



# Ipswich Public Library

25 North Main Street, Ipswich, Massachusetts 01938

## the Newsletter

### THE USA PATRIOT ACT AND THE IPSWICH PUBLIC LIBRARY

The USA Patriot Act (P.L. 107-56) was passed by Congress shortly after the September 11, 2001 terrorist attacks. The law expands the powers of federal law enforcement agents to obtain what the law terms “tangible things”, by which it means documents and records, and to obtain information concerning electronic means of communication, such as telephone and the Internet.

For libraries this means that various types of formerly confidential information about patrons is now available to federal law enforcement agents through subpoenas: circulation records, sign-up sheets for use of Internet PCs, interlibrary loan requests.

What was the effect of this federal legislation on the Ipswich Public Library?

- Library staff became anxious about what they should do if the FBI comes to visit
- The Library Board of Trustees began to debate seriously the first amendment rights of our patrons—the citizens of Ipswich and surrounding communities
- Patrons began to feel that their reading and viewing habits were no longer confidential
- The library director began to spend time on the Internet researching the new law and the responses of libraries all over the country to this new law
- The general population became increasingly aware of how difficult it is to balance the security and safety of citizens with the individual freedoms it enjoys, and often takes for granted

When discussion of the Patriot Act began to surface in library journals and in the popular press, staff members seeking guidance approached me. They wanted to know: “What do we do when an FBI agent comes to the library asking for information?” This was an excellent question.

The part of the act that affects libraries most directly extends the Foreign Intelligence Surveillance Act of 1978 (FISA). The FBI is now permitted to obtain search orders for library records. This power supercedes state confidentiality laws. One especially troubling aspect of the Patriot Act is the ‘gag order,’ which is automatically part of some search warrants or subpoenas.

I began the search for an answer to the staffs’ question by researching the Patriot Act. I searched the American Library Association web site for information; I attended an evening seminar at Simmons College in Boston where the panelists included the Director of the Cambridge Public Library (Susan Flannery) an ACLU lawyer (Nancy Murray) and the librarian from the Massachusetts Trail Court Libraries (Marni Warner); I obtained the summary of a videoconference sponsored by several national library associations, including the American Association of Law Libraries and the Association of Research Libraries and I studied the new *USA Patriot Act of 2001 Policy* of the Paulding County Carnegie Library in Ohio.

It became clear that we needed to revise our *Policy on Confidentiality of Library Records*. The Board of Trustees of the Ipswich Public Library would need to discuss and debate this revision. The revised policy I drafted for the Board’s consideration spoke directly to the new circumstances of possible searches by federal agents. Relevant points in the revision included the following:

1. Staff would not interfere with the execution of a search warrant
2. Requests for information about a patron’s intellectual pursuits, borrowings, use of electronic resources or materials usage should be referred to the Staff Privacy Officer (Library Director or Assistant Director)

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### Your Library on the Web

EBSCO Publishing has agreed to underwrite our major public relations effort this year. We sent out in the September utilities bill a postcard with a full-color image of our homepage. On the verso of the card is information about the services and information available on the library’s website. These cards reached over 7,000 homes! We hope that more people will begin to visit the website and discover how useful it can be. The website address is: [www.town.ipswich.ma.us/library](http://www.town.ipswich.ma.us/library)

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Using e-mail notification saves postage. Give us your e-mail address to begin!

## ESL Party Held at Library

Thanks to the efforts of many people, the party for our **English as a Second Language Program** was a big success. The event was held on Thursday, May 15 from 7 to 9 p.m. in the Collins Room. Approximately 50 people attended, mostly tutors and their students. Reporters and photographers from the *Ipswich Chronicle* and *Salem News* were also present. It was a great

chance for the students to practice using English in a comfortable setting and also served as a thank-you to the tutors for their efforts over the past months. The highlight of the evening was a buffet of wonderful food from many different countries, provided by fourteen of the students. Perhaps the biggest hits were the pizza from Afghanistan, potato salad from Germany,

salmon cakes from Brazil, and spinach pies from Albania. We also tasted many delicious sweets, including rice pudding from Colombia and pastries from Romania. The Friends of the Library generously provided funds for beverages and paper goods. Everyone had a good time, and many people suggested that we have such occasions on a regular basis!

## New PC's at the Library

The Ipswich Public Library is pleased to announce the installation of six, new Dell PCs in the Gaunt Reference Room. With Pentium IV processors at 2.00 GHz these PCs are sure to keep up with the rapidly changing "digital" library world. The 18.1 inch flat panel liquid crystal display (LCD) screens provide the clearest images and crisp text. These PCs are intended as reference tools for browsing online databases and Internet access for library patrons. The Library's homepage is displayed as your portal to the Web. A new HP laser printer networked to each new PC provides fast and quality printing.

Library patrons who want to use computers at the Library for reference and/or Internet access must get a time card at the Main Desk. First-time users are required to read the Internet Acceptable Use Policy. A copy of the Policy is available at the Main Desk. It is also posted on our web site at [www.town.ipswich.ma.us/library](http://www.town.ipswich.ma.us/library).

The purchase of all the new electronic equipment at the Library is funded from the Library Incentive Grant/Municipal Equalization Grant managed by the Ipswich Library Board of Trustees. The LIG/MEG fund is the state aid money received by the Town through the Massachusetts Board of Library Commissioners. Cabling for the *HP LaserJet 8150* network printer was funded by a Technology Grant from the Northeast Massachusetts Regional Library System.

## SUMMER READING FOR FUN IN CHILDREN'S ROOM



The Summer Reading program was a notable success with over 400 children participating. Each age group found age-appropriate events and activities to enjoy. The pre-school to first graders made crayon boxes, while the second and third graders were "Sea-Scrapers" coloring scenes of sailing and the adventures of the ocean blue. The older group stretched their creative talents as "Artists of Design." The Artists were given a different material each week. At the end of a six-

week period, they had to create something using these materials. Their imaginative results were terrific! The artistic results were displayed in the Children's Room.

All of the children had a great time while they read their way through the Summer Reading Lists provided by their schools. It was a fun summer for both staff and patrons.

## Where in Ipswich?

A selection of historical photos and postcards from the Ipswich Archives collection are displayed in the Rogers Room at the Ipswich Public Library through September 30<sup>th</sup>.

This latest exhibit may be viewed during regular library hours. A few of the unidentified photos are also on display. Forms are available at the Main Desk for those who could provide information.

Processing the photo and postcard collections is Federally funded with LSTA funds through the Massachusetts Board of Library Commissioners. The Ipswich Public Library received the Manuscript Arrangement and Description Grant in 2002. Accessible for research purposes, the photo and postcard collections are housed in the secured bay area of the Ipswich Room.

## FREE LECTURE SERIES

The Friends of the Library will be sponsoring a free lecture series this fall on Wednesday evenings from 8-9 at the Ipswich Public Library. The first lecture, on October 8, is "Great Books for Children Ages 3-7" by Anne Pabe, an experienced family literacy facilitator in Danvers. She will talk about the newest and best book selections for children and will provide a recommended list of books.

The second lecture, on November 12, is "Climb the Himalayan Mountains in One Hour." Umesh Bhujju, owner of Zumi's Ice Cream in Ipswich, will give the lecture. He was a Sherpa guide in Nepal and Trek Leader with the first N.E. Everest expedition completed in 1991. He will be giving a slide presentation of his experiences and the people of Nepal.

## A STATEMENT BY THE BOARD OF TRUSTEES OF THE IPSWICH PUBLIC LIBRARY

As Trustees of the Ipswich Public Library, we are instructed by our By-Laws (1988) to establish and implement "general library objectives and policy," which must include "adherence to the Library Bill of Rights and the American Library Association's Freedom to Read Statement." These two documents require us to protect "free expression and free access to ideas," and proclaim that "the freedom to read is guaranteed by the Constitution."

And in the background stand the Massachusetts General Laws (Ch. 78, Sect. 7) which declare that data revealing "the identity and intellectual pursuits" of a library patron "shall not be a public record."

Accordingly we strongly protest those provisions (Sect. 215/218) in the Act of Congress called "The Patriot Act" (Oct. 25/2001) which permit the Federal Government to seize and inspect the library's records of books our patrons have borrowed and of internet websites they have consulted.

Those provisions may deter patrons from reading materials that they fear could be interpreted as implicating them in unlawful actions or questionable opinions. Because the grounds for such interpretation or implication are not specifically stated, and because *no patron may be informed of an investigation of his/her borrowing or internet records*, the chilling effect of this Act is all the more destructive of free access to our library's resources.

The constitutionality of these and other provisions of "The Patriot Act" has yet to be decided by the courts. Meanwhile it is our clear duty as Trustees to protest the enforcement of this Act upon patrons of the Ipswich Public Library, because it may inhibit them from consulting freely, according to their personal interests and concerns, the varied resources that the library is established to provide for them.

The First Amendment to the U.S. Constitution states that "Congress shall make no law...abridging the freedom of speech, or of the press..." The Supreme Court has ruled (381 U.S. 301, 1965) that this precious Amendment protects the right of access to what the press publishes, no less than it protects the right to publish. In Justice Brennan's words: "It would be a barren marketplace of ideas that had only sellers and no buyers."

A climate of fear has no place in a public library.

Approved by the Board of Trustees of the Ipswich Public Library June 16, 2003

## Planning Process Underway

In 2000 the Board of Trustees approved the library's *Plan of Service 2000-2004*. This fall we will begin a new round of planning for the next 4 or 5 years. A committee of citizens, together with representatives of the library administration, the Board of Trustees and the Friends of the Library will begin to discuss a vision for the Town of Ipswich and how the

library can be part of this vision. The first 'task' of committee members is to list the library's Strengths, Weaknesses, Opportunities and Threats (SWOT). With this information as a starting point the Committee will then determine the appropriate service responses for the library. Library staff will then begin to

write goals and objectives for the next few years within the service response areas chosen by the committee. Members of the Planning Committee include: Joan Arsenault, Tracy Corbo, Victor Dyer, Ruth Harkness, Sue Liacos-Dix, George Mathey, Ray Morley, Genevieve Picard, Judith Rusin, Christine Senechal and Laurie Surpitski.

## Interlibrary Loan Service

The Assistant Director, Genevieve Picard, through the Regional Interlibrary Loan Center at the Andover Public Library, handles requests for books and other materials not in our collection. We can request books from libraries all over the country. Audiovisual materials, such as videocassettes, can be requested only from Massachusetts libraries. In most cases there is no charge for this service. If costs exceed \$15, however, the cost is passed on to the patron. This rarely happens.

If you do not find the material you want listed in our catalog, fill out a request form and we will initiate a search for the title through Interlibrary Loan Center. We will then notify you when the materials come in.

## FOR YOUNG

The Library now has a new series of career guidance books called "Careers in Focus".

The following volumes are included:  
Fashion,  
Mechanics,  
Publishing,  
Therapists,  
Nursing,  
Business Managers,  
Internet,  
Broadcasting,  
Law,  
Engineering,  
Public Safety,  
Food,  
Design,  
Travel & Hospitality,  
Education,  
and  
Energy.

These books are located in the Homework Center and can be checked out. Just ask a staff member if you need help finding them.



*Patriot Act, continued from page 1*

3. The Privacy Officer may request that town counsel review any subpoenas
4. Records would be kept of all legal requests and the costs associated with compliance
5. In the case of a gag order the library privacy officer may communicate information about the warrant to those in his or her chain of command
6. Only records required by the warrant or subpoena will be viewed or scanned

A copy of the draft was shown to the Town Manager for his comments.

At the Board of Trustees meeting in April 2003 we discussed various aspects of the Patriot Act and the proposed policy revisions, especially the chain of command provision. It was decided that I contact Town Counsel concerning this issue. At the same time we discussed the retention policies for various library records.

I was instructed by a vote of the Board to include an announcement at each subsequent Trustees meeting that the FBI had not visited the library seeking information. This came about because a Board member read a newspaper article about the library on the West Coast where this was done. In this way the Trustees would stay informed without the library director violating a 'gag' order.

In April I contacted our Town counsel, Kopelman & Paige, asking their opinion on the chain of command reporting structure. I also asked about the liability of individual trustees if they were given information concerning search warrants and/or subpoenas by Federal agents.

In due course I received my reply,

which ran for four pages, single-spaced. The opinion required major changes in the draft policy. The concept of chain of command was 'problematic' and had to be tossed out. The liability issue for Trustees was less clear. This letter was included in the packet of information I sent to the Trustees before their May meeting.

Many issues were resolved at the May meeting of the Board. The new confidentially policy was approved with some changes. After much discussion the Board decided to rescind their previous month's vote concerning notification of no FBI activities during the previous month. The liability issue figured prominently in the discussion before this vote. It was further voted that at the next Board meeting there would be a discussion of the Patriot's Act and its effect on the First Amendment.

We now had a new *Policy on Confidentiality of Library Records with Procedures*. The Trustees stipulated that the Library Privacy Officer 'will ask' Counsel to be present during the execution of a FISA search warrant. Attached to the new policy was a list of retention policies. We wanted to have as little information as possible available should federal agents pay us a visit. Accordingly, we would not longer have people sign their names when using the Internet PCs; we would destroy sign up sheets for internet classes after each class; history and temp files in internet PCs would be cleared each day, interlibrary loan requests would be retained for only one month after materials were returned.

At the June Board meeting the Trustees approved a *Statement* of our Board's position on the USA Patriot Act (see box). Copies were sent to our political representatives and to the newspaper. It was mounted on the library web site and posted in the library.

Our experience with the USA Patriot Act was not without positive benefits to the library and our public.

**First:** We have a solid policy to direct staff should the FBI come to visit.

**Second:** We have clear retention policies for a variety of patron records, which will preserve confidentiality to the extent that we can under the current law.

**Third:** We have a very strong and clear statement of the library's support for First Amendment rights in the Trustees Statement of June 16, 2003.

**Fourth:** The Democratic Town Committee of Ipswich endorsed the Trustees Statement and they have urged other committees and organizations in the town to express their support, as well.

**Fifth:** Our Trustees were praised in a July 31, 2003 editorial in the *Ipswich Chronicle*, which said: "The Ipswich library trustees are already working to protect patrons' freedoms."

**Sixth:** The instruction to the library director to announce no FBI visits that month, which was later rescinded by the Trustees, was picked up by in a surprising number of places, including a local newspaper in Connecticut and the *Veterans for Peace Newsletter!*

One negative result was an \$1800 bill for 14 hours of legal research. Other libraries benefited from this research, however, in the form of a memo sent out from Kopelman & Paige, which described the impact of the Act on issues of library confidentiality.

Dealing with this federal legislation on the local level was both exhausting and rewarding.

Victor Dyer  
Library Director

### Children-Sized Tote Bags Available

The Friends of the Ipswich Public Library are selling canvas tote bags in the Children's Room. These handy bags are just the right size for a few picture books. They feature the Children's Room snail logo in orange. A line for the child's name is on the front of the bag. The bags cost only \$6.00.