

## The USA PATRIOT Act: Implications for Teaching & Research

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## Inscriptions from the Statue of Liberty

"Our defense is in the spirit which prized liberty as the heritage of all men, in all lands everywhere. Destroy this spirit and you have planted the seeds of despotism at your own doors."

ABRAHAM LINCOLN

"Liberty is the air America breathes . . . In the future days, which we seek to make secure, we look forward to a world founded upon four essential freedoms . . . freedom of speech and expression . . . freedom of worship . . . freedom from want . . . freedom from fear."

FRANKLIN D. ROOSEVELT



## This is NOT a liberal issue

"In our battle against those that detest our free and prosperous society, we cannot sacrifice any of the pillars our nation stands upon, namely respect for the Constitution and the rule of law. Our enemies in the war against terrorism abuse the Islamic law known as the Sharia that they claim to value. It is perversely used as justification for their horrific and wanton acts of violence."

**Newt Gingrich, the former speaker of the House**  
("The Policies of War: Refocus the mission," *San Francisco Chronicle*, 11/11/03)

## And another voice ...

"These infringements on the individual freedoms of American citizens are not part of some plot or conspiracy to deprive us of our civil liberties. The President, the Attorney General and those interested in maximizing individual liberty need to work together to guarantee that we can defend ourselves without altering the nature of the greatest society on earth. The USA PATRIOT Act was passed in haste, included ideas previously shelved by the Congress, like expanded civil forfeiture and roving wiretaps; ideas that law enforcement wanted, but could never get. When creating sound anti-terrorism legislation, the line should not be drawn at 'what is helpful for law enforcement,' but at what is needed to protect us while preserving the proper balance between preserving civil liberties and our nation's national security needs."

**David Keene, Chairman of the American Conservative Union**  
("National Security vs. Civil Liberties: Finding a Balance" Press Release, American Conservative Union, 4/10/2003)

## A note on our 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 W. Quinn  
Librarian

"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

From Fahrenheit 9/11 (DVD 927)



## 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)

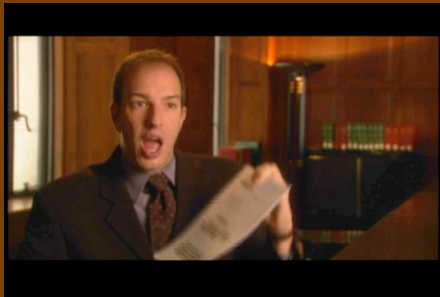
"Any time the public believes what they're borrowing or reading will be under surveillance, it will have them thinking twice.... It'll go through people's minds if they want to learn more about the Taliban or Islam as they're reaching for the shelf."

-- 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

From *Unconstitutional* (DVD 958)



## Why is this important?

- Libraries
  - 3<sup>rd</sup> 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

## Why is this important for us in the Classroom

- What is Academic Freedom?
  - Example: in Northern Ireland, academics who saw the minority status of Catholics as a source of the Troubles were branded "Republicans" (Ireland-speak for terrorists)
    - Can the same happen here?
- What about our students?

From Fahrenheit 9/11 and Unconstitutional



## Your thoughts and questions

## Bibliography

- American Library Association Office of Intellectual Freedom, (2004). *USA Patriot act vs. your freedom to read*. Retrieved Sep 22, 2004, from <http://www.ala.org/Template.cfm?Section=issuesrelatedlinks&Template=/ContentManagement/contentDisplay.cfm&ContentID=36742>. [sic]
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- Lowry, R. (2003). The ideological librarians. *townhall.com*, Retrieved Sep 22, 2004, from <http://www.townhall.com/columnists/richlowry/print120030922.shtml>.
- Slattery, P., & Rapp, D. (2003). *Ethics and the foundations of education: Teaching convictions in a postmodern world*. Boston, MA: Allyn & Bacon.
- US Department of Justice, (n.d.). *The USA Patriot Act: Preserving life and liberty*. Retrieved Sep 22, 2004, from <http://www.lifeandliberty.gov>.

## Important web sites

### **Text of the Act**

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/LPS17579>

### **A Guide to USPA**

- Should you be scared of the Patriot Act?  
<http://slate.msn.com/id/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.aaup.org/Issues/HomelandSecurity/lawenfo.htm>

## Videos used in this presentation:



## Further Reading

- American Library Association, (2004). *USA PATRIOT Act*, retrieved Sep 22, 2004, from <http://www.ala.org/ala/oif/ifissues/usapatriotact.htm>.
- Center for Democracy & Technology, (2003). *Setting the record straight: an analysis of the justice department's patriot act website*, retrieved Sep 22, 2004, from <http://www.cdt.org/security/usapatriot/031027cdt.shtml>.
- Electronic Frontier Foundation, (n.d.). *The USA PATRIOT Act*, retrieved Sep 22, 2004, from <http://www.eff.org/Privacy/Surveillance/Terrorism/PATRIOT/>.
- Evans, R and B. Vogus. (2004). *Federal government information access in the wake of 9/11*, retrieved Sep 22, 2004, from <http://jan.ucc.nau.edu/~rvse/FederalAccess.htm>.
- Kranich, N. (2003). *The impact of the USA PATRIOT act on free expression*, retrieved Sep 22, 2004, from The Free Expression Policy Project Web site: <http://www.fepproject.org/commentaries/patriotact.html>.