

# PRIVACY AND THE RIGHTS AND RESPONSIBILITIES OF LIBRARIANS

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*This article presents legal, ethical and professional arguments for the protection of patron privacy, discussing different ways in which librarians have dealt with specific privacy violations. The article concludes that librarians must be ever-vigilant for new and unexpected ways in which privacy can be violated and advocates a strong understanding of state law and legal precedent, as well as a dedication to the highest ethical standards and the American judicial process.*

## DEFINING PRIVACY

Broadly defined, privacy is regarded as information about oneself that is kept from others. In the library setting, right to privacy refers to the lack of availability of information about oneself to others. Privacy entails the confidentiality of circulation records and other personal information related to patrons, the nature of the reference questions patrons ask, and even the materials that are entrusted to libraries by individuals and intended for use by others.

Privacy has been defined as:

“the claims of individuals . . . to determine for themselves when, how and to what extent information about them is communicated to others.” (Buchanan, 1982, p. 31)

“(the) right that certain steps shall not be taken to find out [private] facts and . . . (the) right that certain uses shall not be made of (these) facts.” (Thompson, 1975, pp. 304-305)

“the ability to keep personal information from others, whether it be one’s thoughts, feelings, beliefs, fears, plans or fantasies, and the control over it and when this information can be shared with others.” (Garoogian, 1991, p. 220)

Concern over library privacy has escalated significantly in the past 15 years, mainly due to the growing complexity of modern automated library settings, the sheer amount of information deposited in libraries, and legal precedents where disclosure of patron records has played a pivotal and sometimes controversial role.

## PRIVACY: A CRITICAL ISSUE

Privacy issues are more important now than they were just a few years ago. To all appearances, privacy will become even more important in the future as legal issues clash with ethical concerns and democratic freedoms and information levels increase in general. It is because this issue is so pressing that librarians today are asking themselves questions such as: When, if ever, am I justified in circumventing a patron’s right to privacy? Do patrons engaging in illegal activities forfeit their right to privacy? Do threats to national security justify requests by law enforcement agencies to confidential information? Do children have a right to privacy from their parents or legal guardians?

Like their predecessors, today’s librarians will be forced to consider privacy issues. However, since society has grown in complexity and transactions involving personal information are more numerous, along with access to that information, the potential for privacy abuses has increased. Librarians cannot afford to be uninformed when it comes to privacy. They must understand it in theory, so they can identify its practical applications in the work place and in society at large. To be effective guardians of privacy, librarians must know the history of intellectual freedom and the right to privacy, the forms in which they might encounter a privacy violation, their legal options, and their ethical

obligations. With this information, librarians can develop their own personal philosophy on the issue.

## PRIVACY AND THE CONSTITUTION

While privacy is a growing concern, it is hardly a new issue. As an element of society seemingly protected by the Constitution, the cornerstone of democracy in the United States, the right to privacy predates all but America's first libraries. But is privacy expressly protected by Constitutional law? Some would argue that privacy is not recognized as a Constitutional right because the term "privacy" is not expressly mentioned anywhere in the Constitution. It has been suggested that because our legal system has struggled with the "implied right to privacy" in the Constitution, that most of the issues regarding privacy remain unresolved. Following this line of thought, one might predict continued judicial, political, societal and personal struggles with this issue.

While complexities and uncertainties surrounding privacy rights abound in most of our minds, American law has developed a firm understanding of the issue based on 200 years of jurisprudence that began with the Bill of Rights and ended with a Supreme Court ruling issued by Justice William O. Douglas in 1968. In the words of Kimera Maxwell and Roger Reinsch: "The right of the individual to privacy generally has been accepted as an implied Constitutional right since the earliest days of the Constitution. This right was best stated by the United States Supreme Court in 1968 in *Griswold v. Connecticut*. The implied right recognizes the personal privacy of the individual" (Kupferman, 1990, p. 118). Explaining just how our legal system arrived at the right to privacy as a Constitutionally protected right requires more than a simple quote, however.

The framers of the Constitution realized that their master document was not without flaws, primarily in terms of elements that were implied by the spirit of the Constitution but not expressly stated; the right to privacy is a perfect example. Since it was hinted at, but not expressly stated, the founding fathers addressed it again—in a broad sense—in the Bill of Rights. The Fourth Amendment asserts that "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and partially describing the place to be searched, and the persons or things to be seized."

In short, this amendment simply requires that in most cases the authorities obtain a search or arrest warrant from a judge by showing the need for it. The judge in such cases is expected to act as an expert arbiter of the Constitution. The Fourth Amendment also specifies that authorities must specifically state what they will be searching for, where they plan to search, and why they have cause for suspicion when appealing for the warrant. Without such an amendment it is clear that the privacy of people, their possessions and effects could be jeopardized by "unreasonable searches and seizures."

The Ninth Amendment also indirectly addresses privacy in that it states that "[t]he enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." Some legislators feared that listing specific rights to be protected in the Bill of Rights would later be interpreted to mean that other rights that were not listed were not protected. Since they had already seen a need to create amendments to the Constitution, our forefathers realized that specifying such rights would be a dangerous course of action. Instead, they invoked a broader statement that would encompass many rights not specifically mentioned. Privacy was one of those rights.

Finally, the Tenth Amendment specifies that "[p]owers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people." This statement confirms that the states or the people within them retain all powers not given to the national government. This rule may make it difficult to determine the exact rights of the states, but in the case of privacy, it is clear that many states have enacted legislation specifically addressing privacy, thereby indicating that the states themselves interpret the Tenth Amendment as indicating their responsibility to protect privacy through state statutes.

In addition to the Bill of Rights, the Fourteenth Amendment asserts that "[n]o state shall make or enforce a law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive a person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws." Known as the Civil Rights Amendment, it not only made former slaves citizens, it established the concept of liberty protected by due process.

Despite the Bill of Rights and additional Constitutional amendments, privacy remained a hotly debated topic. In 1868, Thomas Cooley defended the privacy rights of the individual against "the power of the greater

good” when he said “it is better oftentimes that a crime should go unpunished than that the citizen should be liable to have his premises invaded, his trunks broken open, his private books, papers, and letters exposed to prying curiosity” (Cooley, 1868, p. 306).

## THE MODERN HISTORY OF PRIVACY

Exactly 100 years later, the issue that troubled Thomas Cooley would be put to rest from a legal standpoint. As mentioned earlier, the legal precedent for privacy as a Constitutional freedom was determined in 1968. But even in this, its benchmark case, the argument for privacy still presents a muddled picture.

*Griswold v. Connecticut* (1965) was the focal point of several antecedents dealing with privacy. In the case, operators of a birth control clinic had been prosecuted by the state of Connecticut for helping married couples violate state law by furnishing them with contraceptives. Supreme Court Justice William O. Douglas asserted in the case that it violated no specific guarantee of the Bill of Rights, but that a number of other guarantees protected various aspects of privacy and that collectively they had “penumbras, formed by emanations from those guarantees that [helped] give them life and substance.” As such, the case concerned “a relationship lying within the zone of privacy created by several fundamental constitutional guarantees.” In essence, Judge Douglas found that enforcement of the Connecticut state law forbidding the use of contraceptives would involve an intolerable intrusion by the state into the marital bedroom.

*Griswold* served as an important precedent eight years later, when the Supreme Court held, in *Roe v. Wade* (1973) that the new constitutional right of privacy included a woman’s right to have an abortion. The *Roe* opinion abandoned the murky depths of *Griswold*’s ‘penumbras’ and squarely placed the right of privacy in the ‘liberty’ protected by the 14th Amendment due process. (Levy, 1986, p. 87)

Since the *Griswold* precedent regarding privacy, idealism has clashed with technology and precedent to present a muddled picture of the issue and its practical applications in the modern library. The American Library Association (ALA) developed its “Policy on Confidentiality of Library Records” in 1970 to address a growing number of attempts by U.S. law enforcement agencies, both local and national, to examine patron’s library records as part of their investigations. While criminal cases occasionally made local headlines when library records were solicited for evidence in court cases, the real attention became focused on issues when the

possibility of threats to national security were forwarded. With international piracy on the rise and the Cold War still in progress, those issues were a valid concern for government officials. Their fundamental premise for seeking to restrict access to information accessible through libraries, regardless of its classification, was to protect national security and economic competitiveness.

Clarifying the potential threat, in 1982 Assistant Secretary of Commerce Lawrence Brady said:

Operating out of embassies, consulates, and so-called ‘business delegations,’ KGB operatives have blanketed the developed capitalist countries with a network . . . sucking up formulas, patents, blueprints and know-how with frightening precision. We believe these operations rank higher in priority even than the collection of military intelligence. . . . This network seeks to exploit . . . our traditions of an open press and unrestricted access to knowledge; and finally, the desire of academia to jealously preserve its prerogatives as a community of scholars unencumbered by government regulation. Certainly, these freedoms provide the underpinning of the American way of life. It is time, however, to ask what price we must pay if we are unable to protect our secrets. (cited in Schmidt, 1989, p. 88)

In an attempt to solicit greater understanding and cooperation by government agencies and university libraries, where much of the sensitive information was presumed to be housed, Defense Secretary Caspar Weinberger reported further on the systematic collection of information by the Soviet Union in a 1985 press conference: “It is really, I think, fair to say, a far more serious problem than we have previously realized. By their own estimate, more than 5,000 Soviet military research projects each year are benefiting significantly from Western-acquired technology” (cited in Keller, 1985, p. 14). Some of the information Weinberger referred to was housed in special libraries, such as those of private defense contractor McDonnell-Douglas, and readily accessible by a host of the company’s employees. Other items, he noted were public documents issued by the National Aeronautics and Space Administration (NASA), which are accessible through several government and academic libraries.

## THE FBI’S LIBRARY AWARENESS PROGRAM

Subsequently, many U.S. libraries became the focus of the FBI’s attention—especially as a means of monitoring foreign patrons from East European

countries, China, and Cuba. In June 1987, two FBI agents questioned a clerk at the Math/Science Library at Columbia University in regard to the library's use by foreign patrons. When a librarian overheard the conversation, the FBI's "Library Awareness Program" came to the attention of the ALA. Headlines splashed across the popular press brought the issue of privacy into the public eye, and congressional hearings on the matter ensued.

In a series of Congressional committee hearings and testimony, the FBI defended its program, stating that it "has documented instances, for more than a decade, of hostile intelligence officers who have exploited libraries by stealing proprietary, sensitive, and other information and attempting (sic) to identify and recruit American and foreign students in American libraries" (Schmidt, 1989, p. 86). ALA stridently criticized the program as unwarranted government intrusion upon personal privacy that threatened patrons' First Amendment right to have free access to information. ALA also questioned the methods FBI agents used in presenting themselves to librarians and other information specialists, and asked the FBI to provide evidence of their success in hindering the alleged foreign intelligence operations.

Librarians across the country also condemned the program for its "chilling effect" on library patrons—i.e., patrons' fear that because they are under surveillance they can not exercise their Constitutional right to gather information there for their free use. Simply put, if people could not use the library because of fear, they would be denied free access. Furthermore, the process of "imputing the substance of a book" to its readers and using it as a measure of the reader's state of mind is, at best, a questionable endeavor, notes Mark Wilson (1980). If such evidence were admissible in a trial, he argues, the possibility of improper interpretation of library records and subsequent convictions would inhibit individuals from fully exercising their right to read.

The debate culminated in a proposal for federal legislation to protect the privacy rights of library patrons. In the closing hours of the 100th Congress in 1988, the bill was altered. ALA withdrew its support, and the bill passed with no provisions to protect the privacy rights of library patrons. The end result of the debate was an indication on behalf of the FBI that it understands ALA's principles regarding open libraries and privacy rights for library users, and that any future visits will begin with a library's administrative offices. Today, the FBI's Library Awareness Program is believed to be in abatement.

## PRIVACY AND DIFFERENT LIBRARY SETTINGS

As an ethical issue in the field of library science, privacy rights cut across all library environments. As illustrated by the FBI's Library Awareness Program, academic libraries have proven vulnerable to governmental surveillance programs. But what about other settings? Over the years public libraries have been petitioned by law enforcement agencies, usually regarding local criminal cases, to relinquish private information about their patrons. In many such cases, public library administrators have refused to release the information, which has set in motion a chain reaction: police agencies try strong-arm tactics, librarians resist, and news reports help incite public outrage and demands that the library stop hindering the police in their investigation.

### Case Study: A Public Library

In one such case, a frequent patron of the Swarthmore Public Library in Delaware County, Pennsylvania, went into a tirade and shot ten people at a shopping mall. Hours earlier, this "problem patron" had caused a scene while checking out material at the library. Almost immediately the director of the library was contacted by detectives and reporters, who asked questions like: What did the patron do at the library? How did she dress and act? What questions did she ask? and the critical question, What books did she borrow? For months, the detectives on the case argued that the library was harboring evidence that would help convict a killer. In light of the murdered and suffering victims, and an emotionally charged community, the police argued, how could the library "protect" something as trivial as the patron's library records.

Janis Lee (1988), the library director, later noted, they tried to get me to say things I didn't want to say. They asked me questions rapidly, one after another, hoping I wouldn't have time to think and would blurt out what they wanted to hear. At times I was treated with disdain and even animosity. They made me feel as if I was the one in the wrong. I was an obstacle. (p. 447)

Lee noted that both the district attorney prosecuting the case and the defense attorneys for the accused thought the case hinged on the library records. The prosecution thought the book titles would prove the defendant carefully planned the shooting and was in a sound enough state of mind to choose books and check them out. The defense thought the book titles would

prove the assailant was a disturbed woman, desperately seeking help.

Although the district attorney obtained a court order to have the patron's records released, an incredible amount of pressure was put on the library by detectives, reporters, and the public before the court order was granted. Despite the fact that state privacy laws prohibited the library from disbursing the information, the police and the public demanded the information be released. Fortunately, the library director had a good grounding in library theory and an understanding library board.

### **Case Study: A Children's Library**

Though one might assume otherwise, privacy issues are just as important in children's settings as they are elsewhere. Because teachers and parents are so accustomed to talking about students, they may be even less sensitive to children's legal and ethical rights to privacy. Teachers, parents, and adults in general may make "observations" in their discussions with each other regarding a child's reading habits, perceived interests, and reference questions, possibly violating the patron's right to privacy in the process.

Some cases of privacy infringement in children's settings are quite obvious. In one case, a woman asked a school media specialist for the circulation records of her stepchildren. Three years before, she and her husband (the natural father) had obtained a court order mandating that the children use the natural father's surname. She wanted the library to tell her the name the children were using.

The library's response was that it would be a violation of state confidentiality laws to release the information without a court order. Subsequently, the woman was able to obtain a court order. In conferring with legal counsel, the library's director noted that one of the children's first names on the order had been misspelled. "The attorney advised them to supply the information only as it (was) requested on the subpoena. As a result, they did not supply the information on the child whose name was misspelled" (Garoogian, 1991, p. 227). Soon after, the father came to the library asking for the same information, but because he could not get a similar court order, he was denied the information.

### **Case Study: A Special Library**

Either of the previously mentioned examples could have taken place in an archival or special library, where librarians have the same ethical and legal responsibili-

ties to protect the patron's right to privacy. However, there is an added element of privacy in any library that houses manuscripts or personal papers: the privacy rights of the individual who generated the papers and that person's family members and/or colleagues. The invasion of privacy where personal papers or manuscripts are concerned can occur in several ways.

1. Intrusion upon the individual's seclusion or solitude, or into his private affairs;
2. public disclosure of embarrassing or private facts about the individual;
3. publicity that places the individual in a false light in the public eye;
4. appropriation, for another person's advantage, of the individual's name or likeness. (Peterson & Peterson, 1985, p. 40)

Most often it is the donor who places restrictions on the material, based on their knowledge of the material's content and the people represented in it (Hodson, 1991). A noted musician, for example, may entrust her lifelong collection of personal correspondence to a library with the understanding that it will only become accessible when she has died.

Such stipulations are easy to adhere to, Hodson (1991) notes, when compared to situations where no restrictions are imposed by the donor but the curator discovers potentially defamatory or sensitive material in a collection. In such cases, the curator "is faced with an ethical, and perhaps a legal dilemma. To make available material that violates an individual's privacy or is potentially libelous or defamatory may make one's library vulnerable to legal action. At the very least we curators must be concerned about the ethics of privacy" (p. 110).

In the past, scholars have argued that the private material of famous writers and artists cannot remain private because of its importance to the world. This appears to have been the argument that persuaded Stephen Joyce, the grandson of the famous modern author James Joyce, to destroy the author's family letters rather than deposit them at an archive under any restriction. Though he undertook an extreme measure, Joyce argued that regardless of his grandfather's notoriety, there is a part of every person's life that should remain private. He later admitted that his motivation to destroy the letters was based on his outrage upon hearing scholars discuss with untoward emphasis the explicit and erotic 1909 love letters between James and

Nora Joyce, which were included in the 1988 book *Nora: The Real Life of Molly Bloom*.

Hodson's (1991) summation of this sad episode is that the donor should strive to "restrict sensitive or personal papers for as long as you deem necessary, but please don't take the ultimate step of destroying them. Long after the deaths of those who would suffer embarrassment or undue invasions of privacy concerning sensitive material, the papers of literary and other public figures will be of great value to coming generations of scholars" (p. 115).

## PRIVACY: THEORY, LAW AND POLICY

An understanding of the delicate balance between theory, law, and policy is the librarian's best tool for dealing with ethical challenges presented by privacy issues. One thing is for certain: no two cases of potential privacy violation will be the same. Perhaps it is the fact that there are no clear-cut answers or definite solutions to the issue of privacy that makes it one of the profession's greatest challenges. Fortunately, there are mechanisms in place to help librarians evaluate their privacy concerns and make the best possible decisions from a legal and ethical standpoint.

One of the first considerations the librarian should take into account when faced with a possible privacy violation is state law. At least 41 states have enacted statutes that protect the confidentiality of library records in one form or another. However, no two states have legislation with the same wording or even the same implications for all library settings. For example, some statutes allow for disclosure upon written consent of the person identified in a record. Other states allow for the release of the records of children at the request of the child's parent or legal custodian.

Virtually all states stipulate that library records must be disclosed under the decree of a court order, though history has shown that some court orders have been successfully challenged, oftentimes resulting in a subpoena that is revised and re-submitted in the appropriate form. Legal liability for violating state statutes of privacy can range from a class 2 petty offense to a second degree misdemeanor, depending on the state, and in some states can be punishable with fines of up to \$2,000 or 90 days in jail (for second and third offenses), and payment of court fees (Garoogian, 1991).

Even the term "confidential library records" is defined differently in different states. Though circulation records first come to mind, "records" can also mean registration records (personal data on a patron), or even

a librarian's observations of a patron or questions asked in the reference interview. The term "library" is defined differently as well. In New York, for example, the term "library" encompasses everything from college and university libraries, to state library systems, and public and school libraries. On the other hand, Maine restricts its coverage to public municipal libraries, including the state library.

Once state laws have been taken into consideration, the librarian must turn to and abide by any written policy that has been provided for the evaluation of privacy issues. ALA has a formal "Policy on Confidentiality of Library Records," though compliance to it is strictly voluntary.

Some librarians argue for a balance between national security issues and privacy issues. Others advocate a no-exceptions policy of privacy:

As library staff, we should never discuss what books particular patrons check out, or even what types of books. . . . To take our responsibility even further, never tell anyone else whether or not someone is a member of the library, or give out addresses or telephone numbers. When members freely give us such information upon joining the library, they do not expect us to pass it on to anyone—and, by law, we cannot. (Lee 1988, p. 444)

In the professional sphere, librarians will have to use their best judgement to determine when possible threats to privacy occur, what their legal and ethical obligations are, and what ramifications their actions will have on their patrons and their profession.

How well do librarians practice what their profession preaches? A 1988 survey regarding the privacy of patron records in Arizona revealed some interesting data. The survey of all the public libraries and one major university library in Maricopa County revealed one-third of the libraries in the county had not adopted a formal written policy statement on the issue of privacy. In addition, 75 percent of the librarians surveyed did not believe that their patrons were concerned about the issue of privacy and 16 percent of the librarians indicated that patrons had voiced their concern about confidentiality (Horenstein & Schon, 1988).

Most importantly, "none of the librarians indicated that they had experienced any problems in maintaining confidentiality of patron records and none anticipated any problems in the future" (Horenstein & Schon, 1988, p. 11). Though the sample was small and the survey was an example of applied rather than scientific research, the survey gives a modicum of insight into one region's libraries. If nothing else, it shows that librarians and

their patrons, to some degree, are aware of the security problems and privacy issues that haunt modern libraries. It also makes one wonder how many of the nation's libraries are really prepared to face a complicated challenge to privacy.

## CONCLUSION

Are their times when privacy violations are justified? Are there exceptions to confidentiality? As library professionals, each of us must consider the ethical and legal implications of the right to privacy and formulate our own opinions. In cases of privacy, especially when someone has been hurt or laws appear to have been broken, emotional responses can cloud professional judgement. Pressure brought to bear by the media, law enforcement agencies, and the public can be extreme. Furthermore, those who do not consider the ethical dilemmas presented by such issues are often quick to judge and slow to understand the rationale behind the justifications for protecting patrons' privacy. Even though they might agree with these decisions in theory, they might ask us to make exceptions when they deem them appropriate.

Then there are those who would ask the librarian to ignore privacy issues altogether in the name of national security and patriotism. The actions of the FBI in administering its Library Awareness Program are ethically questionable and present a threat to democracy as we know it. It is ironic that in an effort to preserve our country's democracy and its national secrets, the FBI has devised a program that breaks the Constitutional principles it also strives to protect.

At issue here is more than just the right to privacy. There are intricate systems in place to protect this country's national security concerns, and indeed, we have valid concerns. In fact, it can be argued that our national security concerns are really international security concerns. Government agencies such as the Department of Defense and the branches of the armed forces are designated to "classify" information, limiting its accessibility to only those with the proper "clearance." The wide array of clearance levels, from "acquisition sensitive" to "top secret" to clearance levels that are perhaps so secret that the public does not even know they exist, suggests a method and organization capable of protecting national security. It also suggests a system of checks and balances, security measures with built in redundancies, and due process. On the other hand, FBI agents harassing librarians in settings that contain no classified material suggests a gross waste of national

resources. The librarian's job is to protect the rights of the patron, not to decide which of its holdings might be "sensitive" and which of its users might be foreign operatives.

The librarian's position on privacy should place all cases of confidentiality on the same level. The average library patron has the same privacy rights as the patron under suspicion for the worst treason, subversive activity or criminal act. Therefore, we have an equal responsibility to guard and protect the rights of the child as those of the patron we suspect to be the most loathsome criminal. There can be no difference in the eyes of the responsible librarian, just as there can be no difference in the eyes of Constitutional law or the American justice system.

Most librarians develop techniques to adroitly sidestep the innocent queries about a child's reading habits or the a patron's request for the phone number of an acquaintance—these are privacy issues they may routinely encounter. Surprisingly, those same librarians seem to believe they will never be confronted with a more serious or complex challenge to privacy. Yet that is one of the most common confessions librarians have made when describing their experiences in dealing with harrowing privacy cases that have drawn significant public attention. This revelation belies a naivete that is potentially damaging to our profession.

There are simple steps that can prepare the librarian for any challenge to privacy by any group or coalition in any arena. The first step is to familiarize oneself with the history of privacy, from the framers of the Constitution, to the FBI's Library Awareness Program. The second step is to know the law as it applies to the particular state. Some states still do not have statutes governing privacy, but most do. It should further be noted that laws are not set in stone; state laws are often revised. The third step is to formulate a written policy statement on privacy in your library if you do not have one, provide copies of it for discussion with staff members, and be ready to explain the policy to patrons. The final step is to follow your policy on confidentiality and privacy while being vigilant for new and unexpected ways in which privacy might be threatened.

When online computer systems came into use, for example, most librarians did not realize their potential as a database for storing confidential information. Though security systems were formulated, it soon became evident that as soon as a staffer wrote a password down because they could not remember it, patron privacy would be compromised. Librarians in many settings quickly acted to re-design their computer

software so that it would store only basic patron information, purging information about holds, requests and charged books as soon as patron transactions were complete. In such cases, the librarian's vigilance for a potential threat to privacy was the best protection of confidentiality.

In conclusion, it should be noted that professions such as law and medicine allow for unchangeable privacies between the professional and the client. By extension, some librarians would argue for a similarly protected relationship between the librarian and the patron. If we allow the American justice system, the Defense Department and other protective mechanisms to do their jobs, we do not need special privilege when it comes to privacy. This will demand a great deal of vigilance by our profession and the occasional need to argue for Constitutional freedoms. However, that possibility does not reflect a shortcoming of our profession or the American justice system. With the freedoms we are granted in a democratic society come the responsibilities of perpetuating the democracy for future generations—in our case, future generations of library users.

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