Chapter V

Watching What We Read:
Implications of Law Enforcement Activity in Libraries Since 9/11

Abby A. Goodrum, School of Journalism at Ryerson University, Canada

Abstract

Libraries in the U.S. have long been places of interest to government law enforcement agencies, and academic and public librarians have long sought to balance their commitment to the protection of privacy and intellectual freedom, with their desire to support legitimate requests for assistance from the government (Foerstel, 1991; Starr, 2004). In some instances, librarians have even gone to jail to protect the privacy of their patron's records (Horn, 1994). To better understand the nature of this contact and its impact on the public's privacy and access to information, the American Library Association's Office of Information Technology Policy (ALA OITP) funded a study which included a nationwide survey of public and academic libraries and structured interviews with librarians and library leaders. The study confirms that federal, state, and local law enforcement have been visiting libraries as part of their investigations and that law enforcement activity has precipitated change in the policies and practices of public and academic libraries. Finally, the data from this study 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, or removed material from the library, nor has there been any 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. Another issue central to this discussion has been the degree to which the ALA should engage in significant lobbying efforts to change or modify the Patriot Act and related terrorist laws. 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.

Introduction

In a library (physical or virtual), the right to privacy is the right to open inquiry without having the subject of one's interest examined or scrutinized by others. Confidentiality exists when a library is in possession of personally identifiable information about users and keeps that information private on their behalf. (*Privacy: An Interpretation of the Library Bill of Rights.* ALA, 2002)

This chapter provides a summary of the first comprehensive study of the impact of law enforcement activity in America's libraries since 9/11.

Libraries in the U.S. have long been places of interest to government law enforcement agencies, and academic and public librarians have long sought to balance their commitment to the protection of privacy and intellectual freedom, with their desire to support legitimate requests for assistance from the government (Foerstel, 1991; Starr, 2004). In some instances, librarians have even gone to jail to protect the privacy of their patron's records (Horn, 1994).

After 9/11, there were accounts from libraries across the United States that law enforcement activity in libraries had increased at the same time that access to certain governmental information (formerly available publicly through the library depository program) was diminishing. Additional concern about law enforcement contact with libraries also occurred as a result of the passage of the USA PATRIOT Act (P.L. 107-56). To better understand the nature of this contact and its impact on the public's privacy and access to information, the American Library Association's Office of Information Technology Policy (ALA OITP) funded a study which included

Related Content

E-Government Services Online: An Exploratory Study on Tax E-Filing in Malaysia
Magiswary Dorasamy, Maran Marimuthu, Murali Ramanand Maniam Kaliannan (2010). *International Journal of Electronic Government Research (pp. 12-24).*
www.irma-international.org/article/government-services-online/46949

Digital Literacy and E-Governance Adoption for Service Delivery in Cross River State Civil Service
Gabriel Inakefe Inakefe, Virtue Uduak Bassey, Okey Marcellus Ikeanyibe, Chris Iwejuo Nwagboso, Uno Ijim Agbor, Joseph Ebegbulem, Frank Ifenna Mbonuand George Ugochukwu Ike (2023). *International Journal of Electronic Government Research (pp. 1-23).*
www.irma-international.org/article/digital-literacy-and-e-governance-adoption-for-service-delivery-in-cross-river-state-civil-service/328327

The Impact of Culture on E-Readiness for E-Government in Yemen
Arwa Al-eryaniand Abdullah Rashed (2016). *Trends, Prospects, and Challenges in Asian E-Governance (pp. 95-115).*
www.irma-international.org/chapter/the-impact-of-culture-on-e-readiness-for-e-government-in-yemen/140362

Promoting Citizen Participation via Digital Government
C. W. Phang (2007). *Encyclopedia of Digital Government (pp. 1352-1357).*
www.irma-international.org/chapter/promoting-citizen-participation-via-digital/11680

Computer Security in Electronic Government: A State-Local Education Information System
Alison Radland Yu-Che Chen (2008). *Electronic Government: Concepts, Methodologies, Tools, and Applications (pp. 2026-2044).*
www.irma-international.org/chapter/computer-security-electronic-government/9840