

Resolution on the USA PATRIOT Act, the Homeland Security Act, and Related Measures that Infringe on the Rights of Library Users

WHEREAS, the professional ethic of librarianship is to facilitate the free flow of recorded knowledge, ideas and information, to facilitate its distribution and to protect the privacy of those who engage in its free and open exchange, in accordance with the Constitution of the United States of America; and

WHEREAS, the privacy and confidentiality of those who engage in the free and open exchange of recorded knowledge, ideas and information is of the highest importance; and

WHEREAS, the professional ethic and obligation of the Librarians Association of the University of California (LAUC) includes the facilitation of research and teaching on all topics as an aspect of the free exchange of recorded knowledge, ideas and information, no matter how controversial the topic; and

WHEREAS, the professional ethic and obligation of LAUC includes the protection of the privacy and confidentiality of all researchers and teachers, no matter how controversial their research and teaching, and of all others engaged in the free and open flow of recorded knowledge, ideas and information; and

WHEREAS, LAUC, which has a long and distinguished history of supporting the research and teaching, regardless of the topic under consideration, of University of California students, faculty, staff, as well as other patrons who use the library, and their free and open exchange of recorded knowledge, ideas and information, by protecting the confidentiality of library records of said students, faculty, staff and other patrons; and

WHEREAS, the USA PATRIOT Act (Provide Appropriate Tools Required to Intercept and Obstruct Terrorism (PATRIOT) Act of 2001) and Homeland Security Act and related measures increase the likelihood that activities and records of library patrons, including their tangible and intangible records, and their use of computers to browse the Web or access email, may be under government surveillance without the patron's knowledge or consent, and

WHEREAS, even the possibility of such government surveillance can be considered to have a chilling effect on research and teaching and the free and open flow of recorded knowledge, ideas and information; and

WHEREAS, the above-referenced legislation may cause members of LAUC to violate their professional ethic, which includes the facilitation of research and teaching and the free and open exchange of recorded knowledge, ideas and information;

THEREFORE, BE IT RESOLVED that LAUC opposes legislation that endangers research and teaching and the free and open exchange of recorded knowledge, ideas and information, including the above-referenced legislation; and

BE IT FURTHER RESOLVED, that LAUC encourages all librarians, library administrators, and library

advocates to inform their communities, staff and patrons about the far-reaching implications of the above-referenced legislation to the privacy of patrons and the confidentiality of library records, and therefore to research and teaching and the free and open exchange of recorded knowledge, ideas and information; and

BE IT FURTHER RESOLVED, that LAUC strongly condemns any current or future legislation that threatens patron privacy in access to information, and therefore research and teaching and the free and open flow of recorded knowledge, ideas and information; and

BE IT FURTHER RESOLVED, that LAUC calls for repeal of those sections of the above-referenced legislation that violate the privacy of patrons in access to information and the confidentiality of library records, and therefore research and teaching and the free and open exchange of recorded knowledge, ideas and information; and

BE IT FURTHER RESOLVED, that LAUC affirms and upholds the efforts of librarians everywhere to defend and support patron privacy and free and open access to recorded knowledge, ideas and information without fear of government surveillance; and

BE IT FURTHER RESOLVED, that LAUC urges all UC Libraries to post in a prominent place within the library a notice to library users as follows: "WARNING: Under Section 215 of the federal USA PATRIOT Act (Public Law 107-56), records of the books and other materials you borrow from this library may be obtained by federal agents. That federal law prohibits librarians from informing you if records about you have been obtained by federal agents. Questions about this policy should be directed to: Attorney General John Ashcroft, Department of Justice, Washington, DC 20530." (borrowed from the San Diego Bill of Rights Defense Committee's "[Resolution in Support of the Bill of Rights](#)"); and

BE IT FURTHER RESOLVED, that LAUC urges campus divisions to inform their communities, staff, and patrons about the requirements of the USA PATRIOT Act, the Homeland Security Act, and related measures; and

BE IT FURTHER RESOLVED, that LAUC send a statement of support to the UCOP legislative office endorsing Representative Bernard Sanders' H.R.1157, the "[Freedom to Read Protection Act of 2003](#)", which would amend the Foreign Intelligence Surveillance Act to exempt bookstores and libraries from orders requiring the production of any tangible things for certain foreign intelligence investigations; and

BE IT FURTHER RESOLVED, that this resolution be disseminated widely across the UC system and to others as appropriate.

Adopted by the Librarians Association of the University of California
LAUC Spring Assembly 2003
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