

**ALA Committee on Legislation**

This resolution is CD#20.3:

**RESOLUTION ON MAINTAINING GOVERNMENT WEBSITES DURING A GOVERNMENT SHUTDOWN**

*Resolved*, that the American Library Association (ALA):

- 1.

Additionally, COL brings to you the following information items:

COL would like to thank the Federal Depository Library Program Task Force for their ongoing work. In particular the committee thanks Chair Maggie Farrell, Anne Elias, Janet Fischer, Lori Goetsch, Mary Mallory, Bruce Sarjeant, Laura Saur, Robbie Sittel, and ALA staff member Jessica McGilvray.

The Task Force conducted a very successful open dialogue on Saturday, January 25th, during the ALA Midwinter conference. Approximately 70 members attended and discussed several issues that would be critical in developing a national preservation plan. The participants discussed ways in which ALA would advance a plan as well as the role of ALA in speaking to FDLP concerns. The open dialogue complements both the online survey and the request to ALA units to formally submit comments. All three strategies are utilizing the same set of questions and will provide a broad overview of FDLP concerns that will advise the Task Force. The goal of the Task Force is to



**RESOLUTION ON CURBING GOVERNMENT SURVEILLANCE AND RESTORING CIVIL LIBERTIES**

Whereas the U.S. National Security Agency (NSA) operates multiple classified programs to collect, mine, retain, and share with third parties data on U.S. persons who are not under investigation for criminal activity;

Whereas the data collected by these programs include activities of library users;

Whereas these programs are conducted with minimal oversight and inadequate transparency;

Whereas among recent decisions and study group reports there is no consensus regarding the constitutionality and statutory basis of these programs<sup>1</sup>;

Whereas the American Library Association (ALA) is committed to the principles of privacy, open government, governmental transparency, and accountability<sup>2</sup>;

Whereas the ALA has defended vigorously the privacy rights of library users and supported openness, accountability and governmental transparency<sup>3</sup>; and

Whereas Senator Patrick Leahy (D-VT) and Congressman James Sensenbrenner (R-WI) have introduced the USA FREEDOM Act (H.R. 3361/S. 1599) which

- x ends bulk collection of U.S. persons' communications records
- x requires court orders to collect U.S. persons' communications under the Foreign Intelligence Surveillance Act (FISA) Amendments Act
- x creates new and shorter sunset provisions to ensure proper oversight
- x reforms the Foreign Intelligence Surveillance Court
- x increases transparency and oversight
- x limits the types of records obtainable under Section 215 and National Security Letters and the authority by which they are obtained;

now, therefore, be it

*Resolved*, that the American Library Association (ALA), on behalf of its members:

calls upon Congress to pass legislation supporting the reforms embodied in H.R. 3361/S. 1599 as introduced, and upon the President to sign such legislation.

Adopted by the Council of the American Library Association  
Tuesday, January 28, 2014 in Philadelphia, Pennsylvania

Keith Michael Fiels  
ALA Executive Director and Secretary of the ALA Council

<sup>1</sup>*ACLU v. Clapper* (S.D.N.Y.) (*slip op.*, December 27, 2013); FISC 3 October 2011 decision, released 21 August 2013; *Klayman v. Obama* (D.D.C.) (*slip op.*, December 16, 2013); Privacy and Civil Liberties Oversight Board, 2014, *Report on the Telephone Records Program*; President's Review Group on In

**RESOLUTION COMMENDS SENATOR PATRICK LEAHY AND CONGRESSMAN JAMES SENSENBRENNER  
FOR SPONSORING THE USA FREEDOM ACT**

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- x increases transparency and oversight
- x limits the types of records obtainable under Section 215 and National Security Letters and the authority by which they are obtained;

now, therefore, be it

*Resolved*, that the American Library Association (ALA), on behalf of its members:

commends Senator Patrick Leahy and Congressman James Sensenbrenner for sponsoring the USA FREEDOM Act, the 143 legislators in the Senate and the House who have co-sponsored it, and the 85 organizations that have endorsed it, as of January 27, 2014.

Adopted by the Council of the American Library Association  
Tuesday, January 28, 2014 in Philadelphia, Pennsylvania

Keith Michael Fiels  
ALA Executive Director and Secretary of the ALA Council

<sup>1</sup>*ACLU v. Clapper* (S.D.N.Y.) (*slip op.* December 27, 2013); FISC 3 October 2011 decision, released 21 August 2013; *Klayman v. Obama* (D.D.C) (*slip op.*, December 16, 2013); Privacy and Civil Liberties Oversight Board, 2014, *Report on the Telephone Records Program*; President's Review Group on Intelligence and Communications Technologies, 2013, *Liberty and Security in a Changing World*

<sup>2</sup>Article III, *ALA Code of Ethics*, 1939; *ALA Policy on Confidentiality of Library Records*, 1971; *Policy concerning Confidentiality of Personally Identifiable Information about Library Users*, 1991; *Privacy: An Interpretation of the Library Bill of Rights*, 2002; *ALA Resolution on the Retention of Library Usage Records*, 2006; *Resolution on the Need for Reforms for the Intelligence Community to Support Privacy, Open Government, Government Transparency, and Accountability*, 2013

<sup>3</sup>*Resolution Reaffirming the Principles of Intellectual Freedom in the Aftermath of Terrorist Attacks*, 2002; *Resolution on the USA PATRIOT Act and Related Measures That Infringe on the Rights of Library Users*, 2003; *Resolution on the Terrorism Information Awareness Program*, 2003; *Resolutiat PR L12(fte)-0 Td 0.24( A)8(2-4(t)2 of)2( an)JTJ [(d )-1d-8(ar)-7(y)-4( )JTJ 0*



**RESOLUTION ON EXPANDING FEDERAL WHISTLEBLOWER PROTECTIONS/2**

*Resolved*





## **RESOLUTION ON MAINTAINING GOVERNMENT WEBSITES DURING A GOVERNMENT SHUTDOWN/2**

3. urges OMB to require each agency to determine what information is essential and should be available if a government shutdown or emergency should occur. For such an occurrence, develop a contingency plan for continued public access to information;
4. urges OMB to d2n02n;

**RESOLUTION HONORING SENATOR JOHN D. (JAY) ROCKEFELLER IV  
FOR HIS SUPPORT OF AMERICA'S LIBRARIES**

Whereas Senator Jay Rockefeller has served as United States Senator representing the state of West Virginia for 30 years and leaves a legacy of strong, unyielding support for libraries and the public interest;

Whereas he has been an enthusiastic champion of the work of the American Library Association (ALA) and the work of all types of libraries both as a United States Senator and for eight years as Governor of West Virginia;

Whereas he was instrumental in leading a bipartisan effort to establish the E-rate program in the U.S. Telecommunications Act of 1996, resulting in more than \$2 billion annually for public libraries and K-12 schools;

Whereas he vigorously defended the E-rate program following its inception, to make telecommunications and internet access affordable and accessible to public libraries and K-12 schools;

Whereas, his work on behalf of and dedication to the public interest leaves a long-lasting and positive impact on library patrons, the public, and students in his home state of West Virginia and in communities across the country; and

Whereas, he has demonstrated his unwavering commitment to the American public through his steadfast leadership and tireless work in his role as an elected official; now, therefore, be it

*Resolved*, that the American Library Association





Nearly 700 librarians, publishers and media reporters participated in the American Library Association's first "Virtual Town Hall" on Ebooks in October. As part of the virtual town hall, several key ALA leaders discussed efforts made to advocate for library interests in the publishing world. Participants had the opportunity to join ALA President Barbara Stripling, Immediate Past President Maureen Sullivan and the leadership of the ALA's Digital Content Working Group to discuss ALA ebook activities, plans and future directions. Panelists also provided views on the current digital publishing climate and discuss ways that ALA can better advocate for important library interests. [View the archived town hall.](#)

## **OFFICE OF GOVERNMENT RELATIONS (OGR)**

### **ALA calls for accountability and transparency in nation's surveillance laws**

ALA was gravely concerned, but unfortunately not surprised, at the June 2013 revelation that the U.S. government obtained the data on millions of innocent and unsuspecting Americans (as well as several world leaders). ALA called upon Congress to provide more accountability and transparency about how the government is obtaining and using vast amounts of information about innocent people. In July, the American Library Association joined an unprecedented coalition of Internet companies and advocates to deliver a letter to the U.S. government demanding greater transparency around national security-related surveillance of Internet and telephone communications. Key civil liberties organizations and major companies such as Apple, Facebook and Twitter, joined in the effort with dozens of other companies and organizations, both large and small. [WeNeedToKnow](#), the newly launched petition directed at the White House invites the public to contribute to the call for greater transparency around government surveillance.

In response to the NSA leak, ALA launched "[ALA Liberty](#)," a website that contains tools libraries can use to host educational sessions and public forums that help Americans understand their First and Fourth Amendment rights. The website contains guides and tip sheets for libraries interested in informing members of the public about their civil liberties. The tools provide an overview of the deliberative process and outlines ways that the public can demand government oversight and transparency from legislators.

Reforms to the National Security Agency's massive unconstitutional surveillance program may soon be underway. In the same week in December, the surveillance reform debate was enjoined in all branches of government.

- x ***Executive Branch:*** In December, President Obama's Review Group on Intelligence and Communications Technologies released a report calling for transparency, online security tools, and organizational reforms to the NSA.
- x ***Legislative Branch:*** The American Library Association joined more than 50 businesses, civil liberties groups and public interest organizations in opposing the FISA Improvements Act, a bill that will legalize and extend NSA mass surveillance programs. Opposers to the bill include the American Civil Liberties Union, the Electronic Frontier Foundation, PEN American Center, TechFreedom, and others.
- x ***Judicial Branch:*** D.C. District Court Judge Richard Leon ruled that the National Security Agency's surveillance practices on millions of unsuspecting Americans may be unconstitutional. In the ruling, D.C. District Court Judge Leon found the surveillance practices to be an "indiscriminate" and "arbitrary invasion" of personal data on Americans. In addition to finding that the program violates First and Fourth Amendments guaranteed by the Constitution, Judge Leon also examined the ineffectiveness of the NSA program in preventing terrorism. One week later, a district court in New York found just the opposite, ruling that the bulk collection of telephone data does not violate the Constitution. Judge William Pauley of the Southern District of New York found that privacy protections protected in the Fourth Amendment should be balanced against a government need to prevent future terrorist attacks. "The right to be free from searches is fundamental but not absolute," said Judge Pauley. "Whether the fourth amendment protects bulk telephony metadata is ultimately a question of reasonableness." ALA expects that the surveillance issue will be taken to the U.S. Supreme Court.

**ALA Welcomes USA Freedom Act**

ALA is rallying librarians to support the USA Freedom Act, a bill that will improve the balance between terrorism prevention and personal privacy protection. The USA FREEDOM Act would place restrictions on bulk phone and

**OGR Hosts Free Webinar on Local Library Advocacy**

In November, the Office of Government Relations hosted “The Fiscal Situation in Washington and How it Gives Librarians a Huge Advantage,” a webinar that taught library advocates how to influence state and local politics. The webinar was led by OGR advocacy consultant Stephanie Vance, who outlined the current political climate in Washington D.C. and detailed ways that advocates can use inactivity on the federal level to their advantage at the local level. Stephanie Vance also presented findings from a recent OGR advocacy survey that generated over 1,000 responses. The information gathered in the survey will help ALA Washington Office staff and library advocates continue to develop successful grassroots strategies.