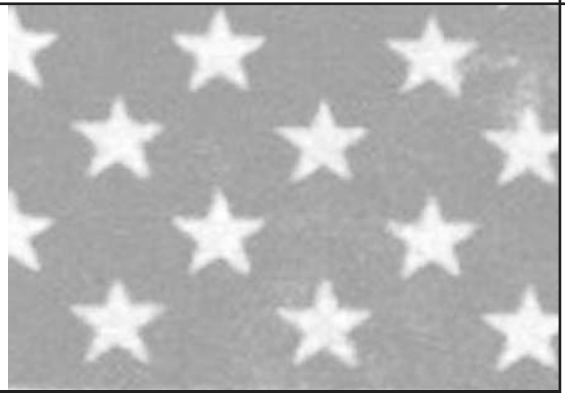


SEARCHES OF LIBRARY RECORDS



HOMELAND DEFENSE

— OR —

ORWELLIAN NIGHTMARE

In response to the September 11 attacks, the USA PATRIOT Act allows the examination of “business records,” including library records in terrorism investigations. A library that is asked to turn over such records is prohibited from disclosing the search to anyone.

PRO

The terrorist threat is real, and institutions should assist law enforcement authorities in helping to identify those who are planning such acts.

The provisions of the USA PATRIOT Act that permit access to library records are not radical — FBI agents cannot walk into a library and demand all the records — a warrant must still be obtained, and the law can only be used when a person is already under investigation for being linked to terrorism.

Accessing certain information can be a vital clue to a terrorist’s plans. We do not want the next attack to have been formulated with research and reading provided by our own public library system when we can use that same information to stop it.

CON

The secret searches of library records authorized under the PATRIOT Act are unprecedented and compromise everyone’s right to intellectual freedom and privacy.

This law provides that the government need only certify that the library search is “related” to a terrorism investigation — no showing of probable cause (normally required by the Fourth Amendment) is necessary and judges do not have authority to reject the government’s application.

When the government spies on us, individuals become fearful of exercising their right to free speech. This “Big Brother”-like surveillance system will make people hesitant to do such simple things as conducting scientific research or reading international news, for fear of being targeted by over-zealous authorities.

There are at least two sides to every issue. Our democracy is built on the rule of law. We resolve differences of opinion through dialogue and debate. Disagreement is inevitable. Violence is not.

American Bar Association

