

The USA PATRIOT Act

By [Names Withheld to Protect the Guilty]

A note on bias ...



- Librarians are at the fore of challenges to PATRIOT

“Our whole American way of life is a great war of ideas, and librarians are the arms dealers selling weapons to both sides.”

James Quinn

“As librarians, we support the freedom to read. We champion the right to access information for all people, regardless of race, creed, religion, or economic disposition. Libraries are everyone’s university. These may feel like clichés to the converted (us librarians), but they remain truisms.”
Martha J. Spear, [American Libraries](#)

“Kill all the librarians ...”

“A Shakespeare character famously said, “Let’s kill all the lawyers.” This gibe has lost none of its relevance through the centuries. But today we might reply to that acerbic line, “Sure -- but only if we can kill all the librarians next.”

“Librarians have recently let down their hair -- usually wrapped in a tight bun, of course -- to become some of the most vocal opponents of the Bush administration and the USA Patriot Act, prompting Attorney General John Ashcroft to take a public swipe at them. Librarians now constitute one of the country’s main centers of *thoughtless and unreconstructed leftism.*”

Rich Lowry, National Review, 09/22/2003
Our Emphasis Added

Tradition

A popular government without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps, both. Knowledge will forever govern ignorance; and a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.

– James Madison

ALA Code of Ethics

In a political system grounded in an informed citizenry we are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.

ALA Code of Ethics, Preamble

<http://www.ala.org/ala/oif/statementspols/codeofethics/coehistory/codeofethics.pdf>

USA PATRIOT Act

- Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) of 2001
 - Public Law 107-56, 115 STAT.272, H.R 3162
 - Signed by President George W. Bush, October 26, 2001

PATRIOT Act

Stated purpose:

“deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.”

Expands the surveillance and investigative powers of law enforcement through its amendments to existing laws. For example:

- Federal Wiretap Act
- Electronic Communications Privacy Act (ECPA)
- Foreign Intelligence Surveillance Act (FISA)
- Family Education Rights and Privacy Act (FERPA)

PATRIOT Act

- It also enhances the ability of law enforcement to implement electronic surveillance during domestic criminal investigations as well as intelligence investigations.
- *“The Department of Justice’s first priority is to prevent future terrorist attacks. Since its passage following the September 11, 2001 attacks, the Patriot Act has played a key part - and often the leading role - in a number of successful operations to protect innocent Americans from the deadly plans of terrorists dedicated to destroying America and our way of life.”*

<http://www.lifeandliberty.gov/>

The Impact (as librarians see it)

Any time the public believes what they're borrowing or reading will be under surveillance, it will have them thinking twice.... It'll go through people's minds if they want to learn more about the Taliban or Islam as they're reaching for the shelf.

-- Christopher Dreher,
Salon, March 6, 2002.

PATRIOT Act and Libraries

- Section 206
 - Roving wire taps
- Sections 214 and 216
 - Monitoring of Internet traffic for routing and addressing information
- Section 215
 - Ability to obtain search warrants for business, medical, educational, library, and bookstore records

Why is this important?

- Libraries
 - 3rd most frequent place people access the Internet (after home and office)
 - More than 95% of US libraries (public, academic, special, etc.) offer Internet access
 - US Dept. of Commerce says more and more the public are using libraries to access the Internet knowing that they are not being monitored
 - Libraries provide access to government information – at NAU it is not usual for a paper text of a public law to be heavily used – USPA was an exception – as popular as the Starr Report

PATRIOT 2, The Son of PATRIOT

- Or, the Victory Act
- Copies of "**PATRIOT II**"—the act that was intended to follow PATRIOT and grant the government even broader powers—were leaked to the press last winter, and while the ensuing ruckus ensured that PATRIOT II is dead, much of it will evidently rise again this fall in the guise of the VICTORY Act.

PATRIOT 2

- ❑ Makes it easier to charge someone with material support for terrorism
- ❑ Easier to issue subpoenas without court approval and to hold people charged with terrorism prior to trial
- ❑ Right of the Attorney General to revoke US Citizenship – even for natural born US citizens

Online Bibliography

Text of the Acts

Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) of 2001
<http://purl.access.gpo.gov/GPO/LPS/7579>

Domestic Security Enhancement Act of 2003
http://www.publicintegrity.org/finch/cknowledge/Story_01_020703_Dsec_1.pdf

A Guide to USPA

Should you be scared of the Patriot Act?
<http://the.siss.com/jd/2087984>

Preserving Life and Liberty
<http://www.lifeandliberty.gov/>

Information for Faculty

American Association of University Professors, Information for Faculty Who Receive Law Enforcement Inquiries Under the USA Patriot Act
<http://www.aauwp.org/Issues/HomelandSecurity/lawenfo.htm>

Additional Information and Analysis

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<<http://www.ala.org/alaorg/ir/usapatriotact.htm>>
- ❑ Center for Democracy & Technology, Setting the Record Straight: An Analysis of the Justice Department's PATRIOT Act Website
<<http://www.cdt.org/security/usapatriot/031027cdt.shtml>>
- ❑ Dreher, Christopher, "He Knows What You've Been Checking Out," *Salon*,
<<http://archive.salon.com/news/feature/2002/03/06/libraries/print.htm>>
- ❑ Electronic Frontier Foundation, EFF Analysis of the Provisions of the USA PATRIOT Act
<http://www.eff.org/Privacy/Surveillance/Terrorism_militias/20011031_eff_usa_patriot_analysis.html>
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<<http://jan.ucc.nau.edu/~rse/FederalAccess.htm>>
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