

PATRIOT reauthorization wrap-up

On November 10 House and Senate conferees met for the first time to hash out the differences between the two versions of PATRIOT reauthorization legislation. As of this writing, the conference is still in negotiations but conferees were expected to come out with a completed bill by the end of November.

Librarians and library supporters have worked to educate Congress and the public about the dangers of sections of the USA PATRIOT Act since the law was passed in 2001. For four years, we, along with our allies and coalitions, have encouraged lawmakers to see the many flaws in the hastily passed legislation often in the face of hostility and even ridicule from the Justice Department.

In September 2003, former Attorney General John Ashcroft notoriously called librarians' concerns about powers granted the government under the USA PATRIOT Act breathless and hysterical. Librarians' commitment to fighting PATRIOT injustices and the library community's tireless grassroots efforts helped to make the case that librarians were not hysterical but, indeed, had plenty to be concerned about. In that same month, Ashcroft attacked librarians directly, saying the Department of Justice has neither the staffing, the time nor the inclination to monitor the reading habits of Americans. No offense to the American Library Association, but we just don't care. In June 2005, ALA's study of law enforcement activity in public and academic libraries showed that law enforcement had requested patron information from libraries more than 200 times since 2001. Our facts showed that the Justice Department does care about what ordinary Americans are reading.

Now the media is paying more and more attention to troubling provisions of the USA PATRIOT Act that librarians have been discussing for years. On November 6, a front-

page story in the *Washington Post* addressed the FBI's much expanded use of National Security Letters since the USA PATRIOT Act was passed. *The New York Times* has printed two editorials supporting librarians' concerns with PATRIOT provisions. Also, on November 9, *USA Today* printed an editorial decrying the government's use of national security letters. The work of librarians and library supporters has helped to bring these issues to the forefront of Americans' concerns.

Of course, we have also had plenty of help from our very strong congressional allies like Senators Russ Feingold (D-WI), Patrick Leahy (D-VT), Dick Durbin (D-IL), and Larry Craig (R-ID) and Representatives Bernie Sanders (I-VT) and Butch Otter (R-ID), who have fought hard to ensure that reader privacy is honored and protected.

At this writing, we don't know whether our efforts will result in a PATRIOT reauthorization bill that repairs the threats to reader privacy. We have encouraged conferees to ratify the Senate version of the bill, which extends the sunset period for Section 215 only four years to 2009. The Senate bill also requires records or other things to be described with sufficient particularity to allow them to be identified, reducing the danger that the FBI will engage in fishing expeditions in library or bookstore records.

Both the Senate version and the House version allow a recipient of a National Security Letter to challenge the request in a U.S. District Court. The House version allows the court to set aside if it is unreasonable or oppressive. The Senate version permits the court to set it aside if unreasonable or oppressive or it would violate a constitutional or legal right.

Whether or not librarians and reader privacy advocates ultimately win the provisions we've worked so hard for, we can know that our efforts have made a real difference in raising the level of public discussion of these important issues. ✍

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