U.S. Libraries and the "War on Terrorism"

written by Mark Hudson | May 27, 2010

In the days and weeks following the September 11, 2001 Al-Qaeda terrorist attacks in the northeastern United States, there was a sudden proliferation of U.S. flags and other patriotic imagery in public libraries across the nation. U.S. public libraries have traditionally displayed U.S. flags inside or atop their buildings, even though they are financed by local and state tax money and receive little if any federal funding. But the new patriotic décor went well beyond any simple statement of solidarity with the nation in a time of crisis. At one of my local public libraries, the entrance doors were emblazoned with flag stickers and the slogan "United We Stand." There were flags and slogans such as "God Bless America" at the circulation checkout points, at the reference desk and on the book carts. Another library I frequented at the time displayed a red, white and blue poster with photos of various U.S. military aircraft dropping payloads of bombs. Similar examples of patriotic overkill were reported from libraries all over the country.

While most librarians, library workers and patrons probably regarded this as an innocuous development in the context of the times, at least a few found it somewhat disturbing, given the historic obligation of libraries to make information and knowledge available to all in an atmosphere free from intellectual intimidation of any kind. As the Bush administration prepared the population for the invasion of Afghanistan and an open-ended "war on terrorism," many librarians wondered whether, surrounded by such hyper-patriotic symbolism, library patrons would be less willing to inquire or request materials about, say, historic Arab grievances regarding U.S. foreign policy in the Middle East, or the roots of twenty-first century Islamic fundamentalist terrorism in the U.S.-sponsored jihad against the Soviet-backed Afghan government of the 1980s, or the address and phone number of the local peace and justice organizing center. In other words, would patrons fear that such requests might be seen as inappropriate in an atmosphere of implied unanimity and library support for U.S. foreign policy?

In response, the American Library Association's Social Responsibilities Round Table endorsed a "Statement of Concern on the Use of Flags in Libraries' Public Areas" at the ALA Midwinter Meeting in January 2002, which warned that "such unusual displays may create an intimidating atmosphere for some library users who may be deterred in their requests for materials and assistance" and urged "libraries to be sensitive to these concerns." SRRT representatives on ALA Council (the governing body of the association) also introduced several war-related Council resolutions at the meeting. However, the resolutions against secret tribunals and against the war in Afghanistan were both defeated by Council, while another on intellectual freedom and the use of torture in war or peace was prevented from coming up for a vote because of a quorum call.[1]

Of course, by the beginning of 2002 worries about pervasive patriotic imagery in libraries (which gradually abated along with the more generalized nationalist hysteria that followed September 11) were already being displaced by growing concern over the passage of the USA Patriot Act by Congress in October 2001. Librarians were and continue to be particularly concerned about the impact of Section 215 of the law, which allows the FBI to compel production of a library patron's circulation and internet use records, based only on the claim that the information may be relevant to an ongoing investigation related to terrorism or intelligence activities and not on any constitutional "probable cause" standard. The warrant for releasing the records is issued by a FISA (Foreign Intelligence Security Act) court, which deliberates in secret, with no review or hearing available to challenge its decision. Section 215 overrides state library confidentiality laws in forty-eight of fifty U.S. states. Furthermore, a librarian or other library worker served with a FISA warrant may not

disclose its existence or the fact that a patron's records were produced, under penalty of law.

The inclusion of this "gag order" in Section 215 of the Patriot Act may be related to the FBI's experience with the "Library Awareness Program" of the 1980s, in which FBI agents visited libraries seeking information about Soviet-bloc nationals supposedly accessing unclassified technical reports in government document collections. The librarians who were contacted were mostly hostile and uncooperative, they spoke to the press about the contacts, and the program generated a considerable amount of negative publicity for the FBI. Perhaps the Ashcroft Justice Department has drawn the lesson that library surveillance can produce the desired results only when librarians are cowed into silence.

And what exactly is the desired result, assuming the FBI doesn't really expect to prevent the next terrorist attack by tracking down the guy who reads the *Electronic Intifada* at the local library? As John Buschman argues, libraries are "the concrete place of the democratic public sphere" in the Habermasian sense of the term.[2] By organizing intellectually diverse collections and making them freely available to all, and through outreach and the extension of services to disparate communities, libraries contain within themselves "the possibility of communicative reason, truth verification, rational argumentation, and the providing of alternatives and alternative public spaces — all essential to a democratic culture."[3] The Patriot Act's assault on the privacy rights of library patrons needs to be seen in the context of a larger ruling-class attack on democratic culture itself, aimed at replacing what remains of the democratic public sphere with a highly commodified, intellectually repressive, corporate mass media culture. Although the library profession has resisted this attack, it has done so belatedly and inconsistently, and its rank and file is confused and divided.

At the January 2002 Midwinter Meeting where the ALA Council majority rejected resolutions against secret tribunals, the war in Afghanistan and the use of torture, it did at least pass a "Resolution Reaffirming the Principles of Intellectual Freedom in the Aftermath of Terrorist Attacks," introduced by the ALA Intellectual Freedom Committee. However, the resolution did not specifically mention the Patriot Act passed three months earlier. The IFC also circulated a draft "Privacy Interpretation" of the Library Bill of Rights at the meeting, which was adopted by Council at the June 2002 Annual Meeting. But again, this document did not mention the Patriot Act. Not until the January 2003 Midwinter Meeting did ALA Council pass a "Resolution on the USA Patriot Act and Related Measures That Infringe on the Rights of Library Users." However, the Council majority rejected a move by SRRT councilors to call for the repeal of the entire law, calling instead on Congress to "amend or change those sections" that abridge or threaten freedom of inquiry and expression, without even specifying which sections were to be amended or changed. A number of state library associations subsequently voted to endorse the January 2003 ALA resolution, and some passed their own resolutions. At the January 2004 Midwinter Meeting, SRRT councilors again proposed calling for repeal of the entire Patriot Act, but again the Council majority stopped short of addressing the entire law or even specific sections.[4]

However, the January 2004 "Resolution on Proposed Amendments to the USA Patriot Act" did represent a step forward, because it expressed support for a number of bills pending in Congress calling for the repeal or amendment of specific sections of the law. ALA lobbying efforts probably played some role in getting these bills introduced, although Bernie Sanders credits Vermont librarians with educating him on the issue. In October 2002 the Vermont Library Association adopted an "Open Letter to Vermont's Congressional Delegation" regarding the Patriot Act, to which over two hundred Vermont libraries and librarians have subsequently added their names. Thus the Vermont letter, unlike ALA's resolutions, actually put individual libraries and librarians on record as opposing the library-related sections of the Patriot Act.[5]

In March 2003 Sanders introduced the "Freedom to Read Protection Act" (H.R. 1157), 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 for other purposes" under Section 215 of the Patriot Act. Since then several other bills have been introduced in the Congress and Senate that would repeal, amend or sunset sections of the law.[6] However, it is doubtful that any of these will pass Congress (let alone win the two-thirds majority required to override a Bush veto) in the absence of massive, nationwide grassroots pressure.

ALA has done a reasonably good job of lobbying legislators on the Patriot Act, as well as providing practical information for libraries about how to protect patron confidentiality and prepare for the possibility of FBI visits.[7] But it refuses to join with organizations such as the ACLU and the Bill of Rights Defense Committee in calling for the repeal of the entire law on constitutional grounds, and until recently it has done very little to encourage activism among librarians and library patrons at the grassroots level.[8] A positive step in this regard is the Campaign for Reader Privacy, a nationwide effort ALA launched in February 2004 with the American Booksellers Association and the PEN American Center. The goal of the campaign is to obtain one million signatures in libraries, in bookstores and online in support of legislation amending Section 215 of the Patriot Act.[9] This is a step in the right direction, but taken as a whole, ALA's response to the law has been overcautious and inconsistent up to now.

ALA's bureaucratic, go-slow approach can best be understood in the context of what Buschman calls the association's "drift toward a business model of representing the profession," and it is consistent with ALA's inaction on a number of issues in recent years — for example, the association's refusal to take a stand on the outsourcing of library services or on intellectual freedom in the workplace, on the grounds that these are local management issues. It is also consistent with ALA's increasing emphasis on public relations, "customer service," "branding," and corporate partnerships such as the much-ballyhooed marketing plan "@ Your Library."[10] The fear that being "too political" will alienate vendors, corporate partners or library "customers" is having a profoundly conservatizing effect on both the association and the profession itself.

The natural counterpart to ALA's corporate leadership model is a kind of confused passivity among many rank-and-file librarians, a typical example of which appears in a recent article in *Computers in Libraries*. The author, Andrew Pace, "sorta chuckles [sic]" at John Ashcroft's "looking like a boob" for calling librarians who oppose the Patriot Act "hysterics," then goes on to deride librarians who advocate posting signs in libraries informing patrons about the privacy implications of the law as "Chicken Littles" employing "political scare-tactics." In Pace's view, librarians should focus solely on "ensuring short-term retention of usage records" and preparing for the inevitable FBI visit, as if practical procedures to protect patron privacy and informing patrons about the implications of the Patriot Act are somehow mutually exclusive.[11]

But librarians who understand that the struggle against the Patriot Act is a struggle to defend democratic culture and the public sphere reject such false choices, and they are actively engaged in informing their communities about the threat to intellectual freedom posed by the Patriot Act. They are organizing their collections to include the widest diversity of ideas and viewpoints on the many local, national and international issues related to the U.S. "war on terrorism," while providing free space for people to rationally debate these issues in their communities. They are active in local Bill of Rights defense campaigns aimed at passing resolutions against the Patriot Act at the local and state level and building grassroots pressure on Congress to repeal the law. Many are speaking out against the war itself.[12] Others are involved in efforts to democratize the media system that so misinforms U.S. residents about what their government is doing around the world.

Since the late 1960s and the founding of the Social Responsibilities Round Table, the library

profession has been divided between those who believe librarians ought to be actively engaged in the society they serve and those who think they should remain neutral on social issues and focus exclusively on institutional objectives.[13] In the era of corporate globalization, "war on terrorism" and the Patriot Act, the social responsibilities question has taken on new urgency because the very survival of the library as an alternative sphere of democratic culture may be at stake. There is consensus in the profession that the Patriot Act is a "library issue," even if there is less agreement about what librarians should be doing vis-à-vis the law. But most U.S. librarians do not see the war itself as a library issue, even though war and the chaos it unleashes are always inimical to libraries and their collections. The destruction of Iraqi libraries in April 2003 in the aftermath of the U.S.-led invasion demonstrated this simple, obvious fact once again — as if we needed yet another example. Furthermore, librarians ought to understand as well as anyone that war has always served as a cynical rationalization for attacks on intellectual freedom and democratic culture. Add to this the huge diversion of public capital in the U.S. from essential social services such as libraries to the maintenance of global military supremacy, and opposition to war and militarism should be as natural and logical a position for the library profession as the defense of intellectual freedom. It is ALA's embrace of corporate business ideology that is obscuring this simple truth.

Footnotes

1. These and other SRRT resolutions and statements on international issues are available online here.

2. For Habermas's concept of the public sphere, see Jürgen Habermas, "The Public Sphere: An Encyclopedia Article," in *Critical Theory and Society: A Reader*, ed. Stephen Eric Bronner and Douglas MacKay Kellner (New York: Routledge, 1989), 136-142.

3. John E. Buschman, *Dismantling the Public Sphere: Situating and Sustaining Librarianship in the Age of the New Public Philosophy* (Westport, CT: Libraries Unlimited, 2003), 46-47, 179.

4. See here for links to ALA and state library association resolutions on the Patriot Act.

5. "USA Patriot Act Letter."

6. "Pending Legislation Concerning the USA Patriot Act."

7. "FBI in Your Library."

8. Al Kagan, "Report on ALA Council to SRRT," *SRRT Newsletter* 146/147 (June 2004), 5. Kagan, a SRRT representative on ALA Council, reports that the ACLU lawyer at an ALA-sponsored forum in San Diego disagreed with the ALA panelists at the forum and called for the repeal of the entire Patriot Act. Although this would seem to contradict the statement of ACLU Executive Director Anthony Romero elsewhere in this issue that "we do not call for the wholesale repeal of the Patriot Act," the fact is that the ACLU has called for a very broad rollback of the law's anticonstitutional provisions, in contrast to ALA's extremely narrow focus on the library-related provisions alone. Whether or not this rollback would constitute a *de facto* repeal of the Patriot Act is an interesting question. After all, if the Patriot Act merely provided for increased FBI funding, better foreign-language training for document translators and more coordination between federal agencies, it would hardly be the Patriot Act as we know it today.

9. "ALA, ABA, PEN launch petition drive to restore privacy safeguards to USA Patriot Act ."

10. Buschman, *Dismantling the Public Sphere*, 132-140.

11. Andrew K. Pace, "Toward a More Practical Patriotism," *Computers in Libraries*, April 2004.

12. Librarians for Peace.

13. Stephen Joyce, "A Few Gates: An Examination of the Social Responsibilities Debate in the Early 1970s and '90s," *Progressive Librarian* 15 (Winter 1998/99), 1-13.