
Resolution for Restoring Civil Liberties and Opposing Mass Surveillance

Whereas the American Library Association (ALA) has always supported the fundamental principles of government transparency and public accountability that undergird the People’s right to know about the workings of our government and to participate in our democracy;

Whereas the ALA Council adopted “Resolution Reaffirming the Principles of Intellectual Freedom in the Aftermath of Terrorist Attacks” (2002-2003 CD#19.1), “Resolution on the USA PATRIOT ACT and Libraries” (2005 CD#20.6), “Resolution on the Use and Abuse of National Security Letters” (2006-2007 CD#19.3), and “Resolution on the Need for Reforms for the Intelligence Community to Support Privacy, Open Government, Government Transparency, and Accountability” (2012-2013 ALA CD#19.2 and CD#20.40), and other surveillance-related resolutions;

Whereas the ALA “values access to the documents disclosing the extent of public surveillance and government secrecy as access to these documents now enables the critical public discourse and debate needed to address the balance between our civil liberties and national security” (2012-2013 ALA CD#19.2 and CD#20.40);

Whereas the ALA reaffirms that “these disclosures enable libraries to support public discourse and debate by providing information and resources and for deliberative dialogue and community engagement” (2012-2013 ALA CD#19.2 and CD#20.40);

Whereas the nation’s intelligence and law enforcement agencies conduct surveillance activities pursuant to multiple legal authorities, including Executive Order 12333, the Foreign Intelligence Surveillance Act (FISA) as amended, the USA PATRIOT Act, and the USA FREEDOM Act;

Whereas the ALA defends privacy rights and supports government transparency and accountability; and

■ KEYWORDS: Government surveillance; Right to know; Transparency; Accountability; USA FREEDOM Act; USAPATRIOT Act; Privacy; Searches and seizures; Fourth Amendment; Civil liberties.

Whereas passage of the USA FREEDOM Act meaningfully contributed to recalibration of the nation's privacy and surveillance laws, restoring civil liberties, but accomplished only a fraction of all such necessary change; therefore be it

Resolved, that the American Library Association, on behalf of its members and the public interest:

1. Urges the President and Congress to amend all germane surveillance-enabling authorities, such as Executive Order 12333, the Foreign Intelligence Surveillance Act (FISA) as amended, and the USA PATRIOT Act, to:
 - a. Require government agencies to obtain judicial warrants before collecting any individual's personal information from third parties and require court approval for National Security Letters;
 - b. Raise the standard for government collection of all records under FISA from "reasonable grounds" to "probable cause" and sunset Section 215 of the USA PATRIOT ACT (commonly known as the "library records" section);
 - c. Limit the government's ability to use information gathered under intelligence authorities in unrelated criminal cases, thereby making it easier to challenge the use of illegally obtained surveillance information in criminal proceedings; and
 - d. Prohibit the government from requiring hardware and software companies to deliberately design encryption and other security features to facilitate government access to information otherwise protected by such features;
2. Recommits itself to leadership in the fight for restoration of the public's privacy and civil liberties through statutory and other legal reforms; and
3. Commends and thanks all parties, both inside and outside of government, involved in developing and securing passage of the USA FREEDOM Act, resulting in movement away from overbroad surveillance laws and practices for the first time in more than a decade.

Adopted by the Council of the American Library Association
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