

LIBRARIES AND NATIONAL SECURITY LAW:

an examination of the USA PATRIOT Act

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“The final version of the PATRIOT Act that was passed into law was rewritten between midnight and 8 o’clock in the morning behind closed doors by a few unknown people, and it was presented to Congress for a one-hour debate and an up or down vote,” U.S. Rep. Peter DeFazio, D-Ore,¹ said in a telephone interview from his Oregon office. “It was hundreds of pages long, and no member of Congress can tell you they knew what they were voting for in its entirety. It was time to be stampeded, and who wanted to be against the USA PATRIOT Act at a time like that?”²

In the wake of the attacks on the World Trade Center and Pentagon on September 11, 2001, legislation was introduced into Congress that was designed to combat terrorism and increase domestic security. This legislation was entitled Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism,³ and there were no hearings on it before its passage.⁴ Quickly, people began calling it by its acronym: USA PATRIOT Act (hereinafter PATRIOT Act). However, nearly as soon as it was passed, people expressed concern over some of its provisions. This paper examines the PATRIOT Act, both in light of its historical predecessors in the field of national security law, as well as in its effects upon libraries.

This paper will examine national security statutes, which, like the PATRIOT Act, have had significant impact on libraries, or which impact libraries, such as regulations which affect the right to free speech and freedom of expression. This paper will show that, though the PATRIOT Act follows a well-established historical path in terms of the activities it seeks to regulate, it deviates in critical ways that call into question its constitutional validity. This paper will analyze the PATRIOT Act in terms of its ramifications in the areas of free speech and free expression, and will conclude with an

examination of the measures that libraries, Congress, and library-sympathetic nonprofits are taking regarding the PATRIOT Act.

Previous National Security Statutes

Smith Act of 1940

One predecessor statute to the PATRIOT Act is the Alien Registration Act of 1940, commonly known as the Smith Act after the senator who sponsored it. Howard W. Smith (D-Virginia 1930-1965) is widely regarded as a compatriot of Joseph McCarthy, the Congressman who headed the House Un-American Activities Committee (HUAC).⁶ The Smith Act's main thrust was to require all non-citizens to register with the government.⁷ However, it also contained provisions making it illegal to "distribute any written or printed matter which advises, counsels, or urges insubordination, disloyalty, mutiny or refusal of duty by any member of the military or naval forces of the United States,"⁸ or "to print, publish, edit, issue, circulate, sell, distribute, or publicly display any written or printed matter advocating, advising, or teaching the duty, necessity, desirability or propriety of overthrowing or destroying any government in the United States by force or violence."⁹ The Smith Act required that the behavior it criminalized be accompanied by a particular intent; that the disloyalty action described above be paired with the "intent to interfere with, impair or influence the loyalty, morale, or discipline of the military or naval forces." The printing/distributing act, in other words, must be *accompanied* by "the intent to cause the overthrow or destruction of any government within the United States." The Smith Act, in its specificity regarding both the nature of the criminal act and the level of intent required, follows mainstream patterns of criminal law.

The Smith Act also provided that "Any written or printed material ...which is intended for use in violation of this Act may be taken from any house or other place in which it may be found, or from any person in whose possession it may be, under a search warrant."¹⁰ By requiring a search warrant before the seizure of materials, the Smith Act is staying on very solid constitutional ground. Basic criminal procedure requires search warrants as a protection of the constitutional rights and civil liberties of the people.

The Smith Act, unlike its philosophical descendent the PATRIOT Act, falls very much within the mainstream of criminal law and criminal procedure. And in fact, although the Smith Act was technically repealed in 1948, it was codified in nearly identical language in the United States Code in 1956,¹¹ after the Supreme Court upheld its constitutionality in 1951.¹² Even though the sections of the code described above were revised in 1962 and 1994, for the most part some features of the Smith Act are still part of the law of the United States.¹³

Internal Security Act of 1950

The Internal Security Act of 1950, also known as the McCarran Act¹⁴ (hereinafter Internal Security Act) criminalized more behaviours. Of specific interest to libraries was the provision which made it punishable by a fine of up to \$10,000 or ten years in prison¹⁵ for a person having access to or control over any document which they believed could be used to the “injury of the United States, or to the advantage of any foreign nation,” to “willfully or through negligence communicate or cause that document to be communicated,” or to “willfully refuse to surrender such information to an authorized official of the United States.”¹⁶ In effect, it made it illegal for a librarian to circulate materials which she or he believed could be used either to “injure” the United States, or to be used to the advantage of another nation. Since the language of the statute is not specific, this means that the statute referred to any material that could injure the United States in any way, or could be used to the advantage of another nation in any way. For example, a librarian who circulated a travel guide to Rome might well be in violation of this statute, since the goal of the book is to increase tourism to Rome, thus aiding Italy economically. If the librarian believed that checking out this travel guide might result in a vacationer going to Italy, that librarian could have been sent to prison for ten years. And if the librarian in any way resisted an FBI attempt to seize that book, this would also be a violation of the law.

Under the Internal Security Act, it was also illegal to willfully make, obtain or copy any document of “anything connected with the national defense.”¹⁷ Again, the language of the statute was so vague as to have encompassed nearly anything. This means that a wife who took a photo of her husband in military uniform – clearly

an image of something connected to national defense – would have violated the law. If her husband was killed in action, she could not give a copy of that photo to the newspaper. If the newspaper printed the photo, the newspaper would have violated the law. So would anyone who bought the newspaper. Reporting such as that we have recently seen out of Iraq would be illegal on many levels. Perhaps most disturbingly, the Internal Security Act also criminalized all intellectual work having anything to do with the military - anything from sophisticated scholarly critiques of the military-industrial complex to a 10th grader's history report on Pearl Harbor.

The Supreme Court began finding parts of the Internal Security Act of 1950 unconstitutional in 1964,¹⁸ but the act was only completely repealed in 1990. It is no longer a part of the law of the United States. However, when it was valid law, the Internal Security Act¹⁹ still required a warrant before the search or seizure of materials. No matter how vague it may have been regarding the actions it sought to criminalize, it stayed on firm procedural grounds regarding the actions required of law enforcement in pursuing those who engaged in those acts.

USA PATRIOT Act and Libraries: Section 215

While its predecessor laws stayed, more or less, within accepted legal and procedural norms, the PATRIOT Act does not. Notably, and of particular interest to libraries, are the problems caused by section 215 of the PATRIOT Act.²⁰ It amends the Foreign Intelligence Surveillance Act of 1987 by inserting provisions allowing for the seizure of “tangible items” related to an investigation involving national security.²¹ This alone is not disturbing.

What is troubling, however, is that the act changes “the level of proof necessary to obtain an order. Before the PATRIOT Act, agents had to prove ‘probable cause’ of illegal activity in a criminal court.” However, instead of requiring a warrant for search and seizure, the FBI may instead apply to a federal judge (who may be a member of the Foreign Intelligence Surveillance Act Court,²² which meets secretly²³) for an “order.”²⁴ This order allows the FBI to search and take into custody “any tangible things”²⁵ which are related to, “an investigation to protect against international terrorism or clandestine

intelligence activities.”²⁶ The sole protection given is contained in a provision stating that the investigation may not be “conducted solely upon the basis of activities protected by the first amendment to the Constitution.”²⁷

This language is worth analyzing, because it only forbids an investigation that is based solely upon constitutionally protected activities. If the FBI can present any other basis for the investigation, no matter how small, remote or insignificant, that investigation is allowed, even if it is otherwise based entirely upon protected activities. “[S]peech that potentially endangers national security”²⁸ is not protected by the First Amendment.²⁹ Additionally, the rights of non-citizens are especially vulnerable, because “this limitation is not relevant when the investigation is of a foreign national.”³⁰

Further, in an application for an order, the FBI need only “claim the order is needed to investigate activity that is merely ‘relevant to’ an ongoing investigation,”³¹ or, in the words of the statute itself “are sought for an authorized investigation.”³² No details of the investigation itself need to be disclosed in the application. The judge, therefore, is placed in a position of being forced to trust the motivations and truthfulness of law enforcement “despite the [FISA] court’s own statement that Department of Justice (DOJ) officials ‘had frequently misled the court.’”³³ This betrays a bias on the part of the PATRIOT Act toward acceptance of the validity and propriety of law enforcement’s requests.

In the event that a judge refuses to make an order, the judge must not only provide a written justification for the denial, but the judge’s decision is also immediately transmitted for an automatic appeal.³⁴ These provisions are unprecedented in the history of criminal law, and are further evidence of bias in favor of law enforcement’s wishes. In no other area of the law is a judge required to so thoroughly justify the denial of a procedural motion. Further, requiring an automatic appeal for all denials has a chilling effect on the judges reviewing the orders. It is an incentive for the judges to grant, rather than deny orders. By discouraging judges from denying orders, and requiring such a rigorous justification whenever an order is actually denied, this law diminishes protections for the public. Further evidence for PATRIOT’s bias can be found in its mandate that a court “cannot deny a request presented to it as long as it includes the required

information.” Never, in all of American jurisprudence has the success of a search-and-seizure order been mandated to rest on how fully the forms have been filled out.

When a judge enters an order, that order may not disclose the purpose for which it is created,³⁵ and it is unlawful for any person to tell any other person (except for those people whom it is strictly necessary to tell in order for the order to be executed) that the FBI has requested or obtained materials via such an order.³⁶ The secrecy under which an order be held, both officially and by members of the public, violates traditional notions of proper procedure and governmental conduct. Also, it is further evidence that the PATRIOT Act is biased in favor of law enforcement. Knowing all this, it is not surprising that Senator Russ Feingold (D-Wisconsin)³⁷ called section 215 “one of the most troubling aspects” of the Act.³⁸

Perhaps most disturbing is what all of these changes actually did to existing law. “The PATRIOT Act reverses controls placed on domestic terrorism surveillance guidelines adopted in 1976 after the abuses of the COINTELPRO were revealed.”³⁹ Under the Counter Intelligence Program (COINTELPRO),⁴⁰ civil rights and anti-war activists who were neither accused nor suspected of crimes became targets of government investigation simply because of their beliefs regarding, and criticism of, government policies. By removing post-COINTELPRO restrictions limiting domestic spying, it is probable that covert surveillance of political dissidents who are in no way connected to criminal activity is likely to resume.⁴¹

Another negative aspect of the PATRIOT Act is the chilling effect it has had on free speech. Given the ease and lack of oversight with which the FBI can obtain records regarding a person’s reading habits, internet searching patterns, religious affiliations, political and charitable campaign contributions, and other expressive activities, it is probable, even predictable, that people will change their behavior, or stop certain behaviors altogether. This is what legal practitioners refer to as a “chilling effect,”⁴² Courts have ruled that laws having a chilling effect on free speech violate the constitution.⁴³

It is important to note here the difference between potential application and actual application of a law. Even though a particular use might be technically authorized by a law, the provision might

not ever be applied. One of the reasons for this is benign: law enforcement officials have a limited amount of time and resources, and some situations will either fall through the cracks, or have such a low priority that they are simply not dealt with. Another reason, however, is not so benign: what legal practitioners refer to as “selective enforcement.” Selective enforcement occurs when law enforcement uses the law to target certain groups of people (especially minorities) because they have exercised, or are planning to exercise, a constitutionally protected right.⁴⁴ It is fear of such abuses of power, especially in regards to issues of free expression, which has placed librarians in the forefront of the opposition to the PATRIOT Act.⁴⁵ Attorney General Ashcroft attempted to allay this fear when he “sought to reassure the library community that such investigative measures are being used with great care and discretion.”⁴⁶ Regardless of Mr. Ashcroft’s reassurances, the library community has continued to believe that, “In a free society, we can’t always trust the government to restrain its own powers. Laudable goals like stopping terrorism may lead to terrible abuses unless laws are narrowly tailored to achieve specific objectives while preserving our Constitutional rights.”⁴⁷

Despite Attorney General Ashcroft’s dismissal of librarians’ concerns over section 215 as “baseless hysteria,” and the initial claims that “the number of times section 215 has been used to date is zero,”⁴⁸ it turns out section 215 of the PATRIOT Act has, in fact, been used to procure library records on a number of occasions. In 2003 the number of secret surveillance warrants issued in federal terrorism and espionage cases exceeded the number issued through normal criminal procedures nationwide.⁴⁹ In a poll, conducted on December 4, 2001, by the Library Research Center at the Graduate School of Library and Information Studies at the University of Illinois, it was discovered that over 200 public libraries had been asked for information by law enforcement, and that 40 of these had actually reported patron records or behavior to outside authorities.⁵⁰ In a subsequent and similar survey of 906 libraries by the same organization, 545 said that they had been contacted by law enforcement in the year following September 11, 2001, and that nearly half of them voluntarily complied with law enforcement’s requests.⁵¹ Another survey conducted by the University of Illinois in January and February 2002 of 1,021 libraries across the state of Illinois found that 85 had been asked by law enforcement officials

to provide information about patrons regarding September 11, 2001. A survey conducted by the California Library Association, which was carefully crafted so as to make responses untraceable back to those surveyed, reveals that 14 library directors reported that FBI agents have formally asked them or their libraries for information since September 11, 2001.⁵² This poll collected information from 344 libraries. In addition to the 14 who had been formally visited, 16 others indicated that they had been informally visited. Of this 16, half complied with law enforcement's requests.⁵³ Of course, as one author noted, "There is no way of knowing how many other library directors were omitted from the survey or declined to acknowledge such contacts for fear of violating the law."⁵⁴ Because of this, "The direct effects of the USA PATRIOT Act may not be known for some time."⁵⁵

In addition to requests and visits, "libraries across the country are reporting incidents. Computers were removed from a library in Washington without a court order, and every public Internet-access computer was removed from a library in Wisconsin."⁵⁶ Such "incidents" are both mysterious and, at least in their immediate aftermath, largely untraceable. They also add to the public's fears regarding their privacy and the accountability of law enforcement. Given this, it is perhaps not surprising that library patrons are more wary about using their public libraries, and have expressed the feeling that they can no longer trust libraries and are no longer willing to ask reference questions when they feel the topic to be controversial.⁵⁷ It is understandable then that "municipalities and city councils throughout the United States have passed resolutions opposing the PATRIOT Act – including Section 215. Plainly, public opinion is beginning to make a difference – and citizens are pressing for amendments to an Act that threatens to destroy basic civil liberties in America."⁵⁸

The Response

FOIA Requests & Lawsuits

When it began to become apparent that section 215 was being used, groups such as the ACLU began making "requests for information on how Sec. 215 has been applied"⁵⁹ via Freedom of Information Act (FOIA) requests. One author describes the response that they got by

saying, “The [Department of Justice] refused to comply with these initial requests, until courts ordered them to comply. Even then, they provided reports that were almost completely redacted and therefore meaningless.”⁶⁰ Even after it received requests from members of Congress, such as Representative Sensenbrenner (R-Wisconsin, Chair of the House Committee on the Judiciary), about the number of times Sec. 215 had been used to obtain library records, the DOJ took nearly a year to respond.⁶¹ This is not surprising, given that, “Attorney General John Ashcroft has gone to great lengths to keep secret even the most basic information about the FBI’s [use of the PATRIOT Act].”⁶² When the DOJ finally responded, it claimed that, “The American people surrender their right of privacy when they buy books in bookstores or borrow them from libraries.”⁶³

The DOJ’s response, dated May 2003 “claims that agents had sought information from libraries fifty times under Sec. 215, but those figures can be reconciled with the University of Illinois results only if they are limited solely to FISA warrants and do not include NSLs [National Security Letters] and other orders.”⁶⁴ Attorney General John Ashcroft has recently conceded that there were over 1,000 applications for FISA warrants in 2002.⁶⁵

In addition to making FOIA requests, organizations such as the ACLU, the American Library Association (ALA) and the American Booksellers Foundation for Free Expression have begun filing lawsuits challenging the constitutionality of certain provisions, including section 215, of the PATRIOT Act.⁶⁶ It is interesting to note that due to provisions in the PATRIOT Act itself, the ACLU was unable to announce that it had filed this suit until it received permission from the Department of Justice.⁶⁷ Over two weeks after it was filed, a heavily censored version was released, and the lawsuit itself was announced to the public.⁶⁸ In addition to the ACLU, “a number of [other] organizations, including the American Library Association and the American Booksellers Foundation for Free Expression, have launched legal challenges to the USA PATRIOT Act.”⁶⁹ Regarding their suit, the director of the American Booksellers Foundation for Free Expression said, “What’s so frustrating is that we’re supposed to be watchdogs over the government’s use of power...But there is so much secrecy that we can’t even tell what the government is doing or how much it’s doing it.”⁷⁰

Legislation

Congressional opponents of the PATRIOT Act have begun introducing legislation aimed at ameliorating some of the objectionable effects of the PATRIOT Act.⁷¹ This legislation includes the Freedom to Read Act (H.R. 1157), which would limit the government's ability to procure FISA orders to obtain library or bookseller records; the Library and Bookseller Protection Act (S.1158), which would exempt libraries and bookstores from orders requiring the production of "tangible things" under section 215 of the PATRIOT Act; and the Security and Freedom Ensured (SAFE) Act, which would require individualized suspicion for searches of libraries and bookstores, and would remove the ability to procure FISA orders to enact such searches.

Internal Library Preparations

Whether or not they are engaging in legal challenges, libraries are concerned enough with the PATRIOT Act to begin making preparations in case they are ever visited by the FBI with an order requesting information under section 215. Many librarians are taking the position that, in the words of one librarian, "Patron information is sacrosanct here. It's nobody's business what you read."⁷² The ALA, interpreting the Library Bill of Rights "as insisting on the privacy of library patrons as a condition of the freedom of expression guaranteed by the U.S. Constitution"⁷³ has taken a similar stance. It passed a "Resolution on the USA PATRIOT Act and Related Measures That Infringe on the Rights of Library Users" which says, among other things, that, "Privacy is essential to the exercise of free speech, free thought, and free association; and, in a library, the subject of users' interests should not be examined or scrutinized by others."⁷⁴ The ALA's resolution goes on to state that,

The American Library Association encourages all librarians, library administrators, library governing bodies, and library advocates to educate their users, staff, and communities about the process for compliance with the USA PATRIOT Act and other related measures and about the dangers to individual privacy and the confidentiality of library records resulting from those measures.....[and] the American Library Association urges all libraries to adopt and implement patron privacy and record retention policies that affirm that the collection of personally identifiable information should only be a matter of routine or policy when necessary for the fulfillment of the mission of the library.⁷⁵

The measures that individual libraries have undertaken range from employee education programs to the purging of library records. Librarians in Texas were advised at the Texas Library Association's 91st Annual Conference that they should have a clearly designated way in which to direct law enforcement requests to directors, and to have a policy in place dictating how they would handle law enforcement requests for patron record information.⁷⁶ The ALA recommends that such policies require a verification of a written warrant or order as well as valid law enforcement identification, and that the librarian in charge review the court order with an attorney. The ALA advises that without some type of court order, law enforcement cannot compel cooperation with their requests. Other recommendations include planning for service interruptions if equipment is seized.⁷⁷

Other libraries have changed their information gathering policies, restricting the information they collect to types that are necessary for the efficient operating of the library and by avoiding the creation of unnecessary records, or collection of unnecessary information.⁷⁸ In addition, "libraries have begun conducting privacy audits to be sure they really need to keep the personal information they have traditionally collected and to get rid of information they do not need,"⁷⁹ using the logic that "They can't find what we don't have."⁸⁰ The ALA's Office for Intellectual Freedom has set up a hotline for librarians to call for assistance in case they are contacted by law enforcement. Librarians are advised that when they call the hotline that they should say nothing but "I need the assistance of an attorney." In this way, the secrecy clause of the PATRIOT Act is not violated. The hotline is specifically designed to put librarians in contact with attorneys who work with the ALA in matters concerning the PATRIOT Act.⁸¹ If libraries prefer to find their own attorneys, they are advised to select attorneys who have attended the ALA's PATRIOT Act training seminar.⁸²

Still other measures that libraries have taken seek to inform patrons of the potential uses of the PATRIOT Act before anything can happen. The Public Library in Santa Cruz, California, has posted the following public notice in order to inform its patrons of the ramifications of the PATRIOT Act:

Warning: Although the Santa Cruz Library makes every effort to protect your privacy, under the federal USA PATRIOT Act (Public Law 107-56), records of the books and other materials you borrow from this library may be obtained by federal agents. That federal law prohibits library workers from informing you if federal agents have obtained records about you.⁸³

Other library systems are debating similar warnings.⁸⁴

Though the PATRIOT Act follows a well-established national security path in terms of the activities it seeks to regulate, it deviates in critical procedural ways that call into question its constitutionality. It is deficient because it lowers search and seizure requirements and forces members of the general public, as well as law enforcement officials, to keep search orders secret. Moreover, the law is patently biased toward law enforcement, given the automatic appeals process should their requests be denied. Librarians feel that values central to the library profession are threatened by it. In particular, the PATRIOT Act threatens the value of patron confidentiality and its ties to freedom of expression. Librarians are not the only ones with misgivings about the PATRIOT Act either: from a nearly unanimous passage at its inception, the PATRIOT Act has fallen drastically in popularity and its provisions now face substantial bipartisan resistance. During the 2003 State of the Union address, the Democrats, lead by Sen. Ted Kennedy (D-Mass), burst into applause at the prospect of the PATRIOT Act's expiration.⁸⁵ Well known Republicans such as former House Majority Leader Richard Armey and former Congressman Robert Barr have begun to lobby the Congress against expanding the PATRIOT Act.⁸⁶ Barr has gone so far as to call the USA PATRIOT Act a "systematic dismantling of the Fourth Amendment of the U.S. Constitution" and warns that, "If we do not put some brakes on this freight train...we will wake up one day and find we have no privacy."⁸⁷

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Footnotes

- 1 DeFazio was one of only 66 members of the House of Representatives to vote against the Patriot Act. (Stanton & Bazar 2003)
- 2 (Stanton & Bazar 2003)
- 3 (Stanton & Bazar 2003)
- 4 (Sandwell-Weiss 10)
- 5 (Dierenfield, 1987, 43, 218)
- 6 (Dierenfield, 1987, 118, 153)
- 7 30A Fed. Prac. & Proc. Evid. § 6360
- 8 Smith Act, Title 1, section 1 (a) 2
- 9 Smith Act, Title 1, section 2 (a) 2
- 10 Smith Act, Title 1 section 4
- 11 18 U.S.C. § 2385
- 12 Dennis v. United States, 341 U.S. 494, 516-17 (1951) (upholding the conviction of eleven members of the Communist party for distribution of pamphlets and organization of classes to teach communist principles during World War II as violating the Smith Act of 1940).
- 13 18 U.S.C. § 2385
- 14 Called this after its sponsor, Senator Patrick McCarran (D-Nev. 1932-1954) (Architect 2004)
- 15 Section 18, revising 18 USC 793 (f)
- 16 Section 18, revising 18 USC 793 (c) & (d)
- 17 Section 18, revising 18 USC 793 (b)
- 18 Aptheker v. Secretary of State 378 U.S. 500 (1964)
- 19 67 Stat. 987 et. Sec
- 20 115 Stat. 272 § 215
- 21 115 Stat. 272 § 215(a)(1)
- 22 115 Stat. 272 § 215(b)(1)(A)
- 23 (Stanton & Bazar 2003)
- 24 115 Stat. 272 § 215(a)(1)
- 25 115 Stat. 272 § 215(a)(1)
- 26 115 Stat. 272 § 215(a)(1)
- 27 115 Stat. 272 § 215(a)(1)
- 28 (Pinnell-Stephens, 2003)
- 29 "In view of Attorney General Ashcroft's assertion to Congress that asking any questions about civil liberties is aiding the terrorists, I believe that he would consider public dissent to be outside the protection of the 1st Amendment and evidence of 'domestic terrorism.'" (Pinnell-Stephens, 2003)
- 30 (Ramasastry, 2003)
- 31 (Pinnell-Stephens, 2003)
- 32 115 Stat. 272 § 215(b)(1)(b)(2)
- 33 (Pinnell-Stephens, 2003)
- 34 50 USC § 1803(a)
- 35 115 Stat. 272 § 215(c)(2)
- 36 115 Stat. 272 § 215(d)
- 37 Notably, the only member of the senate to vote against the USA PATRIOT Act. He has introduced legislation that would repeal parts of section 215. This legislation is entitled the Library and Personal Records Privacy Act (Ramasastry 2003)
- 38 (FBI Visited, 2003)
- 39 (Pinnell-Stephens, 2003)

40 COINTELPRO is an acronym for Counter Intelligence Program, a project run by the “United States Federal Bureau of Investigation aimed at attacking dissident political organizations within the United States. Although covert operations have been employed throughout FBI history, the formal COINTELPRO’s of 1956-1971 were broadly targeted against organizations that were (at the time) considered politically radical, such as Martin Luther King Jr.’s Southern Christian Leadership Conference.” (MediaWiki, 2004)

41 (Pinnell-Stephens, 2003)

42 (Garner, 1999, 233)

43 (Ramasastry, 2003)

44 (Garner, 1999, 1363)

45 (Sandwell-Weiss 10)

46 (McCoy, 2003)

47 (Ramasastry 2003)

48 these comments were made in late 2003 (Arena 2003)

49 (Eggen & Schmidt, 2004)

50 (Pinnell-Stephens, 2003)

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52 (FBI Visits, 2003)

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