

## The PATRIOT Act: Articles and Quotes

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### Articles:

Due to the kind generosity of Prof. John Robinson of the Notre Dame Law School, I've been made aware of two excellent articles on the legal implications of the USA PATRIOT Act for American libraries. They are:

Michael J. O'Donnell, "Reading for Terrorism: Section 215 of the USA PATRIOT Act and the Constitutional Right to Information Privacy." **Journal of Legislation**, Vol. 31, No. 1, 2004, pp. 45-68.

O'Donnell specifically focuses on section 215 (the section most applicable to libraries) and possible lines along which a constitutional challenge might be mounted to it. While this article is written for use within the legal community it is generally accessible for most librarians.

Lee S. Strickland, Mary Minow and Tomas Lipinski. "Patriot in the Library: Management Approaches when Demands for Information Are Received from Law Enforcement Agents." **The Journal of College and University Law**, Vol. 30, No. 2, 2004, pp. 363-416.

If you are unfamiliar with procedures for dealing with law enforcement inquiries, the first thing to read is ALA OIF's page "Confidentiality and Coping with Law Enforcement Inquiries: Guidelines for the Library and its Staff" at <http://tinyurl.com/6faza>. If you are familiar with such procedures (or have at least read the OIF page) and want more information, this article should do the trick. It explains in detail the reasoning, cases, and opinions behind the OIF guidelines. But be warned, this article is written by lawyers for lawyers.

The issue containing this article is a theme issue titled "The War on Terrorism Touches the Ivory Tower -- Colleges and Universities after September 11." If you can get a copy of the complete issue, there are other articles of interest for academic librarians. In particular, you may want to at least skim if not digest Jamie Lewis Keith's "The War on Terrorism Affects the Academy," pp. 239-337. It's a biggie at 97 pages of legalese.

### Quotes:

In the aftermath of 9/11 Ben Franklin has been frequently quoted (and misquoted) on the relationship of liberty and security. Here is the original of his most often cited statement on the subject as documented by the Congressional Research Service in *Respectfully Quoted, a Dictionary of Quotations Requested from the Congressional Research Service*, Suzy Platt, ed. (Washington, DC: Library of Congress, 1989), p. 201, #1056. [This source of quotations is particularly valuable as it provides thorough documentation.] A slight variation is on the base of

the Statue of Liberty.

**"Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety."**

Here's another quote which is rapidly becoming ominously prophetic -- from the same source, p. 299, #1593.

On leaving Independence Hall at the end of the Constitutional Convention in 1787, Franklin was asked **"Well, Doctor, what have we got -- a Republic or a Monarchy."** According to Dr. James McHenry, a Maryland delegate, he replied, **"A Republic, if you can keep it."** So far, so good.

A third famous Franklin quotation which argues indirectly for the continuous, diligent defense of our liberties is **"Our new Constitution is now established, and has an appearance that promises permanency, but in this world nothing can be said to be certain, except death and taxes."** "Death and taxes" has become a cliché used for every uncertainty but Franklin wrote it in reference to the stability of our system of government.

This quotation was taken from an interesting new source, *History in Quotations*, edited by M.J. Cohen and John Major (London: Cassell, 2004), p. 511, #4. Its coverage is world-wide and its organization is by chronological period. The Franklin quote was taken from the section on "The American Revolution, 1776-91: Framing a Constitution, 1777-93." All quotations in a section are contemporaneous with its events.

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