

ROLFE PUBLIC LIBRARY
STATEMENT SUPPORTING THE FREEDOM TO READ PROTECTION (H.R.I 157)

The Library and Bookseller Protection Act (S. 1158)
The Library, Bookseller and Personal Data Privacy Act (S. 1507)

Our society places the highest value on the ability to speak freely on any subject. But freedom of speech depends on the freedom to explore ideas privately. Bookstore customers and library patrons must feel free to seek out books on health, religion, politics, the law or any subject they choose, without fear that the government is looking over their shoulder. Without the assurance that their reading choices will remain private, they will be reluctant to fully exercise their right to read freely.

Section 215 of the USA Patriot Act threatens bookstore and library privacy. FBI agents do not need to prove they have "probable cause" before searching bookstore or library records: they can get access to the records of anyone whom they believe to have information that may be relevant to a terrorism investigation, including people who are not suspected of committing a crime or of having any knowledge of a crime. The request for an order authorizing the search is heard by a secret court in a closed proceeding, making it impossible for a bookseller or librarians to have the opportunity to object on First Amendment grounds prior to the execution of the order. Because the order contains a gag provision forbidding a bookseller or librarian from alerting anyone to the fact that a search has occurred, it would be difficult to protest the search even after the fact.

The organizations listed below strongly support federal legislation that addresses this problem: the Freedom to Read Protection Act (H.R. 1157), the Library and Bookseller Protection Act (S. 1158) and the Library, Bookseller and Personal Data Privacy Act (S. 1507). These bills strengthen protections for the privacy of bookstore and library records. The FBI will still be able to obtain crucial records. However, under H.R. 1157 and S. 1158, the courts will exercise their normal scrutiny in reviewing these requests. S.1507 allows the FBI to follow procedures authorized by Section 215 but limits searches to the records of "foreign agents" engaged in acts of terrorism or espionage.

We applaud the authors of these bills, U.S. Representative Bernie Sanders (H.R. 1157), Senator Barbara Boxer (S. 1158) and Senator Russell D. Feingold (S. 1507) as well as the Democratic and Republican sponsors and co-sponsors of this legislation. They have shown great courage by defending civil liberties during a time of crisis.