

Discussing Intellectual Freedom in a
USA PATRIOT Act Environment

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Cartoon by Bob Lang

Today's Agenda

- I. What Does It Mean to Be a Librarian?
 - a. Introductions
 - b. Intellectual Freedom
 - c. Moral Relativism
 - d. Brainstorming
 - i. ALA Code of Ethics
 - ii. What does it mean to be a librarian?
 - iii. Describe your community
 - e. BREAKOUT: Brainstorm a controversial topic, and then try to present it in neutral language.
- II. Presenting Controversial Material
 - a. Know yourself, know your audience
 - i. Examples from the Smith & Jones Show
 - b. How appropriate is the topic to your audience?
 - c. BREAKOUT: Work on a brief presentation of your topic
- III. Reactions
 - a. Discussion of participant's topics and presentations
 - b. The "one little finger" reaction
 - c. Strategies for responding to reactions
 - d. Q&A

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November 13th, 2007



Agenda

Act I:
What Does It Mean to Be a Librarian?

Act II:
Presenting Controversial Material

Act III:
Reactions



ACT I

- Intellectual Freedom
- Readings in packet:
 - Neutrality, Moral Relativism
- Brainstorming



ACT II

- How appropriate is the topic to your audience?
- BREAKOUT: Work on a brief presentation on your topic



Questions to Ask

- Your Presentation:
 - What are three concepts you would cover
 - What would you say about your topic?
 - What would you NOT say about your topic?
 - How do you "hook" your audience?

Break - review Good article



ACT III

- Discussion of topics
 - How far should we neutralize a topic?
 - Good Article
 - Is it truly moral relativism?
- Reactions?
 - Unintended consequences
 - What do you do?



What is Intellectual Freedom?

Some Initial Thoughts:

"...[T]he right of every individual to both seek and receive information from all points of view without restriction. It provides for free access to all expressions of ideas through which any and all sides of a question, cause or movement may be explored. Intellectual freedom encompasses the freedom to hold, receive and disseminate ideas."

American Library Association

Intellectual freedom as long as you think like they think and support what they say.

John Berry, Assoc. Librarian, UC Berkley

First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or **abridging the freedom of speech, or of the press**; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Your Thoughts

Code of Ethics of the American Library Association

As members of the American Library Association, we recognize the importance of codifying and making known to the profession and to the general public the ethical principles that guide the work of librarians, other professionals providing information services, library trustees and library staffs.

Ethical dilemmas occur when values are in conflict. The American Library Association Code of Ethics states the values to which we are committed, and embodies the ethical responsibilities of the profession in this changing information environment.

We significantly influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry, we are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.

The principles of this Code are expressed in broad statements to guide ethical decision making. These statements provide a framework; they cannot and do not dictate conduct to cover particular situations.

- I. **We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.**
- II. **We uphold the principles of intellectual freedom and resist all efforts to censor library resources.**
- III. **We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.**
- IV. **We recognize and respect intellectual property rights.**
- V. **We treat co-workers and other colleagues with respect, fairness and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.**
- VI. **We do not advance private interests at the expense of library users, colleagues, or our employing institutions.**
- VII. **We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.**
- VIII. **We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession.**

Adopted June 28, 1995, by the ALA Council

What Does it Mean to be A Librarian?

What does it mean to you to be a librarian?

What community does your library reside in? Use some keywords that describe your community.

How appropriate is the topic to your audience?

The USA Patriot Act

Libraries and PATRIOT

American Library Association:

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

Adopted at the ALA MidWinter Meeting,
Philadelphia, PA, January 29, 2003

ALA Resolution

- [L]ibraries are a critical force for promoting the free flow and unimpeded distribution of knowledge and information for individuals, institutions, and communities
- [P]rivacy 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

ALA Resolution

- [T]he 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
- http://www.ala.org/Content/NavigationMenu/Our_Association/Offices/ALA_Washington/Issues2/Civil_Liberties_Intellectual_Freedom_Privacy/The_USA_Patriot_Act_and_Libraries/ALA_Resolution_on_PATRIOT_Act.htm

A popular government without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps, both. Knowledge will forever govern ignorance; and a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.

– James Madison

Federal Depository Library Program

- Provides access to material published by the Government Printing Office (GPO)
 - Government publications in a depository library is still the property of the US Government
 - There are depositories for Congressional districts, each Senator, law libraries, etc. GPO says there are around 1,300, down from 1,425 (in 1985).
- More than 50% of GPO material is now available online. Much more is available via agency web sites.

USA Patriot Act

- **Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) of 2001**
 - Public Law 107-56, 115 STAT.272, H.R 3162
 - Signed by President George W. Bush, October 26, 2001

Patriot Act

Stated purpose:

"deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes."

Expands the surveillance and investigative powers of law enforcement through its amendments to existing laws. For example:

- Federal Wiretap Act
- Electronic Communications Privacy Act (ECPA)
- Foreign Intelligence Surveillance Act (FISA)
- Family Education Rights and Privacy Act (FERPA)

Patriot Act

- It also enhances the ability of law enforcement to implement electronic surveillance during domestic criminal investigations as well as intelligence investigations.

USPA and Libraries

- Section 206
 - Roving wire taps
- Sections 214 and 216
 - Monitoring of Internet traffic for routing and addressing information
- Section 215
 - Ability to obtain search warrants for business, medical, educational, library, and bookstore records

The Impact

Any time the public believes what they're borrowing or reading will be under surveillance, it will have them thinking twice.... It'll go through people's minds if they want to learn more about the Taliban or Islam as they're reaching for the shelf.

-- Christopher Dreher,
Salon, March 6, 2002.

Why is this important?

- Libraries
 - 3rd most frequent place people access the Internet (after home and office)
 - More than 95% of US libraries (public, academic, special, etc.) offer Internet access
 - US Dept. of Commerce says more and more the public are using libraries to access the Internet knowing that they are not being monitored
 - Libraries provide access to government information – at NAU it is not usual for a paper text of a public law to be heavily used – USPA was an exception – as popular as the Starr Report

The USA PATRIOT Act

By [Names Withheld to Protect the Guilty]

A note on bias ...



□ Librarians are at the fore of challenges to PATRIOT

"Our whole American way of life is a great war of ideas, and librarians are the arms dealers selling weapons to both sides."

James Quinn

"As librarians, we support the freedom to read. We champion the right to access information for all people, regardless of race, creed, religion, or economic disposition. Libraries are everyone's university. These may feel like clichés to the converted (us, librarians), but they remain truths."
Martha J. Spear, American Libraries

"Kill all the librarians ..."

"A Shakespeare character famously said, "Let's kill all the lawyers." This gibe has lost none of its relevance through the centuries. But today we might reply to that acerbic line, "Sure -- but only if we can kill all the librarians next."

"Librarians have recently let down their hair -- usually wrapped in a tight bun, of course -- to become some of the most vocal opponents of the Bush administration and the USA Patriot Act, prompting Attorney General John Ashcroft to take a public swipe at them. Librarians now constitute one of the country's main centers of *thoughtless and unreconstructed leftism.*"

Rich Lowry, National Review, 09/22/2003
Our Emphasis Added

Tradition

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ALA Code of Ethics, Preamble
<http://www.ala.org/ala/ol/statements/pubs/codeofethics/codeofethics.pdf>

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PATRIOT Act

- It also enhances the ability of law enforcement to implement electronic surveillance during domestic criminal investigations as well as intelligence investigations.
- *"The Department of Justice's first priority is to prevent future terrorist attacks. Since its passage following the September 11, 2001 attacks, the Patriot Act has played a key part - and often the leading role - in a number of successful operations to protect innocent Americans from the deadly plans of terrorists dedicated to destroying America and our way of life."*

<http://www.lifeandliberty.gov/>

The Impact (as librarians see it)

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PATRIOT 2, The Son of PATRIOT

- Or, the Victory Act
- Copies of "PATRIOT II"—the act that was intended to follow PATRIOT and grant the government even broader powers—were leaked to the press last winter, and while the ensuing ruckus ensured that PATRIOT II is dead, much of it will evidently rise again this fall in the guise of the VICTORY Act.

The USA PATRIOT Act: Implications for Teaching & Research

John J. Covey
& Seth Evans

Martin Springer Institute
February 7th, 2006

Inscriptions from the Statue of Liberty

"Our defense is in the spirit which prized liberty as the heritage of all men, in all lands everywhere. Destroy this spirit and you have planted the seeds of despotism at your own doors."

ABRAHAM LINCOLN

"Liberty is the air America breathes . . . In the future days, which we seek to make secure, we look forward to a world founded upon four essential freedoms . . . freedom of speech and expression . . . freedom of worship . . . freedom from want . . . freedom from fear."

FRANKLIN D. ROOSEVELT



This is NOT a liberal issue

"In our battle against those that detest our free and prosperous society, we cannot sacrifice any of the pillars our nation stands upon, namely respect for the Constitution and the rule of law. Our enemies in the war against terrorism abuse the Islamic law known as the Sharia that they claim to value. It is perversely used as justification for their horrific and wanton acts of violence."

Newt Gingrich, the former speaker of the House
("The Policies of War: Refocus the mission," *San Francisco Chronicle*, 11/11/03)

And another voice ...

"These infringements on the individual freedoms of American citizens are not part of some plot or conspiracy to deprive us of our civil liberties. The President, the Attorney General and those interested in maximizing individual liberty need to work together to guarantee that we can defend ourselves without altering the nature of the greatest society on earth. The USA PATRIOT Act was passed in haste included ideas previously shelved by the Congress, like expanded civil forfeiture and roving wiretaps: ideas that law enforcement wanted, but could never get. When creating sound anti-terrorism legislation, the line should not be drawn at 'what is helpful for law enforcement,' but at what is needed to protect us while preserving the proper balance between preserving civil liberties and our nation's national security needs."

David Keene, Chairman of the American Conservative Union
("National Security vs. Civil Liberties: Finding a Balance" Press Release, American Conservative Union, 4/10/2003)

A note on our bias ...



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From *Fahrenheit 9/11* (DVD 927)



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From Unconstitutional (DVD 958)



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Why is this important for us in the Classroom

- What is Academic Freedom?
 - Example: in Northern Ireland, academics who saw the minority status of Catholics as a source of the Troubles were branded "Republicans" (Ireland-speak for terrorists)
 - Can the same happen here?
- What about our students?

From Fahrenheit 9/11 and Unconstitutional



Your thoughts and questions

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- Slattery, P., & Rapp, D. (2003). *Ethics and the foundations of education: Teaching convictions in a postmodern world*. Boston, MA: Allyn & Bacon.
- US Department of Justice, (n.d.). *The USA Patriot Act: Preserving life and liberty*. Retrieved Sep 22, 2004, from <http://www.lifeandliberty.gov>.

Important web sites

Text of the Act
Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) of 2001
<http://www.access.gpo.gov/GPO/LPS17579>

A Guide to USPA

- Should you be scared of the Patriot Act?
<http://slate.msn.com/id/2087981/>
- Preserving Life and Liberty
<http://www.lifeandliberty.gov/>

Information for Faculty

- American Association of University Professors, Information for Faculty Who Receive Law Enforcement Inquiries Under the USA Patriot Act
http://www.aaup.org/issues/Homeland_Security/lawinfo.htm

Videos used in this presentation:



Further Reading

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