HOW GOVERNMENT MANDATED POLICIES
AFFECT THOSE RESPONSIBLE FOR THEIR
IMPLEMENTATION: THE USA PATRIOT ACT AND
ACADEMIC LIBRARIES

By

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HOW GOVERNMENT MANDATED POLICIES AFFECT THOSE RESPONSIBLE FOR THEIR IMPLEMENTATION: THE USA PATRIOT ACT AND ACADEMIC LIBRARIES

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The first time I visited the campus of Oklahoma State University was in the mid-1970s. I was in middle school and our band and orchestra traveled the 70 miles to compete in a music contest. We traveled by bus and by bus I do not mean a fully-loaded, air-conditioned, luxurious, travel coach, but an old yellow school bus with a busted headlight and broken tailpipe dragging behind. We did have air-conditioning and each seat had individual controls to regulate the air. All you had to do is simply reach up and slide down the window. Kids nowadays do not even know what it means to be hot. Try traveling halfway across Oklahoma in an old school bus wearing a heavy wool orchestra uniform. Funny, I do not even remember being hot. All I can remember is how excited I was to be going to Stillwater.

When I first stepped off the bus I was immediately drawn to the campus. I knew from that moment on that I wanted to be part of OSU. I was fortunate after high school to be able to attend Oklahoma City University and the University of Oklahoma. However, I always carried with me the dream of someday attending Oklahoma State University. Twenty-five years later when I began thinking about a doctoral program, OSU was the first institution to enter my mind. I applied and was accepted, and learned that dreams really can come true.

The selection of my committee was with purpose. I knew to be successful I had to recruit committee members of excellence. I have done that. Dr. Stansberry, thank you for serving as my outside member. I have valued your input and understanding of the
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CHAPTER I

INTRODUCTION

On September 11, 2001, America faced its greatest tragedy in modern history. Not since the Japanese surprise attack at Pearl Harbor on December 7, 1941, has America faced the horrors of such tremendous loss and destruction. Supported by Osama Bin Laden, a small band of Al-Qaeda terrorists took down two of the world’s largest buildings in New York City. More than 25 structures located on the Manhattan Island were damaged or destroyed, and countless lives were lost. Simultaneously, while the havoc in New York City was taking place, two additional groups were reeking mayhem over the skies of Washington, D.C. and Pennsylvania. In all, nearly 3,000 lives were lost during what now has become known as 9/11.

America’s response to the attacks of 9/11 has varied from detaining suspected terrorists from around the world, to combat in Afghanistan and Iraq. New, often controversial legislation has also played an important part in the U.S. fight against terrorism. One example is the bill passed by Congress and signed into law by President George W. Bush, on October 26, 2001, Public Law No: 107-56, titled the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001* (Patriot Act). With 342 pages of text, the Patriot Act passed Congress without any conference or committee report, and with virtually no public debate. Several key elements within the Act give many Americans reason for
concern, including the ability of government agents to collect web browsing habits and e-mail messages of U.S. citizens, allowing law enforcement agents to search homes or offices without notification, providing domestic subpoena powers to the CIA, and lessening the standards that permit the Federal Bureau of Investigations (FBI) to conduct wiretaps and secret searches in criminal cases (USA PATRIOT ACT, 2002). In short, many Americans see the Patriot Act as sacrificing freedom in the name of national security, giving vast and unchecked powers to our nation’s executive branch.

Shortly before President Bush signed the Patriot Act into law, the American Association of Law Libraries, the American Library Association, and the Association of Research Libraries joined forces in writing members of Congress asking them to move cautiously in their deliberations. However, their concerns fell on deaf ears. In a joint endeavor, the three library associations along with the Medical Library Association co-authored the *Library Community Statement on Proposed Anti-terrorism Measures* (see Appendix A). The statement included five key concerns that librarians across the nation have regarding the Patriot Act, leading them to believe that legislation within the Act could threaten library patrons’ confidentiality and privacy rights. These five concerns include:

- Expansion of pen registers, traps, and tracing devices to the Internet – Librarians believe that legislation within the Patriot Act will have a significant impact on individual privacy and the First Amendment. Traps and tracing devices allow insight into what web sites a library patron has visited, and could possibly expose confidential information about that person. Librarians argue that libraries serve a diverse population, and that it is impossible to narrow the scope of a trap or
tracing device to any one person, opening others up to scrutiny who may not be part of an investigation;

- Expansion of access to business records (including library circulation data) – Library circulation records are highly confidential and are protected under most state privacy laws. The Patriot Act makes it easier for government agents to access patron records and in some cases completely eliminating judicial review. The expansion of access to business records also applies to electronic records that show Internet and computer usage. Librarians argue that this action will jeopardize library patrons’ confidentiality and privacy rights;

- Expansion of access to educational institution records – Librarians share in the commitment to keep student records private and confidential as reflected in the Family Education Rights and Privacy Act of 1974. Librarians content that the Patriot Act amends key components of the Privacy Act;

- Expansion of the definition of terrorism – The Patriot Act redefines the term terrorism to include relatively low-level cyber offenses. Librarians are concerned that the change of terminology will cause library patrons to be wrongly accused of subversive behaviors; and

- New mandates for technology – Legislation within the Patriot Act enable government agents to install tracking devices on sources of electronic information such as the Internet. Individual libraries will be responsible for the cost of these tracing devices. Librarians argue that because of already tight budgets they will be forced to eliminate library services or limit hours to pay for these devices.

(American Association of Law Libraries, 2001)
The Patriot Act is not the first attempt by the federal government to gain library records. Minow (2002a), a former librarian and professor of library law at the San Jose School of Library Science, recounts a time in the early 1970s and 1980s when the FBI instigated the Library Awareness Program. For nearly two decades FBI agents attempted to identify Soviet spies by questioning and detaining library personnel at some of the country’s most notable research libraries. FBI agents would come in, flash their badges, and then proceed to question the library staff about suspicious patrons with East European accents.

On September 18, 1987, a front-page article in the *New York Times* revealed that FBI agents had visited the Columbia University Library asking librarians to be alert for “persons from countries hostile to the United States such as the Soviet Union and to provide them with information about these activities” (Foerstel, 2004, p. 3). For most Americans this was the first time they had heard about the Library Awareness Program and the media attention and public outcry was extensive. Although the FBI continually denied the existence of the Library Awareness Program, in July 1988 the agency was forced to respond to a Freedom of Information Act request from the National Security Archive. The response uncovered a 37 page, heavily excised document that proved the FBI was in fact conducting counterintelligence activities in libraries throughout New York City.

Foerstel (2004) reports on other incidences as well. During the 1970s and 1980s, FBI agents were requesting library staff at the University of Maryland to monitor the use of certain technical reports. Agents also asked librarians to report about the reading habits of people with foreign-sounding names or accents. In the spring of 1986 an FBI
agent informed the head librarian at New York University’s Courant Institute of Mathematical Sciences Library that one in every three United Nations delegates from the Soviet Union was a foreign spy, and requested information on any Soviets asking for “sensitive information, unusual database searchers or large photocopying requests” (p. 14). At the Brooklyn Public Library, FBI agents warned staff members that people hostile to the United States could be visiting their library, and suggested that they start watching for suspicious looking people wanting to overthrow the government. An FBI agent asked the librarian at the Broward County Public Library in Fort Lauderdale, Florida, if she would provide him with confidential library records about their patrons. Documents released in 1989 through the Freedom of Information Act revealed that librarians themselves were often the focus of FBI investigations. These documents provided evidence that the FBI had conducted a 16-month investigation of librarians in New York. Although FBI Director William Sessions initially stated that he was unaware of these investigations, he later stated that he would have given his approval.

In 1988 the American Library Association, the Association for Research Libraries, and the Special Library Association all endorsed a resolution in opposition to the FBI’s Library Awareness Program, calling for the “immediate cessation of the program and all other related visits by the Bureau to libraries where the intent is to gain information, without a court order, on patrons’ use” (Foerstel, 2004, p. 10). The Freedom to Read Foundation considered court action to force the FBI to cease and desist activities of the Library Awareness Program in 1988. However, experts at the time did not believe the Foundation could win in court since the FBI claimed that the sole purpose of the
Library Awareness Program was to enforce criminal laws and to prevent espionage, and not to suppress or stifle free speech.

Almost certain to lose in federal court, the professional library organizations began focusing on state privacy laws. Today only two states, Kentucky and Hawaii, do not have library confidentiality laws that protect patron records. However, both states do have state attorney confidentiality laws that protect against unwarranted searches by law enforcement agents. State laws cannot control the behavior of federal agents but can control the behavior of librarians. Under state confidentiality laws, librarians are prohibited from revealing patron information to anyone, including government agents without a court subpoena.

Librarians were not immune to the tragedy of 9/11. They too shared in the country’s loss of innocence and continue to come to grips with the tremendous destruction and loss of life. In many respects librarians may have a unique understanding of the atmosphere that permeates such destruction, because of their continued battles to safeguard confidentiality, privacy, and intellectual freedom. As Adolf Hitler began marching across Europe in 1939, Archibald MacLeish, an influential thinker and poet, started urging librarians around the country to unite as a profession. He, like many other Americans, feared that a wave of nationalism would soon flood the country, like what was happening in Germany, giving governments the power to destroy and censor information. MacLeish encouraged librarians to use their training and expertise in the selection, organization, and provision of information for the service of defending intellectual freedom (Robbins, 1996b). Over the next few years, the American Library Association began organizing its members, and on June 18, 1948, officially adopted the
Library Bill of Rights (see Appendix B) as a binding document to defend intellectual freedom, privacy, and confidentiality for all Americans. Under the Library Bill of Rights, the American Library Association and its members became the guardians of intellectual freedom, defending the rights of Americans to information and enlightenment, regardless of its origin, background, views, or age (American Library Association, 1980).

Statement of the Problem

Clearly librarians are troubled by the Patriot Act. On one hand librarians have become our country’s loyal defenders of issues pertaining to privacy, confidentiality, and intellectual freedom since the establishment of the Library Bill of Rights in the late 1940s. Yet on the other hand, the Patriot Act requires librarians to turn over confidential records to the federal government. These dual and conflicting roles are causing many librarians to question how they can continue to protect the privacy of library patrons and guard against unwarranted governmental intrusions, while at the same time upholding their legal obligations as required under the Patriot Act.

Policy implementation theory (Smith, 1973) would posit that tensions and transaction patterns will result from the interaction of these dual and conflicting roles. Smith maintains that policies formulated by governments serve as tension generating forces in society. He believes that individuals responsible for their implementation, and those affected by the policies, will experience “tensions, strains and conflicts” (p. 202), which may cause transaction patterns. He defines transaction patterns as the “responses to the tensions, stresses and strains within and between the component parts of policy implementation” (p. 207).
Purpose of the Study

The purpose of this qualitative study was to explore the tensions and transaction patterns evidenced by librarians as they implemented and administered government mandated policies [Patriot Act] contradictory to their professional ethics and beliefs. The following research questions served as the driving force behind this study:

1. What affect has the Patriot Act had on librarians and library services?
   Specifically what tensions and transaction patterns can be identified?
2. In what ways do these tensions and transaction patterns reflect Smith’s (1973) matrix?
3. What other realities are revealed?
4. How useful is Smith’s policy implementation theory in explaining the phenomenon under review?

Design of the Study

Prior research regarding the Patriot Act and libraries has provided only limited information about the impact that the Act is having on libraries. Two studies by the University of Illinois/Urbana-Champaign Library Research Center (Estabrook, 2002a), provide valuable data on the number of libraries visited by federal agents, but are limited in rich, descriptive details that only a qualitative study can provide. Previous research does indicate that a large number of librarians have begun to change the ways in which they work and serve library patrons. However, due to the restrictive data collection procedures of the previous studies, only a glimpse of what is truly happening in our nation’s libraries is available for review.
The design of this study is an explanatory case study, one whose lessons can be
transferred to a broader arena. Yin (2003) identifies that the preferred method for
conducting a case study is through direct observations and interviews. Both of these data
collection procedures were included in the design of this study.

Additionally, this study used Smith’s (1973) policy implementation theory as a
theoretical lens to investigate whether his assumptions regarding tensions and transaction
patterns are correct by investigating the effects that the Patriot Act has on academic
librarians. The significance of Smith’s theory is that it identifies a problem within the
implementation process. Data provided through this study will enable policy makers to
understand how mandated policies affect those responsible for their implementation, and
add to the dialogue of policy theorists searching alternative ways to implement new, often
controversial policies.

Researcher

As a former academic librarian my perceptions of libraries and of librarianship
have been shaped by over 20 years of personal experience working in several different
academic libraries in the Midwest. Although I am no longer part of the library
profession, I remain an active supporter of public, academic, and school libraries, and the
issues they face. I believe my experience and training provided me with insight into the
profession, enabling me to connect with my research participants and opening doors that
might not have been available to others. I feel my past experience also provided me with
a working knowledge of librarianship, and creditability as someone that could be trusted.
Data Needs

Data necessary for this study were the tensions and discrepancies evidenced by librarians who were responsible for providing reference services at either a two-year or four-year public university. My decision to use academic librarians was based on the past attempts by the federal government to gain library records from colleges and universities in the 1970s and 1980s. It was during this time that the FBI was conducting the Library Awareness Program and was routinely requesting information from academic librarians about suspicious library patrons and patrons with East European accents. I felt that any new attempt by the government to seize library records would again primarily involve our nation’s college and university libraries.

Data Sources

Data sources, or participants, were professional, academic librarians from public colleges and universities. All participants had an earned Master’s degree in Library Science and were employed as academic librarians. My decision to use librarians who provide reference services was because they are usually at the forefront of implementing policies and procedures that affect library patrons and services.

All of the participating libraries were located within the same state located in the Midwest. The goal of this study was to have a sample size of five academic library systems with at least one system from each region of the state (Northwest, Northeast, Southwest, Southeast, and Central). No less than two systems were to come from either a two-year or four-year institution.
Data Collection

The data collection process for this study used interviews, observations, and document analysis. Recruitment letters were sent to all academic librarians in the state. Individuals interested in participating were asked to respond within three weeks. Those who did were then contacted by telephone to determine their commitment to the study.

Participant selection. Selection of the participants was based on geographic region, institutional status, and availability of multiple participants. My goals were to have participation from each geographic region of the state, representation from both two-year and four-year institutions, and multiple participants from each library system. All of these goals were reached with one exception. Only one librarian was willing to participate from one of the regions. I included this individual because I felt it was necessary to have representation from each region of the state.

Interviews. I believe one of the most beneficial decisions that I made was allowing the participants to have an active and continued role in the study. Each participant was provided with a transcript of his or her interview and allowed to clarify statements they felt were misleading. I also encouraged the participants to expand upon their answers once they had time to review and digest their transcript. Participants were encouraged to write directly on the transcripts or to provide a separate document. Many of the participants also desired to participate in follow-up interviews as I began my preliminary data analysis. The follow-up interviews consisted of my asking the participants selected questions from the original interview. The intent was so see how the participants would respond after having reviewed their transcripts and spending time thinking about their initial answers. I also informed the participants about the various
themes that I had identified during the preliminary data analysis. The objective was to get a sense of what the participants thought of these themes. The follow-up interviews were conducted by telephone, and because of technical limitations, not recorded. Notes were taken, coded, and analyzed to collaborate and reinforce my research findings.

Observations and document analysis. Observations and document analysis were also an important part of the data collection process of this study. The observations consisted of me observing each of the library systems at different service points to get a sense of how they functioned. Because of my experience as an academic librarian, the observations enabled me to observe inconsistencies in normal routines, which I could later question the participants about. Field notes of the observations were recorded, coded, and analyzed. The document analysis process primarily involved the collection and analysis of written policies, procedural changes, and signage from the various library systems to collaborate and reinforce my findings. Documents were reviewed, coded, and analyzed to determine their relevance to the study. Observations and documents were also used to collaborate and reinforce data themes and to validate the finding of this study.

Data Analysis

The data analysis process used for this study closely followed Creswell’s (2003) recommendations of organization/preparation, familiarization, coding, descriptions, presentation, and interpretation. Followed by a reflective, constructionist’s interpretation of the data. And finally, the validation of the data was through triangulation, personal bias, and member-checking for the purpose of ensuring the accuracy of my findings.
Significance of the Study

Other than a few newspaper articles from around the country and some sporadic attention by general interest magazines, little has been written informing the American public about the Patriot Act and its effect on libraries across the nation. Research on the subject has also been limited. Although the body of literature surrounding the Patriot Act is growing, the Act still remains elusive to most Americans. The American Library Association believes the Patriot Act is affecting all Americans by diminishing individual rights and liberties, especially regarding issues pertaining to individual privacy and confidentially. Findings from this study can be used as a catalyst for future researchers to conduct similar studies to advance our understanding of how the implementation of government mandated policies affect those responsible for their implementation. By doing so, possibility it will assist future policymakers on how to develop policies that create fewer tensions, strains, and conflicts, and that achieve the goals of the policy.

Summary

Shortly after the attacks of 9/11, President Bush, along with Congress, signed into law the Patriot Act in an attempt to fight terrorism. Legislation within the Act gives vast, unchecked powers to government agents to conduct preemptive investigations on U.S. citizens and groups deemed suspicious. The Act lessens government standards to conduct electronic wiretaps and secret searches of homes and offices, and expands the definition of business records. Under the Patriot Act, government agents have freer access to private, confidential records with little, or no, judicial review. Professional library associations have been at the forefront fighting the Patriot Act, especially legislation that threatens individual privacy, confidentiality, and intellectual freedom.
The most pressing concerns by librarians are the Act’s expansion of business records; pen registers, traps, and tracing devices; terrorism; access to educational institution records; and new mandates for technology.

Smith’s (1973) policy implementation theory maintains that government policies often create problems for those required to carry them out. The purpose of this qualitative study was to explore how librarians implement and administer government mandated policies [Patriot Act] that are contradictory to their professional ethics and beliefs. Using Smith’s theoretical lens, this study attempts to discover whether his assumptions are correct. Findings from this study can be used as a means for future researchers to conduct similar studies to advance our understanding of how the implementation of government mandated policies affect those responsible for their implementation, enabling future policymakers to create policies that are less distressing on those responsible for their implementation.

Reporting

In Chapter II, I review the current professional literature. In Chapter III, I present in detail my data collection strategies. In Chapter IV, I present my findings. In Chapter V, I present my data analysis. In Chapter VI, I conclude with my summary, findings, conclusions, recommendations for future research, and final comments.
CHAPTER II

REVIEW OF LITERATURE

The history of the modern library movement and the evolution of intellectual freedom are vital to understanding the conflicting roles imposed on librarians by the Patriot Act. In this chapter I explore how librarians have evolved to become America’s most loyal supporters of the Bill of Rights. Additionally, I examine the issues that librarians have regarding the Patriot Act, Smith’s (1973) policy implementation theory, and Smith’s belief that individuals responsible for implementing government mandated policies, often experience “tensions, strains, and conflicts” (p. 202).

Librarianship

Since librarians are notorious for recording and preserving information, it is difficult to understand why such limited history exists about the origins of librarianship in the United States. Most historians have relied primarily on early conference minutes from the American Library Association to document the development of the profession.

The Birth of the Modern Library Movement: 1853-1876

Nearly everyone agrees that the modern library movement can be traced back to September 15, 1853, when the first convention of librarians was held in New York City (Thomison, 1978). However, no one is quite certain why it took 23 years for a second conference to convene. It was obvious that those in attendance in 1853 fully intended to
have a second convention. They had elected a committee of five members and charged
the committee to begin making arrangements for a second meeting. Other committees
were also formed with specific responsibilities and instructions to report back the
following year.

By all accounts the 1853 convention of librarians was a success. Historians
disagree on the number of librarians in attendance. Anywhere from 53 to 82 men were
present, representing 47 different libraries from around the country (Holley, 1967;
Thomison, 1978; Wiegand, 1986). Most of the librarians were from the northeast. A few
were from as far away as New Orleans and San Francisco. Professor Charles C. Jewett,
of the Smithsonian Institution, was elected president, and Seth Hasting Grant, of the New
York Mercantile Library, was elected secretary. On the second day of the convention the
group unanimously adopted a resolution to form a permanent library organization with
the mission to advance the “prosperity and usefulness of public libraries” (Thomison,
1978, p. 2). William F. Poole, director of the Chicago Public Library from 1873 to 1887,
and one of the most notable librarians of the time, was said to be apprehensive at first
about the creation of a professional library organization. However, towards the end of his
life, he changed his views and stated, “The Convention of 1853 made a lasting
impression on the minds of all the librarians who were present and that it must be
regarded as an era in American bibliography” (Holley, 1967, p. 5).

Speculation regarding why the second convention took 23 years is only that,
speculation. No concrete documentation exists to support any of the leading theories.
Most historians believe the reason it took so long was because of the Kansas-Nebraska
Act passed by Congress in 1854. The Act took the country closer to civil war by
enabling the territories of Kansas and Nebraska to decide whether, or not, to allow slavery within their borders. It is a common belief that since the nation was preoccupied with the threat of war, war itself, and later reconstruction, that a librarian’s convention simply was not a priority among librarians.

Some historians believe the reason it took so long was because Charles Jewett, who had been elected president during the first meeting, was forced out of his position at the Smithsonian the following year. Also, Charles B. Norton, publisher of Norton’s Literary Gazette and high profile library supporter, encountered financial problems and no longer had the means to continue his active promotion of libraries. Many historians believe there is ample evidence to support the belief that losing these two high profile individuals left librarians in chaos with no leadership.

As difficult as it is to pinpoint why it took librarians 23 years to hold a second convention, is determining its point of origin. Thomison (1978) suggests that librarians began writing letters back and forth to each other about a second gathering soon after the 1853 convention. Although he has no evidence to support his belief, he feels that the spirit and excitement of the first meeting never completely dissipated. Melvil Dewey, librarian at Amherst College and creator of the Dewey Decimal Classification System, Thomas Hale Williams, librarian of the Minneapolis Athenaeum, and John Eaton, director of the Department of Education, have all stated they were the first to advocate the need for a second convention. However, no clear evidence exists to suggest who initiated the need for a second meeting.

The earliest documentation about the second convention comes from a letter printed in the March 1876 issue of the London Academy. Written by an anonymous
writer, the letter stated, “In these days of International Congresses, it is strange that no attempt should have been made to convene a Congress of librarians” (Thomison, 1978, p. 5). Soon after it was published the letter was picked up by Frederick Leypoldt, of the national publication *Publishers’ Weekly*, and reprinted on April 22, 1876. Charles Cutter, librarian of the Boston Athenaeum, also referenced the letter in his article published in the *Nation* on April 20, 1876. Thomison (1978) believes that it was after the letter was published in the *Publishers’ Weekly* that Melvil Dewey came up with the idea for a second convention of librarians, and left for New York to discuss plans with Leypoldt and Richard R. Bowker, of the *Publishers’ Weekly*.

This was also the time of the American centennial and the nation was experiencing a period of optimism and rebirth. The civil war had ended and the era of reconstruction was coming to an end. It was a time when the country began to experience the formation of various professional and educational associations that are still in existence today. It only seemed right that librarians would begin thinking about creating a professional organization as well. The meeting between Dewey, Leypoldt, and Bowker resulted in an agreement to issue a call for a national library convention. The list of notables who signed the call included Justin Winsor, of the Boston Public Library, John Langdon Sibley, from Harvard, S.F. Haven, of the American Antiquarian Society, Addison VanName, from Yale, Lloyd P. Smith, of the Library Company of Philadelphia, Henry A. Homes, of the New York State Library, Melvil Dewey, and after much convincing, William Poole (Holley, 1967). Frederick Leypoldt was not among those who signed the call.
The second convention of librarians was held October 4-6, 1876, at the Historical Society of Pennsylvania (Holley, 1967; Wiegard, 1986). One hundred and three were in attendance, including 13 women. Women were not allowed to speak except through a male peer. Those present included librarians, historians, lawyers, professors, and ministers. Justin Winsor was elected president; Ainsworth Rand Spofford, from the Library of Congress, James Yates, a public librarian from England, William Poole, and Lloyd Smith were all elected vice-presidents; Melvil Dewey and Charles Evans, of the Indianapolis Public Library, were elected secretaries (Holley, 1967; Wiegand, 1986). Once the slate of officers was confirmed, the first three committees were established and charged with the responsibility of insuring the continuity of the organization and establishing a pattern for future meetings. Meetings were to include:

1) a dependence on well-established, older, librarians for leadership;
2) the presentation of papers to stimulate thought and discussion; and
3) the use of a committee structure to provide in-depth investigation for the benefit of librarians. (Thomison, 1978, p. 10)

On the third day of the convention a resolution was introduced and ratified to form a permanent organization:

For the purpose of promoting the library interests of the country, and of increasing reciprocity of intelligence and good-will among librarians and all interested in library economy and bibliographical studies, the undersigned form themselves into a body know as the American Library Association. (Wiegand, 1986, p. 3)

The 1876 convention of librarians by all accounts was seen as a success. Those in attendance ensured the sustainability of the organization by the confirmation of a new
professional association, and marked the birth of the modern library movement in the United States. Several months after the convention, Dewey wrote, “1876 will be looked upon as the most eventful year in the history of libraries” (Thomison, 1978, p. 10). It was in that year that librarians took their place among the recognized professions.

The Development of Professional Standards

Following the library convention of 1876, librarians began focusing on standardizing cataloging procedures, developing uniform classification systems, and educating the next wave of librarians. They also began to recognize the educational and recreational roles of libraries as the new century approached. In an effort to win tax support and maintain positive relationships with the public, libraries began offering reference and children’s services, extending library hours, adding magazines/journals and newspapers, and establishing branch libraries in rural parts of the country. Specialized library associations also began to appear such as the Medical Library Association (1898), the American Association of Law Libraries (1906), and the Special Libraries Association (1909). A number of regional, state, and local library associations were established as well during this time.

Milestones of the modern library movement in America:

- Columbia University appoints the nation’s first reference librarian (1884);
- Columbia University establishes the first library school (1887);
- Cutter publishes his *Expansive Classification System* (1891 to 1893);
- Formalization of the first list of standardized subject headings (1895);
- J.C.M. Hanson and Charles Martel develop the *Library of Congress Classification System* (1897 to 1898);
- Publication of the first *National Union Catalog* (1901);
- Establishment of the first government depositories (1907);
- Formalization of the Anglo-American cataloging rules (1908);
- Creation of the Library of Congress subject headings (1914);
- Formalization of Interlibrary loan agreements between academic libraries (1919);
- Publication of the Sear’s *List of Subject Headings for Small Libraries* (1923);
- Publication of the *Union List of Serials* (1927);
- Publication of *College and Research Libraries* (1939); and

The early years of the modern library movement were seen as a time when librarians were developing and unifying professional standards. It was also a time when they began to question their identity and to struggle to defend their place as a new profession. During Justin Winsor’s presidential address at the 1877 American Library Association convention, he stated that “the public’s image of librarians is one in which they have nothing to do and are fully equal to it” (Nardini, 2001, p. 114). Surprisingly, most librarians at the time did not disagree with him. They saw themselves as custodians of books and libraries as mere warehouses. During the 1890s prominent librarians such as Lewis H. Steiner, of the Enoch Pratt Free Library, and Henry M. Utley, of the Detroit Public Library and former president of the American Library Association, began warning librarians they were too content and were allowing libraries to become antiquated museums. In John Cotton Dana’s article, published in the *A.L.A. Library Primer*, he
stated that librarians “should be the teacher of teachers…and should make the library a school for the young, a college for adults” (Nardini, 2001, p. 116). In his presidential address at the 1896 American Library Association convention, Dana questioned whether the profession had even amounted to anything since its establishment in 1876. He stated in his address, “We [librarians] are, to put it bluntly, of very little weight in the community. We are teachers; and who cares much for what the teacher says?” (Nardini, 2001, p. 125).

Finding Their Place: 1877-1949

As librarians struggled with their identity so did the United States. The country had just celebrated its centennial and was still relatively young. Although the United States had adopted a bill of rights in 1791, it still struggled to understand individual rights and liberties. The ratification of the U.S. Constitution in 1787 made no clear guarantees for individual freedoms. However, the delegates felt so strongly about the need to protect individual freedoms they refused to ratify the Constitution until they had a clear guarantee that a bill of rights would be added. The Bill of Rights was added but its protection was not extended to everyone. Women were viewed as second-class citizens and considered property of their husbands. Native Americans were defined as alien people and considered outside constitutional protection, and the U.S. Supreme Court declared that “blacks had no rights which the white man was bound to respect and that the negro might justly and lawfully be reduced to slavery for his benefit” (Balkin, 1998, p. 965).

The Bill of Rights gave birth to individual freedoms in America. The First Amendment is generally considered the most essential because it ensures freedom of
religion, speech, and the press. It also allows citizens to peaceably assemble and petition the government. Intellectual freedom comes from the right of free speech, which not only protects the messenger but the right to receive as well. Peck (2000) points out that “the First Amendment does not give any provisions for the government to restrict expression because of its message, ideas, subject, or content” (p. 30). However, limitations to free speech do exist such as obscenity, fighting words, and libel. Speech can also be limited by restrictions on time, place, and manner. The act of limiting speech is commonly achieved by requiring permits for meetings, rallies, and demonstrations. However, permits can not be denied because of the content of the speech.

It was not long after the ratification of the Bill of Rights that Americans felt for the first time that their freedoms were being attacked. Members of the Republican Party were critical of the United States as the country was preparing for war against France. The Federalist controlled Congress responded by passing the Alien and Sedition Acts to silence the Republican Party. The Acts:

- Increased the residency requirement for citizenship from five to 14 years;
- Authorized the president to imprison or deport aliens believed dangerous to the peace and safety of the United States; and
- Limited speech critical of the government. (Miller, 1951)

The Alien Acts were never enforced. However, the Sedition Act was and is viewed as one of the government’s first attempts to erode free speech and civil liberties. Before the Act was allowed to expire in 1800, many prominent Republican journalists and newspaper publishers were tried and convicted for their anti-government writings.
The Sedition Act was not the last attempt by federal government to limit personal freedoms. President Lincoln suspended the Habeas Corpus Act during the Civil War in an effort to keep Maryland from seceding from the Union. He believed that if Maryland seceded it would place the nation’s capital in the south. A writ of habeas corpus affirms a person’s right to appear before a judge in order to determine the legality and length of detention. When Lincoln suspended the Act he denied the accused the right to appear before a judge. It also gave the government the power to hold people indefinitely without a trial. Individuals accused of supporting the Confederacy were arrested and detained without the right to defend themselves in a court of law. The suspension also allowed the general post-office to restrict free press by confiscating newspapers and other publications deemed controversial or unsympathetic to the Union. Constitutionalists and First Amendment scholars have debated Lincoln’s suspension of habeas corpus for generations. Many believe the president’s actions were a direct attack on free speech and civil liberties.

In the later half of the nineteenth century individual states began limiting free speech. Red flags in California were seen as symbols of government oppression. Individuals caught flying one could be arrested and imprisoned. The Fourteenth Amendment played a vital role in protecting Americans from states restricting individual freedoms through the passage of state laws. Adopted in 1868 to ease the reentry of Southerners into the Union by guaranteeing citizenship, the Fourteenth Amendment established that “no state shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States” (U.S. Constitution). In essence, the Amendment prohibited states from making any laws that would limit individual rights.
and freedoms. It also keeps states from making laws that are less strict than federal laws (Jones, 1999).

Civil liberties were still coming under attack as the United States entered the First World War in 1917. Congress passed the Espionage Act making it a crime for anyone to interfere with recruiting troops or disclosing information about the country’s national defense. Anyone found guilty of doing so could receive a $10,000 fine or a 20-year prison sentence. The Act also enabled the U.S. postmaster general to ban all mail or literature deemed seditious. However, what was more concerning was the direct attack on free speech by the Act’s criminalization of anti-U.S. vocal demonstrations. One year later, Congress restricted free speech even further when it passed the Sedition Act of 1918 making it illegal for anyone to speak out against the United States government. Before the two Acts were repealed in 1921, over 2,000 American citizens were prosecuted for openly criticizing the government.

In 1938 as America was rebounding from the depression, President Roosevelt appointed Archibald MacLeish to the position of Librarian of Congress. MacLeish, editor of Fortune Magazine and influential thinker and poet, was one of the first Americans to become alarmed by the rise of Fascism, and began encouraging librarians to use their training and expertise to defend intellectual freedom. MacLeish was not afraid to take a stand himself. When longtime FBI Director, J. Edgar Hoover, requested access to 46 boxes of Boris Brasol’s papers that had been deposited at the Library of Congress, it was MacLeish himself who denied Hoover’s request. Brasol, author and former diplomat, was being investigated by Hoover for his “pro-Fascist leanings” (Stielow, 1993, p. 709). MacLeish never budged, even when Attorney General Francis
Biddle demanded access to the papers on grounds of national security on Hoover’s behalf.

It was also during this time when a young Congressman from Oklahoma stood on the floor of the United States Congress and called for a ban on John Steinbeck’s novel *The Grapes of Wrath*. Although the book won critical acclaim, Congressman Lyle Boren, led Congress in banning the book on the grounds of “immorality” (Robbins, 1996a, p. 12). The novel’s distracters portrayed the book as depicting life as coarse, brutal, and even “bestial” (Robbins, 1996a, p. 13).

Up until this time the American Library Association had no official position regarding intellectual freedom or censorship. The Association did recognize a code of ethics. However, the code only related to professional etiquette. MacLeish encouraged librarians to become more proactive and believed that the public should ultimately be responsible for making their own decisions regarding personal reading habits.

Faced with the fear of totalitarian regimes and the ban on John Steinbeck’s, *The Grapes of Wrath*, the American Library Association took unprecedented action and adopted the Library’s Bill of Rights (see Appendix C) during the Association’s 1939 convention. Modeled after the Bill of Rights adopted the previous year by the Free Public Library in Des Moines, Iowa, the Library’s Bill of Rights incorporated three affirming statements regarding the selection of library materials and open access to library meeting rooms (Samek, 2001). The Library’s Bill of Rights affirmed that the selection of library materials should be based on the value and interest of the item to the community, and not on the race, nationality, political, or religious views of the writer; that the purchase of library materials should fairly and adequately represent all views and
opinions; and that library meeting rooms should be available to all groups regardless of their beliefs or affiliations (American Library Association, Office for Intellectual Freedom, 2006a). The adoption of the Library’s Bill of Rights “marked a turning point in the history of American libraries. From then on, the principle of intellectual freedom defined the library’s responsibility to society” (Samek, 2001, p. 33).

One year after the adoption of the Library’s Bill of Rights, the American Library Association established the Committee on Intellectual Freedom to Safeguard the Rights of Library Users to Freedom of Inquiry, later shortened to the Intellectual Freedom Committee. The Committee’s charge was “to recommend such steps as may be necessary to safeguard the rights of library users in accordance with the Bill of Rights and the Library’s Bill of Rights” (American Library Association, Office for Intellectual Freedom, 2006a, p. 18).

The first modification to the Library’s Bill of Rights came in 1944. The Intellectual Freedom Committee recommended that Article I be amended to include that books believed to be “factually correct” (American Library Association, Office for Intellectual Freedom, 2006a, p. 59) should not be banned or removed simply because someone disapproved. Four years later the Committee recommended additional changes to the Library’s Bill of Rights by broadening the document’s scope regarding privacy, confidentiality, and intellectual freedom. On June 19, 1948, the Library’s Bill of Rights was renamed to the Library Bill of Rights (see Appendix B). It reaffirmed the American Library Association’s commitment “to provide unrestricted access to information and to guard against impediments to open inquiry” (American Library Association, Office for Intellectual Freedom, 2002, p. 191). “For the first time, the policy mentioned censorship,
and also for the first time, the Association declared the responsibility of libraries to challenge censorship—alone and with allied organizations” (American Library Association, Office for Intellectual Freedom, 2006a, p. 61). With the establishment of the Library Bill of Rights, librarians where no longer struggling with their professional identity. They became the defenders of intellectual freedom, believing that everyone should have access to information without the threat of governmental intrusion. Criticized by MacLeish for not having a mission essential to the welfare of society, librarians found their calling and soon began aggressively opposing those who would threaten privacy, confidentiality, and intellectual freedom.

The Struggle to Defend Intellectual Freedom: 1949-September 11, 2001

As the United States entered the era of the Cold War and McCarthyism, censorship attempts in our nation’s libraries increased. Censorship is defined by the American Library Association as “a change in the access status of materials, based on the content of the work and made by a governing authority or its representatives. Such changes include exclusion, restriction, removal, or age/grade level change” (American Library Association, Office for Intellectual Freedom, 2006a, p. 495). Using the power of the state, censors attempt to restrict access to information by imposing their own views of truth and appropriateness. One of the most noted cases was when the state of New York banned the magazine Nation, because it was deemed disrespectful to the Catholic Church. The event became the first major censorship battle for the American Library Association. The Association fought the action for nearly 10 years until the ban was removed in 1957.

Although librarians saw themselves as the guardians of intellectual freedom, they had virtually no power or political clout to defend one another when they found
themselves in trouble. In the early 1950s the American Legion accused Ruth W. Brown, a small town librarian from Bartlesville, Oklahoma, of circulating subversive materials. Brown was immediately fired from her position, as well as the entire library board for subscribing to the Nation and The New Republic. Both magazines were regarded by town leaders as sympathetic to the communist party. The American Library Association had no effect in stopping Brown’s firing, or the replacement of the library board.

The next big hurdle that librarians faced was labeling. Librarians were being pressured by government leaders to label items as sympathetic or subversive to the communist party. Religious groups were also demanding that the materials they deemed objectionable should be labeled as well. Librarians were even being pressured to keep a list of what individuals were reading and checking out. In 1951 the American Library Association adopted the Statement on Labeling (see Appendix D), opposing the establishment of criteria for subversive publications (Robbins, 1996b). The Statement denounced labeling, which was viewed by the American Library Association as a form of censorship by attempting to prejudice attitudes.

The first big political boost for librarians came in 1953 when President Eisenhower spoke at Dartmouth College. During his address he expressed his concerns over the effect of censorship. He later wrote to the president of the American Library Association, Robert Bingham Downs, stating, that “Our librarians serve the precious liberties of our nation: freedom of inquiry, freedom of the spoken and the written word, freedom of exchange of ideas” (Galambos & Van EE, 2006, p. 1). A few weeks after the president spoke, the American Library Association along with the Association of American Publishers, jointed forces in adopting the Freedom to Read Statement (see
The Statement denounced censorship, labeling, and the removal of books based on the assumption that they are controversial or objectionable. The Statement has subsequently been endorsed by other professional organizations throughout the country, such as the Association of American University Presses, the Freedom to Read Foundation, the National Association of College Stores, and the National Council of Teachers of English (American Library Association, Office for Intellectual Freedom, 2006a).

As America entered the 1960s it was not only a confusing time for the country, but for free speech. Two major setbacks came in 1961 and 1968. The first came when the Supreme Court ruled that it was illegal for U.S. citizens to be members of any organization advocating the overthrow of the government. The Court later reversed its ruling in 1969. The second setback came in 1968 when a federal court ruling was upheld denying First Amendment protection for several young men who were arrested for burning their draft cards. To confuse things even more, in 1969 the Supreme Court ruled that students wearing armbands in protest of the Vietnam War, could not be disciplined because it would infringe upon their free speech.

Intellectual freedom and free speech were undoubtedly under constant threats during the 1950s and 1960s. The era of McCarthyism, and the Vietnam and Cold War, gave many ultra-rightists fuel to attack America’s most basic freedoms. In an effort to counterattack, the American Library Association created the Office for Intellectual Freedom with the purpose of educating librarians and the public about the importance of intellectual freedom.
Intellectual freedom can exist only where two essential conditions are met: first, that all individuals have the right to hold any belief on any subject and to convey their ideas in any form they deem appropriate, and second, that society makes an equal commitment to the right of unrestricted access to information and ideas regardless of the communication medium used, the content of the work, and the viewpoints of both the author and the receiver of information. (American Library Association, Office for Intellectual Freedom, 2006a, p. xv).

The first big legal shift regarding intellectual freedom came in 1973 when the Supreme Court revised the definition of what constituted “obscene.” An earlier ruling by the Court in 1957 provided no protection for obscenity under free speech. The Court defined obscenity as, “whether to the average person, applying contemporary standards, the dominant theme of the material taken as a whole appeals to the prurient interest” (Eberhart, 2000, p. 453-454). In 1973 the Supreme Court revised the definition, as materials that “depicts sexual conduct in a patently offensive way…taken as a whole, lacks serious literary, artistic, political, or scientific value” (Eberhart, 2000, p. 455).

The first test of the new obscenity standard came in 1978 when George Carlin challenged the Court with his infamous seven dirty words. Up until that time television did not allow language deemed as obscene. Although the Supreme Court ruled in favor of Carlin, it also labeled the words as indecent and established indecency regulations in American broadcasting.

It was in the 1980s when the Supreme Court handed down two additional rulings supporting intellectual freedom and free speech. The Court rejected the 1982 argument that local school boards could remove schoolbooks solely on the grounds that they did
not like the ideas represented in the books. The Court also ruled that burning the U.S. flag was a form of political speech, and was protected under the First Amendment. Later that year in response to the Supreme Court’s ruling, the Republican held U.S. Congress passed the Flag Protection Act of 1989, making it illegal to burn the American flag (Goldman, 2002). Later that same year the Supreme Court struck down the law as unconstitutional.

One of the most important decisions in support of free speech came in 1997, when the Supreme Court stuck down provisions of the Communications Decency Act regulating indecent and offensive speech. The Act was intended to protect minors on the Internet but was found to limit the reading habits of adults (Eberhardt, 2000). Although recent court rulings have begun to favor intellectual freedom, the battle continues. The Office for Intellectual Freedom reports that between 1990 and 2000 there were 6,364 challenges to either censor, remove, or ban library materials (American Library Association, Office for Intellectual Freedom, 2006b).

Over the past 200 years many Americans have believed that the U.S. government has steadily worked to limit the same basic freedoms it granted through the Bill of Rights in 1791. Yet, with the backing of the American Library Association and professional librarians, the tide seemed to be turning during the 1980s and 1990s. Then, on September 11, 2001, America faced the devastating attacks of 9/11, a day that has lead many to believe that once again the tide of change may be shifting regarding intellectual freedom and free speech.
USA Patriot Act

On September 24, 2001, just a little more than a week after the tragic events of 9/11, President Bush submitted anti-terrorism legislation to Congress for the purpose of combating terrorism. Without any conference or committee report, the U.S. Senate and House of Representatives jointly passed H.R. 3162, sponsored by Rep. F. James Sensenbrenner, Jr., from Wisconsin. The vote, 356 to 66 by the House of Representatives, and 98 to 1 by the Senate, passed with virtually no public debate (H.R. 3162). The only dissenting voice from the U.S. Senate was Senator Russ Feingold of Wisconsin. One day later during a Rose Garden Ceremony at the Whitehouse, President Bush signed the Patriot Act into law.

The Patriot Act:

Gives federal officials greater authority to track and intercept communications, both for law enforcement and foreign intelligence gathering purposes. It vests the Secretary of the Treasury with regulatory powers to combat corruption of U.S. financial institutions for foreign money laundering purposes. It seeks to further close our borders to foreign terrorists and to detain and remove those within our borders. It creates new crimes, new penalties, and new procedural efficiencies for use against domestic and international terrorists. (Doyle, 2002, p. 1)

According to the U.S. Department of Justice (2004), the Patriot Act “equips federal law enforcement and intelligence officials with the tools they need to mount an effective, coordinated campaign against our nation’s terrorist enemies” (p. 1). The Department documents that by May 5, 2004, 310 people had been charged with criminal offenses related to the attacks of 9/11 (United States. Department of Justice, 2004). One
hundred and seventy-nine of these arrests have resulted in convictions. However, the
Justice Department does not explain or provide information on how controversial
sections of the Patriot Act have been used in the fight against terrorism, only that the Act
has modified laws that formerly impaired law enforcement agencies from gathering,
analyzing, and sharing critical intelligence information. Also, that the Act updates
federal laws and takes new technologies into account.

Key sections of the Patriot Act include:

- Section 202: Authority to intercept wire, oral or electronic communications
  relating to computer fraud and abuse offenses;
- Section 203: Authority to share criminal investigative information;
- Section 206: Roving surveillance authority under the Foreign Intelligence
  Surveillance Act of 1978;
- Section 209: Seizure of voice mail messages pursuant to warrants;
- Section 213: Authority for delaying notice of the execution of a warrant;
- Section 214: Pen register and trap and trace authority under FISA;
- Section 215: Access to records and other items under Foreign Intelligence
  Surveillance Act;
- Section 216: Modification of authorities relating to use of pen registers and
  trap and trace devices;
- Section 217: Interception of computer trespasser communications;
- Section 219: Single-jurisdiction search warrants for terrorism;
- Section 220: Nationwide service of search warrants for electronic evidence;
- Section 814: Deterrence and prevention of cyber-terrorism; and
• Section 815: Additional defense to civil actions related to preserving records in response to government requests. (Uniting and Strengthening American by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, 2001)

The problems that librarians have regarding the Patriot Act are the same ones they have been fighting since the creation of the Library Bill of Rights, privacy, intellectual freedom, and confidentiality. The most pressing concerns deal with the expanded access to business records, roving wiretaps, destruction of government documents, gag orders, and the risk of self-censorship by patrons and library staff (American Association of Law Libraries, 2001). Librarians are also confused about the Patriot Act’s apparent trump of state confidentiality laws, and which set of laws, federal or state, they must abide by. If they follow state laws, will they be held accountable by the federal government? And if they follow federal laws [Patriot Act], will they be held accountable by the state?

Keeping patron records confidential is extremely important to librarians. Jaeger, McClure, Bertot, and Snead (2004) report that since the passage of the Patriot Act, law enforcement agents only need significant purpose to search any tangible item that could contain information, such as physical or electronic books, records, papers, or documents. Section 215 of the Patriot Act expands the Foreign Intelligence Surveillance Act (FISA) by changing the courts’ authority to issue a subpoena from business records to any tangible thing (Minow, 2002a). The term business records previously referred to rental cars, hotels, and storage records. Under the Patriot Act the term has been modified to include health, library, and educational records (Poynder, 2002). Library records that are now available for scrutiny include all transactions involving patrons and library
personnel. Under the Patriot Act law enforcement agents are able to expand the surveillance of electronic and voice mail to “the origin, content, and destination of telephone calls, voice mail messages, e-mail messages, and other electronic transactions of patrons and library staff” (Jaeger, McClure, Bertot, & Snead, 2004, p. 100). This enables the federal government to have virtually open access to all forms of electronic communication.

Library records that are more readily accessible to government agents since the passage of the Patriot Act, include library identification records – information required for library cards (name, address, phone, etc.); circulation records – the names of library patrons and what they check out (books, videos, cassettes, magazines, journals, etc.); pen registries – signup sheets identifying who has used the library’s public access computers; Internet URLs – identifies what web sites individuals have viewed on the Internet; e-mail records – tracks who and where individuals are sending and receiving e-mails; phone logs – phone records that come in and out of the library; and reference inquires – questions that library patrons ask librarians (Minow, 2002a; Minow, 2002b; Poynder, 2002).

Librarians are also concerned about the government’s use of roving wiretaps and how these taps will affect individual privacy. The Patriot Act “extends the FISA authority by including the issuance of ‘roving wiretaps’ that can follow a person from, for instance, a public phone to a neighbor’s computer to a library computer” (Minow, 2002a, p. 54). The Patriot Act allows roving wiretaps virtually anywhere in the United States. Librarians believe this is unethical because it allows the government to have almost open access to private information about others who may not even be part of an investigation.
Karen Schneider, coordinator of the library-based Web portal lii.org, stated, “The FBI could come on site almost indefinitely based on activities that happened elsewhere (e.g., they begin tracking someone at home and he starts using the library, and the wiretap order moves with the suspect) and with very weak justification begin monitoring behavior, and require that the…[librarian]…not say anything to anyone save his lawyer” (Poynder, 2002, p. 50).

Librarians are reporting that under the disguise of the Patriot Act, restrictions have been placed on certain government documents, and that some documents are even being destroyed. Attorney General John Ashcroft moved to restrict public access to documents under the Freedom of Information Act, on grounds of sound legal basis, which caused various government agencies to begin instructing the Government Printing Office (GPO) to have all 335 federal depository libraries to begin destroying specific documents (Steele, 2002). Francis Buckly, GPO Superintendent of Documents, acknowledged that even she was confused about what to do since there are no specific guidelines or clear definitions on what should or should not be destroyed, or withheld from the public (Oder, 2002a, p. 16). The most cited example of the federal government destroying documents involves the U.S. Geological Survey when they ordered all libraries to destroy a CD-ROM containing a water resources guide (Oder, 2002a & b). For many librarians it is actions like these that cause them to fear that when future historians will want to conduct research, they may find that many of the original materials have been destroyed.

The most fearful part of the Patriot Act is that it places a gag order on librarians. Hentoff (2002) refers to this as the ultimate gag rule, because librarians are virtually
powerless to talk about any governmental intrusions or contact they may have with law enforcement agents. If they do they risk breaking the law and facing prison. Hentoff reports that librarians are not even able to inform the library patron that, his or her, records have been confiscated by an investigator, or at minimal been questioned about them. U.S. Attorney General John Ashcroft denied during his speech on September 15, 2003, to the National Restaurant Association, that Section 215 permitting searches of library records had ever been used. However, two days later he reversed his request to FBI Director Robert S. Mueller III, to declassify information that he stated would “counter the troubling amount of public distortion and misinformation in connection with Section 215” (“Ashcroft Mocks Librarians,” 2003, p. 10).

An underlying concern that many librarians have regarding the Patriot Act is self-censorship. Gelsey (2002) believes that such excessive surveillance of libraries could stifle the creativity and cognitive abilities of library patrons due to the fear that someone might be watching over them. Hull (2002), of the *San Jose Mercury News*, reports that librarians in San Jose, California, expressed concern that the expanded surveillance powers of the FBI could have a “chilling effect on how people perceive and use the library, where anonymity is rigorously defended” (p. 7).

Many librarians believe there is strong evidence confirming that investigations are already underway, and that government agents are trying to obtain library records. Remembering that librarians are unable to speak openly about any contact they may have with government officials, the University of Illinois/Urbana-Champaign Library Research Center conducted a survey of over 1,500 libraries from across the nation in December 2001. Their report showed that government agents had already contacted
nearly 6% of libraries surveyed (Estabrook, 2002a). The Patriot Act was only three months old at the time.

Findings from the Library Research Center’s study also provide evidence that librarians across the nation see the Patriot Act as threatening, causing them to view library patrons differently and influencing their professional decisions. Eighty percent (80%) of librarians reported that the Patriot Act had affected the collection development policies at his, or her, library; twenty percent (20%) stated they had a different attitude about library patrons and were treating them differently, especially those who appeared to be of Middle Eastern descent; half of the respondents indicated they paid more attention to what library materials patrons were checking out; and 65% stated they now monitored what library patrons were searching on the Internet. A second and much larger study by the Library Research Center in 2003, showed that 15% of librarians indicated that the Patriot Act had caused them to change their attitude and treatment of library patrons, including the more likelihood to observe what library materials individuals were checking out. Respondents also stated they were less tolerant of Muslims and more apt to report individuals who they felt looked or acted suspicious (Estabrook, 2002b).

Policy Implementation Theory

The assumption in most policy studies is that once a policy has been enacted it will be implemented, and it will produce the desired results of the policymakers. However, this assumption neglects to take into account the policy implementation process. Smith (1973) believes the implementation process is a tension generating force in society, which may, or may not, produce the desired outcome. He feels that policymakers “can attempt to minimize discrepancies in the implementation process, and
with this goal in mind, can formulate and apply more effective policies” (Smith, 1973, p. 209) through the understanding of how policies are implemented, and the affects they have on the individuals who are responsible for their implementation.

Western Nations vs. Third World Nations

In Western societies, interest groups or affected individuals are seen as the primary influence in legislation. However, in Third World nations the “open clash of organized interests is often conspicuously absent during the formulation of legislation” (Scott, 1969, p. 1142). Smith (1973) believes this is because political parties and interest groups in most Third World nations are undeveloped or suppressed by the ruling governments. Leaders of these nations often create policies without consulting those who will be affected, and then abandon the policies at the point of implementation. Several factors contribute to the destabilization of government policies: the lack of qualified personnel or political leadership, opposition to the policy, and corruption (Smith, 1973).

To conclude that political parties and interest groups from Third World nations have no effect on policies would be incorrect. Their influence lies during the enforcement stage rather than the developmental stage of new legislation, and often takes on the form of corruption when the policies are abandoned by the government. Two examples that Scott (1969) provides are the peasant workers who avoid land taxes by making illegal payouts to local tax collectors, and small businessmen who must pay for protection from well-placed politicians. It is Scott’s conclusion that these entities are influencing policies just as surely as if “they had formed a peasant union” or worked “collectively through chambers of commerce” (p. 1142). This process is totally different than what is found in Western nations such as the United States. Interest groups and
affected individuals try to influence policymakers before legislation is passed, and once it is, it is pretty much guaranteed that the policy will be implemented.

In Western nations, policies are usually “realistic in that they are economically and politically feasible” (Dror, 1968, p. 89). Western nations tend to pass incremental policies that deviate from former policies. Incremental changes are simpler to implement than wide sweeping changes, and easier for the public to accept. Smith (1973) believes this is one reason why Third World nations have difficulty implementing policies, because they commonly develop radical or ambitious programs designed to bring about social reform. The problem is that these non-incremental policies are often met with resistance by the public. The difficulty usually starts in the first year of a new government when it tries to implement widespread changes after the independence or overthrow of a former leader.

Similarities between the passage of the Patriot Act and policies of Third World nations are striking. The Patriot Act was passed during the first year of a new presidency. The Act created new, non-incremental, far-reaching legislation and there was virtually no public debate or dialogue between the policymakers and those who would be affected or responsible for the policy’s implementation. Based on Smith’s (1973) theory, one can reasonably assume there would be resistance and difficulty implementing the Patriot Act, and that tension, strains, and conflicts would arise from those responsible for the Act’s implementation.

*Governmental Policies*

Governmental policies are designed to create changes in “patterns or interactions between or within individuals, groups or institutions” (Smith, 1973, p. 200). Changes are
created by modifying or executing new patterns of action, and can be widespread or incremental in nature. Buckley (1967) identifies the root cause of change as:

The internal source of dynamics for the ongoing process is the continuous generation of varying degrees of tension, ‘stress,’ or ‘strain’ within and between the interacting components; such tension is now being recognized as an inherent and essential characteristic of such systems. (p. 129)

Chin (1966) believes that because the components within a system are different, not perfectly integrated, and are continuously changing and reacting to internal and external disturbances, that various degrees of tension exists within a system. He calls this the stresses and strains of the system. When the tensions escalate and become in sharp opposition to one another they create conflict and either affect or alter the system. He further believes that tension and conflict exists in all systems, and concludes that no living system can subsist without it.

Zollschan (1964) provides a more comprehensive understanding regarding tension and change in society. He refers to tension as exigency and defines exigency as “a discrepancy (for a person) between a consciously or unconsciously desired or expected state of affairs and an actual situation” (p. 89). He identifies three types of discrepancies that either alone or in combination makes up an exigency:

- **Affective or Cathectic** – A discrepancy between a desired objective (absence of an undesired objective) and what is actually achieved.
- **Evaluative** – A discrepancy between a legitimate pattern or arrangement and an actual situation.
Cognitive – A discrepancy between a prediction (expectation, explanation) and an observation.

Exigencies (tensions) are linked to changes in society, and “trigger a series of phase processes” (Zollschan, 1964, p. 89). The first phase of change is articulation. Articulation is the acknowledgement that exigency exists and the “postulation of goals for its removal, prevention, or amelioration” (Zollschan, 1964, p. 90). After tensions have been recognized they can then be referred to as needs. Action is the second phase. It is the movement towards postulated or unconscious goals. Whether or not action takes place depends on the nature of the tension and the social and political systems in which the tension and articulation take place. The final phase is institutionalization. Zollschan (1964) defines this as changes in established patterns of interaction and/or the substitution of new patterns for old patterns.

Smith (1973) believes several modifications are necessary to Zollschan’s phase model. He agrees that tensions, or exigencies, are the main factors in the change process. However, he feels that the process of articulation to action should be reexamined. It is his opinion that the phase should consist of a bridge that he refers to as the transaction phase, and he believes that within this phase tensions are being articulated and manifesting themselves into new behavioral patterns or relationships, that may or may not become permanent or institutionalized patterns (Smith, 1973). Although he does not believe that most societal tensions result in the institutionalization of new patterns or relationships, he does believe they end up as uncrystallized action patterns, which he calls transactions. These transaction patterns may then be the “catalyst for new and powerful tensions which may be supportive or disruptive to the new or modified patterns of
relationships” (Smith, 1973, p. 202). The new tensions may then create additional
modifications or changes to the process.

*Smith’s Policy Implementation Theory*

According to Smith (1973) since policies developed by governments are
established to create new transaction patterns, institutions, or changes to conventional
patterns within current institutions, one can conclude that policies created by
governments serve as a tension generating force in society. Tensions, strains, and
conflicts are experienced by those responsible for implementing policies and by those
affected by policies. These tensions may then result in transaction patterns, institutions,
or triggers for changes in other institutions.

Smith (1973) believes that tensions occur both within and between his four
components [idealized policy, implementing organization, target group, and
environmental factors] that form his tension generating matrix. For example:

A within-component tension would be the discrepancy in the implementing
organization when an administrative unit is instructed to implement a policy for
which the unit has inadequate personnel in numbers or skills for policy execution.

A between-component tension may occur between the target group and the ideal
policy component when the policymakers expect a policy to be welcomed by the
target group and the actual reception is a hostile one. (Smith, 1973, p. 205)

Zollschan (1964) contends that tensions are only at the individual level. He
believes so because tensions can be minimized to those felt by individuals. Smith (1973)
feels this restriction is “unduly harsh” (p. 205), and believes that tensions can be felt on
the group and structural levels. However, he does acknowledge that all tensions,
including group and structural tensions are reducible to the individual level as Zollschan points out.

Smith (1973) feels that transaction patterns of interaction between the four components of his policy implementation matrix are vital to the policy implementation process. These patterns are the responses to the tensions, stresses, and strains. Transaction patterns may or may not form institutions. Although, this is one of the primary goals of government created policies. Policies reluctantly, or half-heartedly, supported are rarely implemented, and the objectives are seldom, if ever, attained. Because policy implementation is an ongoing process, it is difficult to determine when interaction patterns become institutions, if ever. Time is important when determining the degree of institutionalization. Non-incremental policies can take more time for transaction patterns to emerge and become institutionalized. Policy implementation is a continuous process that may, or may not, have a definite end. Smith (1973) provides several measures to serve as guides to the exact degree of institutionalization:

1) The institution’s ability to survive in its environment;
2) The extent to which the institution is viewed by surrounding societal components to have value (both autonomy and influence); and
3) Whether the relationship patterns become normative for other social components. (p. 208)

Determining Whether a Policy Has Met Its Objective

Smith (1973) suggests that to examine whether a policy has met its objective or not, one can compare the newly established patterns or institutions with the goals of those who created the policy. Itemizing the policy’s functions and relationships, and then
comparing those to the actual outcome of the implementation process, will enable the researcher to determine whether the policy has been successfully implemented. Dye (1972) believes that in some cases patterns of idealized policies may never materialize, and may even crystallize into patterns of resistance that can lead to the creation of new patterns, institutions, and tensions, and generate further changes within the system. New tensions can be “supportive or disruptive,” and there is “no assurance that the former state of the system will come into existence again” (Smith, 1973, p. 209). Also, there is “no guarantee that there will be a distinct end to any implementation process” (Smith, 1973, p. 209).

Summary

Most historians would agree that the modern library movement in the United States has had a less than auspicious start. Although in 1876 librarians formerly organized and established the American Library Association, they struggled for years to find their professional identity. It was not until the 1930s as Fascism progressed across Europe that Archibald MacLeish began urging librarians to unite as a profession. Fearful that a wave of nationalism would soon flood the country, MacLeish encouraged librarians to use their expertise in the selection, organization, and provision of information for the service of defending intellectual freedom. On June 18, 1948, the American Library Association officially adopted the Library Bill of Rights as a binding document to defend intellectual freedom, privacy, and confidentiality. Since then librarians have become the guardians of intellectual freedom, defending the rights of all Americans to information and enlightenment, regardless of its origin, background, views, or age.
Over the next 50 years, librarians increasingly faced attacks on intellectual freedom through the form of censorship, labeling, and banning of various forms of information. In an effort to combat these attempts the American Library Association established the Intellectual Freedom Committee, with the mission to safeguard intellectual freedom in accordance with the U.S. Bill of Rights and the Library Bill of Rights. Two notable declarations include the Statement on Labeling, opposing the establishment of criteria for subversive publications, and the Freedom to Read Statement, denouncing censorship, labeling, and the removal of library materials.

As support grew for intellectual freedom during the later part of the twentieth-century, the United States came under attack by Al-Qaeda terrorists. One month after 9/11, President Bush signed into law the USA PATRIOT ACT with the purpose of combating terrorism. Even before the Patriot Act was passed, librarians were concerned about the Act’s expansion and access to business records, roving wiretaps, destruction of government documents, gag orders, and the risks of self-censorship. Library records more readily accessible to government agents since the passage of the Patriot Act include: library identification records, circulation records, pen registries, Internet URLs, e-mail records, phone logs, and reference inquires.

Smith’s (1973) policy implementation theory, maintains that policies formulated by governments serve as tension generating forces in society. It is his belief that individuals responsible for implementing government mandated policies, and those affected by the policies, will experience tensions, strains, and conflicts that may, or may not, cause transaction patterns. The four components that form Smith’s tension generating matrix include: the idealized policy, implementing organization, target group,
and environmental factors. He believes that as policies are implemented, they interact within and between each of these components resulting in tensions and transaction patterns. By examining whether a policy has met its objective or not, itemizing the policy’s functions and relationships, and then comparing to the actual outcome of the implementation process, Smith maintains one can determine whether a policy has been successfully implemented or not.
CHAPTER III

METHODOLOGY

The purpose of this qualitative study was to explore the tensions and transaction patterns evidenced by librarians as they implemented and administered government mandated policies [Patriot Act] contradictory to their professional ethics and beliefs. The design of the study was an explanatory case study, one whose lessons could be transferred to a broader arena. Yin (2003) identifies a case study as one that asks the questions how or why of a contemporary phenomenon, in which the researcher has little or no control, over the events. “This is because the questions deal with operational links needing to be traced over time, rather than mere frequencies or incidence” (Yin, 2003, p. 6). The preferred method for designing an explanatory case study includes direct observations of the events being studied and interviews of the people involved. The unique strength of a case study is its “ability to deal with a full variety of evidence—documents, artifacts, interviews, and observations—beyond what might be available in a conventional historical study” (Yin, 2003, p. 8). All of these data collection procedures are included in the design of this study.

Researcher

The researcher’s role in a qualitative study is primarily that of a collector, analyst, and interpreter of data. Any personal values or assumptions the researcher may have must be acknowledged at the onset to alleviate any pretense of personal bias. My
perceptions of libraries and of librarianship have been shaped by over 20 years of personal experience working in several different academic libraries in the Midwest. Starting out shelving books, I soon worked my way up, received my Master of Library and Information Sciences, and finished my career as an academic librarian at a community college. Although I am no longer part of the library profession, I remain an active supporter of public, academic, and school libraries, and the issues they face.

As an advocate of intellectual freedom and open access to information, I have personally fought those who would place limits on the public’s right to know. I have seen first hand the lengths that individuals and groups will go to keep books, videos, and other materials out of libraries. Personal freedom and privacy is of utmost importance to me, not only as a former librarian, but as a citizen. Certainly, for someone with such extensive experiences and values, my personal assumptions and biases will be inevitable. However, I feel that my past experiences have benefited my research rather than weakening it. As a former academic librarian I have been able to connect with my research participants rather easily. It has also opened doors that might not have been opened to someone from outside the profession. In fact, several of the librarians stated to me they would not have agreed to participate in this study if it was not for the fact that I was a former librarian. They felt their privacy would be protected since I was someone from within the profession and would have a better understanding of the difficult issues they face. Also as a former academic librarian, I am aware of the lingo, terminology, and acronyms associated with the profession. EBSCOhost, OPAC, OLA, ALA, and MARC are terms generally not recognized by most people. My past experience provided me
with a working knowledge of librarianship, and its terminology. My understanding of the profession provided me with greater insight to conduct a more in-depth data analysis.

Orienting Theoretical/Conceptual Frameworks

The epistemology used for this study was constructionism. Crotty (1998) reveals that constructionists construct meaning rather than discover or create meaning. “Meaning does not inhere in the object, merely waiting for someone to come upon it” (p. 43). It is humans who construct meaning as they engage in the world. Meaning is not discovered but through humans interpreting the world around them. Meaning was constructed from the data collected for this study rather than discovered.

The theoretical lens used for this study was policy implementation theory. Although policy implementation theory takes on many forms, this study explored how the implementation of government policies affected individuals responsible for their implementation. Smith (1973) maintains that policies formulated by governments serve as tension generating forces in society. He believes that individuals responsible for their implementation, and those affected by the policies, will experience “tensions, strains and conflicts” (p. 202) which may cause transaction patterns. He defines transaction patterns as the “responses to the tensions, stresses and strains within and between the component parts of policy implementation” (p. 207).

The four components that form the tension generating matrix of Smith’s (1973) policy implementation theory, include: (1) the idealized policy – the idealized patterns of interaction that policymakers are attempting to induce; (2) the implementing organization – the organization responsible for implementing the policy; (3) the target group – those required to adapt new patterns of interaction by the policy; and (4) environmental factors
factors that can influence or be influenced by the policy implementation. Smith believes that as policies are implemented they interact within and between each of these components, resulting in tensions and transaction patterns. This study explored how the implementation of the Patriot Act specifically affected librarians, and how this government mandated policy created tensions, strains, and conflicts on those responsible for its implementation.

Data Needs and Sources

Data needed for this study were the tensions and transaction patterns evidenced by librarians responsible for the implementation of the Patriot Act. The data came from librarians responsible for providing reference services since they are at the forefront of implementing policies and procedures that affect library patrons and services.

Data sources, or participants, were professional, academic librarians from public colleges and universities. All participants had an earned Master’s degree in Library Science and were currently employed as an academic librarian. My decision to use academic librarians was based on the past attempts by the federal government to gain library records from colleges and universities in the 1970s and 1980s. It was during this time that the FBI was conducting the Library Awareness Program and was routinely requesting information from academic librarians about suspicious library patrons and patrons with East European accents. I felt any new attempt by the government to seize library records would again primarily involve our nation’s college and university libraries.

Important to all research is identifying the sample size. Patton (2002) states that “no rule of thumb exists to tell a researcher precisely how to focus a study” (p. 228), or
how to identify the sample size. He recognizes that there are several factors a researcher must consider when choosing a sample, such as the purpose of the study, resources and time available, and the interest of those involved (Patton, 2002). Two additional factors he recommends when selecting a sample size are the number of interviews per participant, and the amount of useful information that the researcher can expect from each. The goal of this study was to have a sample size of five academic library systems with at least one system from each region of the participating state (Northwest, Northeast, Southwest, Southeast, and Central). No less than two systems were to come from either a two-year or four-year institution.

Data Collection

Two studies by the University of Illinois/Urbana-Champaign Library Research Center provide some insight on how the implementation of the Patriot Act has affected librarians across the nation. However, since the data collection process for these two studies consisted of anonymous questionnaires, both studies were limited in scope. The questionnaires provided the researchers with no method to gain more in-depth data from their participants through the use of follow-up questions.

A qualitative study by design consists of rich, detailed descriptions of situations, events, people, interactions, observations, and direct quotations about individual experiences, attitudes, beliefs, and thoughts. The data collection process for this study used a triangulation method through interviews, observations, and document analysis to gather the necessary data to conduct a qualitative analysis and report.
Selection of Participants

From the onset I felt identifying librarians willing to participate in this study might be a challenge due to the gag order placed on them by the Patriot Act. However, I found the most troubling part was simply acquiring the names and contact information of the librarians. No directory existed. The state’s Department of Libraries (Personal communication, October 21, 2005) could only estimate that roughly 500 public and academic librarians were currently employed in the participating state, and that only 300 of these individuals actually had a professional library degree.

My first step was to identify as many academic librarians that I could and then to create a directory. I accomplished this through the use of the Internet. I was able to identify most of the librarians by browsing the different college and university websites. I found that most academic libraries have staff directories available on the Internet. For those that did not, I was able to find the contact information for their librarians through the college or university main directory.

My goal was to send a recruitment letter to every academic librarian in the state. However, because of the variety of titles, at times, I was unclear to who was, or was not, a librarian. Therefore, I included library staff that I was unsure about. The final product was a directory containing the names, titles, and contact information of 225 individuals, which based on my experience and training, I believed to be academic librarians and who were currently employed at either a two-year or four-year, public institution of higher education. The directory contained 137 different library titles ranging from Librarian to Dean of University Libraries [see Appendix F]. The most common title was Library Director (28). Librarian (18) was second. I found it surprising to see the number of
different titles held by academic librarians. It almost seemed as if every librarian had his, or her, own title. It reminded me of the early struggles of the modern library movement in the United States and gave me reason to wonder if librarians were still struggling for self-identification.

Recruitment letters (see Appendix G) were sent to all 225 individuals. One-hundred and seventy-nine (179) were mailed to individuals employed at four-year colleges or universities; 46 letters were mailed to individuals working at community colleges. Within the letter I identified myself, provided a brief description of my research study, and outlined the criteria for participation. Librarians interested in participating were asked to return the letter within three weeks and to provide their daytime contact information. A stamped, self-addressed envelope was included with each letter.

Of the 225 recruitment letters, 51% or 114 were returned within the allotted time. Fewer letters were returned from community colleges. However, the community college return rate was much higher. Of the 179 letters mailed to individuals at four-year institutions, 40% or 71 were returned, compared to 87% or 40 for community colleges.

More than 30% or 35 of the individuals, who returned their recruitment letter, provided some type of comment. The majority of these comments came from individuals who did not wish to participate. The predominant theme was that they did not feel they could be useful to the study because they had not experienced any “incidences” regarding the Patriot Act. One librarian, who did not wish to participate because she did not feel that the Patriot Act had affected her or her library, provided a detailed letter describing how her college administration had censored her for speaking out against the Act. Certainly, there was a lack of understanding about the purpose of my study on the part of
some librarians. Although, I did clearly state in the recruitment letter that the purpose of the study was to investigate how government mandated policies affect those responsible for their implementation. It was not to identify whether, or not, government agents had visited libraries in the state.

The participating state encompasses 25 public institutions of higher education; 13 four-year colleges and universities, and 12 community colleges. The responses from the recruitment letters provided me with a pool of 11 or 44% of the total number of institutions in the state to choose from; 69% or nine four-year institutions, and 17% or two community colleges.

Since one of my goals was to have no less than two library systems from either two-year or four-year institutions, I felt obligated to choose the two community colleges. Another goal was to have participation from each geographic region of the state with multiple participants from each library system. Two of the five regions were already determined by the necessity to include both community colleges. In two of the other five regions I only received positive responses from one library system in each region. Therefore, it was necessary to include both of these libraries. At both of these locations there was multiple participation. The last region of the state only had one librarian willing to participate. This was the only library system with single participation. I decided to include a second library in the central part of the state because of the high population rate. This enabled me to have representation from a community college and four-year university in the state’s most heavily populated area. The outcome of the selection process enabled my study to encompass 24% or six of the state’s institutions of
higher education. It represented 31% or four of the four-year colleges and universities, and 17% or two of the community colleges.

Once I determined the six library systems for the study, I contacted each of the librarians willing to participate from all six locations. The purpose of these telephone calls was to determine their level of commitment. Although in the recruitment letter I clearly stated that the participants were free to withdraw at anytime, I wanted to try and alleviate this from happening from the onset. During the telephone calls I provided more in-depth information about the study, participant obligations, and my personal assurances to protect the confidentiality of each librarian. I also reassured each one that no participant, library, or college/university name would be used in any written report. Finally, I informed each participant that the decision to inform his, or her, library or campus administration about their participation was solely up to them. Only after I felt secure about the individual’s commitment, and the individual felt comfortable about the procedures and expectations, was the interview scheduled. Once I completed all of the telephone solicitations and had determined the slate of participants, I sent each librarian a copy of the consent form [see Appendix H] and interview questions [see Appendix I] to review.

*Interviews*

Due to the guarded nature that librarians have toward the Patriot Act, I took special precautions to safeguard the security of the data and the confidentiality of the participants. Every attempt was made to secure the data, including the names of the librarians and the libraries where they were employed. The majority of the interviews were conducted in the private offices of the participants. However, several individuals
requested to meet elsewhere. I would meet these participants in the lobby of their library and then be escorted to some out-of-the-way, obscure location.

All of the librarians were asked before the start of their interview if they had any questions regarding the study or consent form. Once the participants felt secure about the process, they were asked to sign the consent form and offered a copy for their records. Only after the participant and I had signed the consent form was the tape-recorder turned on.

I purposely took on a conversational tone during the interviews rather than an interrogational tone since the Patriot Act invokes fear in many librarians. I again provided my personal assurances at the beginning of the tape recorded interview that no participant, library, or college/university name would be used in any written report. I believe doing so helped put my research participants at ease, and made them less apt to shy away from sensitive issues.

Each interview was transcribed within one week of our meeting. After the interview was transcribed I mailed the transcript to the participant for cross-checking. The participants were encouraged to provide feedback, additional information, or to clarify areas they felt misrepresented their intent. Participants were asked to return the transcripts within one week. I included a large, stamped, self-addressed return envelope with each transcript. The majority of the librarians returned edited versions. I even received a few phone calls by bewildered librarians concerned about the way they came across. Not because they were concerned about the message or meaning they conveyed, but because of their frequent stuttering and use of uhs and uhms. I was even taken back by my own stuttering and inability to complete a full sentence. Happily, after some
humorous phone calls and discussions, I was able to reassure the participants that I would not portray them as some kind of “backward hick living out in the boondocks somewhere.” As I progressed through the interview process I did begin warning the participants about the interviews being transcribed verbatim. Although they would laugh and say “no problem,” I continued to receive edited versions.

During the interviews I began to sense various themes resonating from one interview to the next. At first I was alarmed by what I thought was emerging. I could not see how the data that I was collecting was relating to my study. I decided not to change my approach because I felt the design of my study was well planned and thought out, and that ultimately once I began the formal analysis process I would be able to see more clearly what my data was representing.

Once all of the interviews were completed and had been reviewed by the participants, I conducted a preliminary analysis of the data. This consisted of me reviewing all of the transcripts and making notations of very broad common themes that I felt represented the data. After I finished going through all of the transcripts I called several of the librarians who stated they would be interested in participating in a short follow-up interview. These interviews consisted of my asking the participants selected questions from the original interview. My intent was so see how the librarians would respond after having reviewed their transcripts and spending time thinking about their initial answers. This enabled me to gain additional data and to see how the librarians felt about the emerging themes. The follow-up interviews were also helpful in verifying the accuracy of the data. The interviews were conducted by telephone and not tape-recorded. However, I did take notes which I include later during the formal analysis. Once all the
follow-up interviews were concluded, I sent a personal note of thanks to each librarian for participating in the study.

I encountered no logistical problems during the interview; I was thankful that I had the foresight to use a backup recorder. Several librarians did have to reschedule, but this was only a minor inconvenience. I felt welcomed at each location and sensed that all of the librarians were truly interested in the study.

Observations

In addition to the interviews, observations were also an important part of the data collection process. Observations involved observing each of the library systems in action to gain a sense of how they functioned. The observations were a two-part process. I would first observe the libraries before the interviews and then again afterwards. The initial observations enabled me to gain a sense of how the libraries worked without being biased by the participants. I felt observing the libraries before the interviews would also enable me to use my former experience as a librarian to observe behaviors and attitudes that I might want to question the participants about later during the interviews. Observing the libraries immediately after the interviews allowed me to have a more visual understanding of how each library functioned.

The observations included monitoring all of the public service points including the information, circulation, and reference desks. Doing so enabled me to view the participants and other staff members in their natural work environment. Observations also included a tour of each library. Field notes of all observations were recorded, coded, and analyzed to determine their relevancy to the study. Data obtained through the
observations were a vital component of this study and enabled me to triangulate my research findings to secure the necessary data for a rich, full qualitative analysis.

**Document Review**

The final component of my data collection process consisted of documents. Written policies, procedural changes, and signage from the participating libraries were collected, as well as, mission statements, strategic plans, and annual reports. When I called to schedule the interviews I asked each participant to volunteer these documents at the time of our meeting. Several chose to mail the documents back to me along with their transcript. I provided additional postage to all of the return envelopes for this purpose. Only a handful of the librarians were able to provide any written documents from either their library or college/university administrations regarding the Patriot Act. Several librarians stated they had been advised by legal counsel not to create any written policies or procedures regarding the Patriot Act. Additionally, during my observations I collected documents that were available for public distribution. Information was also obtained from each of the participating libraries’ websites.

**Data Analysis**

The purpose of the data analysis process is for the researcher to make sense out of his, or her, data while continuously searching for deeper meaning. The data analysis process used for this study closely followed Creswell’s (2003) recommendations:

1) Organization/preparation – preparing the data for analysis, transcribing interviews, field notes, and sorting;

2) Familiarization – reading through all the data and gaining a sense of its overall meaning;
3) Coding – organizing the data into chunks and bringing meaning to those chunks;

4) Descriptions – generating descriptions of the settings, people, and events;

5) Presentation – identifying how you intend to present your findings; and

6) Interpretation – finding meaning from the data.

The preliminary analysis I conducted prior to the follow-up interviews provided me with a prelude of what I might expect during the formal analysis. However, these themes did not take into account the data collected from the follow-up interviews, observations, and documents.

The formal analysis consisted of me becoming more familiar with my data. I did this by reading the transcripts several times until I felt comfortable about what I had. Each time I would add handwritten notes in the margins to label the information and to help me identify sections. After I had finished I began to separate these areas into what Creswell (2003) refers to as chunks of information. Believe it or not, the easiest way for me to do this was by retyping the sections of information into a new document, no, not cutting and pasting the information, or cutting strips and pasting those on the backs of index cards, but actually typing each section word for word into a new document. I also added a coding system to each chunk of information in case I needed to find the section in the original transcript later on. This may not have been the ideal method for most people, but it worked for me. I also believe it enabled me to get closer to my data because of the time I spent typing these chunks of information into another document.

My next step was refining these chunks. I accomplished this by sectioning out information that I felt was not relevant to my study and dividing the rest into more
useable and meaningful forms of data. Once I had finished this process I began sorting the data by looking for similar themes and patterns. The data was then coded and organized into categories. After about a week I sorted the data a second time. I wanted to see how my thought process might change after having spent time away from the data. The second round was similar to the first with only minor variations. Therefore, I felt comfortable with my themes and categories and continued the analysis process by labeling and coding my notes from the follow-up interviews and observations. The only difference was in the way I processed the documents. I did not type the data collected from these items into a new document. Instead, after reading and getting familiar with the information, I used the same coding systems that I used with the rest of my data. I also added a color coding system using highlighters to section out related themes and patterns in the documents.

Interpretation of the data was reflective. The analysis included data collected through interviews, observations, and documents. I looked for emerging and recurring themes, similarities, patterns, and comparisons within and across the data. Asking myself what it all meant? In analyzing the data I tried to make sense out of what it was telling me about the phenomenon under investigation. I constructed meaning through my personal assessment of the data, rather than discovering meaning.

A key component of my data analysis process was Smith’s (1973) policy implementation theory. Smith theorizes that mandated government policies create tensions, strains, and conflicts on those responsible for their implementation. He also believes that in some cases the idealized policy may never materialize, because of resistance by those responsible for its implementation. Smith’s policy implementation
theory was used as a lens to view the data for this study and to explore its application. Smith (1973) suggests one can determine if a policy has been successfully implemented by examining the “newly established patterns or institutions in comparison with the operation of the ‘idealized’ policy goals of its creators” (p. 208), then itemizing the policy’s functions and relationships and comparing these with the actual outcome of the implementation process. My use of Smith’s policy implementation theory was to explore whether his assumption that tensions, strains, and conflicts would result in transaction patterns by those responsible for carrying out government mandated policies. I believe the research methodology for this study enabled me to collect data through interviews, observations, and documents to determine how the Patriot Act has affected academic librarians, and if tensions and transaction patterns are evident.

Important to all qualitative research is the accuracy of the findings. As researcher, I used triangulation, personal bias, and member-checking to ensure the accuracy of my findings (Creswell, 2003).

*Triangulation*

Triangulation is the process of collecting and examining data from various sources. It enables the researcher to build coherent justifications for themes and categories. The data collection process of my research design used interviews, observations, and documents, allowing me to look for themes across different types of data. This process enhanced and served to corroborate the “trustworthiness, authenticity, and credibility” (Creswell, 2003, p. 196) of my research findings.
Personal Bias

Creswell (2003) states that qualitative research is “fundamentally interpretive” (p. 182), meaning researchers interpret data based on their personal biases, values, and interests. Interpretation includes analyzing the data for themes or categories and making conclusions about meaning. Acknowledging these biases from the onset is important in qualitative research, because it illustrates the researcher’s desire for honesty and openness. Acknowledgement of my personal biases towards intellectual freedom and open access to information, along with my professional training, education, and experience as an academic librarian, enabled me to demonstrate to the reader my desire to accurately report my findings.

Member-checking

All of the research participants were provided with a transcript of his, or her, interview. Participants were asked to provide written feedback to clarify answers or amend statements they felt misrepresented their intent. Additionally, the participants were allowed to review the emerging themes and permitted to provide feedback on these descriptions. Member-checking aided in the accuracy of the data and provided insight on how the research participants viewed the emerging themes.

Summary

The design of this study was an explanatory case study, one whose lessons could be transferred to a broader arena. Data from six academic library systems were collected and analyzed. The selection of libraries was based on geographic location, institutional type (two-year, four-year), and availability of multiple participants. The final selection of libraries encompassed 24% or six of the participating state’s institutions of higher
education, representing 31% or four of the four-year colleges and universities, and 17% or two of the community colleges. Data for the study was collected through interviews, observations, and documents.

I believe my past experience as a former librarian provided me with a better understanding of librarianship than someone from outside the profession, and enabled me to connect rather easily with my research participants. It also provided me with greater insight during the observation process and enabled me to conduct a more in-depth data analysis.

The data analysis process closely followed Creswell’s (2003) design of organization/preparation, familiarization, coding, descriptions, presentation, and interpretation. Key to the data analysis process was Smith’s policy implementation theory, and determining if government mandated policies create tensions, strains, and conflicts on those responsible for their implementation. Ensuring the trustworthiness and accuracy of the findings incorporated the use of triangulation, personal bias, and member-checking. Interpretation of the data was reflective, and as researcher, I constructed meaning through personal assessments rather than discovering meaning.
CHAPTER IV

PRESENTATION OF THE DATA

In Chapter IV, I present the data. I reveal the various themes and discussions that flowed from the conversations with my research participants. I begin by enabling the reader to familiarize themselves with the participants and their surroundings. Although I understand the importance of allowing the reader to get acquainted with the research participants, this has been one of the most troubling issues for me. I have a strong sense of obligation to protect the privacy and confidentiality of my research participants. Therefore in their interest, I chose to use pseudonyms and to limit their biographical information. Additionally, the state in which this study was conducted will not be identified. I provide a general overview of the state by using comments by the participants which I hope will enable the reader to become more familiar with the participants’ surroundings.

After the introduction of the participants and their surroundings, I will begin the formal presentation of the data. I will accomplish this by dividing the chapter into sections that represent the various themes which surfaced during the interviews. These themes include:

- How librarians feel about the Patriot Act;
- How librarians feel about the Patriot Act in relation to their professional ethics;
Changes librarians have initiated because of the Patriot Act;

The effect the Patriot Act has on library services;

The effect the Patriot Act has on librarians;

How librarians feel about their college’s or university’s response to the Patriot Act; and

How librarians feel about the public’s role in relation to the Patriot Act.

The Participants

Librarians are a diverse breed. Tradition portrays them as old spinster women with bun hairdos, wearing half glasses and sweaters walking around (shh)ing everyone. This is not the case. I encountered highly professional individuals both male and female dedicated to their profession and serving their communities. None had the traditional bun hairdo that has long been associated with the profession. However, along the way I did encounter a few tattoos and body piercings. They came in all shapes and sizes and each had his, or her, own personal, political, and moral ideology. The only area that concerned me was the lack of minority representation. Minority participation was less than 10% for this study, which was reflective of the profession as I traveled across the state.

Seeing the decay of many of the libraries was disheartening. There are a few bright shiny stars, but for the most part the libraries were in sad shape. Students, faculty, and staff were having to work and study in crumbing old buildings with torn carpet, broken chairs, and elevators so old that one would not even think to ride. The buildings themselves were ready to explode because of all the other campus services they were being forced to absorb, such as testing and tutoring services, not to mention office space for non-library personnel, interactive classrooms, and computer laboratories. It seems as
if libraries are slowly being squeezed out to make room for other services. I must commend the librarians who work under these conditions. I found them to be proud and boastful of their surroundings, even as water was leaking above their heads and the walls were crumbling in around them. They are a hearty stock, and doing their best to serve their patrons with a sense of purpose and professionalism.

Understanding who the research participants are is important in all qualitative research. A total of 11 librarians participated in this study. They represent the range and diversity of library locations, size, and student service populations. Any names associated to librarians are purely coincidental.

_Smith_ – Female, in her late 50s with nearly 40-years of professional library experience, including library administration. She is employed at a two-year community college with an enrollment rate of just over 8,000 students. The college is located in an urban area with a population of 660,000.

_Jones_ – Female, in her early 60s with 32-years of professional library experience. She works at the same urban, two-year community college with Smith.

_Steven_ – Male, in his late 30s with five-years of professional library experience, including library administration. He is employed at a two-year community college with an enrollment rate nearing 17,000. The college is located in an urban area with a population of 563,000.

_Gaines_ – Female, in her early 60s with over 30-years of professional library experience. She works at the same urban, two-year community college with Stevens.

_Peterson_ – Female, in her early 40s with nine-years of professional library experience, including library administration. She is employed at a four-year university

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with an enrollment rate of 4,600. The university is located in a rural area with a population of 35,000.

Shaw – Female, in her early 30s with two-years of professional library experience. She works at the same rural university with Peterson.

Watson – Female, in her mid 30s with 10-years of professional library experience. She is employed at a four-year university with an enrollment rate reaching 24,000. The university is located in a rural area with a population of 68,000.

Thompson – Female, in her late 20s with three-years of professional library experience. She works at the same rural university with Watson.

Brady – Male, in his early 40s with over 11-years of professional library experience, including library administration. He is employed at a four-year university with an enrollment of 5,300. The university is located in a rural area with a population of 26,000.

Hayes – Female, in her early 30s with seven-years of professional library experience. She works at the same rural university with Brady.

Milburn – Male, in his early 40s with over 14-years of professional library experience. He is employed at a four-year university with an enrollment nearing 6,000. The university is located in an urban area with a population of 114,000.
Table 1

**Participant Demographics**

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<th>Name</th>
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<th>Enrollment</th>
<th>Community Population</th>
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<td>50s</td>
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<td>660,000</td>
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<tr>
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<td>60s</td>
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<td>2</td>
<td>8,000</td>
<td>660,000</td>
</tr>
<tr>
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<td>M</td>
<td>30s</td>
<td>5</td>
<td>2</td>
<td>17,000</td>
<td>563,000</td>
</tr>
<tr>
<td>Gaines</td>
<td>F</td>
<td>60s</td>
<td>30</td>
<td>2</td>
<td>17,000</td>
<td>563,000</td>
</tr>
<tr>
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<td>35,000</td>
</tr>
<tr>
<td>Shaw</td>
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<td>30s</td>
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<td>4</td>
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<td>35,000</td>
</tr>
<tr>
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<td>68,000</td>
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<tr>
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<td>4</td>
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The Participating State

Understanding the surrounds of the participants and where the research is being conducted is also important to qualitative research. It can help the reader visualize where the participants are coming from and the various issues they face. The state in which this study was conducted is located in the Midwest region of the United States. The area is commonly referred to as the Bible Belt and has traditionally leaned toward a more conservative side on most political and social issues. This is noteworthy, because as a profession, librarians tend to be more liberal.
Several of the librarians, who moved to the region for their careers, spoke about their first encounter upon arriving in the state. Jones arrived fresh out of library school. During her first job interview she was asked, “If you were our librarian you wouldn't order any of those books would you?” She did not even know what books he was talking about, but was so appalled at the question that she began wondering what she had gotten herself into. Just for fun, I asked her if she would be willing to take that job now.

Absolutely not! I’m still not that hungry…. I wouldn't have taken that job for any amount of money, and I was really, really poor back then, and really, really hungry…. I wasn't even sure what books he was talking about. I knew about Caldecott, Newberry, and all the wonderful kids’ books, but I had no idea what he was talking about. I'm not even sure he did.

Shaw described her dismissal from a small town library upon moving to the state. It seems several of the library trustees did not like the fact that she was a young, single woman living alone and not attending church. She still thinks that librarians in the Midwest are easy targets for certain conservative groups, especially if they are women, because as she stated, they are “usually uppity women who don’t know their place.”

Several participants felt that because of state’s conservative nature, the Patriot Act probably has received less attention in the area than it might have in other states. Additionally, many of the librarians felt that, as a whole, the state would probably support the Patriot Act, and although they hoped that most librarians would not, many of them felt the split could be as high as 50/50. Brady felt there was an even greater division between professional and non-professional library staff, and stated:
I feel that in this state there have been camps that have been divided in libraries. I see it more so, not with professional librarians, but with the issue of staff versus librarians. I think staff tend to be more in favor of the Patriot Act than librarians. The conservative nature of the state was overwhelmingly the most common descriptor that the librarians used to describe their surroundings. Many of them spoke about feeling stifled and under constant scrutiny by the public, especially by concerned citizens who were always “trying to protect the children” from “questionable library materials.” However frustrated they felt, I sensed a true sense of pride and responsibility by all of them to serve their patrons with the utmost integrity and professionalism.

How Librarians Feel About the Patriot Act

The first thing I wanted to establish at the beginning of the interviews was how each librarian felt about the passage of the Patriot Act, not specifically regarding libraries or anything in particular, but just a broad, general overview about how each one felt toward the Act. One thing for certain is that librarians have a lot of raw emotions regarding the Patriot Act. “Nervous,” “scared,” “fearful,” “angry,” “troubled,” “disturbed,” “railroaded,” “torn,” “unhappy,” and “mad as hell” are some of the phrases used by the participants to describe their feelings about the Patriot Act. No one had anything positive to say and all of the librarians were dismayed that Congress had recently renewed the Act until 2009. Thompson stated very poignantly that she had “very personal, vehement, negative opinions about it [Patriot Act].” Peterson said it made her feel “a little angry to think that they [law enforcement agents] can just come in here and demand something.” Stevens said he did not “feel good about the fact that it’s so secretive and hush-hush.” He also is not “convinced there are enough checks and
balances.” Shaw summarized the feelings of several others, “I’m very disturbed by the passage of the Patriot Act. I’m very concerned about our continued access to free information.”

Several of the librarians stated they felt the Patriot Act clashed with the country’s founding principles. Smith said she felt it went “against everything our country stood for,” and resented that it was passed “under the guise of keeping our country safe.” Gaines was worried about where the country was heading and stated he was “concerned about the implications and what could be done with it [Patriot Act], and the direction that the government was going.” Brady stated he felt “torn on this issue,” because on one hand he feels “very patriotic” and can “understand why the Patriot Act was passed.” He also realizes that the Patriot Act “was passed during a time when there was heightened emotion and fear in the country,” but now that he has looked at it more closely, he feels the government is “overstepping its boundaries,” and is “fearful where the country is heading.” Watson was upset that Washington would use 9/11 for political gains, and said she was “offended that a group of people would take advantage of something as big, as terrible as the World Trade Center, and the other events of that day to jam through something.”

The participants were aware of the issues surrounding the passage of the Patriot Act. They acknowledge that soon after 9/11 there was “heightened emotion” and “fear” within the country, and that “something had to be done to protect us against further terrorists’ attacks.” However, most agree with Jones that the Patriot Act was not the best approach:
I think it was a reaction to of course a terrible, terrible event, and I think that for the good of the country they had to do something…. I think the Patriot Act hasn’t been what we wanted it to be…. I can’t see that it solves any problems or helps get to the target of what they’re wanting to do…. It just doesn’t seem to be a good approach to the problem.

Hayes stated she felt that our legislators had “good intentions” in passing the Patriot Act, but because “there was a flurry of emotions” shortly after 9/11, that Congress did not put “enough thought into it.” Brady also stated he believed “many of the people who voted for it had good intentions.” Jones did not believe the government had a “clear plan on how to protect the country from further terrorist attacks,” and that the government did not know how “to cope with what we’re facing.” She feels that the country is “flailing around trying to find ways to solve the problem,” but is “unsure we’ve found the right solution.”

Protecting patron privacy has been a longstanding issue for librarians since the establishment of the Library Bill of Rights in 1948, not only for academic librarians but for librarians of all specialties. Brady believes the Patriot Act “tears into the history of our preservation of individual library patron’s right to privacy.” Shaw believes “if patron records weren't confidential, you would have people who were reluctant to check out materials and who were reluctant to find information.” She also believes there is an “inherent danger in tracking people’s curiosity,” and believes doing so can “stifle collections and stifle information.” Shaw also feels that people might censor themselves in an attempt to maintain their privacy, “People cannot ask for information if they do not think their request will be kept in confidence…. People are going to wonder if what they
are asking for is going to be reported to the government and be misconstrued.” Brady was so strongly opposed to the possibility of losing individual privacy that he stated, “I would rather give my life for freedom and liberty than to tear into those liberties in order to preserve my life.”

Self-censorship by library patrons is a major concern of librarians. They fear that if the public believes they are being watched or if their reading habits are made available for review that it could lead to self-censorship. Shaw thought the Patriot Act had “a great deal of potential to inhibit people’s requests for information and people’s research.” She believes that within all of us lies and “innate curiosity and desire to learn,” and that “these natural curiosities could be misinterpreted.” An example of what she means is that if we really want to understand the thinking behind those who carried out the events of 9/11, sources such as Al-Qaeda or Al Jazeera websites would be an excellent source of information. But she questions how many of us would be willing to visit these sites if we thought there was a chance that what we were doing could be misconstrued:

If you really want to understand what’s happening you have to be prepared to look at websites that offend you, to look at websites that explain the point of view of those kinds of tactics. You just can’t understand events without going to the primary source. That’s why historians are always looking at primary sources, but with the Patriot Act, I think that’s going to inhibit people’s desire to look at those things.

Hayes believes that the Patriot Act will “hinder and put a giant cloud over people that they are being watched and need to be careful.” She, like several other librarians, believes the Patriot Act “will inhibit people’s access to libraries,” because they will be
fearful that their “privacy and confidentiality will not be observed.” She also feels that “librarians have a responsibility to provide an outlet for people to find information,” and must “assume that they’re doing it for their own interests and not to take over the world.”

Telephone Wiretapping

The most heated issue that was brought up when I asked the librarians about their feelings toward the Patriot Act was the recent disclosure that AT&T, Verizon, and BellSouth had turned over millions of phone records shortly after 9/11 to the National Security Agency. These discussions provided some of the most vocal demonstrations. Smith was so angry that she had to pause and compose herself, “It makes me feel like I’m living in a stupid country!” Peterson was visibly upset as well, stating it was “scary,” and almost like “Big Brother! Going back to 1984 and reading that everything you do, say, wear, eat, is known!” They felt it proved that America’s right to privacy was under attack. Jones stated:

I don’t like finding out that ordinary people’s privacy is invaded. Like the recent thing with the phone records under the guise of the Patriot Act. I don’t think that was appropriate! I feel that it is an invasion of our privacy, which is protected under the Constitution. It was so widespread. There was no specific target! It was just everyone and I can’t see how that solves any problems or gets to the target of what they want to do.

Since the news about the telephone companies was so recent, and information was still coming forward, it was hard for the librarians to speculate on how the public would respond. The majority hoped that the news would spawn some type of backlash and that
Americans would become so outraged and offended that Congress would feel threatened to reopen the debate about the Patriot Act. Brady summed it up best:

You know we just recently had somewhat of a coup. Not a coup, but a real dismantling of the party loyalty on the Republican side. When they found out about the whole telecommunications spying issue and how much authority the President really had. I think that was a wakeup call…. Even Arlen Specter is coming out and saying this is crap.

How Librarians Feel About the Patriot Act in Relation to Their Professional Ethics

After I had gotten a general overview of how the librarians felt about the Patriot Act, I wanted to see how they felt about it in relation to their profession. The common theme was that most librarians felt the Patriot Act clashed with their professional ethics, and that it was in direct conflict with the Library Bill of Rights.

- “The Library Bill of Rights protects privacy, and the Patriot Act doesn’t.” (Petterson)
- “It’s [Patriot Act] pretty much in direct conflict with it [Library Bill of Rights] as far as I’m concerned. Our job is to provide information, not to judge our patrons’ needs.” (Shaw)
- “It’s [Patriot Act] directly in conflict, it’s nobody’s business what anyone checks out.” (Watson)
- “I think the current incarnation of the Library Bill of Rights is really hard to work hand in hand with the Patriot Act.” (Hayes)
• “Well obviously, certain aspects of it [Patriot Act] limit our ability to follow the Library Bill of Rights.” (Gaines)

Hayes felt the Patriot Act not only went against her professional ethics, but her “religious and moral” beliefs as well. Her religion establishes that “there’s a certain wisdom that people want to learn and develop,” and she believes the Patriot Act hinders this ability.

Librarians do understand that the Library Bill of Rights is not a legal document that can be upheld in a court of law, but it enumerates their founding principles that hold their profession together. They believe the Library Bill of Rights is as important as the Hippocratic Oath and the lawyer/client privilege. I thought Brady summed it up well:

You think about a foundation that we have built that says, we are going to hold to these values that come out of the Library Bill of Rights, and somehow we’ve been able to preserve democracy and move forward as the most free country in the world. I can’t help but think that the Library Bill of Rights, librarians, and libraries in general had something to do with that, and then the Patriot Act comes along and starts to tear into this microcosm of the Constitution, which in my perspective is the Library Bill of Rights. It starts to undermine what librarians have historically worked so hard to preserve.

Although all of the librarians felt that the Patriot Act was contrary to their professional ethics and beliefs, nearly everyone stated they would follow the law. But they also said they would refuse to turn over any records or allow law enforcement agents to search their libraries without a court order. Brady stated, “Unless there is a warrant presented,” he was not “willingly going to surrender anything.” Smith said, “If they [law
enforcement agents] come in and just ask and don’t actually have a warrant, then no,” she was not going to give up any records either, and said that she would not “hand over anything without a court order.”

When the Patriot Act was first passed in 2001, reports surfaced of librarians willing to go to jail in defiance of the Act. Several of the librarians in this study wished they had the same courage. Gaines rather dejectedly stated, “I have to obey the laws of the nation. I have to obey the law. I do.” Hayes said she also wished that she could “take a stand,” but knew she had “to go through this the legal way.” However dejected some of the librarians may have felt about their inability to fight the Patriot Act, nearly all of them said that if faced with a search warrant or subpoena they would not physically hand over any library records. A rather defiant Peterson stated:

If somebody came in here, FBI or Homeland Security, demanding something, I’m going to say here is the computer, if you want to take the computer, fine. But I’m not going to get the information for them…. If they want to unplug the computer and take it, I’m going to let them, but I’m not going to get the information for them.

Several librarians stated they would go so far as to warn library patrons and direct them away from certain library resources if they felt law enforcement agents were watching or targeting their library. Shaw stated, “I would warn patrons if I felt the danger was sufficient…. I can imagine steering students differently if I knew that someone was watching. If I knew people were being targeted.” Smith said she was directing patrons “more toward online things, which do not create a link to the patron.” If
law enforcement agents did happen to come in they would not be able to trace what
information the individual was searching.

As I talked to the librarians, I felt they wanted to get across to me that they had no
ill will toward law enforcement agents, and were aware of their difficult job. Brady
stated that the “vast majority of law enforcement are doing a good job … and the vast
majority of them have protected librarians’ rights and understood the sensitivity” that
goes with the Patriot Act. However, he also felt there are always “one or two bad apples”
in all professions who will go to “any means necessary, even if it means scaring people”
to get what they want. Because of this, he feels librarians must be “knowledgeable and
aware of all the issues” they may face as a result of the Patriot Act.

As part of my investigation I wanted to understand why it seemed that librarians
were leading the fight against the Patriot Act, or if it was just my impression. What I
received was a quick history lesson on what it meant to be a librarian. I’ll let Jones start.
“I think we [librarians] tend to be people who serve. People who want to provide
information. We believe in open access to information and normally do not believe in
any kind of censorship, and I don’t see that changing.” Librarians believe it is their
nature that draws them to the forefront of the fight against the Patriot Act. They strongly
oppose any type of censorship or attacks on intellectual freedom and privacy. I’ll let
Jones continue her lecture, “That’s because we have an organization that has always
fought against censorship, and has always felt that the patron’s right to read and the right
to privacy are sacred under the Constitution.” Brady makes the argument that:

Librarians tend to be more up-to-date on current events, because they are
surrounded by so much information and receive so many different questions from
individual patrons on a wide variety of issues…. We tend to have a much better idea of what is going on with the Patriot Act than most other professions, but perhaps the legal profession.

Several of the librarians stated they felt the issues that surrounded the Patriot Act were so deeply intertwined within their profession that they could not have been kept from the forefront. Believing as Brady does, that “librarians have historically challenged issues that confront constitutional rights more so than any other profession.” Hayes felt we couldn’t “rely on journalists anymore to speak up and ask tough questions of our legislators,” and believed that the role of librarian was “shifting to one that has been long held by professional journalists.” Thompson admitted that librarians in the state had taken some “bad raps lately,” especially regarding “questionable” children’s books, but believed that “the public basically viewed librarians as protectors.” Gaines agrees:

Part of our bill of rights is to protect the privacy of the reader, and although the librarian’s image is one of being kind of dowdy and fussy, people still trust librarians. I think it’s because they know we are trying to protect them.

Younger librarians in this study tend to be more rebellious in their opposition to the Patriot Act. Thompson boasted, “I think librarians are kind of rebels.” Watson joked about putting on her “radical library militant button.” Although these statements were said in jest, younger librarians did tend to believe that some type of action or national movement should take place to protest the Patriot Act. Watson stated, “I think Americans should begin to organize and protest against the government. Like what happened during the 1960s when Americans protested against the Vietnam War and segregation.”
Senior librarians in the study like Gaines tended to believe that it was more important to play the role of “protector,” and not bring additional attention to the Patriot Act. She fears the attention “could create a backlash from the public,” and is hesitant to risk the “trust” that she has “built with the public over the past few years.” Gaines feels she can use her “skills better to create policies and procedures to protect library patrons,” and to do so “without their knowledge.”

Changes Librarians Have Initiated Because of the Patriot Act

Important to this study was identifying what, if any, changes the participants or libraries initiated because of the Patriot Act. I felt it would be more interesting to present this data by reporting on each library separately. The libraries are not listed in any particular order. I have included the librarians who participated in the study in parentheses.

Library One: (Smith & Jones) Urban, two-year community college; Enrollment 8,000

Smith and Jones both confirm that because of the Patriot Act their library had “developed new policies” on how they would respond if their library was ever visited by law enforcement agents. Jones briefly describes, that “if the FBI or someone comes in and requests records [they] are to refer them to the proper administrator.” Smith later identifies the administrator as the “college president.” She also acknowledges they “created things [policies] to protect patrons’ right to read.”

Smith also said that “the Patriot Act is another part of training.” The library has incorporated information about the Patriot Act and how staff should react if they are ever approached by law enforcement agents. However, she readily admits it is “hard to keep [student workers] trained.”
Another response to the Patriot Act was shredding. Smith chuckled as she stated, “We shred, shred, shred.” Jones stated as well that they were “shredding a lot more, especially interlibrary loan records.”

Smith also said that her library started directing library patrons to more secure forms of information. She explains:

We naturally go more toward online things [information] that are not linked. People don’t have to check them out to get the information they need. We’ve also increased our electronic books, because there aren’t any links to who’s using them and who’s not.

The most costly effect of the Patriot Act was the purchase of a new integrated library system. As Smith reports, “We made sure we got a new library system that did not keep records of what patrons had checked out.”

*Library Two: (Stevens & Gaines) Urban, two-year community college; Enrollment 17,000*

Gaines provided details about how their library had developed new policies in response to the Patriot Act. She acknowledges “the impetus of creating the policies were to protect patron records.” She states these policies are “aimed more toward their frontline staff, so they will know what to do if someone from the FBI comes in. They would know who to contact … and not just start passing out information willy-nilly.” She states their first response will be to “call the dean.” She goes on to say, “We’ve got it down on paper. There is a policy … and we’ll also contact our own campus police to come and just be with us.” Stevens confirms this by saying the “campus police will take over the situation,” and verifies that “the school’s legal counsel has approved the policy.”
The library has also begun keeping library records a short length of time. As Gaines points out, “We don’t keep print-outs forever of what people have checked out.” Stevens also stated that the library is being more discrete with information, “We do not keep patron histories other than their current transactions,” and acknowledges that their patrons are “no longer required to login in by name” when using one of the public access computers. Librarians also routinely “purge and clear the data” from the databases. Gaines confirms this by saying, “We clean off the histories [search histories] routinely…. We go through and erase all this stuff and purge old records from the catalog.” Stevens said they have even gone so far as to “set the browser caches to zero” on all their public access computers.

Staff training was also part of this library. However, only Gaines mentioned it. She stated their training primarily dealt with “the importance of privacy.”

*Library Three: (Peterson & Shaw) Rural, four-year university; Enrollment 4,600*

Although Peterson and Shaw both acknowledged that their library had developed new policies in response to the Patriot Act, neither of them went into great detail to describe these policies. Shaw did make one brief statement that if law enforcement agents were to come in, that they “would refer them to the director first or to the assistant director if one wasn’t available.” Peterson stated, “We have some unwritten policies so that we won’t put ourselves in danger.” She also said they had “added confidentiality information, The Freedom to Read Statement, and the Library Bill of Rights to the library’s website.”

The library is also trying to make it more difficult to track what library patrons have checked out or searched on the public access computers. Shaw said, “We make
very sure that our catalog does not show even to us what patrons have checked out.” Shaw also said that “students no longer have to use pin numbers to sign on to the computers.”

I think Shaw was more excited about the library’s new shredder. She proudly exclaimed, “We bought an industrial shredder!” Just like Smith at Library One, Shaw seemed amused at the amount of shredding that her library was doing since the passage of the Patriot Act. However, she became more serious as she stated, “We are making a greater effort to preserve patron privacy and shred any documents that might leave a trail.”

_Library Four: (Watson & Thompson) Rural, four-year university; Enrollment 24,000_

Both Watson and Thompson eagerly stated that their library had created new policies due to the passage of the Patriot Act. Watson acknowledged that it was the librarians who “drafted the original policies.” She states the draft included new “circulation procedures and the length of time that data could be held after an item was returned.” Thompson confirms that the library developed new “written policies,” and goes on to say the policies included that “if any law enforcement agency should show up wanting information, you would move them up to the director, legal counsel, and campus police.” She stated as well that they “needed to do more to alert all frontline staff.”

The library is also keeping library records for a shorter length of time. Thompson stated they were “getting rid of records as much as possible,” and that they did not “keep documents as often.” She freely admitted they were unsure what the appropriate length of time was to hang on to things, stating “We don’t keep records for more than six months, six months might even be too long, but I don’t know.” She also said that she
was trying to be more careful with records, “I don’t let things sit in my office quite as long…. I don’t even walk out of my office for one minute without locking my door, even if I don’t have anything out.”

Shredding is the preferred method that Library Four is using to discard old records. Thompson said, “I know that we shred more documents than we ever use to…. We used to keep records indefinitely. Now we don’t. We shred them quite frequently…. We’re shredding old documents even 10 to 20 years back.”

Thompson talked about how she has changed the way in which she provides reference services, “I’m really careful about what I write down when I’m helping somebody in a reference interview. I will use a scratch piece of paper that I can throw away at the end of the interview.”

Watson admitted that her library “did a fair amount of training when the Patriot Act first came out.” Thompson confirms this and talks about her concerns regarding student workers:

I’m in charge of the student workers, so when I hire a student they go through the new employee training on patron confidentiality, and we go over the Patriot Act…. I instruct them about the policies on how to handle the Patriot Act and to call campus police and legal counsel if they are ever approached…. If they are unfamiliar with Section 215, I talk to them about the section and what it means to libraries, and why we get rid of records as much as possible … and then I just harp on it, harp on it, and harp on it…. I’m concerned because the majority of them work at night and on the weekends and they will be on the frontline if a
warrant appears. They need to be aware of what to do if approached by law enforcement since they’re at the front desk.

*Library Five: (Brady & Hayes) Rural, four-year university; Enrollment 5,300*

Brady said his library “edited their existing privacy policies to include the Patriot Act,” but then changed his direction stating, “It’s not a written policy because there are fears about writing anything down, but we’ve discussed it.” He stated a second time:

We do have internal policies but I have to say they are unwritten procedures and policies about how we’ll deal with law enforcement…. If you write them down somebody might come back and sue, or there might be a backlash from the public.... There are unwritten policies in the library about what to do if law enforcement comes in…. I think we worked out every possible scenario that could happen.

Brady said the librarians “meet periodically to talk about what they will do and what should be done.” Hayes said the librarians “kind of chit-chat about it.”

Their policies primarily deal with how the library will respond if visited by law enforcement agents. Brady said, “If a law enforcement agent comes in the library we’ll start deferring them to a supervisor or top management…. We’ll call the president and ask the agent to wait for legal counsel to respond to the warrant.” He goes on to state:

If an FBI agent wasn’t willing to wait for a response from legal counsel there’s something fishy about the whole scenario…. FBI rarely works in cases that involve libraries that are so time sensitive that they need the information that minute…. That’s just not the way it works. They are usually collecting information to build a case.
Hayes recognized that the library was shredding a lot more since the passage of the Patriot Act, and even stated they were “shredding old library cards that are still in books.” She also said the library had purchased a new library system to help protect patron records, “We made sure that we got a new library system that cleared patron data, so what someone had checked out couldn’t be tracked after it was returned.”

Brady stated that he “attended a workshop on the Patriot Act that was presented by the state’s library association,” and that at the workshop were “legal professionals and FBI agents” to help answer questions. He said their library had also started training staff on “how to deal with the issue [Patriot Act].” Regarding student workers he said, “Our students who work at the circulation desk are all trained to locate a supervisor immediately, and not to answer any questions from law enforcement.” If the students are approached during the evenings or on the weekends when a professional librarian is not available, he said “the student workers are instructed to tell the agent to come back during normal working hours.” Brady feels his library has developed “really extensive training programs” for the student workers and other library staff.

Library Six: (Milburn) Urban, four-year university; Enrollment 6,000

One library system’s response to the Patriot Act was so different than the others that I felt it was necessary to report on it separately. The policy of this library is to work with law enforcement agents to protect the nation against terrorism. Although the librarian who works for this library stated “there cannot be any better wording” than that found in the Library Bill of Rights, he believes that “protection and safety is first,” and his library has adopted the strategy of providing “whatever assistance or information they can to law enforcement agents,” with or without a court order “to help protect the country
from further terrorists’ attacks.” Milburn goes on to state, “Security and protection is more important than library services…. If we are not safe then we won’t be here, and what kind of service it that?”

This library has also initiated changes because of the Patriot Act. Although most of the changes at other libraries were to protect patron privacy, the changes at this library were more inline with “tracking library usage” and the informational needs of their library patrons. This library has started “monitoring what library patrons are searching and viewing” on the public access computers, including the subscription databases and the Internet, and they are “documenting all reference inquires.” As Milburn confirms, “We watch if someone comes in and sits at one of the computers, and we keep track of their requests.” He even explains how he can tell if someone is up to something “malicious” by the way they “look right and left” to see if someone is watching. Milburn said his library believes it should be proactive in monitoring library patrons in case law enforcement agents request information, because as he states, “They [law enforcement agents] have to have the information right away, because they have their own responsibilities to fulfill.” The library does not want to be held responsible for delaying any investigations, and feels it is their “responsibility to help law enforcement.” As Milburn states:

I think we [librarians] have a dual responsibility to satisfy our customers and at the same time to comply with the Patriot Act…. We’re here because they [law enforcement agents] don’t have access to the information. They don’t have access to our systems…. If they [law enforcement agents] need information you
must provide it to them right a way. If not, you’re part of the criminal process.

You might be held responsible for delaying something, and that is also a crime.

As other libraries are trying to get away from personal logins, this library has instituted personal logins to make it easier to track what library patrons are searching on the public access computers, “With their login and password we can track what a person is doing. There is no reason that can’t be checked.” Additionally, the librarians are routinely walking around the library “requesting to see student IDs,” and as Milburn puts it, “We politely ask them [patrons] the purpose of their visit.” Milburn defends these actions by saying, “If they don’t have anything to hide, then why should it bother them.”

This library has also severely cut services to the public. Community members are no longer able to use the public access computers, including the subscription databases and the Internet. Community members are limited to the online card catalog and checking out of books. Milburn confirms this by saying:

People used to come in from the community to access computers and stuff. Now they are not allowed…. They can’t search our databases… and if they are not one of our regular students they have to contact the reference librarian upon entering the building.

During the follow-up interviews I asked several of the participants how they felt about the actions of this library. Jones screamed out, “They can’t do that!” Shaw shouted, “That’s horrifying!” And Smith exclaimed, “It goes against our professional ethics!” None of the participants felt that the actions of this library were justified. They were shocked, confused, and dismayed that a library would “systematically monitor and track their library patrons,” and could not “see any reason for it.” They felt it was an
“outrage,” and “could not understand how it was happening.” A very bewildered Jones stated, “I just can’t believe the public is allowing this to happen. I just can’t.”

Visits by Law Enforcement Agents

The purpose of this study was not to investigate if law enforcement agents were visiting academic libraries within the participating state. However, during the course of this study it was discovered that FBI agents were routinely visiting libraries. During the interviews I consciously limited my inquiry of these visitations, because I sensed that the participants were nervous about discussing these occurrences, even though it was they who initiated the conversations. Several of the librarians stated that I in fact could be a law enforcement agent and just trying to trick them into giving information. Although these statements were said in jest, I could sense a real feeling of uneasiness by the librarians. As researcher I feel responsible to share this information, but after careful evaluation I have chosen to limit the details of these visits. As I stated earlier, I have a strong sense of obligation to protect the privacy of my research participants due to the sensitivity of the issues involving the Patriot Act. I will not provide any direct quotes. Doing so I believe could possibly identify the participants or libraries involved in these cases, and I do not believe the librarians felt this was the purpose of my investigation when they initially agreed to participate.

Through interviewing the librarians for this study it was discovered that since the passage of the Patriot Act 36% or four of the participants had firsthand experience dealing with law enforcement agents at their library. This represents 33% or two libraries participating in this study, 8% or two colleges and universities in the state, 8% or one four-year college or university, and 8% or one community college. These numbers
represent cases where the participants were directly involved and not through secondhand knowledge.

Most of these cases involved the confiscating of computers, detaining and interrogating Middle Eastern students, and the request of library and patron records by law enforcement agents. Cases involving Middle Eastern students were all initiated by other students. At several libraries Middle Eastern students were witnessed searching Arabic websites. When other students complained to the library staff and felt their complaints were ignored, they contacted the local police who in turn contacted the FBI. In a number of these cases computers were confiscated and later returned with no further action. On two separate occurrences, FBI agents detained Middle Eastern students because other students had witnessed them reading Arabic text. One detainee in particular was held by the FBI for over two hours at the library and interrogated, only later to be let go.

One library has been visited so many times that the library staff believe they are able to recognize plain-clothed FBI agents in their library almost on a weekly basis. When these visits began, agents would attempt to gain patron records from student workers. When asked, the agents will provide identification. However, when questioned if they are invoking the Patriot Act they will simply leave without answering. On one occasion the agent rolled his eyes at the librarian, laughed, and stated that he would wait until the person he wanted showed up.

*Lingering Concerns*

In the previous section I presented the data on how librarians had initiated changes within their libraries in response to the Patriot Act. As the librarians spoke about
these changes they also talked about other areas they felt still needed to be resolved.

Smith was concerned about when someone had something checked out, “If they have something checked out and we’re served with a warrant, then there’s nothing I can do about it.” She points out that during this time there is a “link between the item and the patron.” Once the item is “checked back in the link is broken,” but during the time that the item is in “circulation it is possible to connect the two [patron and item].”

Peterson was skeptical about deleting information. She talked about an “incident” at her campus with another staff member. Even though the person involved had deleted whatever it was from their computer, “the IT [Information Technology] guys were able to track it.” She said, “It made me a little nervous that they could track stuff like that.” She goes on to say:

I know the IT guys can track stuff. I know that we have abusers of e-mail and stuff like that and they can track it even after it’s been deleted…. People can still get to it…. If a request is made by the CEO or administrator, those things can be checked…. If they can track those little things. I know they can track the big things.

Library fines pose another concern to patron privacy, although Thompson states “few librarians are even aware of the problem.” She says that even “if you owe ten cents on a book there will be a record from now until your record is deleted that you owed a library fine and then paid it.” Even when the item is returned and the fine is paid the “library system will still maintain that information.” If law enforcement agents request the person’s records they will be able to “see what that individual had checked out.”
Thompson stated that she was also worried about the “public finding out about this,” but then later said it “probably would be better if they did.”

Although most libraries are getting away from personal logins and pin numbers, Peterson said, “I think we’ll be forced to have the students sign in with this new server we’re going to get.” “Patron security” is one reason why this library is purchasing a new system, because “newer systems have more enhancements to protect library records.” However, at this library it is the campus administration that is choosing the system that the library will purchase, and as Peterson states, “They don’t even know what questions to ask when selecting a system.... We aren’t even part of the decision process.”

Librarians are also looking toward the future of information security and privacy. The next big push is smart technology. As Peterson describes:

No longer will library patrons have to walk up to the circulation desk to check out materials. All they will have to do is simply walk out the door and built-in barcode sensors will automatically check out whatever they happen to be carrying…. What concerns me is that as smart technology increases, personal scanners will allow anyone to walk up to a person, run a scanner over them, and then find out what that person has checked out or even purchased at the store.

The Effect the Patriot Act Has on Library Services

When questioned if the Patriot Act has caused any of the librarians to change the way in which they provide library services, all of them but one stated they did not believe that it had. Peterson unequivocally stated, “No!” Without even hesitating at the question Watson and Thompson both stated, “Absolutely not!” Shaw said “no” as well, but that the Patriot Act had made her “want to be more outspoken about the need for privacy.”
The one exception came from Brady who was also an administrator at one of the libraries. He felt it was possible that “librarians could be censoring themselves,” which could have an effect on the way the deal with library patrons and their informational needs. Brady said, “I would like to say no, but I think that it might cause them [librarians] to censor themselves more in how they deal with questions.” He also believes that librarians could be more aware of library patrons who “appeared to be of Middle Eastern descent, and possibly treating these individuals differently,” even if unknowingly. He based his opinions on his own personal revelation immediately following the Oklahoma City bombing of the Alfred P. Murrah Building in 1995. Like so many other Americans, he “was confident that it had to be Islamic terrorists,” and that he “immediately jumped to conclusions.” It turned out later that he was wrong. He freely admits that he became “more suspicious of Middle Eastern people” during the uncertainty of the time, as well as other individuals he felt uneasy about. He believes that “librarians today could possibly be dealing with these same kinds of issues” that he faced in 1995, which could cause “them to be more guarded when assisting library patrons.”

The Effect the Patriot Act Has on Librarians

When asked what effect the Patriot Act had on them personally, Smith stated, “It gives me reason to call my congressmen even through they don’t listen.” It also gave her “something else to keep on top of.” Several of the librarians said that because of the Patriot Act they had become more involved in the country’s political system, like Thompson who stated:
It’s made me more active. I certainly can talk about it [Patriot Act] because I do read everything I can on it. I think I’ve been more politically attuned to what’s going on than I’ve ever been in my life. I could have cared less in 1999.

Thompson also said that because of the Patriot Act she has “joined an intellectual freedom committee,” and “helped plan the patron privacy workshop that the intellectual freedom committee did last year.”

I also wanted to know if any of the librarians felt that the Patriot Act had caused any of them any additional stress. Most answered the same as Stevens by saying, “No.” However after further questioning the participants, I felt some of their answers contradicted their first response. Brady said he was experiencing “heightened anxiety,” because his library has experienced several visitations by FBI agents. He described one encounter when he was away and received a phone call from one of the other librarians, “You could tell they were very anxious and very nervous, and of course it immediately made me very anxious and very nervous, because I was geographically dislocated from the library at the time and could not help out.” Shaw said she was “nervous” about FBI visits and said, “I do wonder if the FBI is going to come knocking at my door. I do wonder if I fall under suspicion for my points of view.”

As an administrator, Brady felt his librarians were stressed out but exhibited it in different ways, such as “hostility, pessimism, and more heightened emotional levels.” He said it was obvious in his “opinion that librarians are very concerned about the Patriot Act, particularly when it was receiving so much attention. They were very concerned and definitely stressed out about it.”
One of the most troubling parts of the Patriot Act is the secrecy that surrounds the Act. A lot of librarians wished they had someone they could talk to about it, but were afraid to do so. Several said they had heard rumors of other librarians being “fired for talking about the Patriot Act,” and felt like Shaw that it was “best never to bring it up, since most librarians in the state are not tenure eligible.” Thompson confirmed this by stating that librarians at her university “are not tenure track faculty.” Thompson already had two colleagues get “in trouble at work.” She told the story about how,

One was threatened to be fired…. She was suspended for a few days for something she put on her personnel blog…. They pulled her from what she was doing and put her someplace else and suspended her…. She was made to feel unwelcome. Hence, she got another job…. This isn’t the only incident. People all over the United States have been fired over their personal blogs.

During the follow-up interviews I had the opportunity to question the participants again about whether or not they felt the Patriot Act had increased their stress level at work. I was confused how something that could cause so many negative emotions, including fear could not increase one’s stress level. The overwhelming response was that the Patriot Act “was just another one of many stressors” that librarians “had to deal with on a daily basis.” They feel as a profession they have always had to deal with sensitive issues such as “intellectual freedom, public access to information, and the right to privacy,” and believe that the “Patriot Act is just one more stressor on top of many others.” As Hayes put it, “there are acceptable levels of stress, and we just learn to live with them.”
One of the main reasons that the librarians stated they were not stressed about the
Patriot Act was because many of them did not believe that law enforcement agents would
be interested in their region of the country, or their library. Jones stated:

I am not aware that we have anything that would be suspect. That would surprise
me. It would surprise me if one of our users had done something that would
cause them to be the target of suspicion…. I haven’t gotten the sense that there is
much likelihood that we would be served with a request for records. I just don’t
see that as something that would happen to us. So maybe I’m not so personally
concerned, because although it could happen, I just don’t think that we’re a likely
place that could be targeted.

The views shared by Jones are not uncommon. Several of the other participants
felt the same way. They had a “wait and see” attitude regarding the Patriot Act. Stating
they did not believe there was “anything worth investigating” in the state. Many of the
librarians had the mindset of out-of-sight out-of-mind, and that they would deal with the
Patriot Act when and if the need arose. Watson said, “I choose to concentrate on what I
need to do to serve my patrons. I’ll deal with it [Patriot Act] if I have to,” almost
pretending or wishing it away. Stevens said, “I’ll deal with it when the issue arises,
because I’ve got so much that I’m juggling and trying to deal with as it is, and if it’s not
on the front burner then it’s forgotten about.”

There is also the mindset that law enforcement agents are “more interested in
public libraries” than academic libraries. Shaw said, “I don’t think it’s affected us as
much as the public libraries.” The reason several of the participants felt this way was
because most academic libraries limit services to the public, and they did not feel that law
enforcement agents would be interested in their students. Shaw goes on and states, “You know we’re not like a public library. You just can’t walk in off the street.” Watson believes that since the “international student population is way down,” that law enforcement agents will be less interested in their state. She went on to say, “If anything is going to happen, I suspect it’s going to be another Tim McVeigh.” Stevens also believes that the lack of international students makes the state less of a target by law enforcement agents, and said, “I don’t think that we would be a likely candidate, because I don’t see a large population of Middle Eastern students where they [law enforcement agents] might see them as a threat.”

As the interviews progressed I discovered that FBI agents had in fact visited two of the libraries involved in this study. As I continued with the interviews I began questioning the librarians if they were aware of these visits. A couple of the librarians stated they had heard “rumors,” but nothing concrete. I asked if knowing this information might change their stance on how they thought about their stress level since now the Patriot Act was much closer to home. Their body language said it all. Visibly shaken and rising in their seats, several of the librarians had to take a moment to regroup. Shaw said:

I mean if it was another academic library I would definitely be concerned, because that would tell me that the investigations had grown a little more zealous than I would have expected, and that they’re really grasping at straws…. That’s scary.

After the news had time to register, most of the librarians said they would probably need to “revisit their policies,” and “inform their campus administrations” about
the news. However, none of the participants would go so far as to say that the news
would cause them any additional stress. I got the sense to do so would be a sign of
weakness, and I did not think any of them were going to be seen as weak.

How Librarians Feel About Their College or
University’s Response to the Patriot Act

As part of my investigation I wanted to understand how the participants felt about
their college’s or university’s response to the Patriot Act, and who was taking the lead
across the state’s campuses trying to figure out all the complex issues associated with the
Act. Nearly all the librarians stated they believed it was their responsibly to keep their
campus administration informed and knowledgeable about the different issues involving
the Patriot Act. Smith stated, “We brought it [Patriot Act] to their attention. It’s our
business to be on top of things that affect the library.” Watson was happy that her
campus administration did not take the lead, and said, “No we actually took the
initiative…. I would have been frightened if the original, hey we need to do something
about this, had come from the administration rather than from the library.” I thought
librarians would be looking for direction. However, the majority of them felt, that as
professionals, it was their “responsibility to understand the issues that affected their job,”
and to provide counsel to their administrations. Smith seemed to sum up everyone’s
feelings on the issue, “I don’t think it’s the job of administration to know what’s going on
in the library. It’s our job to inform the administration what’s going on.”

All new policies in response to the Patriot Act were initiated upward by librarians
to their campus administrators. Stevens said, “We developed it.” Smith also stated that
the librarians at her library “were the one’s that recommended the policy and then they
[campus administration] approved it.” A couple of the participants stated their policies had to go through legal counsel. Although Brady at one point said his library “edited their existing privacy policies to include the Patriot Act,” and then stated they had “no written policies,” he flip-flops again and states that his library has a written policy, and that after it had passed through legal counsel it had become “very sterilized.” Stating they were “forced to take out” a section about the “Patriot Act superseding your rights as an individual citizen.”

Although several of the librarians were cynical of their administration’s ability “to do anything right,” they agreed that ultimately the Patriot Act was their responsibility. Watson was a little more colorful expressing her views about her campus administration, “The university administration doesn’t know their ass from a hole in the ground.” Thompson was less colorful but still as adamant about her campus administration, “I doubt very seriously the president of this campus knows much about the Patriot Act … and I was blown away as to how little the administration really understands.”

Nearly all of the librarians believe that if law enforcement agents invoke the Patriot Act at their library that their campus administrations will be supportive of their actions. Brady said, “I think our administration has been supportive of what the librarians feel is right.” Jones said she felt her “institution would act, or react appropriately,” and went on to say, “I don’t think they would hang any of us out to dry.” Although most of the librarians felt that their administrations would not abandon them, several did state they would appreciate something in writing for their protection. However, most felt that they would never receive anything. Although Jones felt her
administration would act appropriately, she was probably the most adamant on this subject:

I think there ought to always be a written policy for anything, because that is our protection…. I think there should always be something in writing that comes down from the administration to protect staff who are at a lower level of authority, so they can show to others that this is the policy.

Brady also felt there should be “some sort of written policy from the administration.”

And lastly, Peterson felt that some type of written policy should “come down from the regents [State Regents for Higher Education], so that all the institutions are going by the same guidelines.”

How Librarians Feel About the Public’s Role in Relation to the Patriot Act

I also wanted to know what role librarians felt the public had in all this, and if they felt the public was even aware of the concerns that librarians across the nation have regarding the Patriot Act and privacy. Although the participants hoped that events such as the nation’s telecommunications scandal would be a wakeup call for America, most did not think that it would. The majority shared the feelings expressed by Hayes that Americans are “only concerned about getting the terrorists,” and really do not understand that to do so they may have to give up some of their personal rights and freedoms:

They really don’t have a clue…. A lot of people are just completely naïve….I don’t know if it’s the education system or if people are just content to be naïve…. The public in general doesn’t have any idea about the Patriot Act and what it really means. They just think that we’re going to be able to get the terrorists, and
they don’t realize that what librarians are trying to say is, no, this is an infringement on the Constitution, which we have historically tried to preserve for you, and we’re trying to educate you that this may not be a good thing.

Smith’s believes as well that the public only thinks “what they’re fed in the press. That it’s about saving them from terrorists.” Brady also believes there is “a lack of understanding by the public on what it [Patriot Act] really means and their constitutional rights,” and thinks “more people should be made aware. If people aren’t made aware then you run the risk of authority being abused.” Watson was a little harsher with her criticism toward the public:

The public in general doesn’t care…. Plain and simple they’re apathetic. They don’t care. They want their Brittany Spears baby-gate. They want their American Idol. I’m just as bad as anyone else. When was the last time I went to a protest?

Most of the librarians felt there was a lack of education on the part of the public, and that Americans have no idea what the Patriot Act really is or does. People may have heard about the Patriot Act on the evening news, but librarians do not think that the public has a clear understanding of all of the issues and ramifications. Hayes summed it up this way:

I just think people need to be educated…. It’s not even telling people they have to dislike the Patriot Act. That’s up to them to make their own decisions, but to let them be aware of what exactly is at risk, and if they’re willing to give that up then that’s fine, that’s up to them, but they need to be educated on what is on the line.
There were mixed feelings about whose responsibility it was to educate the public about the Patriot Act. Nearly all of the participants felt there was a tremendous need for more education, but had different views about whose responsibility it was to provide that education. Smith stated she thought her library had put “an article in the [campus] newspaper,” but was uncertain. Peterson stated they had not provided any information to the public, however, stated she felt they needed “to educate them [patrons] a little better about the Patriot Act.” Watson flatly stated, “No,” that her library had not provided any educational programming for the public. Although Brady wished they had brought in “speakers, sponsored events, and displays,” he also thinks that “most students don’t care about it [Patriot Act].” However, he did go on to say that “if a student asked about the Patriot Act, we’d tell them, here are the issues that are involved with libraries and how they affect you.”

When serving library patrons, librarians believe it is important to be impartial. They feel their job is one of providing information and not one of interpreting information. That is the responsibility of the library patron. They feel if they start interpreting information or giving their personal opinions about specific issues they will “lose the public’s trust and support,” which they have “worked hard to obtain.” Peterson and Shaw implied that to provide individuals with information about the Patriot Act “comes close to interpreting information for the patron.” Peterson explained:

We don't interpret information. We have people come in and ask about laws and statues…. All we can do is get the information. We can't help them interpret it. Now I can read it to them, but when they say, ‘Well, what does that mean?’ I have
to say I'm not a lawyer…. We access and distribute information, and what they
[patrons] do with it is their choice, not ours.

Shaw said as well, “Our job is to provide information. It's not to judge our patrons needs.
It's not to judge whether or not the patron should have the information…. My job is to
help the student find the information.”

Summary

Academic librarians have a lot to say about the Patriot Act. They see the Act as
something to fear and are disturbed at what it could mean to public access to information
and privacy rights. Most librarians in this study stated they were opposed to the Patriot
Act and believe it is their nature that draws them to the forefront of the fight. As a
profession they have always opposed any type of censorship or attacks on intellectual
freedom and the right to privacy. Although they understand the heightened emotion
caused by 9/11, they feel the country has taken the wrong direction, and strongly believe
that the Patriot Act is in direct conflict with their professional ethics.

One of the most heated issues uncovered during the interviews was the recent
disclosure of the nation’s telephone companies turning over millions of phone records to
the National Security Agency. The participants felt that most Americans were clueless
about what is really going on and that the right to privacy is under attack. They feel there
is a tremendous need for more education on the part of the public, but admittedly have
provided very little in the way of educational programming.

Overwhelmingly, librarians who participated in this study do not believe they
have changed the way in which they provide library services to their patrons. However,
the Patriot Act has caused them to initiate changes within their libraries. These changes directly relate to the protection of library records and patron privacy.

These changes include:

- Developing new policies and procedures;
- Training staff;
- Purchasing new library systems;
- Directing library patrons to more secure forms of information;
- Keeping library records a short length of time;
- Shredding documents;
- Changing the protocol of reference interviews;
- Ending personal logins and pin numbers;
- Purging databases; and
- Practicing more discretion with information.

Although the participants still have lingering concerns about the privacy of patron records, most did not see the Patriot Act as a tension generating force in their professional lives. Stating they simply had too many other things to worry about, and did not think that their state or library had anything of interest to law enforcement agents. Although they have heard rumors of investigations in other states, they simply did not believe that libraries in their state would ever be targeted. However, through this study it was discovered that 33% or two of the participating libraries had been visited by law enforcement agents.

Lastly, the participants were horrified to discover that one academic library system within the state was systematically monitoring and tracking library patrons to help
law enforcement in the fight against terrorism. When other librarians heard about this library they were outraged and livid about the news. Believing these types of actions are contrary to their professional ethics, and the Library Bill of Rights.
CHAPTER V

ANALYSIS OF THE DATA

“Qualitative analysis transforms data into findings. No formula exists for that transformation…. The final destination remains unique for each inquirer, known only when—and if—arrived at” (Patton, 2002, p. 432). Creswell (2003) believes it is the researcher’s role to interpret qualitative data based on one’s personal biases, values, and interests, and to acknowledge these biases from the onset to demonstrate to the reader the desire to accurately and honestly report their findings. In Chapter III, I disclosed my personal biases towards intellectual freedom and open access to information. I also provided information about my professional training, education, and experience as an academic librarian to demonstrate my desire to accurately report the findings of this study.

As researcher, my mission was to find meaning within the data that I collected through interviews, observations, and document analysis. I looked for emerging and reoccurring themes, similarities, patterns, and comparisons within and across the data. Taking a constructionist approach, I constructed meaning rather than discovered meaning.

What I found during the interviews was that there is still a lot of confusion regarding the Patriot Act within the library community. Most of the librarians who participated in this study readily admitted that the majority of their information came
from their own initiation. I found that the librarians were confused about even the smallest details such as whether law enforcement agents were required to obtain a search warrant or subpoena before they could request library records. Jones stated, “What I have missed getting in all this is a really succinct definition of what it [Patriot Act] does…. I’m not sure what the law tells me I can and cannot do.”

Librarians are also confused about whether or not they can talk to other people about the Patriot Act, even if their library is not part of an investigation. All they know is that there is some kind of gag order but they are unclear to its extent. Nearly all of the participants stated they felt uneasy talking about the Patriot Act. Jones said, “I have never talked to anybody, not even other librarians about this issue.” Several of the participants even wondered out loud about talking to me, jokingly asking me if I was an uncover agent, and what the “real intent” of my study was all about. Brady said that he found the interview “therapeutic,” because he had never spoken to anyone about the Patriot Act:

When I joked about it being therapy, it is, because to be honest with you, I’ve had nobody to talk to about this stuff…. This may be a litmus test right here. When you say, ‘What’s all the hype about?’ Personally, I wouldn’t have done this interview if I hadn’t known that it was anonymous, and I think a lot of other librarians feel the same way. That says a lot about how the Patriot Act has affected us.

Several participants confessed that before their interview they had tried to brush up on the Patriot Act. However, they found trying to understand the mounds of information and opinions daunting. Jones said she tried to read all 300 plus pages of the
Act and even read a few of the pages during her interview, but acknowledged afterward that she was “still just a confused as before.” Brady and a couple of other librarians felt it was “necessary to attend a workshop or seminar” before my arrival, but these too were limiting in scope and “not much help.” I think Jones described the confusion everyone had when she said, “If I’m in the frontline, I should know the appropriate action that I should take, and I don’t know.”

The purpose of this study was to explore how government mandated policies affect those responsible for their implementation, and to attempt to discover if Smith’s (1973) assumption that these individuals will experience tensions, strains, and conflicts, and then in response to these tensions create transaction patterns. Although nearly all of the participants stated they did not believe the Patriot Act was a tension generating force, or caused changes in library services, data collected from the interviews, observations, and documents demonstrate this is not the case.

As I explain more fully in Chapter Six (see Findings, Research Question One), I believe the Patriot Act has created tensions, strains, and conflicts on librarians similar to what Smith (1973) outlines in his policy implementation theory. I tend to agree with Zautra (2003) that, as a society, we do not have a clear definition of what constitutes as stress or tension, and that we have incorrectly associated these terms with anger, anxiety, and depression. Zautra defines stress as “an increase in the degree of uncertainty experienced over an important aspect of life” (p. 38). Experiences that he uses to identify stressors, which I feel relate to the effect that the Patriot Act is having on librarians, include “uncontrollable and unanticipated events, role conflicts, role ambiguity, role transitions, task demands, and loss of autonomy” (Zautra, 2003, p. 38-39).
I also believe the Patriot Act produces a string of mildly distressing events which Zautra (2003) states can have a greater impact on individuals than larger events, and that the Patriot Act instills in librarians a feeling of powerlessness and of having no control. I believe due to the additional stress that the Patriot Act places on librarians, that tensions, strains, and conflicts are created, and as a result of these tensions, that librarians have created transaction patterns as Smith (1973) might have predicted they would.

Transaction Patterns

The overwhelming theme of the transaction patterns experienced by librarians in response to Patriot Act relate directly to the protection of library records and patron privacy. Transaction patterns linked to the Patriot Act were detectable at all of the academic library systems participating in this study, which represents 24% or six of the state’s colleges and universities, 31% or four of four-year colleges and universities, and 17% or two of community colleges.

New Policies and Procedures

The most common transaction pattern resulting from the Patriot Act is the development of new policies and procedures. All of the participating library systems have developed policies in the event they are visited by law enforcement agents. These policies outline how the library will react and the appropriate action that library staff are expected to take.

All policies were initiated upward from the library staff to their college or university administrations. Several library systems had the benefit of legal counsel. However, those that did often found written references to the Patriot Act stripped away. Resulting in what Brady felt were “watered-down” versions of their original policies.
The majority of those who independently sought legal counsel stated they were “advised not to create any written policies.” Instead, they were counseled to develop an “internal understanding of how they would react if approached by law enforcement agents,” and not to make these policies “known to the public.” The reason is so that it does not appear they are challenging law enforcement agents by creating policies that “could be interpreted as adversarial,” even though the primary purpose of the policies are to protect patron privacy. Brady said, “We do have internal policies but I have to say they are unwritten procedures and policies about how we’ll deal with law enforcement…. The librarians meet periodically to talk about what they will do and what should be done.” Librarians who work for libraries that do not have written policies overwhelmingly believe they have the “support and approval” of their campus administrations. For example Jones stated, “I think our institution would act, or react appropriately…. I don’t think they would hang any of us out to dry.”

The basic premise of most policies is that if law enforcement agents enter the library and begin requesting library records or information about library patrons, the initial person of contact is immediately expected to “direct the agent to the library director who will then contact the campus police or security personnel, legal counsel, and the division dean or vice president.” The policy of Smith’s library is for the initial contact person to “immediately notify the president’s office.” The intent is to take the responsibility of dealing with law enforcement agents away from library personnel. As Thompson confirms, “If any law enforcement agency should show up wanting information, you would move them up to the director, legal counsel, and campus police.”
**Staff Training**

Staff training is another transaction pattern initiated as a result of the Patriot Act. All but one library system stated they had some form of staff training on how to react if approached by law enforcement agents. Several of the libraries also felt it was necessary to provide additional training in the security and maintenance of library records and patron privacy. Watson said, “We did a fair amount of training when it [Patriot Act] first came out,” and talked exclusively about their training for student workers. Brady also stated, “We have been trained in what our position is and how to deal with the issue.”

Student workers have long been associated with academic libraries. They play a vital role in filling staff positions in both technical and public service areas, and often are the only point of contact for library patrons. Several of the librarians stated they heard that law enforcement agents were “targeting student workers because they can easily be intimidated and tricked into giving information,” and usually they are the “only staff members who work during the evening and weekend hours.” Some of the most extensive training programs are designed for student workers. Brady said, “Our students who work at the circulation desk are all trained to locate a supervisor immediately, and not to answer any questions from law enforcement.” Watson said that she was “in charge of the student workers” at her library, and when she hires a student they are required to “go through the new employee training on patron confidentiality,” which includes information about the Patriot Act.

*Integrated Library Systems*

The most costly transaction pattern is the purchase of new library systems by several of the libraries. These systems can run into the hundreds of thousands of dollars
depending on the size of the library. An integrated library system coordinates the online catalog, circulation records, acquisitions, and can even record reference interviews. The system also maintains and stores patron records. Although Smith stated that she did not “use the Patriot Act as a reason to defend their need for a new system,” she later admitted, “Yes, the Patriot Act was the reason why we purchased a new system….We made sure we got a new library system that did not keep records of what patrons had checked out.” Peterson also confirms that the Patriot Act and the “need to protect library records” were the main reasons why her library was in the process of getting a new system. Hayes said, “We made sure that we got a new library system that cleared patron data, so what someone had checked out couldn’t be tracked after it was returned.”

The most common need for a new integrated library system was to protect patron records. Older systems often store circulation records and can easily be traced by law enforcement agents. Newer systems delete this information once the library patron has returned what they have checked out. No traceable link or record exists between the item and patron. Also, newer technology provides greater protection of library and patron records through encryption and login protection.

*Directing Library Patrons to More Secure Forms of Information*

One of the least practiced transaction patterns is directing library patrons to more secure forms of information. This practice is only taking place at one or two library systems. However, when other librarians around the state heard about the practice they were intrigued and felt it was worth considering. Smith said:

We naturally go more toward online things [information] that are not linked.

People don’t have to check them out to get the information they need. We’ve also
increased our electronic books because there aren’t any links to who’s using them and who’s not.

Directing library patrons away from circulating materials to electronic resources prohibits law enforcement agents from tracking the informational needs of library patrons, because there are no traceable links between the information and the user. If law enforcement agents happen to request someone’s records while they have something checked out, they can easily see what that individual has in his, or her, possession.

Directing library patrons to online subscription databases, and the Internet can possibly keep law enforcement agents from finding out the informational needs of an individual, because the patron is not required to log in to the public access computers, which provide access to the various subscription databases. However, this is not the case at all libraries. Some libraries still require personal logins.

**Keeping Library Records a Shorter Length of Time**

New to librarianship is exactly how long to keep library records. As keepers of information, it goes against the natural order for librarians to discard any information that may be valuable at a later date. However, with the passage of the Patriot Act librarians are beginning to wrestle with exactly how long to keep information. As Thompson explains, “We don’t keep records for more than six months, six months might even be too long, but I don’t know.”

The length of time that librarians keep records varies. It appears that only Thompson’s and Watson’s library is trying to initiate some kind of set schedule for discarding old records. It seems that other libraries do so “when, and if, someone can
remember.” Although, nearly all of the participants stated they needed “to be more
diligent in the practice.”

Thompson and Watson also stated that their library had an “ongoing project of
discard old checkout cards” that were still in a lot of their circulating books. Although
the cards are old and are no longer in use, the librarians still believe it is “important to
maintain the privacy of who had these items checked out.”

\textit{Shredding, Shredding, Shredding}

However humorous librarians may find the act of shredding, they strongly believe
it is a “new necessity” of their profession in an effort to protect patron privacy. All of the
participants stated their libraries were “shredding a lot more since the passage of the
Patriot Act.” Shaw exclaimed that her library “bought an industrial shredder.”
Thompson said, “We shred more documents than we ever use to…. We’re shredding old
documents even 10 to 20 years back,” and Smith sung out, “We shred, shred, shred.”

Smith also stated that “interlibrary loans constitute one of the largest demands for
shredding.” Jones agreed, “We shred a lot more, especially interlibrary loan records.”
Patrons who need to borrow library materials from other libraries may do so by filling out
an interlibrary loan form. The library staff will then request the item through OCLC
(Online Computer Library Center formerly Ohio College Library Center). Usually within
10 days the item is mailed from another participating library in the OCLC system to the
requesting library, and then the patron can check the item out. Interlibrary loans are a
common practice among academic, public, and research libraries. Maintaining a print
copy of the interlibrary loan form is a long held practice by most libraries to comply with
U.S. copyright laws. Now, under the shadow of the Patriot Act, librarians believe “it is
more important to shred these documents” and risk the chance of breaking copyright
laws, than to maintain these records for long periods of time.

Reference Interviews

Librarians have always made notes, or maintained logs, of patron requests. This
helps them to determine the informational needs of their community, and to assist in the
development of library collections. A large number of reference interviews are
conducted by telephone, and it is not uncommon for librarians to take notes of these
conversations, including the name and telephone number of the individual they are
speaking to so they can call them back at a later time with the information. Under the
Patriot Act, librarians are less apt to take notes, or to write down information, during the
reference interviews. Some librarians are so concerned about the practice they are
suggesting to their patrons that it might even be better for them to call them back than for
them to call the patron back. Thompson states, “That way the library patron does not
have to provide his or her name and telephone number,” and goes on to say, “I’m really
careful about what I write down when I’m helping somebody in a reference interview. I
will use a scratch piece of paper that I can throw away at the end of the interview.”

E-mail reference questions are increasingly becoming more popular. Many
libraries have online reference forms or links where individuals can submit reference
questions. In the past, librarians have saved these requests, but now “believe it is too
risky.” E-mail generated reference questions provide greater security risks and many
systems enable the e-mails to be sent to several librarians. Watson is concerned that not
all librarians “delete these messages,” and is also concerned “that even if they do, are
these e-mails still able to be traced.” Some libraries like Thompson’s are even
considering “discontinuing online services.” However, they believe the services may already be “too far engrained into the public psyche” for them to do so.

**Library Records**

Participants of this study are also practicing more discretion with library records, not just shredding and discarding old documents, but in their daily work routines as well. Thompson stated that she did not “let things sit in [her] office quite as long.” Shaw said, “We make sure that our catalog does not show even to us what patrons have checked out,” and Stevens said their library did not “keep patron histories other than their current transactions.”

Librarians participating in this study believe that the Patriot Act was a wake up call. Thompson stated that she felt librarians had “become too relaxed in their daily handling of library records. Leaving items lying around unsecured in offices or in public service areas were the information could easily be viewed by non-library personnel.” Due to the Patriot Act, librarians are more careful about handling library records, and are even storing these items in “secured, locked locations.” Thompson said, “I don’t even walk out of my office for one minute without locking my door, even if I don’t have anything out.”

**Public Access Computers**

Several librarians said the Patriot Act had caused their library to change the way in which patrons access their public computers. These computers enable library patrons to access the library’s online subscription databases, Internet, card catalog, and at some locations software to do word-processing. Before the Patriot Act, some libraries required users to “register and create personal accounts.” The patron would then “receive a login
or pin number that allowed them to log on to the computers.” Generic accounts were available for public users. However, this was not the case at all libraries. At other libraries such as Smith’s and Jones’, they would “boot up the computers in the morning and then leave them on all day.” Library patrons would simply sit down and start using the machines. Some libraries that required patrons to have a personal login or pin number stopped the practice soon after the passage of the Patriot Act, because it was too easy for law enforcement agents to trace what library patrons were searching on the computers. It was also possible for law enforcement agents to view files that library patrons might create and save on the college server. Gaines stated, “We use to have logins for everyone, but after the Patriot Act we stopped because we were afraid that someone could trace information.”

Purging

Admittedly, some of the librarians, such as Smith, believe it would be more “difficult for law enforcement agents to trace user habits on the Internet or subscription databases,” especially since most libraries no longer use personal logins and pin numbers. However, this is not stopping librarians in this study from “systematically” purging and clearing databases. Gaines stated, “We clean off the histories [search histories] routinely…. We go through and purge old records from the catalog.”

The purpose of purging the databases is so no one can later trace what someone else had been searching. The possibility exists that law enforcement agents could come in while someone was using one of the computers and see what that person had just viewed, but most of the librarians believed this would be very difficult, “because they would have to know exactly when the person was going to be in the library and using one
of the computers…. Unless that person was already part of an investigation and under surveillance,” as Gaines points out. In this case she goes on to state, “that if they happened to do so they probably wouldn’t have the resources to protect the individual anyway.”

Stevens said her library was even setting all of “the browser caches to zero.” By doing so she says “the computers will not record or save past search histories. Even if law enforcement agents happened to approach someone while they are on one of the computers, they would not be able to trace their past searches.” They would only be able to see what was on the screen at the time. The downside of setting the browser caches to zero is that it slows down the searching capabilities of the computers.

A Different Approach

I also believe transaction patterns are evident at the one library where Milburn works, and where their approach to the Patriot Act is so different than the other libraries. I do not believe there is enough evidence to conclude that these transaction patterns are a result of tensions, strains, and conflicts. Milburn repeatedly stated his library felt it was their “responsibility to help law enforcement in the fight against terrorism.” Although he felt that the “Patriot Act conflicted with the U.S. Bill of Rights,” and even his “professional ethics,” he also stated “that Americans should be willing to temporarily suspend their personal freedoms.” If not he felt, “there is a strong chance that we could lose these freedoms forever.” Ironically, librarians, who adamantly oppose the Patriot Act, also believe we could permanently lose our freedoms, however, by not protecting these freedoms.
The transaction patterns evident at this library are very different than those that I found within the other libraries. These transaction patterns include the monitoring and tracking of library patrons, documenting reference inquiries, creating personal logins, asking library visitors for identification, and eliminating library services to the public.

Summary

By talking with the participants, it is evident that many of them still have a lot of confusion about the Patriot Act, including whether or not it is alright for them to openly talk to others. Through the data collection process of this study, and then careful analysis of the data, there is evidence to support Smith’s (1973) claim that government mandated policies, which in this case study is represented by the Patriot Act, instills tensions, stains, and conflicts on those responsible for the policy’s implementation, and in response to these tensions, transaction patterns have developed.

Zautra (2003) identifies that as a society we do not have a clear definition of what constitutes as stress, and defines stress as “an increase in the degree of uncertainty experienced over an important aspect of life” (p. 38), including things such as “uncontrollable and unanticipated events, role conflicts, role ambiguity, role transitions, task demands, and loss of autonomy” (p. 38-39). These stressors relate to the effect that the Patriot Act is having on librarians, and due to these stressors, tensions, strains, and conflicts are evident in the participants of this study. As a result of these tensions, transaction patterns as Smith (1973) might have predicted are evident. These transaction patterns include developing new policies and procedures, training staff, purchasing new integrated library systems, directing library patrons to more secure forms of information, keeping library records for a shorter length of time, increasing the amount of shredding,
developing new protocols for reference interviews, practicing more discretion with library records, ending personal logins and pin numbers, and purging data.

Additionally, transaction patterns are evident at Milburn’s library that has the strategy of assisting law enforcement by systematically monitoring their patrons. There is no clear evidence to support Smith’s theory that these transaction patterns resulted because of the librarians experiencing tensions, stains, and conflicts. Transaction patterns at this library include, monitoring and tracking library patrons, documenting reference inquires, creating patron logins, requesting identification from library patrons, and eliminating library services to the public.
CHAPTER VI

SUMMARY, FINDINGS, CONCLUSIONS, FUTURE RESEARCH, AND FINAL STATEMENT

Librarians have a long history of protecting intellectual freedom and privacy, and have worked hard to defend the rights of all Americans to information and enlightenment regardless of its origin, background, view, or age. Since the American Library Association adopted the Library Bill of Rights in 1948, librarians have sought to eliminate censoring, labeling, and the banning of various forms of information. Then on September 11, 2001, the United States was attacked by Al-Qaeda terrorists, and one month later President Bush signed into law the USA PATRIOT ACT to fight the war on terrorism.

Many Americans believe that the Patriot Act gives vast, unchecked powers to law enforcement agents to conduct preemptive investigations on U.S. citizens by lessening the legal standards to conduct wiretaps and secret searches of homes and offices. The Act also expands the definition of business records and gives law enforcement agents freer access to private, confidential records with little, or no, judicial review.

Professional library associations have opposed the Patriot Act since before it was signed into law by President Bush. Their most pressing concerns are the expansion of business records, roving wiretaps, destruction of government documents, gag orders, and
the possibility of self-censorship by librarians and library patrons. Library records more accessible to government agents since the passage of the Patriot Act include: library identification records, circulation records, pen registries, Internet URLs, e-mail records, phone logs, and reference inquires.

Smith’s (1973) policy implementation theory maintains that policies formulated by governments serve as tension generating forces in society. He believes that individuals responsible for implementing policies and those affected by policies will experience tensions, strains, and conflicts that may or may not cause transaction patterns. The four components that form Smith’s tension generating matrix include: the idealized policy, implementing organization, target group, and environmental factors. He maintains that as policies are implemented they interact within and between each of these components resulting in tensions and transaction patterns. By examining whether a policy has met its objective, itemizing the policy’s functions and relationships, and then comparing these to the actual outcome of the implementation process, Smith believes one can determine whether a policy has been successfully implemented.

Summary of the Study

Clearly the librarians in this case study are troubled by the Patriot Act. On one hand they have become loyal defenders of issues pertaining to privacy and intellectual freedom; on the other hand, the Patriot Act forces librarians to provide library and patrons records upon request to law enforcement agents. Because of these conflicting roles, many librarians are questioning how they can continue to protect the privacy of library patrons and guard against unwarranted governmental intrusions, while at the same time upholding their legal obligations as required under the Patriot Act. Given these
realities, Smith’s (1973) policy implementation theory would posit that tensions and
transaction patterns will be evident.

As a former academic librarian, my past experience provided me with a good
foundation for understanding the difficult issues that surround librarianship. It also
allowed me to connect rather easily with my research participants and enabled me to have
greater insight to conduct a more in-depth data analysis. Lastly, I feel the findings from
this study can be used as a means for future researchers to conduct similar studies to
advance our understanding of how the implementation of government mandated policies
affect those responsible for their implementation, enabling future policymakers to create
policies that are less distressing on those who are responsible for their implementation.

Purpose of the Study

The purpose of this study was to explore the tensions and transaction patterns
evidenced by librarians as they implemented and administered government mandated
policies [Patriot Act] contradictory to their professional ethics and beliefs. The following
research questions served as the driving force behind this study:

1. What affect has the Patriot Act had on librarians and library services?

   Specifically what tensions and transaction patterns can be identified?

2. In what ways do these tensions and transaction patterns reflect Smith’s (1973)
   matrix?

3. What other realities are revealed?

4. How useful is Smith’s policy implementation theory in explaining the
   phenomenon under review?
Procedures

Data necessary for this study were the tensions and discrepancies evidenced by librarians, who were responsible for providing reference services at either a two-year or four-year public university. My decision to use only academic library systems was based on the past history of the federal government to gain library records from colleges and universities during the 1970s and 1980s. Data sources or participants were professional, academic librarians from public colleges and universities throughout the participating state. All participants had an earned Master’s degree in Library Science and were currently employed as an academic librarian. My decision to use librarians who provide reference services was because they are generally at the forefront of implementing policies and procedures that affect library patrons and services.

Data Collection. The data collection process for this study used a triangulation method through interviews, observations, and document analysis to gather the necessary data to conduct a full, rich qualitative analysis and report. Recruitment letters were sent to 225 academic librarians, 179 to individuals employed at a four-year college or university, and 46 to individuals working at a community college.

This enabled me to have representation from a community college and a four-year institution in the state’s most heavily populated area. The outcome of the selection process enabled my study to encompass six of the participating state’s institutions of higher education, representing four, four-year colleges and universities, and two community colleges.
In addition to the interviews, observations were an important part of the data collection process. The final component of the data collection process was document analysis.

Data Analysis. Smith’s (1973) policy implementation theory was a key component of the data analysis process. Smith theorizes that mandated government policies create tensions, strains, and conflicts on those responsible for their implementation. I used Smith’s policy implementation theory as a lens to view the data for this study and to explore how his theory applied. The data analysis process closely followed Creswell’s (2003) recommendations: 1) Organization/preparation; 2) Familiarization; 3) Coding; 4) Descriptions; 5) Presentation; and 6) Interpretation.

Interpretation of the data was reflective. I looked for emerging and recurring themes, similarities, patterns, and comparisons within and across the data. I used triangulation, personal bias, and member-checking to ensure the accuracy of my findings. Meaning was constructed through my personal assessment of the data, rather than discovered.

Findings

The design of this study, along with Smith’s policy implementation theory, enabled me to explore the unique phenomenon between the Patriot Act and academic librarians that only a qualitative study can provide. Findings from this study are presented here in summary form as answers to the study’s four primary research questions.

Research Question One: What affect has the Patriot Act had on librarians and library services? Specifically what tensions and transaction patterns can be identified?
Although the participants stated they did not believe the Patriot Act had affected library services, I believe that it has. The primary effect that the Patriot Act has on library services is that it redirects time and resources away from these services due to the time and money librarians spend creating transaction patterns in response to the tensions, strains, and conflicts. Time librarians would normally spend investigating, developing, and providing library services, and funding that would normally go to developing library collections.

Librarians who participated in this study have spent a great deal of time developing new policies and procedures in the event they are visited by law enforcement agents. They also spent a great deal of time developing and training library staff on what action to take if approached by law enforcement. All of the transaction patterns identified in this study detract librarians from providing their full attention to their library patrons and library services, transaction patterns that take away financial resources which could otherwise be spent on library services. Several of the participating libraries purchased new integrated library systems. The primary reason was to protect library and patron records. The cost of a new system can run into the hundreds of thousands of dollars, not to mention the annual maintenance fees. For a small state college or university this could have a devastating impact on their ability to update collections or subscribe to electronic databases. Library services could also potentially be affected if a library was forced to eliminate services to offset the costs created by the transaction patterns. Libraries could also face the possibility of eliminating or not filling staff positions because of funding shortfalls.
The Patriot Act also affects library services by altering the way librarians provide reference help. Because of the Patriot Act, some librarians are directing library patrons to more secure forms of information. This could have an effect on the informational need of the patron. A more secure form of information does not necessarily mean a better source of information. Librarians could be compromising the informational need of the patron by providing them with less desirable information. Librarians are also changing the way in which they conduct reference interviews. They are asking fewer in-depth questions which can lead them to identify resources. This too could have an effect on the informational need of the library patron. Librarians are also less apt to ask for the contact information during phone inquiries, rather asking the patron to call them back. I feel from personal experience that a number of these individuals will simply give up and not call back, which I believe has the same effect as eliminating services.

Most of the libraries in this study have done away with personal logins and pin numbers for their public access computers. These computers enable library patrons to have access to the various subscription databases, Internet, and word-processing software. The benefit of a personal login is that library patrons can save files, articles, or Internet searches on the college or university server, or even through a subscription database. Eliminating personal logins eliminates the ability of patrons to save files to the server or database, thus, completely eliminating this service.

Library services are also affected because librarians are keeping records a shorter length of time, and even shredding and discarding information. This goes against the nature of librarians. Who believe information regardless of its current value is important to maintain. In the past, librarians have kept logs or records of reference interviews, and
of the informational needs of their library patrons. These records can help librarians to determine the informational needs of their community, and can assist in the development of library collections. By not maintaining this information, it could hamper the library’s ability to meet the informational needs of their patrons and community.

The Patriot Act has also affected library services by bringing more awareness to the importance of protecting library and patron records. The participants of this study are practicing more discretion with records and are no longer leaving them in unsecured locations. In the past, it would not have been that uncommon to stumble across a mile long printout of circulation data or patron records in a public area. Now, because of the Patriot Act, librarians are more careful with library and patron records. I believe this has an affect on library services because it builds confidence in library patrons that their informational needs will be kept safe and confidential. This enables them to use all of the library resources and services to their full potential, without the fear that someone is monitoring or tracking their information needs.

Librarians who participated in this study believe the Patriot Act is in direct conflict with their professional ethics, and it put it bluntly, most are “mad as hell” over the Patriot Act and what it could mean to intellectual freedom and privacy. They are disturbed at what the Act could mean to public access to information and privacy. As a profession, librarians oppose any attacks on intellectual freedom and privacy. They feel that Congress passed the Patriot Act under the guise of keeping the country safe from terrorists, but have over overreached their authority, and did not put enough thought into the Patriot Act and how it would affect privacy. They also do not believe the government has a clear plan on how to protect the country from further terrorist attacks.
The participants of this study feel that most Americans do not have a firm understanding of the issues surrounding the Patriot Act, and believe more education on the part of the public is needed. However, they do not feel comfortable playing the role of educator since most are uneasy talking about the Patriot Act. This is primarily because they are unclear about the gag order that the Patriot Act imposes on them. They are also fearful about losing their jobs since most of them do not have faculty or tenure status. And lastly, they believe there could be a backlash by the public if they begin to openly talk about the Patriot Act or the current administration, and are unwilling to risk the trust and support of the public which they have worked hard to obtain.

One of the most heated issues during the interviews was the recent disclosure that the nation’s telephone companies had turned over millions of phone records to the National Security Agency. The participants were outraged and felt it proved that privacy was under attack, and although they hoped that the public outrage would cause Congress to rethink the recent extension, most felt it would not.

All of the librarians in this study were adamant that neither they, nor their library, had changed library services due to the Patriot Act. However, evidence does show that they have developed new transaction patterns in response to the Patriot Act. These patterns relate directly to the protection of library records and patron privacy. New transaction patterns were evident at all participating libraries in this study. As a result of the tensions, strains, and conflicts, librarians have created transaction patterns, or as Zautra (2003) might state, secondary control strategies. New transaction patterns include:
New Policies and Procedures. All of the participating library systems developed new policies in the event they are visited by law enforcement agents. These policies outline how the library will react and the appropriate action that library staff are expected to take. All policies were initiated upward from the library staff to their college or university administrations. The development of policies and procedures was the most common transaction pattern evident.

Staff Training. All but one library system stated they had some form of staff training on how to react if approached by law enforcement agents. Several libraries also provided training in the security and maintenance of library records and patron privacy. Some of the most extensive training programs were designed for student workers.

Integrated Library Systems. Fifty percent of the participating libraries purchased a new integrated library system to help protect library and patron records. Older systems can store records that can easily be traced by law enforcement agents. Newer systems provide greater protection of library and patron records. The purchase of a new library system was the most costly transaction pattern initiated as a result of the Patriot Act.

Directing Library Patrons to More Secure Forms of Information. Directing library patrons to more secure forms of information is the least common transaction pattern evident. By directing library patrons away from circulating materials to electronic resources, law enforcement agents are prohibited from tracking the informational needs of library patrons. No traceable links are visible between the user and the information through the use of electronic resources.

Keeping Library Records a Shorter Length of Time. Because of the Patriot Act, librarians are struggling on how long to keep library records. The length of time varies
from library to library, but most libraries in this study have begun keeping records a short length of time. Almost all of the librarians believed they needed to be more diligent in the practice of discarding old records.

*Shredding, Shredding, Shredding.* All of the participants stated their libraries were shredding documents more since the passage of the Patriot Act. Several libraries bought large, industrial shredders. Interlibrary loans constitute the largest demand for shredding. Librarians believe it is more important to shred interlibrary loan records and risk the chance of breaking copyright laws, than to maintain these records for long periods of time.

*Reference Interviews.* Librarians often take notes or maintain logs of patron requests. This enables librarians to determine the informational needs of its community. A large number of reference interviews are conducted by telephone and e-mail, which can include the name and phone number of the library patron. Now, due to the Patriot Act, librarians who participated in this study are less apt to take notes or to write down information during the reference interviews, and are considering discontinuing online services.

*Public Access Computers.* Libraries within this study have changed the way they permit access to their public computers. Before the Patriot Act, libraries required patrons to have personal logins or pin numbers. Now these libraries boot up the computers in the morning and leaving them on all day, or create generic logins for their patrons.

*Purging.* Participating libraries are routinely purging and clearing past search histories on their subscription databases and the Internet. This keeps others from tracing what someone else has viewed or searched on the various databases. One library system
is also setting all of the browser caches to zero. By doing so the software will not record or save past search histories.

**Library Records.** Librarians in this study have become more careful with library records and are no longer leaving items in unsecured offices or in public service areas were the information can easily be viewed by non-library personnel. Library records are now kept in secured, locked locations.

Most of the participants did not see the Patriot Act as a tension generating force in their professional lives. When questioned further how they could have such strong, negative emotions about an issue and not be stressed out about it, they simply responded by saying they had too many other things to worry about, and that the Patriot Act was just one stressor on top of many others. Most librarians in this study have a “wait and see” attitude regarding the Patriot Act and stated they would only worry about it when, and if, the need arose. When it was pointed out that several of the libraries participating in this study had been visited by law enforcement agents, all of the librarians were surprised and visibly upset. However, they still did not believe the Patriot Act was causing them any additional stress in their professional lives.

One library system admitted to routinely monitoring and tracking library patrons. Although the librarian who works for this library believes the Patriot Act conflicts with his professional ethics, he feels it is more important to work with law enforcement to help protect the country from further terrorists’ attacks. The policy of this library is to provide whatever assistance or information they can to law enforcement agents, with or without a court order. When other librarians heard about this library they were outraged. They
believe these actions do not represent their mission or vision as librarians, and cannot understand how the public is allowing this to happen.

Research Question Two: In what ways do these tensions and transaction patterns reflect Smith’s (1973) matrix?

Smith (1973) maintains that tensions occur within and between the four components that make up his policy implementation matrix, which then result in the creation of transaction patterns. I believe Smith’s matrix is compatible with the implementation of the Patriot Act. First, the idealized policy is the Patriot Act itself. It is the policy or change that is being implemented. The implementing organization is responsible for executing the policy. In this case, academic libraries are the implementing organization. Librarians represent the third component which is the target group. It is the target group that adapts new transaction patterns as a result of the policy. And lastly, environmental factors are those factors that can influence, or be influenced, by the implementation of the policy. In this study, library services would be considered the environmental factors.

Smith (1973) feels that transaction patterns between these four components are vital to the policy implementation process. These patterns are the responses to the tensions, stresses, and strains. Policies reluctantly, or half-heartedly, supported are rarely implemented and the objectives are seldom attained. Additionally, policies are seldom realized when the policymakers are expecting the target group to welcome the policy and the actual reception is hostile. I found this to be consistent with the passage of the Patriot Act. Because of the wave of nationalism right after 9/11, I believe Congress expected Americans to welcome the Patriot Act as a necessary tool to fight terrorism. However,
they were met with hostility by the implementing organizations and target groups, causing tensions, strains, and conflicts which resulted in transaction patterns as Smith predicts.

Tensions, strains, and conflicts are evident within the target group of this study, resulting in the creation of a number of transaction patterns. However, because policy implementation is an ongoing process it is difficult to determine if these transaction patterns will become permanent or crystallized institutions. Non-incremental policies such as the Patriot Act take more time for transaction patterns to emerge and become institutionalized. Therefore, I believe it is still too early to determine whether, or not, the transaction patterns caused by the Patriot Act will become permanent institutions.

Research Question Three: What other realities are revealed?

Two other realities were revealed during this study that I believe are important to acknowledge. First, it was discovered that law enforcement agents are routinely visiting academic libraries in the participating state. These visits have become so commonplace, that at one library, staff members are able to identify FBI agents in their library almost on a weekly basis. They know this for a fact because when they approach these individuals they are willing to provide identification. When asked if they are invoking the Patriot Act, they normally just turn around and leave. However, on occasion law enforcement agents have detained and interrogated Middle Eastern students and have even confiscated computers. These events create a different wave of tensions, strains, and conflicts for librarians, which then result in their own distinctive set of transaction patterns.

It was evident that the librarians, who had been approached by FBI agents, were apprehensive about discussing these events in great detail, even though it was they who
first initiated these conversations. I purposely limited my questioning of these events because I felt that if I pushed the issue that the librarians would begin to think there was an ulterior motive for my study. In fact, several of the participants joked about my being an FBI agent and just trying to trick them into giving information. Although I believe the data is important to my study, I feel that it is also essential to stay focused on the study’s primary purpose, and not get sidetracked on one specific issue or theme. I believe because of the limited information I received about these visits that it would be irresponsible for me to make any conclusions on how these events have affected librarians or library services, and what transaction patterns might be a result of these visits.

The second reality worth mentioning is that one library system has chosen to monitor the library habits of their patrons. Librarians at this location believe it is more important to help fight terrorism than to protect patron privacy. It is not known whether law enforcement agents have actually visited this library, but librarians who work there do not want to be held responsible for delaying or obstructing any investigations, and are willing to assist law enforcement by turning over library and patron records, even without a court order.

Transaction patterns are evident at this library as well. However, I cannot conclude that they are a result of the librarians experiencing tensions, strains, and conflicts. The librarians, who work for this library, believe it is their responsibility and duty to help law enforcement in the fight against terrorism. Although they believe the Patriot Act conflicts with the U.S. Bill of Rights and even their professional ethics, they also feel that Americans should be willing to “temporarily” suspend their personal
freedoms. If not, they believe there is a strong chance that we could lose these freedoms forever. Ironically, librarians who adamantly oppose the Patriot Act also believe we could permanently lose our freedoms, however, by not protecting these freedoms.

The transaction patterns evident at this library are very different than those identified within the other participating libraries. These transaction patterns included monitoring and tracking library usage of patrons, documenting reference inquires, creating personal logins for patrons, asking library visitors for identification, and eliminating library services to the public.

I believe as a direct result of these transaction patterns that library services at this library have been affected. First, the librarian readily admits that their library severely cut services to the public. Before the passage of the Patriot Act, public patrons were entitled to a full range of library services, including access to the library subscription databases and the Internet. Now, they only have access to the library’s online card catalog and the ability to check out books.

I believe the biggest effect to library services at this location is that possibly librarians are indirectly causing students to censor themselves. On several occasions I witnessed the reference librarian approach students at the public access computers and question them. It was obvious that the reference librarian was monitoring the area and what students were doing. It was also clear that students were aware of the librarian’s actions. It kind of reminded me of an old cat and mouse cartoon. The librarian, or cat, would start by walking around the outer edges of the reference area picking out his prey. When it appeared that he had honed in on a mouse, or in this case a student, he would begin to zip in and out of the rows of books, stopping from time to time to peer through
the shelves to get a glimpse of the mouse. Of course the mouse was completely aware of the cat, because you could see his eyes dart above the computer from time to time to check how close the cat was getting. Then, just as the cat was about to pounce, the mouse would scurried away, or in this case clicked off the computer screen so the cat could not see what he was doing.

This may seem like an exaggeration to most people outside of librarianship, but I can attest this is a common practice in libraries. Another tactic that librarians use is the tag team approach. This includes two or more librarians who synchronize their attack and work off of each others’ moves to catch their prey. These tactics are common when librarians suspect someone is downloaded or viewing pornography on one of the public access computers and are trying to catch them in the act.

The librarians at this location have upped the stakes and are now monitoring all library patrons. In fact, the librarian readily admits they are. Because of this, there is the potential for students to censor themselves for fear that someone is watching over them. If correct, this could have a devastating effect on learning and intellectual freedom for students at this college.

*Research Question Four: How useful is Smith’s policy implementation theory in explaining the phenomenon under review?*

Smith’s (1973) policy implementation theory worked very well explaining the phenomenon between the Patriot Act and academic librarians. It is Smith’s contention that government mandated policies create tensions, strains, and conflicts on those affected by policies, and by those who are responsible for carrying out the policies. As a result of these tensions, Smith believes that individuals responsible for implementing
policies will develop transaction patterns. These transaction patterns can then crystallize into permanent institutions. As a result of these intuitions new transaction patterns may emerge. It is still too early to know for certain if the transaction patterns caused by the tensions, strains, and conflicts that librarians experience because of the Patriot Act will become permanent institutions. However, I personally believe they will.

One of the most interesting areas of Smith’s (1973) policy implementation theory is how Third World and Western nations differ in policy implementation. Western nations tend to pass incremental changes that slightly deviate from former policies. Incremental changes are easier to implement than non-incremental changes because there is less resistance from the public. Third World nations tend to have difficulty implementing policies because their goals are usually more ambitious, and they often attempt to bring about social reform. Non-incremental policies are often initiated in the first year of a new government when a leader is trying to implement wide sweeping changes after the overthrow of a former leader.

The similarities between the passage of the Patriot Act and the implementation of policies in Third World nations are striking. The Patriot Act was passed during the first year of a new presidency. It created new, non-incremental, far-reaching legislation with hardly any public dialogue or exchange of ideas between the policymakers and those responsible for carrying out the policy. Smith’s (1973) policy implementation theory would assume that the Patriot Act would have been met with resistance even before it was passed into law. Using Smith’s policy implementation theory, lawmakers quite possibly could have avoided much of the harsh criticism directed toward the Patriot Act
and themselves, and possibly could have created a less controversial policy that would have been more accepted by those affected and those responsible for its implementation.

Conclusions

Conclusions drawn from this study can be found in three different areas. The first is related to the propriety and usefulness of qualitative methods in understanding the impact of the Patriot Act on academic librarians and libraries. The second relates to the overall impact of the Patriot Act on both librarians and library services in academic libraries. And the third relates to Smith’s (1973) policy implementation theory.

Research Methods

As I started my research into the Patriot Act, I was met by those within the library profession who wondered why I would spend time studying something that had already been thoroughly researched. Others did not think there was any reason to study the Patriot Act since there was no evidence that libraries within the participating state had ever been visited by law enforcement agents. It seemed librarians were only interested in whether, or not, law enforcement agents were visiting libraries, as if this could be the only valid reason why someone would want to study the Patriot Act. Although I received many responses back from the recruitment letters, I believe the one from the librarian who did not feel that she could be useful to the study, however goes on to describe how her campus administration had censored her for speaking out against the Patriot Act, proved to me there was more to uncover than merely if law enforcement agents were visiting our nation’s libraries. It also made me question if a phenomenon could affect a specific target group without them even being aware of it, and gave me reason to believe my choice in research methods was not only needed, but the best approach.
The only prior research regarding the Patriot Act and libraries was by the University of Illinois/Urbana-Champaign Library Research Center (Estabrook, 2002a), and it was limited in details. Its primary purpose was to find out if law enforcement agents were visiting libraries throughout the country. A quantitative research tool such as a survey instrument is sufficient for this purpose. However, due to the restrictive nature of a survey or quantitative study, it is hard to understand what effect the Patriot Act could be having on librarians or libraries. A qualitative study by design consists of rich, descriptive details of situations, events, people, interactions, observations, and direct quotations about individual experiences, attitudes, beliefs, and thoughts. By designing my study as a qualitative study, it enables us to understand more about what is happening within libraries.

Additionally, I designed this study as a case study, one whose lessons could be transferred to a broader arena. The benefit of a case study allows the researcher to delve deeper into a specific phenomenon. Yin (2003) believes a case study can benefit research through the use of observations, interviews, and documents by allowing the researcher to explore further than what other types of studies might allow. A case study makes it possible for the researcher to uncover how or why, rather than simply recording an incident. I feel by designing my study as a case study, it enhanced my research by allowing me to delve further into the phenomenon under review, which a quantitative or other restrictive study might not have allowed. I also believe by conducting a case study it enabled me to validate the accuracy of my findings through the combination of data collection procedures that I used to conduct this study.
The two previous studies by the University of Illinois/Urbana-Champaign Library Research Center (Estabrook, 2002a) did not allow much room, if any, for interpretation. They only recorded data and left little room for analysis, or for delving deeper into what that data could represent. As a constructionist, I desire to find meaning out of my interpretation of the world around me. Yes, I could have conducted my study differently. I could have even carried out my study without the use of direct observations and interviews by possibly using an open-ended survey. It still would have been a qualitative study. However, doing so would not have given me the same depth of information that I was able to achieve through the design of this study. For example, none of the librarians believed that the Patriot Act had caused either them, or their library, to change the way in which they provide services, only one or two of the librarians believed the Patriot Act had affected their library, and none of the librarians believed the Patriot Act had created any additional job stresses or strains. If I had conducted an open-ended survey, I may have incorrectly confirmed these same beliefs. By conducting my study using interviews, observations, and document analysis, I was able to delve further into the phenomenon which I was studying, and gain valuable data that other research methods may not have permitted.

The stereotypical image of librarians is one of someone sitting around all day reading and checking out books. Tradition portrays them as older spinster women with bun hairdos, half glasses, and walking around (shh)ing everyone. There is the stereotypical male librarian as well. He is typically seen as an older, small-framed man wearing the same half glasses and an old tattered sweater. He is usually considered a little eccentric or lost as he mumbles beneath his breath with his head buried deep within
a book while walking around the library scratching his head. I have yet to meet these individuals, and as a former librarian I can attest that I did not sit around reading books all day, and I cannot even remember the last time I checked out a book.

My point in bringing these images to life is to recognize that a lot of people still associate these images with librarians. By designing my study as a qualitative study and using a combination of data collection procedures, the reader is able to get a better sense of what it means to be a librarian. The design of this study enables me to visualize to the reader the various roles and responsibilities of librarians. I would not have been able to accomplish this by doing a quantitative or more restrictive research study.

Finally, since I believe the fears and anxieties expressed by the participants are real. I am unsure if any other research design would have demonstrated these emotions quite as well as a case study. The interviews were conducted in private and none of the participants’ fellow librarians, staff members, or library/campus administrations were aware of who was, or what libraries, were participating in this study. I felt the participants trusted my word and the process of the Oklahoma State University’s Institutional Review Board (Appendix J), and felt safe that neither their name nor library’s would be used in any written report. Therefore, the design of this study was appropriate and beneficial for investigating how the Patriot Act is affecting librarians and libraries, and whether or not tensions and transaction patterns are evidenced by the implementation of government mandated policies.

Overall Impact of the Patriot Act

Tensions and transaction patterns linked to the Patriot Act were evident within the participating libraries. The primary theme of these transaction patterns directly related to
the protection of library records and patron privacy. The passage of the Patriot Act has created a lot of emotions from librarians, emotions such as anger, fear, suspicion, and confusion. None of the librarians in this study had anything positive to say about the Patriot Act, and most felt that Congress and the president were wrong to pass the Act.

Although the participants did not feel the Patriot Act had created any additional stress in their professional lives, it is my belief that as a society we do not understand or have a clear definition of what stress is and is not. I believe due to the additional stress that the Patriot Act places on librarians, that tension, strains, and conflicts are created.

Zautra (2003) believes as well there is no definite definition of what constitutes stress. He believes one problem is that we have overused the term and have incorrectly related it with anger, anxiousness, and depression. “When the word stress is used this way, it does not help us to understand one another or ourselves very much. And when stress becomes synonymous with any unpleasant emotion, information is actually lost, not gained” (p. 36).

Zautra (2003) believes that stress has become too commonplace and that we should begin to distinguish it from emotions. One approach is to allow everyone to define what stress is or is not for themselves, because if a person does not recognize something as stressful, is it really stressful? Zautra believes there are two problems with this approach. First, if the defining features of stress are subjective, then we are left without any firm boundaries making it impossible to differentiate stress from other phenomena. The second problem is that you can not define stress independent of the person’s emotional reactions.
Zautra (2003) is particularly fond of Manfred Clynes’s definition (as cited in Zautra, 2003) of emotion and stress:

If we accept emotions as rhythms of the mind, then stress arises from premature departures from, delays in, or disruptions of those rhythms. We are temporarily lost, disoriented in a sense, when we do not hear the next note that we expect in our interactions with the world outside. (Zautra, 2003, p. 38)

Zautra (2003) provides a more formal definition of stress, “Stress represents an increase in the degree of uncertainty experienced over an important aspect of life” (p. 38). So what kind of experiences fit Zautra’s definition of stress? He identifies these as “loss, failure, threats of and actual physical harm, uncontrollable and unanticipated events, role conflicts, role ambiguity, role transitions, task demands, and loss of autonomy” (p. 38-39).

It would seem justified that the larger the event the greater the impact it would have on our stress level. However, Zautra (2003) believes this is false. Most of us only have 10 to 15 truly major events in our lifetime, but we can easily have that many smaller events in one day. By having a string of mildly distressing events occur over a shorter period of time, one can feel like the whole world is falling in on top of them. “Major events may temporarily threaten your way of life, but those episodes of small events are in a way worse” (p. 43). Zautra also believes that the evidence supports his views that predictable events are just as significant to our stress level as unpredictable events, because the predictability can make the event even more distressing.

It signifies the total lack of control over the environment. Indeed, helplessness in the face of even the smallest of nuisances can be highly distressing if the event is
likely to recur. Thus hidden within some predictable stressors is the fact that you have no control over the event. You can see it coming, but you can do nothing to stop it. (Zautra, 2003, p. 41)

I do not believe it is the librarians’ anger directed toward the Patriot Act that creates the tensions, strains, and conflicts, because as Zautra claims we must eliminate emotion from stress, but that it is the Patriot Act which “represents an increase in the degree of uncertainty” (p. 38) that creates the tensions, strains, and conflicts. I believe the issues surrounding the Patriot Act and academic librarians fit several of Zautra’s experiences that define stress, such as uncontrollable and unanticipated events, role conflicts, role ambiguity, role transitions, task demands, and the loss of autonomy. I also believe the Patriot Act produces a string of mildly distressing events which Zautra states can have a greater impact on individuals than larger events. And finally, I believe the Patriot Act instills in librarians a feeling of powerlessness and one of having no control. They can see the train coming, but they can do nothing to stop it.

Zautra (2003) believes that in dealing with stress people often resort to what is commonly referred to as secondary control strategies. Although the strategies may vary depending on the event, they all have one thing in common, “they all focus on coping methods other than finding a direct solution to the problem” (p. 53). Zautra’s notion of secondary control strategies strengthen Smith’s (1973) claim that government mandated policies create transaction patterns. The transaction patterns developed by librarian are a secondary control strategy, because librarians are trying to cope with the Patriot Act, rather than finding a solution to the Patriot Act.
Smith’s Policy Implementation Theory

This study looks at one small segment within the vast network of implementing organizations and target groups that are affected by the Patriot Act. Because the Act is still relatively new there is limited research available to show the effect that the Patriot Act is having on those responsible for its implementation. The findings of this study can be transferred to a broader arena for policy implementation theorists to study and understand the effect that government mandated policies have on those who are responsible for their implementation.

Smith (1973) believes that policymakers should consider the total policy implementation process and not just the outcome, or desired change, they wish to instill when developing policies. By understanding how policies are implemented, and the interaction between the different components that make up the policy implementation matrix, Smith believes policymakers can begin to minimize the tensions, strains, and conflicts that are commonly associated with the implementation of new policies.

The purpose of this study was to discover how government mandated policies affect those responsible for the policy’s implementation, and to determine the validity of Smith’s (1973) policy implementation theory. The findings of this study support Smith’s assumptions that tensions, strains, and conflicts will result within the target group, as well as the development of new transaction patterns. This study not only helps to understand Smith’s policy implementation theory, but allows us to see his theory in action.

Smith’s (1973) theory was beneficial in discovering how the Patriot Act is affecting academic librarians. His description of policies developed by Third World nations and the problems associated with these policies was eerily similar to the passage
of the Patriot Act. Smith would have accurately predicted there would have been resistance and difficulty in implementing the Patriot Act from the onset, and that tension, strains, and conflicts would arise from those responsible for the Act’s implementation.

The only issue I have with Smith (1973) is that he neglects to provide a comprehensive definition of what constitutes as tensions, strains, and conflicts. The tensions experienced by those responsible for implementing government mandated policies, and those who are affected by these policies, are at the heart of Smith’s theory. However, I do not feel he adequately addresses what tension is or is not. Because of this, I found it necessary to look elsewhere to understand tension, which led me to Zautra (2003) and his belief that tension and stress “represents an increase in the degree of uncertainty experienced over an important aspect of life” (p. 38).

Findings from this study can be used by future researchers to conduct similar studies to advance our understanding of government mandated policies. It is my desire that this study will help future policymakers to develop policies that create less tension, strains, and conflicts on those affected by and those responsible for carrying out policies. This study will enhance the body of literature associated with policy implementation theory, and will help policymakers to understand the policy implementation process. I agree with Smith (1973) that once policymakers understand the different issues and interactions of the implementation matrix that it will result in the development of better policies. It will also help policymakers to develop policies that achieve their objectives, and the objectives of the policies.

This study will also benefit librarians. I sense that librarians have heard enough from the political pundits and leaders of their professional organizations, and want to hear
from other librarians on how they are managing in light of the Patriot Act. Librarians have a real hunger to know what is going on in other libraries. They want to know how other libraries and librarians are working to protect patron privacy. This study details 10 transaction patterns that librarians have initiated as a result of the passage of the Patriot Act. It allows librarians to see what other libraries and librarians are doing. Although the participants overwhelmingly did not believe the Patriot Act had caused them to change library services, this study will demonstrate to them that in fact library services have been altered due to the tensions, strains, and conflicts associated with the Patriot Act.

Librarians are looking for reassurance that they are not alone. Many librarians are fearful to talk about the Patriot Act even to other librarians and may not be aware that they share the same fears, apprehensions, and misgivings that other librarians have as well. This study shows that librarians are angry over the current legislation and that these feelings are shared by others. Although most librarians are fearful to talk to other librarians about the Patriot Act, this study could begin to open a dialogue for librarians to share their common experiences and coping mechanisms.

This study also provides evidence that law enforcement agents have visited libraries in the region. Most of the participants did not believe the federal government would be interested in academic libraries or libraries within their area. They were wrong on both accounts and quite disturbed to learn that law enforcement agents are routinely visiting libraries within their state. This discovery will send a message to other librarians around the country that they, too, could be part of an investigation by law enforcement agents even without their knowledge.
This study is important because it shows an opposing viewpoint. One library system has chosen to assist law enforcement by monitoring and tracking the library habits of their patrons. For most librarians this is an act of treason. It goes against the nature of librarianship. Librarians have fought for generations for the right to privacy for all Americans, and free access to information without fear of censorship or government interference. Now, one library has chosen to ignore this history. What does this mean and how will it affect the future of librarianship? I believe this study will force librarians to think about their future and whether they will continue to play the role of protector of America’s freedoms.

Future Research

This study can be a catalyst for future researchers to conduct similar studies to advance our understanding of how the implementation of government mandated policies affect those responsible for their implementation. Similar studies should be conducted to determine if the Patriot Act creates tensions, strains, and conflicts on academic librarians in other regions of the country. If so, are transaction patterns also evident? If they are, then a comparison analysis of the data should be conducted to determine how they relate, or differentiate, from transaction patterns identified from other regions of the country. If transaction patterns are not evident, research should be conducted to determine why such contrasting results exist, and what this means to Smith’s (1973) policy implementation theory. Additionally, research should be conducted to determine if any of the transaction patterns become permanent institutions. Smith maintains that transaction patterns often become crystallized resulting in a new round of transaction patterns. Further research is needed to determine if Smith’s beliefs can be confirmed and documented.
As researcher, my mission was to determine if tensions, strains, and conflicts were evident as a result of the passage of the Patriot Act, and to discover if transaction patterns were developed as a result of these tensions. My study was not to determine if the transaction patterns were having a negative or positive impact. I felt doing so would enable critics to easily label my findings as biased. Now that my research is complete, I believe it is important to determine whether these transaction patterns are having a negative, or positive, effect on librarians and library services.

The design of this study only used academic libraries. I made this decision based on the past history of the federal government to gain library records from academic libraries during the FBI’s Library Awareness Program in the 1970s and 1980s. Research should be expanded to include public libraries as well, and a comparison analysis of the data should be performed to determine what differences, if any, exist between the different types of libraries. Doing so will enable future researchers to determine if one group of libraries has been more affected by the passage of the Patriot Act than another, and will allow us to determine if transaction patterns differentiate from one group to the next. I believe the findings from these comparison analyses will enable policy theorists to generalize to an even broader audience about the effect that government mandated polices have on those who are responsible for their implementation.

During this study it was uncovered that law enforcement agents were routinely visiting academic libraries in the state. Several of the participating libraries had been visited by FBI agents. As researcher, I chose to limit my inquiry into these visitations because I did not want this discovery to overshadow the primary purpose and scope of my study. I understand the natural desire and curiosity that people have to know about
these types of events. However, this is only one component of a much broader study, and as researcher, I am responsible for providing a well-balanced investigation, and not allowing one issue to distract from the study’s main objective. Now, further research is needed to understand what these visitations mean. Do they create new tensions, strains, and conflicts on librarians, or increase the level of tension that librarians experience? Do these tensions create their own set of transaction patterns? If so, how do these transaction patterns affect librarians and library services? I believe these visitations are resulting in transaction patterns that are very different than those identified through this study. However, further research is needed before we can confirm these assumptions.

The Patriot Act is affecting librarians and library services, but one important group is not represented in this study, library patrons. Future research should examine how the Patriot Act is affecting library patrons and if the transaction patterns established by the librarians are affecting patron usage of library resources. Additionally, what effect are these transaction patterns having on the informational needs of library patrons? Research is necessary to determine what effect these visits by law enforcement agents are having on library patrons as well. Are these visits altering the way library patrons use the library? Are library patrons censoring themselves in fear of the Patriot Act and law enforcement? These are questions that need to be answered and I believe must include data collected from library patrons.

Course instruction is another area that I believe we should look at. How do the existing tensions and transaction patterns affect classroom instruction, or do they? If the Patriot Act alters how librarians provide services, does that affect how faculty develop classroom lessons and course curriculum? If the Patriot Act hinders students’ ability to
obtain primary sources, or if students are afraid of law enforcement, does this impede their ability to successfully complete course assignments? By expanding Smith’s (1973) policy implementation theory to include those who are affected by policies, and not just those responsible for their implementation, it could help policymakers to design and implement more accepting policies in the future.

Researchers should also investigate libraries that are assisting law enforcement agents by monitoring and tracking library patrons, like the one library identified in this study. What effect is this having on library patrons? Transaction patterns identified at this library were very different from those at the other libraries. What does this mean for library services? How does this affect librarians who work at this library but do not share in the library’s philosophy? How do they handle these conflicting issues? Does it create additional tensions, strains, and conflicts resulting in other transaction patterns not evident in this study?

Having worked in community colleges throughout my professional career, I believe it would also be interesting to do a comparison analysis of how two- and four-year colleges and universities differ from one another. Data from this study could be divided and analyzed. It would also be interesting to research the conflicting roles that librarians have regarding the Patriot Act. On one hand they say they are law abiding citizens and will uphold the law, but on the other hand, they admit they would warn library patrons if they felt they were part of an investigation. How do librarians justify these two conflicting decisions? And are they conflicting?

Finally, additional research is necessary to determine what, if any, effect librarians are having on the informational needs of their library patrons when they direct
patrons to more secure forms of information. Does this hurt the informational needs of the patron? Does this affect learning? As researcher, I believe this study has opened a number of different avenues, or as Smith (1973) might say, transaction patterns, for future researchers to explore and investigate.

Final Statement

The purpose of this study was to explore the tension and transaction patterns evidenced by librarians as they implement and administer the Patriot Act. Using Smith’s (1973) policy implementation theory I attempted to discover if librarians would develop tensions, strains, and conflicts, and then create transaction patterns in response to these tensions. The findings of this study validate Smith’s assumptions that tensions and transaction patterns will occur. This study will enable policymakers to understand how policies affect those responsible for their implementation, and will hopefully assist policymakers in developing more accepting policies.

I discovered through this journey there is no single mold that fits all librarians or libraries. Each library has its own heart and soul and purpose for being in existence. Just like each librarian has his, or her, unique personality and beliefs. I sensed from all of the participants a real desire to serve their patrons. Most librarians have no need for political activism or grandstanding. They simply want to do their job to provide free and open access to information and enlightenment, regardless of a person’s origin, background, views, or age (American Library Association, 1980).

What impressed me the most about this research is the sheer anger that librarians have towards Congress and the current administration. I point out within this study that librarians do believe Congress initially acted with the best of intentions in passing the
Patriot Act. However, as time passes and we discover the overreaching effects of the Patriot Act, librarians are becoming more cynical and angered by Congress’ lack of understanding and desire to protect America’s most basic freedoms. Further, it did not help matters that recently it was discovered that several of the largest phone companies in the U.S. had turned over millions of phone records to the National Security Agency shortly after 9/11. A few quotes and statements do not seem adequate to describe the visible emotions that I witnessed by the librarians during their interviews.

As researcher, I openly acknowledged my personal biases at the onset of this study. I stated that my past experience as a professional librarian would enhance my study rather than biasing me. I still believe this is true. However, I must acknowledge that I question if my desire to present the findings of this study and my conclusions in a just and unbiased manner, may have caused me to downplay the total contempt and disdain that librarians have regarding the current administration. My goal was not, and is not, to make this study a political statement. It was, to understand how government mandated policies affect those responsible for their implementation, and hopefully assist future policymakers to develop better policies. I have done this as truthfully and accurately as possible, and without any personal bias. I concede there may be those who will criticize me for not taking a stance one way, or the other, toward the Patriot Act, or using the testimonies or findings of this study for political activism. I believe to do so will only give my critics ammunition to claim bias. Future research should entail more in-depth study on the long-term impact that the Patriot Act is having on librarians, and what influence such strong, negative emotions toward the federal government are having on this segment of society.
As I come to the end of this stage of my research, I find myself wanting to make some kind of profound statement or acknowledgement towards librarians and of librarianship. But what can you say about a profession that has fought against the “Good Samaritan” who is only trying to protect our children? What do you say about a profession that stands up to those who are trying to shield us from all sorts of wickedness and corruption? And what do you say about a profession that has the audacity to criticize the American government? All I can think to say, is stay the course.
REFERENCES


http://oyez.nwu.edu/cases/cases.cgi?command=show&case_id=405&page=abstract


THOMAS Web site: http://thomas.loc.gov/cgi-bin/bdquery/z?d107:HR03162:@
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Appendix A

Library Community Statement on Proposed Anti-terrorism Measures

As our Nation moves forward during this time of mourning and recovery, it is important that we continue to protect and preserve the freedoms that are the foundation of our democracy. Our Nation's libraries are trusted, impartial resources providing information on all points of view, for all people. America has been served for over two centuries through public, school, academic, research, law, and special libraries in our many diverse communities and institutions. The role of libraries as a national resource must not be compromised by the erosion of the privacy rights of library users.

The Library Associations listed below call on our Nation's leaders to move cautiously in proposing new laws and regulations aimed at terrorism. We are concerned that some of the legislation proposed thus far threatens the rights of the public and undermines the confidentiality that is crucial for the flow of information needed for the provision of library services and most importantly, the vitality of our democracy.

As the national debate on how to maintain our freedom while assuring appropriate security moves forward, the library community will balance the impact of any legislative and regulatory proposals on the privacy and First Amendment rights of library users. The proposals thus far have raised significant concerns, including:

1. Expansion of Pen Register and Trap and Trace Devices to the Internet

   **Issue:** Libraries are providers of information to the public and do not monitor information sought or read by library users. To the extent that libraries "capture" usage information through computer logs or networked services, this is purely for administrative, housekeeping purposes. There are instances when there is a need for law enforcement to collect information from libraries, and in such circumstances libraries comply with court orders. Any new legislation in this arena raises potentially significant First Amendment and privacy concerns. Proposals to allow these devices to capture information about electronic mail, web surfing, and other kinds of electronic communications over the Internet raise at least two concerns.

   First, the expansion of the information captured by these devices goes far beyond their use in traditional telephone settings, where a trap and trace device notes only the numbers dialed to or from a certain telephone. Internet "addressing and routing information" may include considerable information about the content a user viewed, and it may include personal information submitted to a web site. This is a major expansion of the scope of information made available through the use of these devices.
Second, proposals also include allowing trap and trace information to be collected in relationship to a person, rather than a location. Unlike a computer in a home, a library computer is open for use by the whole community. In many libraries, it is impossible to narrow the use of a trap and trace device to only reach the communications of particular individuals.

**Recommendation:** The current standard of "relevant to an ongoing investigation" may be entirely appropriate for obtaining a court order for a pen register or trap and trace device for telephone. There should be a higher standard for obtaining a court order if there is an expansion of the number of users monitored or the content of their communications. The information collected through an order should be specified as narrowly as possible.

2. **Expansion of Access to Business Records** (including library circulation data)

**Issue:** Library circulation records are highly confidential and are protected from disclosure under most state laws. Confidentiality assures library patrons that, in ordinary circumstances, they will not be subject to intrusion, intimidation, or reprisal for their choice of reading material or research topics. Libraries already provide law enforcement officials such records if served with a court order. Proposals to make it easier to access so-called business records by lowering standards and eliminating judicial review would appear to apply to library circulation records as well. If adopted, these proposals would eviscerate long-standing state laws and place the confidentiality of all library users at risk. Such proposals could also apply to electronic records showing the history of web sites viewed at a library's public workstations -- records that may well include personal information about individuals wholly uninvolved in any federal investigation. These types of proposals violate existing privacy laws and policies.

**Recommendation:** There should continue to be a high standard for obtaining a court order requiring the release of library records. This is of special concern to libraries given the mission of libraries to provide access to information and resources, including the technological means to achieve such access, while protecting the privacy and First Amendment rights of library users.

3. **Expansion of Access to Educational Institution Records**

**Issue:** The library community shares Congress' longstanding commitment to student privacy and the confidentiality of educational institution records, which is reflected in current federal laws such as the Family Educational Rights and Privacy Act of 1974 and the Children's Online Privacy Protection Act of 1998. For democracy to flourish, individuals must be able to control the disclosure of privacy information such as their academic records. Of course, if there is a legitimate law enforcement need for particular educational records associated with particular individuals, the library community cooperates and will continue to cooperate with such efforts.

**Recommendation:** There should continue to be a high standard for obtaining a court order requiring the release of educational institution records. Students' privacy and First Amendment rights remain high priorities for the library community, and existing law
permits sufficient access to the records created and maintained by educational institutions.

4. Expansion of the Definition of Terrorism

**Issue:** Libraries are concerned that the expansion of the computer fraud and abuse provisions could have unintended consequences for users. For example, any proposal that concerns computer fraud and abuse provisions could mean that relatively low-level cybercrime offenses by "hackers" (including users in libraries) could become "terrorist" activities. Similarly, we are concerned that the expansion of the definition of terrorism could have the effect of sweeping in copyright violations, including infringement.

**Recommendation:** Libraries believe that there is adequate existing legal authority for law enforcement to deal with computer crimes. Libraries question whether there is a need for new and exceptional authority.

5. New Mandates for Technology

**Issue:** Libraries use a wide range of technologies to provide Internet and other electronic information to users, which vary based on the communities served and the library's resources. New technological requirements should not be imposed on libraries, many of which already struggle to meet user demand for access to Internet and computer resources. Proposals that require certain types of information to be retained in libraries' limited-capacity databases for extended periods of time, or that require law enforcement technology to be added to a library network, may have substantial unintended consequences that affect libraries' ability to provide core user services.

**Recommendation:** The library community believes that libraries should not need to reconfigure their systems or undertake actions that exceed their existing technological capabilities.

American Association of Law Libraries (Mary Alice Baish, Associate Washington Affairs Representative, 202-662-9200)

American Library Association (Lynne Bradley, Dir. of Govt. Relations, 202-628-8410)

Association of Research Libraries (Prudence S. Adler, Associate Executive Director, 202-296-2296) October 2, 2001

Appendix B

Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person’s right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.


Appendix C

Library’s Bill of Rights

Today indications in many parts of the world point to growing intolerance, suppression of free speech, and censorship affecting the rights of minorities and individuals. Mindful of this, the Council of the American Library Association publicly affirms its belief in the following basic policies which should govern the services of free public libraries.

I. Books and other reading matter selected for purchase from public funds should be chosen because of value and interest to people of the community, and in no case should the selection be influenced by the race or nationality or the political or religious view of the writer.

II. As far as available material permits, all sides of questions on which differences of opinion exist should be represented fairly and adequately in the books and other reading matter purchased from public use.

III. The library as an institution to educate for democratic living should especially welcome the use of its meeting rooms for socially useful and cultural activities and the discussion of current public questions. Library meeting rooms should be available on equal terms to all groups in the community regardless of their beliefs or affiliations.

Appendix D

Statement on Labeling

Labeling is the practice of describing or designating certain library materials by affixing a prejudicial label to them or segregating them by a prejudicial system. The American Library Association opposes this as a means of predisposing people's attitudes towards library materials for the following reasons:

1. Labeling is an attempt to prejudice attitudes and as such, it is a censor's tool.

2. Some find it easy and even proper, according to their ethics, to establish criteria for judging publications as objectionable. However, injustice and ignorance rather than justice and enlightenment result from such practices, and the American Library Association opposes the establishment of such criteria.

3. Libraries do not advocate the ideas found in their collections. The presence of books and other resources in a library does not indicate endorsement of their contents by the library.

The American Library Association opposes efforts which aim at closing any path to knowledge. This statement does not, however, exclude the adoption of organizational schemes designed as directional aids or to facilitate access to materials.


Appendix E

The Freedom to Read Statement

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious
thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.
3. It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.
7. It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.


A Joint Statement by:

American Library Association
Association of American Publishers

Subsequently endorsed by:

American Booksellers Foundation for Free Expression
The Association of American University Presses, Inc.
The Children's Book Council
Freedom to Read Foundation
National Association of College Stores
National Coalition Against Censorship
National Council of Teachers of English
The Thomas Jefferson Center for the Protection of Free Expression

http://www.ala.org/ala/oif/statementspols/ftrstatement/freedomreadstatement.htm
Appendix F

Librarian Titles

Access Services & Faculty Support Librarian
Access Services Librarian (2)
Acquisitions Librarian (3)
Acquisitions/Reference Librarian
Acquisitions/Serials Librarian
Assistant Curator, Western History Collections
Assistant Director
Assistant Librarian
Assistant Librarian for Information Services
Assistant Librarian for Reference and Media
Assistant Library Director, Periodicals/Acquisitions Librarian
Assistant Professor, Architecture Librarian
Assistant Professor, Assistant Cataloger
Assistant Professor, Cataloging Librarian (2)
Assistant Professor, Digital Library Services Librarian (2)
Assistant Professor, Digitization Librarian
Assistant Professor, Head, Digital Initiatives
Assistant Professor, Head, Special Collections & University Archives
Assistant Professor, Humanities & Social Sciences Librarian (2)
Assistant Professor, Science & Engineering Librarian
Assistant Professor, Science Librarian
Assistant Professor, Senior Cataloger (2)
Assistant Professor, Serials Librarian
Assistant to the Director
Associate Director
Associate Professor, Assistant Head, Documents Department
Associate Professor/Associate Dean of Libraries for Collection & Technical Services
Associate Professor, Associate Dean of Libraries for Research & Instruction
Associate Professor, Curriculum Materials Librarian
Associate Professor, Documents Librarian
Associate Professor, Graduate & Research Services Librarian
Associate Professor, Head, Access Services & Interlibrary Services Librarian
Associate Professor, Head, Acquisitions
Associate Professor, Head, Cataloger
Associate Professor, Head, Humanities & Social Sciences Division
Associate Professor, Humanities & Social Sciences Librarian
Associate Professor, Library
Associate Professor, Veterinary Medicine Librarian
Bibliographic Instruction and Distance Learning Librarian
Business Librarian
Cataloger (7)
Cataloging and Government Documents Librarian
Cataloging Librarian/Assistant Professor
Catalog/Reference Librarian
Chemistry & Mathematics Librarian
Circulation, Instruction, and Reserves Librarian
Circulation, Interlibrary Loan, & Reference Librarian
Circulation/Reference Librarian
Circulation Services Coordinator
Collection, E-Services, & Reference Librarian
Coordinator of Library Services
Coordinator of Reference (2)
Coordinator of Technical Services (2)
Coordinator, Library Access Services
Coordinator, Library Audiovisual Services
Coordinator, Library Instructional Services
Curator
Curator and Reference Librarian
Curator, History of Science Collection
Curator, Western History Collections
Dean
Dean, University Libraries
Development Librarian and Library Instructor
Director, Learning Resources Center (4)
Director, Library (28)
Director of Public Services (2)
Director of Technical Services
Document Delivery Librarian
Educational Librarian (2)
Electronic Resources/Youth Services Librarian
Evening & Inter-library Loan Librarian
Evening Librarian
Executive Director
Fine/Applied Arts Librarian
Government Documents Librarian (3)
Government Information Librarian
Government Publications Librarian
Head, Acquisitions
Head, Collection Development
Head of Access Services (3)
Head of Cataloging (2)
Head of Circulation Services
Head of Library Computing & Information Systems
Head of Reference & Instructional Services
Head of Serials Services
History and Area Studies Librarian
History of Science Librarian
Information Services Librarian
Information Systems Librarian
Instructional Services Librarian (2)
Interim Head of Information Services
Interlibrary Loan and Copy Services Coordinator
Librarian (18)
Librarian II
Library Circulation
Library Instruction Coordinator
Library Instruction Services Coordinator
Library Manager
Manuscripts Librarian
Multimedia Communications Manager
Outreach, Reference, and Special Collections Librarian
Professor, Associate Dean of Libraries for Planning & Assessment
Professor, Dean of Libraries
Professor, Head, Documents Department
Professor, Head, Science & Engineering Division
Public Services Librarian (2)
Reference and Circulation Librarian
Reference & Collection Development Librarian
Reference & Instruction Librarian
Reference, Government Documents, & Instruction Librarian
Reference Librarian (12)
Sciences Librarian
SECTP Librarian
Serials and Reference Librarian
Serials Librarian (2)
Social and Behavioral Sciences Librarian
Special Collections Librarian
Systems Administrator
Systems and Web Management Librarian
Systems/Automation Librarian
Systems Librarian (2)
Technical Services Director
Technical Services, Interlibrary Loan
Technical Services Librarian (3)
University Archives Librarian (2)
Visiting Assistant Professor (2)
Web Services Librarian
Appendix G

Recruitment Letter

[Date]

[Address]

Re: Doctoral Research Study

Dear Librarian:

The USA Patriot Act was signed into law by President George W. Bush on October 26, 2001, and although there has been great debate over the Act limited research has been conducted to understand how the Patriot Act has affected academic librarians and library services. As a doctoral student at Oklahoma State University I am conducting a research study to determine how government mandated policies affect those responsible for their implementation using the Patriot Act as a case study. This study will be limited to academic librarians who are currently employed at a public two- or four-year college or university in the state of Oklahoma. All participants must have an earned Master’s degree in library science.

The study will be conducted by way of oral interviews. Interviews are expected to last between one and two hours and will be audio taped. Transcripts will be made available to each participant of his or her interview for feedback and clarification. At the conclusion of the project all transcripts and audiotapes will be destroyed. Each participant will also be observed while performing reference duty. The researcher will have no interaction with the participant during the observations. Additionally, each participant will be asked to provide the researcher public documents from his or her library that may deem vital to the purpose of this study (i.e. policies and procedures, strategic plans, and annual reports).

Participation in this study is entirely voluntary. If you choose to participate you are free to withdraw at any time. There are no known risks associated with this project which are greater than those ordinarily encountered in daily life. The security and confidentiality of all participants will be strongly observed. No participant names, libraries, or colleges/universities will be used in any written report. All audiotapes, transcripts, and field notes will be kept in a secure, locked location. Only the researcher will have access to the data. However, the Oklahoma State University Institutional Review Board has the authority to inspect consent records and data files to assure compliance with approved procedures.

Your participation in this study is greatly appreciated. If you choose to participate please check the appropriate box below and provide your daytime contact information, or you
may contact me by phone or e-mail. You may return your letter to me using the enclosed envelope. Your letter must be returned by [Date] to be considered for the study.

If you have any questions or desire additional information about this study, feel free to contact me or my dissertation advisor using the contact information below. If you desire additional information about participants’ rights or the University’s research process you may contact Dr. Sue Jacobs, Institutional Review Board Chair, by phone at (405) 744-1676, or by mail at 415 Whitehurst Hall, Oklahoma State University, Stillwater, OK 74078.

Sincerely,

Alan Neitzel
Assistant Director for Resource Development
Rose State College
6420 S.E. 15th
Midwest City, OK 73110
(405) 736-0347
aneitzel@rose.edu

Dr. Adrienne Hyle
Associate Dean
College of Education
Oklahoma State University
336 Willard
Stillwater, OK 74078
(405) 744-9893
adrienne.hyle@okstate.edu

_____ Yes, I wish to participate in this study.
_____ No, I do not wish to participate in this study.
_____ Undecided, I would like more information about the study.

CONTACT INFORMATION

Name: __________________________________________

College/University: ______________________________________

Address: _____________________________________________

Phone: _____________________________________________

E-mail: _____________________________________________

OSU
Institutional Review Board
Approved 3-31-06
Expires 7-30-07
Initials _/___/___
Appendix H

Informed Consent Form

INFORMED CONSENT FORM

Project Title:
The Affect of Government Mandated Policies on those Responsible for their Implementation: The USA Patriot Act and Academic Librarians as a Case Study

Investigators:

Principal Investigator – Alan Neitzel
Oklahoma State University
Higher Education Administration Doctoral Student

Dissertation Chair/Advisor – Dr. Adrienne Hyle
Oklahoma State University
Associate Dean, College of Education

Procedures:
The study will be conducted by way of interviews, observations, and documents.

Interviews – The participant agrees to be interviewed. Interviews are expected to last between one and two hours and will be audio taped. Transcripts will be made available to the participant of his or her interview for feedback and clarification. The interview questions are designed to obtain information about the participant’s personal observations and feelings regarding the implementation of the Patriot Act. Additionally, the research questions are designed to ascertain how the participant’s college/university and library administrations have responded to the implementation of the Patriot Act both internally and externally, and how the Patriot Act has affected services at the participant’s library. A copy of the interview questions will be provided to the participant as part of this consent form. (Attachment A)

Observations – The participant agrees to be observed on the job while performing reference duty. The researcher will have no interaction with the participant during the observations. Observations will enable the researcher to view the participant in their natural work environment. The researcher’s intent is to observe the interaction between the librarian and library patrons, other staff members, use of library resources, and as a former librarian, to observe any discrepancies in normal library routines. This will enable the researcher to conduct follow-up interviews, if necessary, or question the participant about these behaviors during the initial interview.

Documents – The participant agrees to provide the researcher with public documents from his or her library that they may deem vital to the purpose of this study (i.e. policies and procedures, strategic plans, and annual reports).

Risks of Participation:

No participant names, college or university names or identifiers, or geographical identifiers will be used in any written report. Only demographic information about the state of Oklahoma and the state’s system of higher education will be used. Interviews and observations will be arranged between the researcher and participant. Observations of the participants will be in public areas.
Therefore, the decision to inform the participant’s supervisor is left to the discretion of the participant.

Benefits:

There are direct expected benefits to the participant.

Confidentiality:

The security and confidentiality of the participant will be strongly observed. The participant’s name, library, or college/university will not be used in any written report. All audiotapes, transcripts, and field notes will be kept in a secure, locked location. Only the researcher will have access to the data. However, the Oklahoma State University Institutional Review Board has the authority to inspect consent records and data files to assure compliance with approved procedures.

Compensation:

No compensation is offered to the participant for participating in this study.

Contacts:

If you have any questions or desire additional information about this study, you may contact the principle researcher or the dissertation advisor using the contact information below. If you desire additional information about participants’ rights or the University’s research process you may contact Dr. Sue Jacobs, Institutional Review Board Chair, by phone at (405) 744-1676, or by mail at 415 Whitehurst Hall, Oklahoma State University, Stillwater, OK 74078.

Alan Neitzel
Assistant Director for Resource Development
Rose State College
6420 S.E. 15th
Midwest City, OK 73110
(405) 736-0347
aneitzel@rose.edu

Dr. Adrienne Hyle
Associate Dean
College of Education
Oklahoma State University
336 Willard
Stillwater, OK 74078
(405) 744-9893
adrienne.hyle@okstate.edu

Participant Rights:

Participation in this study is entirely voluntary. If you choose to participate you are free to withdraw at any time without reprisal or penalty.

I have read and fully understand the consent form. I sign it freely and voluntarily. A copy of this form has been given to me.

______________________________  __________________________
Signature of Participant        Date

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Consent Form Page 3

I certify that I have personally explained this document before requesting that the participant sign it.

______________________________  ___________________________
Signature of Researcher          Date

OSU
Institutional Review Board
Approved: 3/1/06
Expires: 3/30/07
Initals: ERM
Appendix I

Interview Questions

Questions that will guide the interviews will include:

- How do you feel about the passage of the Patriot Act?
- How do you perceive the Patriot Act in regards to the Library Bill of Right?
- How do you perceive the Patriot Act in regards to your professional ethics?
- How has your college or university administration advised or directed library personnel to respond to the Patriot Act?
- How do you feel about your administration’s public response to the Patriot Act?
- How do you feel about your administration’s internal response to the Patriot Act?
- How has your library implemented the Patriot Act?
- How do you feel about the way in which your library as implemented the Patriot Act?
- What affect has the Patriot Act had on your library?
- How has the Patriot Act affected library policies?
- How has the Patriot Act affected library procedures?
- What affect has the Patriot Act had on you professionally?
- How has the Patriot Act affected library services at your library?
- How has the Patriot Act affected library services you personally provide?
- What are your perceptions of the future of your profession?
Appendix J

Oklahoma State University Institutional Review Board

Oklahoma State University Institutional Review Board

Date: Friday, March 31, 2006
IRB Application No: ED06111
Proposal Title: The Affect of Government Mandated Policies on Those Responsible for Their Implementation: The USA Patriot Act and Academic Librarians as a Case Study
Reviewed and Processed as: Expedited
Status Recommended by Reviewer(s): Approved Protocol Expires: 3/30/2007

Principal Investigator(s):
Alan Neitzel
Adrienne Hyle
12800 S.E. 38th
325 Willard
Choctaw, OK 73020
Stillwater, OK 74078

The IRB application referenced above has been approved. It is the judgment of the reviewers that the rights and welfare of individuals who may be asked to participate in this study will be respected, and that the research will be conducted in a manner consistent with the IRB requirements as outlined in section 46 CFR 46.

X The final versions of any printed recruitment, consent and assent documents bearing the IRB approval stamp are attached to this letter. These are the versions that must be used during the study.

As Principal Investigator, it is your responsibility to do the following:

1. Conduct this study exactly as it has been approved. Any modifications to the research protocol must be submitted with the appropriate signatures for IRB approval.
2. Submit a request for continuation if the study extends beyond the approval period of one calendar year. This continuation must receive IRB review and approval before the research can continue.
3. Report any adverse events to the IRB Chair promptly. Adverse events are those which are unanticipated and impact the subjects during the course of this research; and
4. Notify the IRB office in writing when your research project is complete.

Please note that approved protocols are subject to monitoring by the IRB and that the IRB office has the authority to inspect research records associated with this protocol at any time. If you have questions about the IRB procedures or need any assistance from the Board, please contact Beth McTernan in 415 Whitehurst (phone: 405-744-5700, beth.mcternan@okstate.edu).

Sincerely,

Sue C. Jacobs
Chair
Institutional Review Board
VITA

Alan Kent Neitzel

Candidate for the Degree of

Doctor of Education

Thesis: 
HOW GOVERNMENT MANDATED POLICIES AFFECT THOSE
RESPONSIBLE FOR THEIR IMPLEMENTATION: THE USA PATRIOT
ACT AND ACADEMIC LIBRARIES

Major Field: Higher Education Administration

Biographical:

Education:

Master of Library and Information Sciences 1996
University of Oklahoma

Bachelor of Music 1986
Oklahoma City University

Experience:

Director for Grants and Contracts 2006 to Present
Rose State College (Midwest City, OK)

Assistant Director for Resource Development 2002 to 2006
Rose State College (Midwest City, OK)

Reference/Special Projects Librarian 1987 to 2002
Rose State College (Midwest City, OK)

Library Technical Assistant/Acquisitions/Serials 1990 to 1997
Rose State College (Midwest City, OK)

Library Technical Assistant 1987 to 1990
Oklahoma State University/Oklahoma City
Name: Alan Kent Neitzel
Date of Degree: December 2006

Institution: Oklahoma State University
Location: Stillwater, Oklahoma

Title of Study: HOW GOVERNMENT MANDATED POLICIES AFFECT THOSE RESPONSIBLE FOR THEIR IMPLEMENTATION: THE USA PATRIOT ACT AND ACADEMIC LIBRARIES

Pages in Study: 186
Candidate for the Degree of Doctor of Education

Major Field: Higher Education Administration

Scope and Method of Study: The purpose of this qualitative study was to explore the tensions and transaction patterns evidenced by librarians as they implemented and administered government mandated policies [Patriot Act] contradictory to their professional ethics and beliefs. Smith’s (1973) policy implementation theory maintains that policies formulated by governments serve as tension generating forces in society. He believes that individuals responsible for their implementation and those affected by the policies will experience “tensions, strains, and conflicts,” which may or may not cause transaction patterns. The design of this study is an explanatory case study, one whose lessons can be transferred to a broader arena. Data sources or participants were professional, academic librarians from public colleges and universities located in a Midwestern state. The data collection process used interviews, observations, and document analysis.

Findings and Conclusions: This study shows the affect that the Patriot Act has on librarians and library services. Tensions, strains, and conflicts were evident within the target group resulting in the development of transaction patterns. The primary purpose of these transaction patterns related directly to the protection of library and patron records. Transaction patterns included: developing new policies and procedures; training staff; purchasing new integrated library systems; directing library patrons to more secure forms of information; keeping library records for a shorter length of time; shredding documents; developing new protocols for reference interviews; practicing more discretion with library records; ending personal logins and pin numbers; and purging data. Two other realities identified in this study are that law enforcement agents are routinely visiting academic libraries within the participating state. Also, one library system is assisting law enforcement by monitoring and tracking library patrons. Finding from this study can advance the understanding of how government mandated policies affect those responsible for implementing policies. Enabling future policymakers to develop better policies that create fewer tensions, strains, and conflicts on those affect by the policies and those responsible for implementing policies.

ADVISER’S APPROVAL: Dr. Adrienne Hyle