



Written by [Steven J. DuBord](#) on December 4, 2009

Librarians Unite Against Patriot Act Provisions

Librarians are virtually united in opposing the renewal of the Patriot Act provisions that are set to expire this December 31, 2009. Thirty-two state chapters of the American Library Association (ALA) have passed resolutions calling for Congress to allow Section 215 of the act to expire.

Section 215 allows the federal government to obtain a court order to compel any business, organization, group, or library to release all its records regarding any client of interest to law enforcement officials — and it places a gag order on the recipient to prevent them from speaking about it.



Lynne Bradley, director of the ALA's Office of Government Relations, is one of those who believe that this provision violates the right to privacy. "It's often called the library provision because the ALA made such a stink about this when no one else would," Bradley said.

The ALA passed its first resolution against Section 215 during the group's national meeting in July. In September, Vermont became the first state chapter to pass a resolution, adding their opposition to another provision, Section 505, which permits the FBI to issue National Security Letters. These letters can be used to accomplish the same result as court orders do for Section 215, the release of any information the FBI desires while preventing the receiver of the letter from talking about it.

Michigan, Pennsylvania, South Dakota, and Kentucky are the last four states to add their own resolutions, bringing the total to 32 states. ALA leaders believe that all 50 state chapters will have passed similar resolutions by the end of the year.

The fact that a number of libraries have already received Section 215 orders for information is a motivating factor. Bradley said some of the libraries that received the orders have challenged them in court, "but before the challenges were heard, the FBI withdrew the orders before the information was made public."

Regarding the chance that the ALA resolutions will motivate Congress to let these worrisome sections of the Patriot Act expire, Bradley does not hold out much hope. She pointed to the Department of Justice's recommendations to renew these provisions and the White House's apparent support for the DOJ's position.

"I'm normally a betting woman, but I'm not betting on this one," stated Bradley. "We are very disappointed that the White House appears to ... have accepted the recommendations of the Department of Justice to move forward with very little changes. And that's more than a disappointment."

So far both the House Judiciary and the Senate Judiciary Committees have dealt with the issue of renewing the Patriot Act provisions set to expire. The Senate committee basically renewed all the provisions with only minor modifications, while the House committee put more restrictions on the



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provisions and the issuance of National Security Letters.

The House committee also chose to allow Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 — known as the “Lone Wolf” provision — to expire. This provision allows federal investigators to issue secret surveillance orders for individuals who are supposedly involved in terrorist activity, but who don’t have direct links to terrorist organizations or foreign nations. The House committee noted that existing laws for surveillance are sufficient to handle these cases.

Both the House and Senate bills dealing with Patriot Act renewals will have to be reconciled when Congress isn’t busy dealing with the overriding issue of healthcare reform. Whether or not the ALA’s input will influence how the bills are reconciled remains to be seen.

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