

RESOLUTION ON EXPANDING FEDERAL WHISTLEBLOWER PROTECTIONS

Whereas in 2003 the American Library Association (ALA) cautioned that the USA PATRIOT Act and related laws, regulations, and guidelines would "increase the likelihood that the activities of library users, including their use of computers to browse the Web or access e-mail, may be under government surveillance without their knowledge or consent"¹;

Whereas the public now knows that the National Security Agency (NSA) has been collecting the telephone call metadata of millions of customers of Verizon Business Services, AT&T, and Sprint pursuant to orders issued by the Foreign Intelligent Surveillance Court (FISC) under Section 215 of the USA PATRIOT Act;

Whereas pursuant to court orders issued by the FISC under Section 702 of the FISA Amendments Act (FAA) the NSA operates programs that collect and retain vast quantities of data on internet usage; and while authorized to target communications of foreign persons, the NSA has admitted that it also collects and stores Internet data from U.S. persons;

Whereas in 2004 ALA affirmed its "support for accountable government and the role of whistleblowers in reporting abuse, fraud, and waste in governmental activities"²;

Whereas in 2011 ALA urged "Congress to pass legislation that expands protections for whistleblowers in the Federal government," and further urged "the U.S. President, Congress, the federal courts, and executive and legislative agencies to defend the inalienable right of the press and citizens to disseminate information to the public about national security issues and to refrain from initiatives that impair these rights"³;

Whereas Presidential Policy Directive 19 of October 10, 2012, prohibits retaliatory actions against federal employees in intelligence agencies but limits such protected communications to superiors within their agency chain of command and relevant Offices of Inspector General, and is exclusively enforced on the administrative level by the intelligence community targeted in a whistleblower's disclosure and does not include judicial review of administrative rulings;

Whereas public access to information by and about the government is essential for the healthy functioning of a democratic society and a necessary prerequisite for an informed and engaged citizenry empowered to hold their government accountable for its actions;

Whereas the ALA values access to documents disclosing the extent of public surveillance and government secrecy, as access to these documents enables the critical public discourse and debate necessary to redress the balance between our civil liberties and national security;

Whereas such disclosures enable libraries to support discourse and debate by providing resources for deliberative dialogue and community engagement; and

Whereas the ALA remains concerned about due process and protection for persons who provide such revelations; now, therefore, be it

¹ "Resolution on the USA Patriot Act and Related Measures that Infringe on the Rights of Library Users" (2003)

² "Resolution on Securing Government Accountability Through Whistleblower Protection" (2004)

³ "Resolution on Access to and Classification of Government Information" (2011)

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Resolved, that the American Library Association (ALA), on behalf of its members:

1. urges Congress to amend the Whistleblower Protection Enhancement Act of 2012 to extend existing legal protections for whistleblowers to employees of all national security and intelligence agencies, and to non-federal employees working for civilian contractors;
2. urges Congress to establish a secure procedure by which all federal employees, and all non-federal employees working for civilian contractors, may safely share evidence they have discovered of fraud, waste, or abuse with the appropriate oversight committees of Congress, and directly with the press and the American people, with the protection of legally enforceable rights against retaliation or prosecution;
3. commends the courage and perseverance of federal employees, and non-federal employees working for civilian contractors, who risk their livelihoods, their reputations and their liberty to expose evidence of government fraud, waste, or abuse.

Adopted by the Council of the American Library Association
Tuesday, January 28, 2014 in Philadelphia, Pennsylvania



Keith Michael Fiels
ALA Executive Director and Secretary of the ALA Council