

# ALA American Library Association

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## **THE AMERICAN LIBRARY ASSOCIATION EXPRESS DISAPPOINTMENT IN USA PATRIOT ACT COMPROMISE**

**Washington, DC** – The American Library Association (ALA) is one of the leading forces expressing opposition to Section 215 of the USA PATRIOT Act. Across the country librarians have led the fight to advocate for changes in the law to make it more protective of civil liberties while still allowing law enforcement to use the tools necessary for the country's protection.

A compromise on the reauthorization of the USA PATRIOT Act has been reached, but offers little improvements to Section 215 regarding individualized suspicion, and under the new legislation the recipient of a Section 215 court order does not have the ability to meaningfully challenge the order or the attached gag order in a court of law.

"It hardly seems constitutional that there is still no individualized suspicion requirement and that a recipient of a subpoena must wait a full year to challenge a gag order," said ALA president Michael Gorman. "We're glad to see that there is still a 4-year sunset provision for Section 215, which will allow oversight again in four years, but disappointed that the negotiators just did not go far enough.

"The fig leaf of the alleged remedy for library patrons is the change which restricts the use of National Security Letters to obtain records on traditional library services, including use of the Internet, but this does not provide clear protection."

Currently, Section 215 of the USA PATRIOT Act gives the FBI vastly expanded authority to search business records, including the records of bookstores and libraries. The FBI may request the records secretly, and is not required to prove that there is "probable cause" to believe the person whose records are being sought has committed a crime or is in contact with a terrorist. The bookseller or librarian who receives an order is prohibited from revealing it to anyone except those whose help is needed to produce the records.

"We appreciate the supporters from both sides of the aisle who tried to properly balance the civil liberties concerns," said Emily Sheketoff, director, ALA Washington Office. "Unfortunately, the White House prevailed and the Senators who negotiated this bill were unable to address the very real concerns in Section 215 – the standard for its use and the ability to meaningfully challenge these orders in a court of law."

Legislators have until March 10 to vote to reauthorize the USA PATRIOT Act.

For more information on the American Library Association's efforts to amend Section 215 of the USA PATRIOT Act please visit [www.alawash.org](http://www.alawash.org).