

**The Patriot Act and the Public Library:**  
**An Unanticipated Threat to National Security**

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On September 10, 2001, the front page of *The New York Times* was a mixture of stories about local politics as the city's mayoral race heated up, concern about the education system through the story of a troubled child, the U.S. Open ending with a Pete Sampras defeat and an overview of national politics through the lens of recession concerns. Tucked away on page A4 sat the story "Taliban Foe Hurt and Aide Killed by Bomb." Ahmed Shah Massoud, the leader of the Northern Alliance in Afghanistan, had been attacked the day before and was reported to have sustained leg injuries from a bomb detonated by two men posing as reporters (Taliban 2001, A4). Massoud had actually died immediately after the attack (National Commission 2004, 214).

Most New Yorkers reading the paper that day had probably never heard of Massoud or read most of the stories about remote events and unknown organizations in Afghanistan. It was also unlikely that most people in the United States knew that in the years prior, internal debates within the Clinton Administration had taken place on the topic of working with and financing Massoud. It was hoped by some that he might help locate a Saudi named Osama bin Laden. Bin Laden was considered a major threat to the country's national security by many in the administration (National Commission 2004, 139, 187-188).

It is likely that by the first week of September 2001 bin Laden's name was familiar to regular readers of *The New York Times*. The paper had published many stories reporting on his connection with the terrorist attacks against the United States including the bombing of the U.S.S. Cole in Yemen and two U.S. embassies in Africa. A search in *The New York Times* shows that bin Laden's name occurs in at least 700 stories prior to September 11, 2001. In January of 2001, the paper had published a three part series entitled "Holy Warriors" detailing bin Laden's terrorist network (Engelberg 2001), plans for an attack in Jordan (Miller 2001a) and

lastly the world of young Muslim extremists drawn to Afghanistan for training as terrorists (Miller 2001b). The main narrative in this series and other stories prior to September 11, 2001 was clear: terrorists primarily posed a threat to U.S. interests abroad and not necessarily to people or property on U.S. soil.

In 1993 there had been the devastating attack on the World Trade Center in which six people had been killed and more than one thousand injured (Unger 2004, 149). The bombing had demonstrated to the American public that they were vulnerable to attacks on U.S. soil perpetrated by foreign terrorists. The investigation of the bombing even revealed that other attacks on U.S. soil had been planned. Over time, these were either foiled or never executed (Bergen 2001, 195; Gertz 2002, 92). By 2001, complacency about terrorism occurring within the U.S. had settled into the mindset of the general public. A poll taken in May 1999 by the Gallup organization asked “*What do you think is the most important problem facing this country today?*” In a list of 29 non-economic concerns, “terrorism/national security” ranked 25th. Among the topics ranking higher were concerns about “ethics/moral/family [&] decline/children not raised right,” “media/television” and “parental rights being taken away.” Though terrorism was at the bottom of the listed concerns, “[international] issues/foreign affairs” did register among those surveyed as a problem and fell in the middle of the list (Gillespie 1999).

The 1990s had been a decade of economic prosperity for many in the United States. Awareness of threats building in the rest of the world was not a major concern for most Americans. It was, however, a concern for many U.S. government officials who understood the threat that bin Laden and his terrorist network al Qaeda posed not only to U.S. interests around the world, but to the lives of those within the United States.

The attacks on the World Trade Center and the Pentagon on the morning of September 11, 2001 changed how Americans viewed terrorism. Terrorism was no longer something that only happened overseas to anonymous victims. The 9/11 attacks put a face to both the attackers and the victims. In the days and weeks that followed, detailed facts of what had taken place emerged in the news. The American public came to learn about Osama bin Laden, his network of hijackers and their motivations. Americans also learned about the thousands of victims who had been killed or were missing and presumed dead. *The New York Times* series "Portraits of Grief" provided more than 1800 profiles of individuals lost in the attacks. Kenneth T. Jackson, director of the New York Historical Society, said the project "...put a human face on numbers that are unimaginable to most of us" (Scott 2001, par. 12). This change in mindset, driven by fear, grief and anger, would dictate and cloud some of the steps America took to protect itself.

Practically every aspect of 9/11 was beyond the imagination of most Americans. Unfortunately the attack and its aftermath were well within the imagination of the leaders and followers of al Qaeda. Emboldened by the defeat of the Soviets in Afghanistan, Osama bin Laden believed it was possible to strike a spectacular and deadly blow inside the United States (Atwan 2006, 55; Kean and Hamilton 2007, 239-240). Some individuals in the U.S. government had also imagined an attack of this kind was possible, but many others in more powerful positions could not.

In reviewing the record of events leading up to 9/11, many stories emerge. Political and financial opportunities take precedent over national security concerns through multiple administrations. Interagency communication fails as evidence and leads become known but are

deemed unimportant. Turf battles occur as individuals and departments vie for the professional edge.

Perhaps the most important lesson learned from the record of 9/11 is that as much as a nation might strive to prevent terrorism on its shores, a 100% success rate is impossible. The steps set in motion leading to an attack form too complex a system to control. Unearthing and preventing each and every element in the formation of a plan of attack is impossible. Something will always go unknown or unanticipated. The acts of motivating, recruiting, financing, training, deploying, supplying, and operationalizing individuals or teams to carry out such acts of violence create too many working parts to be fully tracked and then completely destroyed or dismantled.

Though the government will not be able to prevent every future terrorist attack, prevention will be a major goal of any administration's National Security Plan and the primary desire of the American public. The lessons learned from 9/11 can be heeded. Much has been done towards this end over the past ten years. Intelligence and law enforcement agencies were tasked to communicate better. A Department of Homeland Security was created to bring under one umbrella the domestic-focused agencies working to keep the country safe. The Patriot Act was passed to make it easier for the government to gather information that could help law enforcement identify leads indicating possible future attacks. Each of these steps was taken with the intention of keeping Americans safe.

Of these steps, The Patriot Act is the most problematic. This Act was conceived and signed into law very quickly in a polarized atmosphere of fear, sadness and anger. The 9/11 terrorist attacks took place in two of the country's largest and most symbolic cities and they changed the psyche of the United States in a few short hours from invincible to vulnerable.

Citizens, legislators, law enforcement agencies and the executive branch all began to think about how future attacks could be prevented. Toward that end, a piece of legislation was drafted, quickly put forward and passed within only two months of the attacks without being fully debated or examined (Martorella 2006, 120). As a result, part of the Act actually serves to undermine the role the American public should be able to play in contributing to the country's national security.

Title II of The Patriot Act had the most impact on librarians and people who use libraries. It was this part of The Patriot Act that made it easier for government agencies to gather information about individuals in the course of an investigation. Librarians objected to this because it directly impeded the ability of "...citizens to be active participants in a democratic system by compiling facts and opinions from diverse sources" (Taylor and Black 2004, 51-52). The opportunity to seek information in an environment free from observation, judgment or reprisal is vital at many levels. Psychologically, an individual must feel free and empowered to search for and read any legally available information. Institutionally, a library must be unburdened by government controls to provide an atmosphere in which individuals feel at ease to seek information. Knowing that a government agency could at any time secretly request records that can be used to piece together an individual's information seeking would chill the right to access and read information.

ALA's Policy on Governmental Intimidation states that the organization "...opposes any use of governmental prerogatives which leads to the intimidation of the individual or the citizenry from the exercise of free expression" (Taylor and Black 2004, 53). ALA's Code of Ethics states, "We protect each library user's right to privacy and confidentiality with respect to

information sought or received, and materials consulted, borrowed, acquired or transmitted” (American 1997). The provisions of Title II were a direct attack on privacy in the library.

The specific section of The Patriot Act which allows agents of the government to gather library related information on patrons is Section 215 known as the “library provision” (What 2011). This section allows the F.B.I. to investigate U.S. citizens through library records. The section prevents anyone contacted in relation to the investigation from disclosing that an investigation is underway (Albitz 2005, 284). Information seeking and information sharing are affected by Section 215.

Through The Patriot Act, the United States government can investigate what citizens are reading and accessing through libraries with no probable cause for gathering this information and with no necessity to notify the parties being investigated. This governmental power undermines the civil liberties of citizens and allows for the invasion of privacy in the name of protecting the public from terrorism. The public libraries of the United States serve as a primary and sometimes sole resource for citizens to read about current events, research topics of interest and virtually explore the world. The Patriot Act compromises what should be a judgment-free atmosphere within the library by allowing authorities to invade library patrons’ privacy.

The assurance of privacy in seeking information through the public library provides a mechanism by which an individual can feel free to explore ideas and engage in intellectual pursuits of any nature. The American Library Association (ALA) states unequivocally: “Privacy is essential to the exercise of free speech, free thought, and free association” (An interpretation, 2002). The opportunity to research and seek information is important to maintaining a free, open

and democratic society. In the wake of 9/11, The Patriot Act poses a threat to the “right to open inquiry” (An interpretation 2002) thereby chilling free speech, thought and association.

Section 215 allows the government to request patron records from libraries. The purpose is to use multiple pieces of information to track behavior in order to identify potential threats. Knowing what websites a person visits, what books one checks out, and what articles one reads, could potentially assist an analyst or law enforcement agent to identify plots and threats against U.S. interests but it does so at a severe cost to civil liberties. It additionally poses a risk to national security by stifling the information seeking behavior of citizens who are aware of this governmental power.

Citizens who choose to actively seek information about the world are more engaged and better informed for decision making across all aspects of their lives. For example, an individual after 9/11 might want to research these questions: Who are al Qaeda? What are their motivations? What messages have they distributed? What have they done in the past? Are all Muslims part of al Qaeda?

The original purpose may be to better understand current events in order to reconcile concerns and emotions around the events of 9/11. The ideal outcome will be a better informed citizen who can distinguish between a terrorist organization like al Qaeda which wrongly uses Islamic teachings to justify its violence versus the majority of the followers of Islam who have nothing to do with extremism or terrorism. This same American may learn through reading books and articles, or watching documentaries that he has much more in common with people in other cultures than he knew before undertaking the research through his public library.

The library provides not only information resources and guidance, but it is also a judgment-free zone in which a citizen can investigate interests without worry of embarrassment or exposure. A greater understanding of the differences and similarities between peoples of the world can potentially initiate and expand feelings of tolerance and empathy for cultures, religions and traditions outside of one's immediate sphere. If that same citizen-researcher was concerned that the subject matter being examined could trigger an investigation by the government, he probably would not move forward with his research. He would possibly remain insulated from the outside world, left in a vacuum and susceptible to feelings and ideas that make him more partial to intolerance. Section 215 allows the government to secretly investigate any citizen's information-seeking behavior in any public library. This intimidating power has been one of the negative and harmful unexpected outcomes of the 9/11 attacks.

The language of the bills that became The Patriot Act was crafted mainly by the Justice Department (Foerstel 2008, 32-33). Committees in each legislative body usually draft the language of bills, but in this situation, Attorney General John Ashcroft shepherded drafts which were approved by the Justice Department and the White House. He then worked with parties in both bodies to insert the language of these drafts into the Senate and House bills. Both bodies passed this anti-terrorism legislation with language from the Justice Department (Foerstel 2008, 32-33).

The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (The USA Patriot Act) was signed by the President on October 26, 2001 (Foerstel 2008, 46). Among many of its provisions, the USA Patriot Act provides the government with tools to investigate the information library patrons are seeking.

The First and Fourth Amendment rights of citizens are jeopardized by the use of many of the investigative tools allowed by the Act. The Patriot Act contains provisions that before 9/11 were viewed as a threat to civil liberties but in a post 9/11 America, some citizens consider the provisions necessary to protect the country (Martorella 2006, 121-123). Fear of investigation over the past decade has potentially prevented many librarians and library patrons from being fully engaged in society and intellectual pursuits.

The importance of libraries to American society can be seen through the statistics of library usage. The majority of people who use libraries usually do so through the public library system in their community. In 2008, 9221 public libraries served 166 million registered borrowers with 300 million reference transactions and 2 billion circulations across 1 billion library visits (Henderson et al. 2010, 55). In 2008, Internet access was provided by 98% of public libraries and 71% of those libraries were the sole free Internet access providers in their community (Bertot et al. 2009, 16). People throughout the country rely on local public libraries as the sole provider of access to print and electronic information, access to email, assistance with information gathering, leisure reading and community focused activities.

The American Library Association reacted immediately to The Patriot Act through editorials and reaffirmations of codes articulating the protection of patrons' rights. In the March 2002 issue of *American Libraries*, Karen Schneider wrote:

The Patriot Act is not anti-terrorism legislation; it's anti-speech legislation...The cold, cynical reality is that the Patriot Act is a bloated hodgepodge of speech-chilling laws that lurked in congressional corridors not only before September 11, but in large part before the Bush Administration (Schneider 2002, 86).

There is a history of the government seeking library records to investigate crime and espionage even though, “It has never been demonstrated that restricting intellectual inquiry makes us safer” (Martorella 2006, 132). Nonetheless, many people in and out of government believe investigating the research and information seeking practices of individuals does make for a safer world. The United States government’s use of libraries to gather information on users dates back to the 1960s when the F.B.I. would contact science and technology libraries in order to determine if Soviet spies were using their facilities for research (Foerstel 2008, 7).

In 1970, the division of Alcohol, Tobacco, and Firearms (A.T.F.), at that time a part of the Internal Revenue Service, searched library records in order to discover the names of anyone researching explosives. The broad library searches by the A.T.F. ended the same year they began, but investigators reserved the right to obtain library records if they identified specific individuals under investigation. At the time, Democratic Senator Sam Irvin wrote, “Throughout history, official surveillance of the reading habits of citizens has been a litmus test of tyranny” (Foerstel 2008, 5).

The F.B.I.’s Library Information Awareness Program began in the 1970s. It was designed to track the K.G.B.’s attempts to nurture relationships with science and technology librarians in the U.S. (Foerstel, 2008, 7). The program came under scrutiny in 1988 and was rebuffed by a number of state laws that were passed to protect the privacy of library patrons. The program never officially ended and the F.B.I., like the A.T.F., reserved the option to investigate library patron records if necessary (Foerstel, 2008, 20-21).

Prior to 9/11 library administrators recognized that investigations involving criminal activity sometimes require cooperating with law enforcement (Martorella 2006, 132). Policies

and procedures within the libraries and the government entities seeking information were subject to checks and balances to prevent abuses. The Patriot Act removed many of the checks and balances. As a result, it poses a direct threat to each library patron's pursuit of intellectual freedom (Martorella 2006, 120).

The provisions of The Patriot Act affecting libraries were part of modifications made to the Foreign Intelligence Surveillance Act (FISA) (Jaeger, Bertot, and McClure 2003, 295). FISA was originally passed by Congress in 1978. Its purpose was to distinguish between investigations of foreign intelligence issues and domestic investigations. The intent was to insure that the Fourth Amendment rights of United States citizens were not violated under the guise of a foreign intelligence investigation (Jaeger et al. 2003, 297). The Fourth Amendment of the Constitution reads as follows:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized (U.S. Const. amend. IV).

The Patriot Act-related changes in FISA removed the checks and balances of obtaining court orders to request information and reduced the Fourth Amendment rights of individuals. The modifications also expanded what items investigators could request. Agents could now seek "any tangible thing (including books, records, papers, documents, and other items" (Jaeger et al. 2003, 299) as part of their investigation.

A further effect of the Act was the limiting of access to some government information. Even though The Patriot Act does not stipulate that access to existing government sponsored research should be limited, this appears to have been another side effect of the legislation. The

government asked libraries designated as federal depositories to weed compact discs containing data from the U.S. Geological Service and to specifically destroy the CDs (Albitz 2005, 285).

The Patriot Act has limited the seeking of information, the sharing of knowledge of investigations and in some cases access to information (Albitz 2005, 284-285).

Section 505 of The Patriot Act expanded the use of a specific tool the Federal Bureau of Investigation could use in the wake of 9/11 that assists in the compromising of privacy in the public library. National Security Letters (NSLs) allow the F.B.I. to obtain financial, telephone and Internet records of U.S. citizens when the Bureau investigates suspected terrorists (Gorham-Oscilowski and Jaeger 2008, 626-627). NSLs also allow government officials to request the library records of patrons (Gorham-Oscilowski and Jaeger 2008, 629).

NSLs originated in 1986 and provided investigators access to records without court approval. The targets of NSLs had to be suspected foreign spies. The power of the NSL was expanded in 1993 and targets were changed to include anyone who may have been in touch with non-U.S. citizens suspected of terrorism. After The Patriot Act was passed, NSLs could target anyone, U.S. or non-U.S. citizen, if the F.B.I. believed they were of use to an investigation (How 2007).

According to the U.S. Inspector General, approximately 190,000 National Security Letters were issued by the F.B.I. between 2003 and 2006 (Office 2008, 109). In that same timeframe the number of NSLs issued to investigate U.S. citizens doubled from 6519 to 11,517 while the requests to investigate non-U.S. citizens declined by a total of 1627 (Office 2008, 111).

NSLs have a very low threshold of judicial review and they prevent the recipients (librarians or administrators) from disclosing to others (co-workers, the press, library patrons, family members) that an NSL has been served on a library employee (Gorham-Oscilowski and Jaeger 2008, 635-636). National Security Letters chilled both information seeking on the part of individuals who use libraries (Gorham-Oscilowski and Jaeger 2008, 644) and the information sharing behavior of librarians.

The dangers to free expression posed by The Patriot Act were highlighted in the case of Peter Chase. Four members of a library consortium, including Chase, were served with National Security Letters requesting the records of library patrons and requiring that they not reveal the request had been made. After his identity was revealed, Chase emphasized how the gag order froze his ability to speak about The Patriot Act. Chase was invited to discuss the Act broadly in his professional role, but he was unable to discuss any aspect of The Patriot Act because he had been served with an NSL as a steward of library patron records. One of the other librarians served with the NSL stated that he believed the government kept the gag order in place even after the media revealed the names of all who had been served in order to prevent criticism of the Patriot Act while it was being renewed (Foster 2006b, A1).

Joan Airoidi, the Director of the Whatcom County Library in the state of Washington, detailed an example of a library's experience with a Grand Jury subpoena for library records. The F.B.I. sought the names of all the patrons who had checked out a book about Osama bin Laden. The agents were trying to track down the individual who wrote in the margin of the book. Part of writing in the margin stated, "Hostility toward America is a religious duty and we hope to be rewarded by God" (Airoidi 2006, 26).

Through the publication of an article, Airoidi made it publicly known that Whatcom County Library had been served with a subpoena (Airoidi 2006, 26). She offers advice to other libraries on how to be prepared in the event they are served. She does make note that this particular "...subpoena was not a Patriot Act subpoena, [but] it mirrored a Patriot Act subpoena in many ways" (Airoidi 2006, 27). The article details the argument of the library's attorney as to why they should not release the patron list for the book to the government. The attorney enunciated two major points. First, demanding patron records violates First Amendment rights and imperils the "free exchange of ideas" (Airoidi 2006, 26). Second, libraries should be able to distribute information and patrons should not fear having their information requests exposed (Airoidi 2006, 26).

On September 16, 2003, Attorney General John Ashcroft gave a speech accusing librarians of being hysterical in their concerns about The Patriot Act and its limit on civil rights. The main contention of Ashcroft's speech was that the American Library Association and American citizens were being manipulated by the American Civil Liberties Union into believing The Patriot Act was harming civil rights (Goldberg and Flagg 2003, 10).

A few days later Ashcroft claimed, "The number of times Section 215 has been used to date is zero" (Goldberg and Flagg 2003, 10). Though the Patriot Act itself may not have been used, F.B.I. agents had still sought records from multiple libraries (Goldberg and Flagg 2003, 10). Ultimately, the main issue Ashcroft and supporters of the Act were not willing to acknowledge was that it did not matter if provisions of The Patriot Act had ever been used. What mattered was that the provisions existed and permitted government agencies to investigate the information seeking behavior of U.S. citizens. The freedom to access legally available

information without reprisal was chilled. For those who were aware of the provisions' existence and power, it could be reasonably expected that their information seeking might be stifled. This in turn would limit their participation in a free and democratic society.

In addition to the effect NSLs can have on information seeking, it was reported by the Inspector General's Office that the power of the NSL had been abused by the F.B.I. Between 2003 and 2005, at least 22% of the requests for NSLs were not properly documented in the F.B.I. General Counsel's database (Audit 2007, 20).

Concerned about the effect of the gag orders imposed by National Security Letters, U.S. District Judge Victor Marrero ruled in 2004 that the F.B.I. was to stop using NSLs to obtain information. His ruling stated that the "compulsory, secret, and unreviewable production of information" (Swartz 2004, 6) was a violation of the Fourth Amendment and the related gag orders violated an individual's right to free speech. Further describing the chilling effect unlimited gag orders posed, Marrero wrote:

All but the most mettlesome and undaunted NSL recipients would consider themselves effectively barred from consulting an attorney or anyone else who might advise them otherwise as well as bound to absolute silence about the existence of the NSL... For the reasonable NSL recipient confronted with the NSL's mandatory language and the F.B.I.'s conduct related to the NSL, resistance is not a viable option. (McCullagh 2004).

The government was given 90 days to make an appeal before the order would be enforced (McCullagh 2004). Congress passed amendments to the Act before the appeal by the government was concluded (Federal 2007).

In 2006, Congress made further changes to Section 215 designed to ease the chilling effects on libraries and patrons' rights. Under the revisions, NSLs could only be targeted at libraries that offer Internet access, gag orders could be challenged, and requests to identify books used by patrons could be challenged (Foster 2006a, A1). The revisions, however, were seen as having almost no effect. Representative John Conyers pointed out that "...no meaningful protection for library records [was offered] because almost all libraries offer electronic access to patrons" (Foster, 2006a, A1).

At the time of the 2006 renewal, it was publicly revealed that the 9/11 hijackers had used libraries to advance their plans of attack. Libraries in Florida and New Jersey were used by the hijackers. The hijackers that visited the William Paterson University library in New Jersey used the computers to purchase their airline tickets. The ACLU pointed out that it had long been known that libraries had been used by some of the hijackers (Oder, 2005). The release and publicizing of this information at the time of renewal provided Patriot Act supporters with an easy to digest argument as to why Section 215 of The Patriot Act did more good than harm.

In September of 2007, Judge Marrero ruled on The Patriot Act again and found that the amendment concerning the gag orders "still runs afoul of the First Amendment" (From 2007, B6). He allowed that gag orders were permitted but they must have an expiration date attached to them in order to protect the First Amendment rights of those served with NSLs. Ongoing gag orders could be requested of a court as long as the F.B.I. could prove that "ongoing secrecy" was needed (From 2007, B6). Other challenges to sections of the Patriot Act were made including a challenge in Michigan to limit the F.B.I.'s ability to force entities like libraries to give up "tangible evidence" (Swartz 2004, 6).

Section 215, as well as two other provisions of the Patriot Act, were set to expire on May 27, 2011. Members of the House and Senate expressed an interest in reauthorizing the provisions, as did the heads of the F.B.I. and national intelligence. A few legislators did express a desire to revisit the language of the Act. Representative John Conyers stated: "The most basic question to me is how much intrusion we will take on our privacy," (Senate Judiciary Oks 2011, 23).

The rhetoric on both sides of the Patriot Act renewal grew as the date neared. In a May 2<sup>nd</sup> editorial in the *Boston Globe* entitled "Sacrificing Freedom for Security" John Sununu, a former Republican United States Senator, provided a history of the Patriot Act and a call for "meaningful debate" on its effects on civil liberties (Sununu, 2011, A9). At a Judiciary Hearing on F.B.I. oversight in March of 2011, Senator Chuck Grassley made a point to state on the record that a terrorist attack in Texas was thwarted because Section 215 of The Patriot Act made it possible to obtain sales records from Amazon.com and eBay. Grassley stated, "Given the dangerous threats we face and the fact that the three expiring provisions have not been found to have been abused, the Senate should work to reauthorize the expiring authorities without amendment" (Senate Judiciary Committee 2011).

Within just one day of the death of Osama bin Laden, politicians tried to remind the public that The Patriot Act was still important. Speaking at a House Committee meeting on Judicial Oversight on May 3<sup>rd</sup>, representative Lamar Smith of Texas stated:

The killing of Osama bin Laden is a significant victory in America's efforts to combat terrorism. But the terrorist threat does not end with bin Laden's death...we cannot afford to leave our intelligence community without the resources it needs to dismantle terrorist

organizations, identify threats from groups and individuals and interrupt terrorist plots... Congress must reauthorize the *Patriot Act* (Rep. 2011).

The American Library Association continued to lobby against The Patriot Act and called on interested parties to support Senate bill S. 193, The USA Patriot Act Sunset Extension Act of 2011. This bill was sponsored by Democratic Senator Patrick Leahy and offered revisions on key aspects that affect libraries. In a February 2011 letter to Senator Leahy, the American Library Association explained its support of S. 193. One of the main reasons for the support was because under S. 193 there was a requirement that a “clear connection” must be made between a suspected terrorist or spy and the library records requested by the government to investigate the targeted subject (Lynne E. Bradley & Prue Adler, pers. comm.). The bill also provided for a sunset for National Security Letters and would have strengthened the rights of individuals under gag orders as a result of being served a NSL.

The Patriot Act provisions have not been allowed to lapse. At the end of May 2011 Congress renewed the provisions and President Obama signed a four year extension (Kane and Somnez 2011). Small revisions like S.193, if they succeed in the future, can serve to return some of the civil liberties that were lost after 9/11. It will take many S193s to restore all of the protections citizens possessed on September 10, 2001.

Recently New York’s Republican Representative Peter King has held two rounds of hearings on the radicalization of Islamic extremists in U.S. prisons with a third scheduled for Wednesday July 27<sup>th</sup> (King 2011). One aspect of radicalization that is not often discussed is the problem of radicalized Americans espousing hate towards Muslims and Islamic culture. An internal threat to U.S. national security is created by Americans who adopt extreme fundamentalist views professing hate and intolerance. Actions by these hate groups and the

individuals who follow their teachings can have dire consequences internally and externally for the whole country. As seen in the recent domestic attacks in Norway, this type of radicalization can pose just as great a violent threat to national security as attacks by radicalized foreign terrorists. In the U.S. it has already been demonstrated how a lack of knowledge about and tolerance for the traditions of Islam can lead to violence.

The self-publicized acts by the Pastor Terry Jones, who celebrated the burning of a Koran, directly affected the perception of the United States in the world. Jones purposefully publicized his intentions to destroy a Koran, recorded the burning, and then posted the video on his website. His actions and their consequences may or may not have been designed to incite violence, but they did. This act directly resulted in the deaths of seven United Nations staff members in Afghanistan at the hands of a mob incited by Jones's action (Gray 2011).

Since 9/11 there has been a rise in the United States of the number of organized hate groups targeting Muslims (Anti-Muslim 2011). This type of intolerance reinforces the Islamic-extremist narrative espoused by bin Laden and others which falsely states that the United States is out to destroy Islam.

Some people choose to only engage the world through information sources that reinforce their views and reassure them that the world is exactly as they perceive it to be. Others are overly curious and want to know everything they can about everything no matter the barriers they face. It is the people who fall in the middle that are truly harmed by The Patriot Act. An individual may at some point have questions about current events, people or cultures outside of their own immediate experience, religion or ethnicity. Their desire for information might be driven by a school project, a story on the news or by simple curiosity. Curiosity and the desire to

learn about the world should be protected and nurtured. The possibility of government examination of private research projects conducted through the resources of the public library is bound to deter some citizens from seeking new knowledge about the world. The freedom to explore and read about other cultures is vital to national security, especially as a tool to mitigate and prevent radicalization.

Despite the shadow that looms over libraries, they still serve a needed role across the country and are utilized regularly by patrons seeking information. It may be that the majority of library users are unaware of what the government can learn about them through their information transactions. Or maybe many are willing to trade their rights to privacy, free speech and unhindered intellectual pursuits for a sense of security.

Librarians for the most part, along with the American Library Association and the American Civil Liberties Union, are not satisfied with the small victories made over the past decade to gain back what was lost after 9/11. Each will continue through advocacy, policy and action to try to enhance the country's national security by insisting that a free, open, tolerant and democratic society begins in the reading rooms and computer labs of public libraries across America.

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