

## **A Resolution on Libraries and the USA PATRIOT Act:**

WHEREAS in these difficult and trying times, the elected leadership of the North Carolina Library Association asks the members of the North Carolina Congressional Delegation to remain especially mindful that, in the words of the American Library Association, "The First Amendment's guarantee of freedom of speech and of the press requires that the corresponding rights to hear what is spoken and read what is written be preserved, free from fear of government intrusion, intimidation, or reprisal." And, by extension, we seek your support in preserving the critical but fragile position of America's libraries in fulfilling that Constitutional promise.

WHEREAS in its 1999 statement "Libraries: An American Value," the Council of the American Library Association proclaimed libraries in America to be ". . . cornerstones of the communities they serve . . .," providing "Free access to the books, ideas, resources, and information . . . imperative for education, employment, enjoyment, and self-government." For these outposts of democracy to flourish with the freedom to promote and protect the public good, the Council further affirmed its contract with the American people to ". . . protect each individual's privacy and confidentiality in the use of library resources and services." Originating in such clear and long-standing principles, professional ethics call upon librarians everywhere to watchfully and assertively protect the individual's right to seek information without undue intimidation or interference by government.

WHEREAS North Carolina state law formally recognizes the right of privacy in using libraries. North Carolina General Statutes § 125-19 (Confidentiality of Library User Records) states that:

"A library shall not disclose any library record that identifies a person as having requested or obtained specific materials, information, or services, or as otherwise having used the library except . . . (1) When necessary for the reasonable operation of the library; (2) Upon written consent of the user; or (3) Pursuant to subpoena, court order, or where otherwise required by law."

WHEREAS it is important to note that North Carolina's librarians agree heartily with Representative Bernie Sanders' (I-VT) recent declaration that "There can be no question that we must protect Americans against terrorists . . ." It is equally important, however, to consider further with Representative Sanders that ". . . that does not mean that we have to give the federal government the right to monitor what Americans are reading at their local library, or what books they are buying at their local book store." At present, government actions, both potential and real, under authority of the USA Patriot Act have cast a pall over free access to information.

Therefore, Be it resolved that we, the North Carolina Library Association, respectfully request the North Carolina Congressional Delegation to introduce or support legislation, such as Representative Sanders' Freedom to Read Protection Act (H. R. 1157), which

would exempt libraries and booksellers from the most onerous provisions (Section 215) of the USA Patriot Act and protect Americans' rights to information without fear.

Adopted by the North Carolina Library Association Executive Board, April 25, 2003.