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On Booknapping and Other Headaches

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Georgia Court of Appeals

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Do you remember the lovely old bookmark with the legend:

Steal not this book for fear of shame,
For it is in the owner's name
And when you're dead the Lord will say
Where is that book you stole away?

It seems that in today's world, we have to rely less on the suspect's fear of questioning by the Lord and more on the inculcation of a proper respect for questioning by our law enforcement people and—let's face it—by ourselves. The sad truth is that if we do not do it ourselves, it will not be done. The sage was right who said: "An alert and dedicated staff is the most effective defense a library can have."

You have asked me to come here with some suggestions on detection and deterrence. This puts me, as we say, between a rock and a hard place. You all know about physical security of archives and libraries than I do, as Mr. Berkeley's magnificent presentation well proves. Yet if I confine myself to talking about law, I will be like the child who, when his father asked what the teacher had said, replied, "More than I wanted to know."

After weighing these hazards, I have decided to talk about archives and library security in terms of circumstantial evidence. This type of evidence takes up considerable time and thought on the part of lawyers. One of our early great judges, Justice Bleckley, pointed out that often among

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the facts most clearly established in a case are those to which no witness had ever testified.

I will give you an example of circumstantial evidence. A rather scroungy little man walked into Tiffany's in New York some years back and asked to look at diamond rings. The clerk took a tray of rings out of the showcase and laid it on top of the glass counter. After examining them carefully, the customer asked to see something better. The clerk replaced the tray and got out another one. That in turn was rejected and replaced. Eventually the clerk brought out a tray from the interior of a vault with each exquisite ring sparkling in its own place. After the customer had examined them all under the eagle eye of the staff, he turned to leave without making a purchase. As he reached the door, he stumbled and fell, and out of his pockets rolled two- or three-dozen glittering cut stones. You can imagine what happened: somebody locked the door, somebody called the police, and three or four stout men held the suspect down. Unfortunately, the brilliants were from Woolworths, and were poor quality at that. And the purported customer turned out to be none other than Groucho Marx, who had pulled the hoax in order to win a bet.

Did Groucho Marx have a false arrest suit against anybody? Certainly everybody in that store had what the lawbooks call "probable cause" to think him a thief, which is really what I am here to talk to you about. Probable cause, in the context of theft, is simply that totality of circumstances which would make a reasonable man believe that a particular human being has possessed himself of a particular piece of property belonging to somebody else, and that his purpose in doing so is to make off with it without the owner's consent. Now, all sorts of things can lead you to such a conclusion, from a wild hunch to actually seeing the person stick the item under his coat, and the question you always have to ask yourself when you reach this conclusion is whether that fictional masterpiece and darling of the law—the hypothetical man of ordinary prudence and discretion—would reach the same conclusion you have. If he would, or if a jury would think he would under the circumstances, then you have probable cause. Otherwise you do not. Simple, isn't it?

The fact of the matter is, however, that if custodians of books and records and artifacts err, it is usually
on the side of conservatism. I have never heard of a false arrest action being brought against a librarian, and am sure that none has been in Georgia. The Archivist of the United States has pointed out that archivists are a trained and dedicated group with a strong public service orientation. He adds:

I wonder if we are sometimes prone to forget that not all those with whom we come in contact have equally high standards of probity and honesty. . . . [We need to] devote at least a little time to the fact that documents are sometimes stolen, to the ways in which thieves operate, and to a study of deterrents against theft. We must teach our archivists to be suspicious and watchful without diminishing in any respect their obligation to be courteous and helpful to researchers.¹

It seems to me that this is putting a great burden on you to be two kinds of people at the same time, as though you were expected to be both a doctor and a detective. But it is true that even with police officers and security men around, it is ultimately the staff who prevents or detects documentary theft.

There is such a thing as a professional thief of valuable documents. It is your job to educate him into the realization that there are other avenues of trade more remunerative for him, and that he has made a tragic error in his choice of career. To do this you must on occasion be alert and willing to act on the evidence before you.

What is required in the way of surveillance depends less on the class of people using the facilities than on the value of the holdings. Even sedate and elegant institutions patronized in the main by serious researchers become vulnerable as they accumulate rare items which attract the attention of a professional documents or museum thief, or the value of which proves tempting to someone who heretofore has proved to be a trustworthy employee. I might say that my reading in the area suggests that in a truly great percentage of the important heists an employee is implicated, either acting alone or working in concert with a professional specialist in this type of theft. This is outside the purpose of my discussion today, except to point out that it exists and that the security measures to combat it
are of a different and specialized character.

In document theft, the same circumstances operate as in shoplifting. I recently heard a talk by the head of security at Rich's department store, who said that not only is inventory loss by theft now accelerating astronomically, so that it equals between 1 and 2 percent of sales, but samplings of recovered goods suggest that a majority were stolen by or in connivance with an employee working in the store. This is a horrifying state of affairs, but it is one of the facts of life in today's business world. Nevertheless, stores are frequent targets of false arrest suits, which may be even more costly. Therefore, the motto of these security people, and I also advise it for those on your staffs stationed in reading rooms, is "IF YOU DIDN'T SEE IT, IT DIDN'T HAPPEN."

Institutions such as the Atlanta Public Library sustain their losses primarily piecemeal and as a result of customer theft. This means that the usual theft will not reach felony proportions. In Georgia there are no such things as common law crimes. Only what is declared illegal by statute can be the subject of police action. The statute determines whether the crime is a felony or a misdemeanor, because here by definition any crime punishable by imprisonment in the penitentiary for over one year is a felony. All other offenses are misdemeanors. The maximum penalty for a misdemeanor is a year in jail and a $1,000 fine. A theft of goods, the value of which totals less than $100, is declared to be a misdemeanor; over $100, it is a felony. This has important consequences. A citizen's arrest can be made only when the person actually sees the crime being committed in his presence, unless the crime is a felony and the perpetrator is escaping and the person has probable cause to believe this man actually committed the crime.

You may be surprised to learn that, so far as I can find out, no actual arrests are made by the Atlanta Public Library, although it employs a detective and a security officer and also makes use of Checkpoint, one of the better electronic surveillance methods. All books are electrically coded, and there is a very efficient turnstyle system that forces traffic to flow out through a narrow passage where books are checked out by deactivating an electronic signal which has been placed in them. If the signal is not deactivated, the turnstyle locks and the customer is unable
to exit. At that point, the customer is politely reminded by the attendant at the desk that he should produce his book to be checked, or he is asked to open his briefcase, or whatever, to determine the cause for the alarm. If the customer refuses point blank, however, the staff employee at the desk must release the turnstile lock and allow his departure. In the end, the system has only a psychological value. And it is expensive. I do not know what Atlanta pays, but such a system normally costs $2,500 or more per year for rental, plus 15¢ to 30¢ per book for the tape, plus a tremendous amount of staff time to place the coded material in each book. Furthermore, it is far from accurate. The system picks up any metal, and a metal briefcase, or a can of hair spray in a pocketbook, will set it off. Also it can be fooled. If the book is carried under one’s pants belt with a coat over it, or under one’s coat with an arm over it, there will be no signal. In spite of all this, the Atlanta Library feels the system worthwhile, which gives some indication of the volume of book thefts. When a large system like the Atlanta Library simply throws up its hands insofar as invoking the law, it becomes clear what every depository of books and papers is up against. After making some study of the laws on the books, I have become convinced that we do in fact need legislation which will allow archivists and librarians some practical access to the law as a deterrent to theft.

First, let me point out that there are separate categories of thieves and that it would be rewarding to consider briefly the kind of people you may come up against. At one end of the spectrum is the absent minded professor who unintentionally gets a manuscript mixed up with his own papers and starts out with it. There is the busy researcher who is technically guilty. He has to leave and decides it would be much easier for him to finish his reading in the privacy of his own home before sneaking the copy back in. There is the very occasional scholar who has become so enamored of his own field, and developed such a sentimental attachment to his area, that the temptation of personally possessing some document or artifact is irresistible. There is the true pathological kleptomaniac. There is the amateur beset by sudden temptation, and there is the professional who works through a fence or even sometimes on commission from an unscrupulous dealer or collector. He is, of course, the most dangerous, and you are not likely to catch him in the act. He will have given false references, if you demand references, and one of the best safeguards you can have is
to make at least spotchecks to be absolutely certain that users unknown to you personally have the proper credentials. If the price is worth it, he may go to great lengths to establish himself as a bona fide scholar. There are also, as recent events have shown, both the mentally unstable and the political protester, such as the group of women revolutionaries who bombed the Harvard Library in 1970. There also have been instances of destruction of catalogues.

Facing these hazards and a stunning increase in possessory crimes in the past few years, archivists confront two questions. One is how best to keep people, either inadvertently or with intent, from removing property without consent from repositories. The other is how far it is prudent to go in ambiguous circumstances without subjecting yourselves or your employer to charges of false arrest or false imprisonment. There are, in the present state of the law, stringent safeguards which a suspect may invoke, and I believe it might be helpful to go into the reasons for them so that you can better understand the issues as they are sometimes seen by trial judges. This also will give my reasons for certain changes I would recommend in the law.

In general, a suspect's defenses are constitutional in nature, usually predicated on the Fourth amendment in the Bill of Rights, enacted in 1791 and described as one of the most litigated provisions in the Constitution. It provides that every man shall be safe in his person, papers and effects, and that no search is legal except on oath specially designating the person or place to be searched and on a showing of probable cause. The Supreme Court recently stated that probable cause (to believe a crime has been committed) is not a technical concept, but is based on factual and practical considerations of everyday life on which reasonable and prudent men act (Adams, 407 U.S.). It applies to arrests, detentions, and searches. Searches without search warrants are always illegal, except in certain instances or by virtue of certain legislation which I will mention shortly. Somebody who knows sufficient facts to constitute probable cause must swear to those facts before a judge or magistrate, and if the magistrate agrees, he may issue a warrant. This warrant is served only by a peace officer and only on the person or the property which it describes. That forbids you from making any search ever of a person you think is concealing stolen goods on his person, or among his effects, unless you come under an exception.
Not only that, it eliminates your calling any policeman to search the suspect under any circumstances, unless you are very sure you can prove the value of the object is over $100. Remember that a policeman cannot arrest and search without a warrant if the theft is a misdemeanor, rather than a felony, unless he personally has seen the offender take the item. What you tell him may amount to probable cause to believe the suspect is in possession of the material, but the officer can arrest for a misdemeanor without a warrant only if the misdemeanor is committed in his presence. Hence, in Georgia the idea of holding a suspect by watching or talking to him until you can get a policeman may not necessarily work, even if the officer arrives immediately and even if he believes you, unless you convince him also that the value of the material reaches felony proportions. This explains why the Atlanta Public Library makes no arrests.

Lest warrants appear more impediment than support of law, they are in fact absolutely vital to our existence as a free people. It has been recognized since the days of the Magna Carta that the power of government to take a citizen's person or property, unless it was lawfully undertaken and unless a written record showed it to be lawful, was slavery. By the eighteenth century this was well established; however, another practice had grown up of issuing what were called "general warrants." While they showed that a crime had been committed, and authorized a search, they did not specify who could do the searching or who could be searched. Hence, anybody could use them on anybody. General warrants became the same as no warrant at all. This went on until 1763 when the British Secretary of State, Lord Halifax, felt it necessary to suppress an underground periodical called the North Briton. He issued some of these warrants, and among the houses searched on the strength of them was that of a member of Parliament, John Wilkes. Nothing was found. Wilkes brought a damage suit against Lord Halifax based on the proposition that general warrants were void and that Halifax was no better than a criminal in having his, Wilkes', house ransacked under these circumstances. Amazingly, Wilkes won the case, and a jury gave him £1,000, or about $24,000 in today's money. He then brought suit for false imprisonment based on the same transaction and was awarded close to $100,000. American history buffs will remember the incendiary effect this had on Americans complaining of some similar British practices in the colonies.
With your permission I will skip the next 200 years and get to the present state of repair of the edifice raised on those ancient and honorable foundations. Since World War II, expanding social consciousness on the one hand and increased problems resulting from criminal activity on the other have given rise not so much to changes in the structure of the law as to a complicated architecture of U.S. Supreme Court opinions attempting to delimit the rights and duties of peace officers. The affects directly concern archivists in institutions large enough to have security guards or detectives equipped with police powers on call, and knowledge of the opinions is a prelude to an understanding of the rights and responsibilities of every archivist and librarian.

In 1968, just 200 years after the British Wilkes case, the U. S. Supreme Court decided Terry v. Ohio (392 U.S. 1). A plainclothesman in Cleveland, Ohio, had noticed three men acting strangely. He watched them for a lengthy period. One man would walk down the street, look in a store window, move away, look in again, and then go back and talk to the other two. A second man would repeat the performance, and so on. The officer decided the men were casing the store preparatory to a hold up. Note that he had no "probable cause" for this conclusion, but he did have an "informed suspicion." He went up to them to investigate. Their answers were unsatisfactory; he quickly "frisked" one of them, Terry, by patting his outer clothing, felt a hard object, reached in and drew out a revolver. He was then in a position to arrest Terry for carrying a concealed weapon—that is, for a misdemeanor being committed in his presence. One of the predicates of a lawful arrest is that the suspect may then be fully searched, as well as taken down to the station house, booked, and interrogated at length. Terry eventually was convicted of possession of a concealed weapon and contended that the conviction should be set aside because he had been unlawfully arrested and searched. This led the court to face the hard realities of life, and to acknowledge that a "stop" is a sort of seizure, and a "frisk" is a sort of search. But it reached the conclusion that "stop and frisk," within limits, could be performed on less probable cause than "search and seizure." The ultimate conclusion of the U.S. Supreme Court in Terry v. Ohio was that when a police officer (and please note here that I am still talking about policemen and not ordinary citizens like you and me) "observes unusual conduct which leads him reasonably to conclude in the light of his experience that criminal activity
may be afoot," and while these facts do not amount to prob­
able cause to believe a felony is being committed in his
presence, they yet serve as a justification to pursue the
matter by further investigation. This usually means going
up to the suspect and talking to him. If his suspicions are
not allayed, and if the initial stop was reasonable under the
circumstances, and if for some good reason he feels appre­
hensive (he suspects a crime of violence has been committed,
or that the man may be armed and dangerous), he may then
"frisk" the suspect—that is, give him a pat-down to ascertain
whether he has weapons. This is only a weapons search and not
a search for a packet of marijuana or a missing manuscript.
But if such an item is found in the course of the weapons
search, the suspect may be arrested rather than "detained,"
searched rather than "frisked," and conducted unceremoniously
to the station house.

Much case law has been made since Terry, including
a 1972 decision which allowed a police officer to interrogate
a man sitting in a car on a tip that he had heroin and a gun
under his belt, to reach under the belt, on finding the gun
to arrest him for weapons possession, and then to search him
and the vehicle for the narcotics. This is a lot closer to
your situation, because here the officer is acting on informa­
tion from another person and not on what he sees himself. It
is an indication that the court may broaden its position to
justify a limited detention and search for less than probable
cause, and for something the officer did not see but which was
told to him by somebody else. It is doubtful that such a rule
ever will be applied generally, and in my opinion it would be
exceedingly dangerous to every citizen, including good guys
like you and me. But the case does suggest that there can be
circumstances in which a police officer can act on informa­
tion furnished him by another person, in addition to that
which reaches him from his informed senses. The rule there­
fore could be made the basis of legislation which would allow
a peace officer to detain, and if necessary search, a per­
son whom the informant—a reading room attendant, for example
—has actually seen attempt to steal archival, library or
museum property. The same legislation could protect that
informant if he told the truth and if what he observed in
fact amounts to probable cause.

By the way, the word "arrest" itself can be con­
fusing. We rightly think of it as the process by which a
suspect is orally charged with a specific crime and taken to
the police station. In addition, we now have two other meanings to consider. In the "stop and frisk" context, the person is accosted by a police officer involuntarily for purposes of investigation. If he is not free to walk away, this investigatory stage is not an "arrest" in the usual lay sense of the word, but legally it is. Even the Supreme Court calls it instead a "momentary detention" (and words of that sort), while admitting that it is sheer torture of the English language to pretend it is not a "seizure" of the person, just as an arrest is. But in the law of false arrest, the slightest touching or detaining of a person against his will is an arrest, and if not lawful, consensual or privileged, it can be the basis of a damage suit.

I feel that you need more protection in cases where you really have cause to believe that someone is making off with the archival or library property. The legislation I would propose addresses three questions: Can we broaden the area where the detention (and if necessary the search) of such a person is lawful? Can we broaden the area of consent? And can we broaden the area of privilege?

Of course the situation you confront is much more subtle than that of the detective in a high crime area who believes he recognizes an escaped felon, or who sees conduct that suggests a suspect is casing a store preparatory to breaking in or is selling narcotics. What probably happens is that you the archivist suddenly realize something has disappeared and a visitor could have taken it, or that a visitor has closed his briefcase on what could be a valuable document or reference book, or even that you think you saw him slip something surreptitiously under his coat. Even if you are fairly sure there is a thief in your presence and that he has the material in his possession, you can hardly hold him against his will, certainly not if his possessory crime is only a misdemeanor, which it would be if the value of the manuscript, or whatever, is less than $100. Of course you have the right politely to question him. It is when you seek to detain him against his will that you are in trouble. If the material has been charged out to him, he is responsible for it. But if he denies knowledge and refuses to open his coat or his briefcase, and the material in fact appears to be missing, what do you do?

We need legislation to broaden the area of detention and search. I suggest that detention and search never be attempted by a custodian of materials. Assuming that you have a detective or security guard with police power on the premises, or can get a policeman there quickly, you must remember
that even if you saw the suspect pocketing the material, the policeman only has your word for that fact. Further, he only has your word for the fact that the material is worth over $100 and therefore is of felony proportions. Hence the policeman himself would be doing an illegal act if he arrested without a warrant for a crime not committed in his presence, especially if that crime might be only a misdemeanor. To shore up his power, for your protection, I suggest a clause found in some of the shoplifting statutes. It reads:

A peace officer may, upon a charge being made and without a warrant, arrest any person whom he has reasonable cause to believe has committed or attempted to commit theft of or intentional damage to Depository property.

If you have seen a theft, or seen things which, although they are circumstantial evidence, convince you that the visitor is committing a theft, your relation of these facts to the officer gives him the probable cause required by the statute. It places you more or less in the position of an informant, and the 1973 Allen case I mentioned which allowed a limited detention based on an informant's tip, indicates that such legislation would be Constitutional as a reasonable search or seizure. The Supreme Court has emphasized on several occasions that it is only the unreasonable search which is prohibited. The presumption that any search without a warrant is unreasonable is what needs to be removed in the situation we are talking about.

The second piece of legislation I propose shores up your position and gives you a qualified privilege to act where you otherwise could not. It protects you for what you do within its parameters, and it also protects you where you call a policeman and the policeman, acting on what you have told him, makes an arrest. The purpose of such legislation is to give you immunity from a false arrest or false imprisonment suit or malicious prosecution where you have probable cause to believe that the suspect has removed the material and is intending to steal it. The wording can be taken substantially from the paragraph of Mr. Berkeley's Virginia legislation headed "Exemption from liability for arrest of suspected person" or from the Georgia Code §105-1005, which is the Georgia shoplifting statute. The law provides, in a store situation, that if an employee reasonably thinks a customer is shoplifting, and if the customer has behaved in
such a manner as to cause a man of reasonable prudence to believe that he was shoplifting, and if the time and manner of detention or arrest of the customer are reasonable, the customer may not recover damages against the store or the employee for detention. This constitutes a defense to a false arrest or malicious prosecution action and is what is called a "qualified privilege" based on probable cause.

To illustrate, recall Groucho Marx and his prank with the phony diamonds. Under common law rules, if he were detained and searched and no store property found on him, he technically would have a right of action for false arrest. Once a mistake is made, it does not matter how much probable cause the storekeeper had: if he is wrong, he is liable. The "reasonable cause" legislation reverses this situation and is illustrated nicely in the Georgia case of S. S. Kresge Co. v. Carty [120 Ga. App. 170]. Our shoplifting law makes it illegal not only to steal merchandise, but to steal or alter labels. A woman and her husband walked into a K-Mart store and spent a lot of time in the picture frame department. A clerk saw her put into her pocketbook a yellow roll of something which looked to him like the rolls of price tags used by the store in that department. The store had been having trouble with people switching labels on merchandise, so the clerk followed Mrs. Carty out to the sidewalk and asked her whether she did not have a roll of price tags in her pocketbook. The yellow roll turned out to be not a roll of price tags but a yellow tape measure she had brought along for use in selecting a picture frame. She alleged that she was forced to go back into the store and allow a search of her bag, and suffered great humiliation and so on. Under the former rule, the store would have been liable for damages. With the shoplifting statute, the court held that "it is the public policy of this state that there be no recovery" where the person's behavior reasonably caused an employee to believe the person was shoplifting. It added: "It is when the jury may conclude that an honest mistake was made and that the merchant had reasonable cause to believe that one was shoplifting that the defense is available."

Custodians of valuable property, such as archives and records, need this same protection. It covers you for what you do personally and what you cause a police officer to do in the way of arrest or search if it finally turns out that a mistake was made.
Even with this protection, however, I must warn you that stores generally caution their staffs to be very careful in what they do or say. Rich's, as I have said, adopts the basic slogan for its security people: "If you didn't see it, it didn't happen." And while Rich's and some other stores now use on all the higher priced merchandise the electronic markers which set off an alarm if not removed, the employees are trained never to make accusations. Instead, they apologize to the customer, blame the presence of the activator on the probable negligence of a sales clerk in forgetting to remove it after making a sale, and point out that of course the customer does not want to wear the item with the activator on because it would set off alarms in other stores. In this way, according to Rich's head of security, they frequently reassure the customer sufficiently to get her to open her shopping bag or whatever. The employees also may suggest that they be shown the sales slip in order to reprimand the clerk, and by this means recover a considerable amount of stolen goods by allowing the customer to save face and pretend that the item got into the shopping bag simply by accident. But in these instances, so far as I know, they do not make a case against the shoplifter.

This brings me to a third possible piece of legislation. As I said, any detention, any interference with the right of another person to come and go as he sees fit, is an arrest. And arrests without warrants for arrest, like searches without a valid arrest or a search warrant, are presumptively illegal. The burden is always on the person making the arrest or search to convince a jury that he had probable cause, that he acted under the circumstances as a reasonable person would be expected to do. The really blanket exception to these rules is the search by consent. One who consents to the opening of his briefcase or pocketbook cannot complain. This is the premise on which the airlines operate in requiring you and your hand luggage to go through electronic surveillance. The underlying theory is that nobody is forcing you to go into the protected area, but if you want to do so you must consent to certain actions which otherwise would be an invasion of your privacy. The reason for this curtailment of your rights lies in public necessity. It is a protection to the public and crews who fly on airplanes against the illegal acts of the hijacker, the mentally disturbed person with a bomb, and so on. Its purpose is to promote the public welfare.

Archivists and librarians who have in their care articles of great value are in a special situation, because
what you are protecting is a unique and irreplaceable cultural heritage. I should like, therefore, to see archives, museums and libraries protected by a Consent to Search law, which would imply the consent to search clothing or personal effects from presence in the area. The visitor must know that he is giving up a part of his right to privacy before he enters; the choice is then his, as it is the airline passenger's, whether or not to use the facility.

An act could state:

Any Depository may place within its entrance-way a sign substantially as follows: YOUR PRESENCE HERE CONSTITUTES CONSENT TO THE SEARCH OF ALL CLOTHING AND PERSONAL EFFECTS BROUGHT ON THESE PREMISES. The custodian or authorized agent of a Depository displaying such notice may detain and question any person whose conduct causes reasonable grounds for suspicion that such person is engaging, or is about to engage, in theft of, or criminal damage or trespass to, Depository property. The employee or agent also may search the clothing and personal effects of the suspect. Visitors will be deemed to have consented to reasonable detention and search, and no action for false arrest, false imprisonment, or malicious prosecution may be predicated on such action.

Not every library or archives will want to post such a sign because of the public relations problem it might engender. For those used primarily by bona fide researchers and serious visitors and students, it should be very helpful. Even with the probable cause and reasonable man legislation, cases may occur that must be suffered through trial and jury verdict because of wide differences in testimony. I think this is what makes storekeepers hesitate, even when they are sure that the taking was a theft. Instead, they are satisfied if they get back the merchandise, or even part of it. Merchandise is replaceable; manuscripts are not.

I would make one final comment on the words used. In Georgia, "theft" encompasses every taking with the intent to deprive the owner of the property. Defacement or damage to books is covered by the criminal damage statute (Code §26-1502) if the damage exceeds $100, or the criminal trespass statute (Code §26-1503(a)) if the damage is less than $100.
or if there is willful interference with the possession or use of the property not amounting to theft. The word "property" in the criminal code means either real or personal property.

The three changes in the law which I am suggesting would apply whether the property involved was a broken window, a defaced wall, a desk or typewriter, a document, or work of art. They would apply also whether or not the person suspected is a user or an employee. These three areas—broadening the permissible "arrest" area for peace officers, activating a probable cause defense, and establishing a consent to search rule where appropriate—would give archivists, librarians, and museum curators maximum protection. You need this protection, for you are the guardians of our cultural heritage. And only as we have an opportunity to know and venerate the past can we meaningfully inform the future.

NOTE


[Action aimed at securing appropriate legislation to protect Georgia's archivists in defending the resources entrusted to them does not stop here. See *ARCHIVE NOTES*, pps. 73–83, below.—Ed.]