Mediapolis
Public Library

USA Patriot Act and the Mediapolis Public Library

In October 2001 the **USA Patriot Act** passed the U.S. Congress in the wake of the September 11 attacks. This legislation modifies some 15 different sections of the U.S. Code in order to give federal law enforcement more latitude in investigating possible terrorism. Federal agents, for example, may seize library or bookstore customer records with a search warrant in hand. Under the **MPL Confidentiality policy**, the Library has always required a subpoena, which requires that law enforcement demonstrate probable cause before a judge, before any Library records can be released. The USA Patriot Act supersedes these confidentiality rules and the state law that our library confidentiality policy is based on, if invoked in a federal terrorism investigation.

The following notice is being posted in the library to make people aware of the provisions of the USA Patriot Act and how the act may potentially affect people who use library resources:

ATTENTION: Under Section 215 of the USA PATRIOT ACT (Public Law 107-56), records of all books and materials you borrow from this library, and of Internet sites you visit on library computers, may be obtained by federal agents. This law prohibits librarians from informing you if federal agents have obtained records.

The Library Board of Trustees endorsed the resolution of the American Library Association concerning the Patriot Act. This resolution reads as follows:

RESOLUTION ON THE USA PATRIOT ACT AND RELATED MEASURES THAT INFRINGE ON THE RIGHTS OF LIBRARY USERS

WHEREAS, the American Library Association affirms the responsibility of the leaders of the United States to protect and preserve the freedoms that are the foundation of our democracy; and

WHEREAS, libraries are a critical force for promoting the free flow and unimpeded distribution of knowledge and information for individuals, institutions, and communities; and

WHEREAS, the American Library Association holds that suppression of ideas undermines a democratic society; and

WHEREAS, privacy is essential to the exercise of free speech, free thought, and free association; and, in a library, the subject of users' interests should not be examined or scrutinized by others; and

WHEREAS, certain provisions of the USA PATRIOT Act, the revised Attorney General Guidelines to the Federal Bureau of Investigation, and other related measures expand the authority of the federal government to investigate citizens and non-citizens, to engage in surveillance, and to threaten civil rights and liberties guaranteed under the United States Constitution and Bill of Rights; and

WHEREAS, the USA PATRIOT Act and other recently enacted laws, regulations, and guidelines increase the likelihood that the activities of library users, including their use of computers to browse the Web or access e-mail, may be under government surveillance without their knowledge or consent; now, therefore, be it

RESOLVED, that the American Library Association opposes any use of governmental power to suppress the free and open exchange of knowledge and information or to intimidate individuals exercising free inquiry; and, be it further

RESOLVED, that the American Library Association encourages all librarians, library administrators, library governing bodies, and library advocates to educate their users, staff, and communities about the process for compliance with the USA PATRIOT Act and other related measures and about the dangers to individual privacy and the confidentiality of library records resulting from those measures; and, be it further

RESOLVED, that the American Library Association urges librarians everywhere to defend and support user privacy and free and open access to knowledge and information; and, be it further

RESOLVED, that the American Library Association will work with other organizations, as appropriate, to protect the rights of inquiry and free expression; and, be it further

RESOLVED, that the American Library Association will take actions as appropriate to obtain and publicize information about the surveillance of libraries and library users by law enforcement agencies and to assess the impact on library users and their communities; and, be it further

RESOLVED, that the American Library Association urges all libraries to adopt and implement patron privacy and record retention policies that affirm that "the collection of personally identifiable information should only be a matter of routine or policy when necessary for the fulfillment of the mission of the library" (ALA Privacy: An Interpretation of the Library Bill of Rights); and, be it further

RESOLVED, that the American Library Association considers that sections of the USA PATRIOT ACT are a present danger to the constitutional rights and privacy rights of library users and urges the United States Congress to:

1. provide active oversight of the implementation of the USA PATRIOT Act and other related measures, and the revised Attorney General Guidelines to the Federal Bureau of Investigation;
2. hold hearings to determine the extent of the surveillance on library users and their communities; and
3. amend or change the sections of these laws and the guidelines that threaten or abridge the rights of inquiry and free expression; and, be it further

RESOLVED, that this resolution be forwarded to the President of the United States, to the Attorney General of the United States, to Members of both Houses of Congress, to the library community, and to others as appropriate.