.1% (n=1)
4 Times	-	-	-	-	-	-
5 Times	-	-	-	-	-	-
6 Times	-	-	-	-	-	-
7 Times	-	-	-	-	-	-

Figure 37. Academic Library Number of Instances of Requests for Records and Other Items by Law Enforcement Agencies.

Impacts

Depending on the type of information, Figure 38 shows that between 75% - 83% of respondents indicated that access to library information has remained the same since October 2001. 1.6% or less of respondents indicated that there had been a decrease in public access to selected library information since October 2001. Again, it is important to note that there can be a host of possible reasons for why there might have been increases or decreases in public access to library information.

Figure 38. Academic Library Increase or Decrease to Public Access to Selected Information.				
	Increased	**Decreased**	**Remained the Same**	**Don't Know**
Scientific information	14.4% (n=120)	1.1% (n=9)	79.2% (n=660)	5.3% (n=44)
Environmental information	13.5% (n=112)	0.8% (n=7)	80.4% (n=667)	5.3% (n=44)
Health information	17.8% (n=148)	0.6% (n=5)	76.4% (n=635)	5.2% (n=43)
Emergency procedure information (e.g., emergency preparedness plans)	16.2% (n=134)	0.4% (n=3)	75.5% (n=626)	8.0% (n=66)
Geographic information (e.g., locations of buildings, materials, etc.)	6.9% (n=57)	1.6% (n=13)	83.0% (n=690)	8.5% (n=71)
National security information (e.g., technology infrastructure, plans, other documents/information)	5.9% (n=49)	1.6% (n=13)	80.2% (n=662)	12.2% (n=101)

Survey questions IV-2 through IV-6 asked respondents to estimate the cost of compliance with law agency requests for information, hours to comply with such requests, and costs and hours to develop policies as related to dealing with law enforcement agencies since October 2001. The data indicate a wide range within the academic library community regarding compliance in terms of financial and personnel costs. Thus, it is difficult to characterize with any certainty the true costs associated with law enforcement compliance since October 2001.

The data for these questions show, however, that on average, the costs of compliance for each instance of federal or state/local compulsory order is $28.20, with a range of $0.0 to $3,000. The average total time for compliance for each instance of a compulsory order is 30 minutes, with a range of 0 hours to 100 hours. In addition, the financial burden of developing policies and procedures for dealing with law enforcement agencies is $313.03, with a range of $0.0 to $30,00, and the average time to develop such policies and procedures is 8.2 hours with a range of 0 hours to 1,000 hours.

With regard to access to national security information, Figure 39 shows that 94% of respondents indicated that the library had not changed the type of access patrons have to information that may be related to national security, 4% responded that they increased access to such information, and 2% responded that they restricted access to certain information that may be related to national security.

Figure 39. Academic Library Access to National Security Information.	
Restricted access to certain information that may be related to national security on occasion to its patrons	1.6% (n=13)
Increased access to information that may be related to national security on occasion to its patrons	4.0% (n=33)
Not changed the type of access patrons have to information that may be related to national security	94.4% (n=772)

Overview

The data from the academic library survey suggest that overall there has been limited impact on public libraries as a result of law enforcement activities since October 2001. Clearly, there are some instances where policies have been changed, collections have been modified, and some libraries have been contacted by law enforcement agencies/officials. But interestingly, some 52% of respondents indicated that they have no policies for dealing with requests from law enforcement agencies. In addition, almost 54% of respondents indicated that in their library training for the handling of requests or orders for information by law enforcement agencies and/or officials had not occurred. Thus, for some academic libraries changes and impacts have occurred after October 2001 related to law enforcement activities. But for the majority of respondents there has only been very limited if any impacts or changes.

INTERVIEW RESULTS

This section of the report provides a summary of findings from semi-structured interviews conducted between February and April 2005. The respondents comprised both library opinion leaders (individuals with knowledge of the national scene with respect to library policy and practices) as well as librarians from library settings that included public and academic libraries. Figures 40, 41, and 42 provide an overview of the respondents, their organizations, and their broad geographic regions. In order to protect the anonymity of respondents, specific institutional and geographic place names have been omitted.

Figure 40. Frequency of Interviewees by Organization	
Academic	19 (38%)
Public	15 (30%)
Library Leader	13 (26 %)
Regional Consortia	3 (6%)

Figure 41. Frequency of Interviewees by Region[4]	
Midwest	10 (20%)
Northeast	9 (18%)
West	7 (14%)
National	6 (12%0
South	6 (12%)
Northwest	5 (10%)
Southeast	3 (6%)
Southwest	2 (4%)
North	2 (4%)

Figure 42. Interviewees by Type of Organization and Region		
Title	**Type of Organization**	**Region**
Instruction/reference	Public university	Northeast
Library Leader	Professional association	National
Collection Librarian	Private university	Northwest
Reference	Suburban public library	West
Reference/Public Services	Suburban public library	South
Library Leader	Professional association	South
Reference	Mid-sized public library	Northwest
Chief Librarian	Public college	Northwest
Systems librarian	Metropolitan public library	Southeast
Library Leader	Professional association	National
Reference Librarian	Public college	Midwest
Curator	Large public university	Northeast
Science librarian	Large public university	Midwest
Technical services	Central public library	Northeast
Library Leader	Professional association	Midwest
Deputy Director	Suburban public library	North
Cataloging services	Regional library system	Southwest
Library Leader	Professional association	Midwest

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[4] **Northeast**: CT, DE, DC, ME, MA, MD, NY, NH, NJ, PA, RI, VT, **Southeast**: FL, GA, LA, NC, SC, **South**: AR, AL, MS, TN, WV **Southwest**: AZ, NM, OK, TX, **Midwest**: IL, IN, IA, KS, MO, NE, OH, **West:** AK, CA, HI, MT, NE, UT, WA WY **Northwest**: ID, OR, **North**: MI, MN. ND, SD, WI

Catalog and metadata	Private college	Northeast
Database Acquisitions	County library system	Midwest
Technical services	Metropolitan public library	West
Librarian	Small town public library	Southeast
Library Leader	Professional association	West
Reference	Private college	Midwest
Director outreach	Public library	Northeast
Library Leader	Professional association	Northeast
Librarian	Suburban public library	West
Reference Librarian	Small business school	Southwest
Library Leader	Professional association	National
Dean of learning resources	Private college	Northeast
Archivist	Private college	Midwest
Librarian	Small town public library	Northeast
Administrator	Public university	Northeast
Library Leader	Professional association	National
Access services	Public library	Midwest
Government documents	Public University	Northwest
Head of Reference	Urban public library	South
Library Leader	Professional association	West
Director	Public library	Midwest
Director	Community college	Northwest
Library Leader	Professional association	National
Library Leader	Professional association	Southeast
Librarian	Regional consortium	West
Digital Reference Librarian	Large public university	Midwest
Director	Christian College	South
Reference	Metropolitan public library	West
Associate librarian	Private university	North
Library Leader	Professional association	National
Reference	Small public college	South
Director	Community college	South

The following section provides a set of verbatim quotations from the interviews with librarians and library leaders. These responses have been grouped according to recurring themes that emerged from the analysis. Protocols for interview data collection are provided in Appendix C.

Overview of Library Responses

Although the size of our respondent sample limits broad generalization, the interviews clearly document a high level of concern about contemporary legal impacts on libraries. Most of the respondents were concerned specifically with the impact on patron privacy and on the library's

responsibility in protecting patron records. We also noted that librarians expressed distinctive concerns about the level of awareness possessed by library patrons regarding current legislation's impact on library use and patron's lack of familiarity with current legislation's impact on the confidentiality of their records.   Although respondents shared a strong sense of the library's role in providing education on these issues, there was some disagreement about how politicized a library should be. Most pointed to library policies and training efforts – particularly those governing staff responses to external requests for information –as appropriate library responses to recent legislation, but some librarians urged caution and balance in addressing the PATRIOT Act publicly.

From conducting the interviews, we identified several important points that influenced the course of our work on this project. First, the interviews clearly document a level of concern and awareness about contemporary legal issues among the respondents questioned. For example, respondents made the following statements:

> *"There are just any number of basic rights that are at risk here. And given the role of the library in a democracy to provide information so people can make informed decisions about the issues that face them, number one, they're going to be concerned about having a record extant that would in some way implicate or compromise their anonymity in reviewing this information, for whatever reason – material about terrorists, about political bodies of various sorts."*

> *"But I think it's going to have rising impact on America itself, and that will certainly be true of American institutions. And the libraries I think - whether academic or public or even special for that matter - are among the ranking democratic institutions because they are free and open to the public for reasons that are specified in the Constitution and the Declaration of Independence."*

> *"We are a mining community, and I buy material on explosives regularly, because I think it's important people have access to current, accurate information, not only on how to handle explosives safely, but for people who are affected by these materials being transported through the community and used nearby can assess whether the commercial enterprises are, in fact, following adequate safety procedures. Those sorts of inquiries are going to be distinctly chilled, because people are going to be afraid to check out materials that might help them answer and ask the questions that need to be addressed."*

> *"I feel that one of the most important things that a public library can do is to provide a patron with access to information, to help them or at least give them the possibility of making good choices that they need to make in their lives. And what I think the reaction or the culture or whatever we want to call it from the PATRIOT Act and 9/11 is to start narrowing down that universe of resources that people are - they want to restrict what people have access to and I think the moment you start restricting, you start hurting people's ability to make good choices for their lives and I just find that a horrible shame"*

> *"I think overall, librarians have always had a concern about confidentiality or privacy. I*

personally suspect it may be higher than some of the individuals who use the library. But I think the recent legislation has really brought an awareness, not only to librarians, as to how they handle the data we collect, but also to our customers. We're hearing more from our customers about what do you do with the information that you have. Do you keep it for ever, that kind of thing, which, you know, 20 years ago we would not have heard. So I think it has raised awareness both on our customer's part, and on ours. "

"Even if [Section 215] is not being used, if it's never been used, if they never plan to use it, it creates this whole chilling effect on people's assumption that their intellectual interests (what they read, what they do, in terms of borrowing books, buying books, those kinds of things) is private. It makes you start wondering whether it is or it isn't. That in itself, even if it's never used, goes against the grain of democracy."

We also observed information from respondents suggesting that organizational policies and training affecting staff members were a the library's primary means of addressing concerns about recent legislation. Librarians spoke of the protection afforded by existing polices as well as the need to craft new policy. Consider the following statements:

"Well, we tightened up our procedures internally. We probably have had more discussions with our attorney than we've had, you know, in my 20 years. We had long discussions about the U.S.A. PATRIOT Act and you know what our responsibilities and the roles were. You know and obligation to the public, how do we deal with as a staff? What procedures do we have in place? You know and our library advisory board was very concerned about that and wanted a statement, you know, in our policy saying that we could not always protect them, so we've -- those things have impacted us. I think we've probably been more careful about not keeping any logs of user data around."

"I think prior to the legislation, I don't know if we had any kind of written policies as to what we did with patron records. I think we just took whatever was happening with the automation system and accepted that default status. I think what we did was after that legislation was passed, we looked at what type of information we archived and clarified what it was that we were archiving and made sure that we had policies in place that remove that information, anything that we didn't need to keep beyond, you know, obviously keeping track of materials that are currently out. We, also, wrote up a policy statement that we communicated with the students and the faculty that that information could be shared with law enforcement, if it was subpoenaed or requested and I don't know if we have anything currently out there that says that but I know, at that time, you know, a couple of years ago we did do that."

"We don't do enough in terms of educating new librarians, and all staff...the person who's going to be approached in one of these cases is the clerk at the front desk. We need to make sure that every person who works in a library really understands what's going on and why these things are important..."

> *"Because my experience has been, and it could be just coincidence, but the four or five times the FBI has come into our library, they have been here during lunch hour. Or they have been here right after six o'clock. And in my mind, I think, are they assuming there's no supervision here and they can approach the most gullible employee and get whatever information they want?"*

We noted that librarians expressed distinctive concerns about the level of awareness possessed by library patrons. On several occasions, librarians noted their beliefs that most patrons had minimal awareness of the legal climate surrounding libraries or the effects that climate might have on the disposal of their patron records. Here are a few relevant comments:

> "*The average person somehow doesn't worry about it…they feel they're not criminals, not terrorists, so therefore what do they have to worry about.*"

> "*I think most of them have heard the name. I do not think most of them really understand that their library records could be read by Homeland Security. So, I don't think the average person really understands that their privacy could be an issue.*"

> "*We did have - oh, maybe half a dozen patrons come into the library and specifically ask what we were doing to try to protect their privacy, in view of the privacy - the PATRIOT Act*"

> "*No, I think people are aware of it to the extent they want to be. I just don't think they, you know - I don't think they lay awake nights worrying about it. Again, I think they think the legislation is aimed at processes that can protect them from being victims of terrorist behavior, and they're pretty much in favor of that*"

> "*Well, I think the public's going to have to get a little hotter under the collar than they are now. As I said before, we have lots and lots of library users who could not care any less.*"

Parallel to suggestions that patrons were lacking in a complete understanding of the law, some respondents also made comments suggesting a lack of information or misinformation at a personal, institutional or state level:

> *No, we had a pretty strong privacy policy in the library prior to the PATRIOT Act, if that's what you mean by recent legislation, and the state here has written into the code that there are protections for privacy, as far as borrowing records go. So, you know, the state hasn't done anything differently and our policies remain the same.*

> *And honestly I don't keep real close track, so I mean I don't know what the very latest is. I would say that there is – over the last few years there is a general concern about the issue of privacy in the libraries. And actually, to some extent, I see this concern as having gone down, I think like two years ago, I think it was a much hotter topic, I think*

right now it's a little bit more in the back burner. I don't think there's been a lot of actual cases put in front of the library community where it would get people upset. And that's not to say that there aren't problems, it's just that I haven't – you know, there hasn't been anything yet to bring to my attention, and I don't pay attention to the little things, it would have to be something significant for me to really pay attention to."

"I don't believe that anything has really changed…I mean we always have had to comply with requests from law enforcement agencies – whether local or state or federal – and this is nothing different. Maybe I'm just not aware of what's changed in this."

"We tried to educate our board of trustees about the PATRIOT Act and its effect on privacy of patron records about a year ago and it was just so incredibly frustrating. They acted like we were either hysterical or like we were just creating a tempest in a teapot. Then about six months after that, some other group got together with the city council and passed a city resolution condemning the act. So why didn't they listen to the librarians?"

A related theme focused on librarians and libraries in an activist role with respect to public education. For example, some libraries have taken an active role – using posters and other techniques – in letting patrons know about the conditions pertaining to privacy of their circulation records. Without such measures, and in the absence of a library records privacy case with national notoriety, it seems unlikely that library patrons will get "up in arms" about possible government intrusions into their patron records.

"I think that public libraries and the American Library Association would do well to have public forums, you know, just as a library might have a forum on any number of issues – topics – or to invite the League of Women Voters, or other non-partisan organizations to come and have an open discussion and let citizens judge for themselves, and invite an FBI agent to come and talk the legitimate – why they believe the PATRIOT Act is legitimate, or an attorney who supports the PATRIOT Act, or an elected official who supports the PATRIOT Act, and also someone perhaps from the ACLU, or American Library Association, or public librarian, to talk about their concerns about it."

"There are just too many people who aren't paying attention. So I think public education is probably the most important piece, whatever way that works, either bookmarks at the library, letters to the editor, speaking to groups."

"Making people aware so that people who wouldn't have thought of it before, or wouldn't have thought of it in terms of yeah, it could be you instead of them always thinking well, they wouldn't come for me because I'm obviously not a terrorist, but putting it in terms of it happening to every man."

These quotes suggest a belief among these librarians that they see activism as an important part of the role of librarians and libraries. These sentiments magnify the notion of libraries as a locus

of activism and education for privacy, free speech, and related access issues. Librarians did not consistently share this view, however, and several librarians called for a more cautious response to recent legislation:

> *"We're also publicly funded institutions and you know, we have patrons that feel that we should be collecting this data, you know and it's hard to walk that line and sometimes … we have to, you know, answer our political fathers, sometimes report to the police on certain things just to operate, so it's not a black and white issue."*

> *I don't think that our library is a place to take that kind of stand, you know.*
> *I mean we're very much about representing both sides of an issue, in terms of our collection and information we provide to our patrons. And, you know, I think that mounting a poster on the wall is a veiled attempt at informing people when, in a way, it's taking a political position."*

> *"But then, again, you know, you don't wear political buttons in the library either. When you're working at a public library, you're essentially content-neutral while you're there."*

> *I think historians will look at this as a time we were under attack, much like Pearl Harbor, and realize that we're in a war and it will be viewed as a war. Probably with – the PATRIOT Act is an attempt to take necessary precautions.*

> *"If those people, you know, the political fathers are in charge right now, depending on the political persuasion I mean that can impact budgets and if they see the library as promoting or even providing information about a view that isn't popular, I think that can end up impacting your budget. Like I say, we're in a fairly liberal community here but our state, overall, is very conservative and so -- I mean I know for a fact that our legislatures, you know, many of them just say, why do we even have the Internet, you know, because it's evil. So, you know, to this -- even after all this time that's out there, so you know, we just have to be -- you know, you have to get the word out to the public I think because if you just let it filter through some political groups or special interest groups, you know, it can really -- you know, your users are your best advocates, I guess, is what I'd say."*

> *"So I guess you can say, to some extent I think the PATRIOT Act works, I think it's there to protect the American citizens from terrorists who want to kill them. And so I don't see this as big of an issue as some people do. Some people sit there and say, we're opening the door a lot, we're setting a precedent so that anybody can come in now with very little cause and, you know, look for lots of library records. And my attitude is, let's deal with that when we come to it."*

The data from the interviews suggest that overall there has been limited impact on libraries as a direct result of law enforcement activities since October 2001. While many librarians have been concerned about the potential for patron privacy violations, most felt that the patrons themselves were not concerned. Several librarians mentioned extensive efforts to revise policy, conduct privacy audits, and train staff to deal with law enforcement requests. However, this was not consistently voiced by all respondents. Librarians were unified in their desires to provide their

patrons with access to diverse information in a safe environment, but were less cohesive in terms of how active or politicized their libraries should become.

DISCUSSION AND SELECTED ISSUES

This report summarizes some 1404 responses from academic and public librarians including interviews with librarians and leaders in the library community regarding the *Impact and Analysis of Federal Law Enforcement Activity in Academic and Public Libraries*. As such it is the first national and comprehensive examination of librarians' perceptions of law enforcement activity in academic and public libraries since the September 11, 2001 terrorists attacks.

In analyzing the data and discussing study findings it should be kept in mind that the limited number of respondents should caution readers against generalizing the data to the larger population. This being said, however, the data and findings point to a number of key findings and issues requiring additional attention.

Law Enforcement Visits to Academic and Public Libraries

A key question this study addressed was the degree to which there have been law enforcement visits to academic and public libraries requesting various types of information. Overwhelmingly, most respondents indicated that their libraries have not been visited since the September 11 attacks by law enforcement officials – either from the federal or state/local officials.

For public libraries, however, there were 16 instances of requests for such information from federal agencies and 47 instances when state/local law enforcement officials requested one or more types of such records. For academic libraries, there were 33 instances of requests for such information from federal agencies and 41 instances when state/local law enforcement officials requested one or more types of such records.[5]

Because of the non-disclosure requirements in section 215 of the PATRIOT Act, it is difficult to ascribe the above instances of visits specifically to the PATRIOT Act. Nonetheless, the study found that respondents reported a total of 137 instances where law enforcement officials had visited the library and requested information.

Voluntary Reporting of Information to Law Enforcement Officials

We believe that librarians' voluntary contacts with law enforcement are largely related to the reporting of crimes committed in the library. For instance, in the case of patrons exhibiting dangerous, threatening or harassing behavior, or in instances when bomb threats have been made or potentially dangerous objects have been found in the library.

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[5] Readers should recall that these numbers are based on a sample of roughly 25% of public and academic libraries, thus the actual numbers of law enforcement visits may be higher.

The vast majority of respondents indicated that they had not voluntarily reported information to law enforcement officials. In public libraries 14 respondents indicated that the library had volunteered information about certain patrons at least once or more often without federal law enforcement officials asking them to do so. And, 48 respondents indicated that the library had volunteered information about certain patrons at least once or more often without state or local law enforcement officials asking them to do so. In academic libraries, 24 respondents indicated that the library had volunteered information about certain patrons without federal law enforcement officials asking them to do so at least once or more often and 45 respondents indicated that the library had volunteered information about certain patrons without state or local law enforcement officials asking them to do so at least once or more often.

Thus, the study identified some 131 instances where at least once or more often, without law enforcement officials asking them to do so, respondents indicated that they had volunteered information regarding specific patrons to federal and state/local law enforcement officials.

Awareness and Importance of Law Enforcement Acts

Library patrons have limited awareness of or knowledge about specific provisions of the PATRIOT Act or other related laws such as the Foreign Intelligence Surveillance Act (FISA) that may affect patrons' use of academic and public libraries. Indeed, many librarians feel that the general public doesn't know or care about privacy of library records, although some librarians feel it is their duty to provide education to remedy this situation.

In addition, the responses to interviewers attempting to encourage librarians to participate in the study identifies some lack of concern about the implications of the PATRIOT Act. To some degree the sense of the respondents is that the PATRIOT Act and other related laws, in a number of instances, do not change "how we always have done things in my library."

Training and Education

A key question to consider is the degree to which it is the responsibility of the library community to educate both staff and users as to the issues and requirements that result from the PATRIOT Act and other recent terrorist-related laws and regulations. In public libraries, respondents indicated that 38% of their institutions had not provided training to staff in how to handle law enforcement requests for information and in academic libraries some 54% of the respondents replied that their institution had not provided training.

This finding reinforces the notion that a significant number of academic and public libraries either are not aware of the potential impacts from the PATRIOT Act in their library, do not consider these potential impacts important, or otherwise have other more pressing priorities and concerns. During the interviews, a number of participants suggested that training and education would be a "good thing to do," but they had not implemented it as yet. Thus, training of staff or educating community members regarding the Act appears to be a low priority for many librarians.

Chilling Effect on the Library?

The data suggest that at some libraries, there may be a chilling effect on the potential use and credibility of the degree to which librarians can protect patron information from requests from law enforcement agencies. The "chilling effect" can be best thought of as a reluctance on the part of patrons to check out certain material, ask certain types of questions, or concern about the privacy of their records. For the librarian's part this "chilling effect" manifests itself in "screening" the purchase and availability of certain materials, not responding completely to information requests, and concern about keeping certain types of patron records.

Some 5% of public librarian respondents and 4% of academic library respondents indicated that library staff have altered their professional activities in reaction to the PATRIOT Act and other antiterrorism measures. Almost 10% of academic library respondents indicated that at least once or more often patrons indicated to library staff that the PATRIOT Act had caused changes in library services. But more striking is that in public libraries, almost 40% of respondents indicated that patrons had inquired to library staff one of more times about policies or practices related to the PATRIOT Act. These data could suggest a "chilling" effect on libraries as a result of the PATRIOT Act.

Politicization of the Library

An interesting theme that the interviews uncovered was the degree to which librarians were hesitant to "get involved" in controversial political issues. The sense of this issue was that given the need for national security and the fact that many Americans felt that steps *should be* taken to help secure the country from terrorist attacks, having the library "take sides" on what laws were right or wrong could injure local financial support or otherwise injure the credibility of the library. This finding is also supported by the consideration that 65% of respondents in public libraries and 77% of academic librarians indicated that they do not inform patrons about the existence of the PATRIOT Act and of its possible implications for patron activities in the library

Impacts on Academic and Public Libraries

The data suggest that overall, the PATRIOT Act and similar legislation passed as a result of the September 11 terrorists attacks have had limited or very limited direct impact on academic and public library activities. Most libraries have not changed policies related to the retention of patron information, use of library materials including government information, removed material from the library, nor has there been and significant change in library material usage. In those instances when changes did occur, reasons appear to be due to budget and financial matters rather than concern over requirements of the PATRIOT Act or other similar legislation.

In addition, it was pointed out that the September 11 terrorist Acts and the resultant PATRIOT Act occurred over three years ago and no terrorist activities had happened in the country since. Indeed, one may wonder if the study had been administered early in 2002 instead of Spring 2005 if the responses might have been significantly different than what has been reported here.

The general sense that one receives is that the PATRIOT act is "awful" from an abstract perspective, but "it doesn't really affect my library or patrons as directly as budget cuts and other day to day concerns." Librarians can't afford to lose local support, so they do not become politicized over legal issues that may be quite abstract in the minds of their patrons or staff. Personally, some librarians might feel very strongly about the potential for privacy loss, but professionally they feel more a compelling responsibility to deal with daily practical issues and problems.

APPENDICES

APPENDIX A: PUBLIC LIBRARY SURVEY

Instructions

This survey presents a series of questions about the policies and practices of your library regarding contact with and impact from law enforcement agencies since October 2001. This survey is intended to determine the impacts, if any, of law enforcement contact or the prospect of increased secret law enforcement information demands on the policies and practices of academic libraries around the United States.

The study is sponsored by the American Library Association, The answers you provide will not be attributed to either you or your library. The only information the survey collects regarding your library is the state in which your library resides, operating budget, and population served. We do not collect any additional identifying information. The legal counsel of the American Library Association has approved this survey, and the questions DO NOT ask you for any information that violates any government laws or regulations in any way.

Individual responses to this survey will remain completely confidential. The data will only be discussed in aggregate form and no libraries that participate in this survey will be identified. The legal counsel of the American Library Association has approved this survey, and the questions DO NOT ask you for any information that violates any government laws or regulations in any way.

I. Background Information

1. In what state does your library reside? (note: envision a pull down box with states listed)

2. What is your library's operating budget for the current fiscal year? (PLEASE TYPE IN NUMBER): $_____

3. What is your library's population of legal service area? (SELECT ONE ● ONLY)

    ○ <25,000
    ○ 25,000-49,999
    ○ 50,000-99,999
    ○ 100,000-249,999
    ○ 250,000-499,999
    ○ 500,000-999,999
    ○ MILLION+

II. Library Policies and Practices

1. Does your library have any established practices or procedures for dealing with requests for information from law enforcement agencies and/or officials? (SELECT ONE ● ONLY)

    ○ Yes
    ○ No

2. If yes, were the practices or procedures discussed with or formulated in conjunction with (SELECT ALL ● THAT APPLY):

    ○ Local government agencies or officials?
    ○ Library board members?
    ○ Representative members of the community?
    ○ Law enforcement agencies or officials?
    ○ State library?
    ○ Other public libraries?
    ○ Library consortia?
    ○ Other? Please identify: _____
    ○ No policies and procedures were developed as a result of the USA PATRIOT Act

3. Does your library train staff on how to handle requests or orders for information made by law enforcement agencies and/or officials? (SELECT ONE ● ONLY)

    ○ Yes
    ○ No

4. Has your library changed any of its policies regarding the collection and retention of patron information since the passage of the USA PATRIOT Act in October 2001 (e.g., stopped maintaining public access workstation sign-up sheets)? (SELECT ONE ● ONLY)

    ○ Yes, the library collects and retains MORE information about patrons than before the Act
    ○ Yes, the library collects and retains LESS information about patrons than before the Act
    ○ No, we have not changed any policies regarding the collection and retention of patron information

5. Has your library changed any of its patron-use policies for any materials as a result of the USA PATRIOT Act? (SELECT ONE ● ONLY)

    ○ Yes
    ○ No

6. Has your library developed policies that have reduced the availability of government information as a result of the USA PATRIOT Act? (SELECT ONE ● ONLY)

    ○ Yes
    ○ No

7. Overall, please indicate the change in usage of the below library services since the passage of the USA PATRIOT Act in October 2001: (SELECT ALL ● THAT APPLY)

	Yes, MORE Use	Yes, LESS Use	No, NO Change
Books	O	O	O
Print newspapers	O	O	O
Print magazines and journals	O	O	O
Online databases	O	O	O
Public access workstations	O	O	O
Government documents	O	O	O

8. Please estimate the number of patrons that indicated to library staff that the USA PATRIOT Act (or any other antiterrorism measure) is causing them to alter their use of the below library services: (SELECT ALL ● THAT APPLY)

	None	< 10	10-25	26-50	> 50	Don't Know
Print material	O	O	O	O	O	O
Online databases	O	O	O	O	O	O
Public access workstations	O	O	O	O	O	O

9. Please estimate the percentage of the below aspects of your library's collection that the library has removed from public review and/or circulation since October 2001

	Percentage Removed
Books	_____%
Print newspapers	_____%
Print magazines and journals	_____%
Online databases	_____%
Government documents	_____%

10. Please identify the reason(s) for the removal of the material identified in question 9: (SELECT ALL ● THAT APPLY)

	Removed voluntarily	Removed by request of law enforcement agency(ies)	Removed by request of others (e.g., library board, patrons, committee)
Books	O	O	O
Print newspapers	O	O	O
Print magazines and journals	O	O	O
Online databases	O	O	O
Government documents	O	O	O

11. Are there certain types of materials to which you library no longer subscribes or purchases since October 2001?

   O Yes
   O No

12. If yes, please describe the materials to which the library no longer subscribes or purchases:

13. Does your library attempt to make patrons aware of the existence of the USA PATRIOT Act or its possible implications for patron activities in the library? (SELECT ONE ● ONLY)

    ○ Yes
    ○ No

14. Have members of your library's staff altered their professional activities in reaction to the USA PATRIOT Act and other antiterrorism measures (e.g., the use of selected reference material to answer patron questions, making reading material recommendations, other)? (SELECT ONE ● ONLY)

    ○ Yes (Please describe):

    ○ No

15. How many patrons have made any inquiries to library staff regarding library policies or practices in relation to the USA PATRIOT Act or other antiterrorism measures? (SELECT ONE ● ONLY)

    ○ None
    ○ <10
    ○ 10-25
    ○ 26-50
    ○ > 50
    ○ Don't Know

III. Contact with Law Enforcement Agencies (Please fill in the blanks with the appropriate number or the closest estimate possible. If none, please write zero.)

1. Please identify how often your library has *voluntarily* offered information about the activities of certain patrons to federal law enforcement agencies (Federal Bureau of Investigation, Department of Homeland Security, etc.) since the passage of the USA PATRIOT Act in October 2001:

Type of Federal Contact	Number of Instances
The library has volunteered information about certain patrons to federal law enforcement officials upon the informal request of federal law enforcement officials	
The library has provided information about certain patrons without law enforcement officials asking us to do so	

2. Please identify how often your library has *voluntarily* offered information about the activities of certain patrons to state and local law enforcement agencies since the passage of the USA PATRIOT Act in October 2001:

Type of State/Local Contact	Number of Instances
The library has volunteered information about certain patrons to state and local law enforcement officials upon the informal request of Federal law enforcement officials	
The library has provided information about certain patrons without state or local law enforcement officials asking us to do so	

3. Please identify the number of instances in which a federal agency served the library with an official legal order (i.e., subpoena, civil investigative demand, warrant, court order, or other form of compulsory process) for library records, materials, or other content since October 2001:

_____ Number of instances

4. Please identify the number of instances since October 2001 in which an official federal legal order required the library to produce

Paper records: _____ Number of instances
Electronic records or inspection of computer hard drives: _____ Number of instances

5. Please identify the number of instances since October 2001 in which a state or local law enforcement official served the library with an official legal order (i.e., subpoena, civil investigative demand, warrant, court order, or other form of compulsory process) for library records, materials, or other content:

_____ Number of instances

6. Please identify the number of instances since October 2001 in which an official state/local agency legal order required the library to produce request or demand require that you produce

Paper records: _____ Number of instances
Electronic records or inspection of computer hard drives: _____ Number of instances

IV. Impacts (Please fill in the blanks with the appropriate number or the closest estimate possible. If the value is zero, please write zero in the blank)

1. Since October 2001 and the ensuring terrorist threats to the United States, do you believe your library has increased or decreased public access to the following types of information: (SELECT ONE ● ONLY)

	Increased	Decreased	Remained the Same	Don't Know
Scientific information	○	○	○	○
Environmental information	○	○	○	○
Health information	○	○	○	○
Emergency procedure information (e.g., emergency preparedness plans)	○	○	○	○

Geographic information (e.g., locations of buildings, materials, etc.)	○	○	○	○

2. Please estimate the approximate the total cost of compliance for each instance in which federal or state/local law enforcement served you with a compulsory process: (Please round to the nearest whole dollar amount)

_____ Dollars

3. Please estimate the approximate the total time required for compliance for each instance in which a federal or state/local law enforcement officer service you with a compulsory process: (Please round to the nearest full hour)

_____ Hours

4. Please estimate the total amount of time and cost for your library staff to develop policies and procedures broadly related to dealing with law enforcement agencies since October 2001: (Please round to the nearest whole dollar amount and nearest full hour)

_____ Dollars

_____ Hours

THANK YOU VERY MUCH FOR COMPLETING THIS SURVEY.

APPENDIX B: ACADEMIC SURVEY

Instructions

This survey presents a series of questions about the policies and practices of your library regarding contact with and impact from law enforcement agencies since October 2001. This survey is intended to determine the impacts, if any, of law enforcement contact or the prospect of increased secret law enforcement information demands on the policies and practices of academic libraries around the United States.

The study is sponsored by the American Library Association, The answers you provide will not be attributed to either you or your library. The only information the survey collects regarding your library is the state in which your library resides, operating budget, and population served. We do not collect any additional identifying information. The legal counsel of the American Library Association has approved this survey, and the questions DO NOT ask you for any information that violates any government laws or regulations in any way.

Individual responses to this survey will remain completely confidential. The data will only be discussed in aggregate form and no libraries that participate in this survey will be identified. The legal counsel of the American Library Association has approved this survey, and the questions DO NOT ask you for any information that violates any government laws or regulations in any way.

I. Background Information

1. In what state does your library reside? (note: envision a pull down box with states listed)

2. What is your library's operating budget for the current fiscal year?   (PLEASE TYPE IN NUMBER):
$_____

3. What is your institution's enrollment?

○ <1,000
○ 1,000-5,000
○ 5,000-7500
○ 7500-15,000
○ 15,000-45,000
○ 45,000 +

Is your institution public or private?

public

private

II. Library Policies and Practices

1. Does your library have any established practices or procedures for dealing with requests for information from law enforcement agencies and/or officials? (SELECT ONE ● ONLY)

      ○ Yes
      ○ No

2. If yes, were the practices or procedures discussed with or formulated in conjunction with (SELECT ALL ● THAT APPLY):

      ○ Provost?
      ○ Higher Education Administrators?
      ○ Board of Regents/Board of Governors?
      ○ Faculty Senate?
      ○ College Legal Counsel?
      ○ Library Committee members?
      ○ Law enforcement agencies or officials?
      ○ State library?
      ○ Other academic libraries?
      ○ Library Association, such as ALA or ARL?
      ○ Library consortia?
      ○ Other? Please identify: _____
      ○ No policies and procedures were developed as a result of the USA PATRIOT Act

3. Does your library provide and/or train staff on how to handle requests or orders for information made by law enforcement agencies and/or officials? (SELECT ONE ● ONLY)

      ○ Yes
      ○ No

4. Has your library changed any of its policies or procedures collecting patron information since the passage of the USA PATRIOT Act in October 2001 (e.g., stopped maintaining public access workstation sign-up sheets)? (SELECT ONE ● ONLY)

      ○ Yes, the library is collecting MORE information about patrons than before the Act
      ○ Yes, the library is collecting LESS information about patrons than before the Act
      ○ No, we have not changed any policies regarding collecting patron information

      Another point we might want to explore, how long are records kept?

5. Has your library changed any of its patron-use policies for any materials as a result of the USA PATRIOT Act? (SELECT ONE ● ONLY) [Tom Susman wonders what this means?]

      ○ Yes
      ○ No

6. Has your library developed policies that have reduced the availability of government information as a result of the USA PATRIOT Act? (SELECT ONE ● ONLY)

○ Yes
○ No

7. Overall, please indicate the change in usage of the below library services since the passage of the USA PATRIOT Act in the Fall 2001 by patron population:

a. Changes in *faculty* usage of: (SELECT ALL ● THAT APPLY) add DON'T KNOW

	Yes, MORE Use	Yes, LESS Use	No, NO Change
Books	○	○	○
Print newspapers	○	○	○
Print magazines and journals	○	○	○
Online databases	○	○	○
Public access workstations	○	○	○
Government documents	○	○	○

b. Changes in *student* usage of: (SELECT ALL ● THAT APPLY) add DON'T KNOW

	Yes, MORE Use	Yes, LESS Use	No, NO Change
Books	○	○	○
Print newspapers	○	○	○
Print magazines and journals	○	○	○
Online databases	○	○	○
Public access workstations	○	○	○
Government documents	○	○	○

8. Please estimate the number of patrons that indicated to library staff that the USA PATRIOT Act (or any other antiterrorism measure) is causing them to alter their use of the below library services: (SELECT ALL ● THAT APPLY)

	None	< 10	10-25	26-50	> 50	Don't Know
Print material	○	○	○	○	○	○
Online databases	○	○	○	○	○	○
Public access workstations	○	○	○	○	○	○

9. Please estimate the percentage of the below aspects of your library's collection that the library has removed from public review and/or circulation since October 2001

	Percentage Removed
Books	_____%
Print newspapers	_____%
Print magazines and journals	_____%
Online databases	_____%
Government documents	_____%

10. Please identify the reason(s) for the removal of the material identified in question 9: (SELECT ALL ●
THAT APPLY)

	Removed voluntarily	**Removed by request of law enforcement agency(ies)**	**Removed by request of others (e.g., library board, patrons, committee)**
Books	○	○	○
Print newspapers	○	○	○
Print magazines and journals	○	○	○
Online databases	○	○	○
Government documents	○	○	○

11. Are there certain types of materials to which you library no longer subscribes or purchases since
October 2001?

    ○ Yes
    ○ No

12. If yes, please describe the materials to which the library no longer subscribes or purchases:

13. Does your library attempt to make patrons aware of the existence of the USA PATRIOT Act or its
possible implications for patron activities in the library? (SELECT ONE ● ONLY)

    ○ Yes
    ○ No

14. Have members of your library's staff altered their professional activities in reaction to the USA
PATRIOT Act and other antiterrorism measures (e.g., the use of selected reference material to answer
patron questions, making reading material recommendations, other)?
(SELECT ONE ● ONLY)

    ○ Yes (Please describe):

    ○ No

15. How many patrons have made any inquiries to library staff regarding library policies or practices in
relation to the USA PATRIOT Act or other antiterrorism measures? (SELECT ONE ● ONLY)

    ○ None
    ○ <10
    ○ 10-25
    ○ 26-50
    ○ > 50
    ○ Don't Know

III. Contact with Law Enforcement Agencies (Please fill in the blanks with the appropriate number or the closest estimate possible. If none, please write zero.)

1. Please identify how often your library has *voluntarily* offered information about the activities of certain patrons to federal law enforcement agencies (Federal Bureau of Investigation, Department of Homeland Security, etc.) since the passage of the USA PATRIOT Act in October 2001:

Type of Federal Contact	Number of Instances
The library has volunteered information about certain patrons to federal law enforcement officials upon the informal request of federal law enforcement officials	
The library has provided information about certain patrons without law enforcement officials asking us to do so	

2. Please identify how often your library has *voluntarily* offered information about the activities of certain patrons to state and local law enforcement agencies since the passage of the USA PATRIOT Act in October 2001:

Type of Federal Contact	Number of Instances
The library has volunteered information about certain patrons to state and local law enforcement officials upon the informal request of state and local law enforcement officials	
The library has provided information about certain patrons without state or local law enforcement officials asking us to do so	

3. Please identify the number of instances in which a federal agency served the library with an official legal order (i.e., subpoena, civil investigative demand, warrant, court order, or other form of compulsory process) for library records, materials, or other content since October 2001:

_____ Number of instances

4. Please identify the number of instances since October 2001 in which an official federal legal order required the library to produce

Paper records: _____ Number of instances

Electronic records or inspection of computer hard drives: _____ Number of instances

5. Please identify the number of instances since October 2001 in which a state or local law enforcement official served the library with an official legal order (i.e., subpoena, civil investigative demand, warrant, court order, or other form of compulsory process) for library records, materials, or other content:

_____ Number of instances

6. Please identify the number of instances since October 2001 in which an official state/local agency legal order required the library to produce, request, or demand/require that you produce

Paper records: _____ Number of instances

Electronic records or inspection of computer hard drives: _____ Number of instances

IV. Impacts (Please fill in the blanks with the appropriate number or the closest estimate possible. If the value is zero, please write zero in the blank)

1. Since October 2001 and the ensuring terrorist threats to the United States, do you believe your library has increased or decreased public access to the following types of information: (SELECT ONE ● ONLY)

	Increased	Decreased	Remained the Same	Don't Know
Scientific information	O	O	O	O
Environmental information	O	O	O	O
Health information	O	O	O	O
Emergency procedure information (e.g., emergency preparedness plans)	O	O	O	O
Geographic information (e.g., locations of buildings, materials, etc.)	O	O	O	O
National security information (e.g., technology infrastructure, plans, other documents/information)				

2. Please estimate the approximate total cost of compliance for each instance in which federal or state/local law enforcement served you with a compulsory process: (Please round to the nearest whole dollar amount)

[Assumes total cost is single number, high low range might be more helpful, or an average]

_____ Dollars

3. Please estimate the total amount of time required for compliance for each instance in which a federal or state/local law enforcement officer served you with a compulsory process: (Please round to the nearest full hour)

Assumes total time is single number, high low range might be more helpful, or an average]

_____ Hours

4. Please estimate the total amount of time and cost for your library staff to develop policies and procedures broadly related to dealing with law enforcement agencies since October 2001: (Please round to the nearest whole dollar amount and nearest full hour)

_____ Dollars

_____ Hours

5. Since October 2001 and the ensuring terrorist threats to the United States, do you believe your library has: (SELECT ONE ● ONLY)

Restricted access to certain information that may be related to national security on occasion to its patrons	○
Increased access to information that may be related to national security to its patrons	○
Not changed the type of access patrons have to information that may be related to national security	○

THANK YOU VERY MUCH FOR COMPLETING THIS SURVEY.

APPENDIX C: INTERVIEW PROTOCOL

1. WHAT DO YOU SEE HAPPENING IN LIBRARIES IN AMERICA TODAY AS A RESULT OF RECENT LEGISLATION?

    1.1. How do you think **we got here**?

    1.2. How have **the everyday practices** of libraries changed, if at all?

    1.3. What are your **biggest concerns** with regard to libraries and democracy?

    1.4. What kind of impact is this having on the standing of American libraries in the **international arena**?

2. WHAT DO YOU SEE HAPPENING IN YOUR LIBRARY AS A RESULT OF RECENT LEGISLATION?

    2.1. What are your biggest concerns with regard to **libraries and democracy**?

    2.2. What are your biggest concerns with regard to your **library and the services** it provides to your patron community?

3. HOW HAVE YOUR POLICIES, PROCEDURES, OR TRAINING CHANGED, IF AT ALL?

    3.1. How have you changed your policies toward **patron records**, if at all?

    3.2. How has this had any impact on your **collection building**, if at all?

    3.3. How have **the everyday practices** of your library changed, if at all?

4. WHAT IS BEING LOST BECAUSE OF CURRENT CLIMATE OR AS A RESULT OF LAWS THAT HAVE BEEN PASSED RECENTLY?

    4.1. How is today's situation **different, if at all, from what your library might have experience in the past**?

    4.2. What do you think are the **long-term implications** for your library and community?

    4.3. What people or groups do you think have **the most to lose**?

    4.4. What direction are things going in: Do you see the situation getting better, worse?

4.5. What do you think are the **long-term implications** for civil liberties?

4.6. In future decades, how will we look back and **think about the years since 9/11**?

5. WHAT IS THE PUBLIC'S ROLE?

    5.1. What are you doing to raise **patron awareness**?

    5.2. What groups or people do you think can have the most **impact on the current situation**?

    5.3. How do you view the **role of advocacy groups**?

6. WHAT ABOUT THE BIG PICTURE? WHAT DO YOU THINK CAN BE DONE ON A NATIONAL SCALE TO RECTIFY THE CURRENT SITUATION?

    6.1. How do you view the **role of advocacy groups**?

    6.2. What is the **public's role**?

    6.3. What **other institutions** could have a positive impact?