

ALA President meets with Attorney General

Last month ALA President Carol Brey-Casiano met with U.S. Attorney General Alberto Gonzales to discuss library concerns over section 215 of the USA PATRIOT Act. Gonzales reached out to the library community several weeks ago, inviting Brey-Casiano to Justice Department offices in an attempt to facilitate dialogue about the needs of law enforcement and the privacy concerns of librarians.

Brey-Casiano took the opportunity presented by the meeting to reiterate the importance of preserving the fundamental rights of free speech and free inquiry by protecting the privacy rights of the library user. She assured the Attorney General that librarians' opposition to the USA PATRIOT Act is not an attempt to strip law enforcement of the power to investigate crimes or terrorism; it is an effort to assure that the government does not have the power to monitor reading habits of the public. ALA believes that government powers should be focused and subject to clear standards and judicial review and oversight. Brey-Casiano said, "portions of the USA PATRIOT Act abridge people's First Amendment right to read and think freely. In this country, we are entitled to read and research a topic or opinion without the fear that the government is looking over our shoulder."

ALA offered concrete suggestions to the Attorney General that would remedy the unnecessarily broad provisions of the USA PATRIOT Act that threaten civil liberties. ALA suggested, among other things, a return to pre-PATRIOT safeguards on Foreign Intelligence Surveillance Act (FISA) court orders to business records and tangible things that would require that the order name a person and specify a reason to believe that the named person is an agent of a foreign power. Other suggestions included requirements that the court order specify the

records sought on an individual and that the statute provide meaningful opportunity for a recipient to challenge a FISA court order.

At the meeting, the Attorney General expressed his support for libraries and his interest in continuing the dialogue with ALA to reach an accommodation.

ALA wins broadcast flag case

On May 6, the U.S. Circuit Court of Appeals for the District of Columbia issued a decisive 3-0 opinion in favor of libraries and consumers when it ruled that the FCC overstepped its jurisdiction by mandating a broadcast flag copy protection in new technologies.

The decision was hailed as a significant step towards restoring the rights of consumers to make lawful copies of digital content. This is a big victory for consumers and libraries, said Emily Sheketoff, executive director of the ALA Washington Office, representing the petitioners in the case.

The broadcast flag seriously undermined the rights allowed nonproft educational institutions under the TEACH Act to distribute digital content over the Internet for distance learning purposes. It even imposed restrictions on how consumers are able to use digital content in their own homes. We are happy the court has restored the rights of libraries and consumers by ruling that the FCC does not have the right to mandate technological copy protections, Sheketoff added.

The FCC order required that all digital electronic devices, such as television sets and personal computers, include code that accompanies digital television signals to prevent redistribution of the digital content over the Internet. The petitioners in the case believed that the FCC ruling constituted another step toward giving content providers too much control over what users can do with digital content. The broadcast flag prevented the use of an entire category of works—high definition television programs—from being used in distance education. ¶¶

Bernadette Murphy is communications specialist at ALA's Washington Office, e-mail: bmurphy@alawash.org