

**2006 CD #20.2
ALA Midwinter Meeting
January 25, 2006**

RESOLUTION ON THE USA PATRIOT ACT REAUTHORIZATION

WHEREAS, the American Library Association (ALA) is committed to preserving the privacy rights of all library users, library employees, and persons living in the U.S.; and

WHEREAS, the most sacred duty of the U.S. government and its officials is to preserve, protect, and defend the Constitution of the United States and so protect the civil liberties of all U.S. persons; and

WHEREAS, freedom of thought is the most basic of all freedoms and is inextricably linked to freedom of inquiry; and freedom of inquiry can be preserved only in a society in which privacy rights are rigorously protected; and

WHEREAS, ALA opposes any proposal by government that suppresses the free and open exchange of knowledge and information or that intimidates individuals exercising free inquiry; and

WHEREAS, ALA is on record opposing and calling for revision of provisions of the USA PATRIOT Act (PL 107-56) that fail to ensure the privacy rights of library users, library employees, and U.S. persons; and

WHEREAS, certain courageous members of the U.S. Congress have recognized the public's concerns about civil liberties and the extent of police powers exercised in the fight against terrorism and are negotiating among different versions to reauthorize sections of the Act that otherwise soon will expire; now, therefore be it

RESOLVED THAT the American Library Association (ALA) urges the U.S. Congress to amend those provisions of the USA PATRIOT Act (PL 107-56) due for reauthorization only in a manner that safeguards the privacy rights and constitutionally protected civil liberties of all library users, library employees, and U.S. persons; and be it further

RESOLVED THAT ALA urges Congress to amend Section 215 of the USA PATRIOT Act to

- require law enforcement officials to show individualized suspicion that items pertain to a foreign power or its agent, a person in contact with a suspected agent, or a suspected agent who is the subject of the investigation; and
- require records or other items to be described with sufficient particularity to allow them to be identified - reducing the danger that the FBI will engage in fishing expeditions in library or bookstore records; and
- require the FISA Court to make a finding that these facts have been sufficiently demonstrated; and
- allow a recipient of a FISA records search order to consult with an attorney or other person necessary to comply with the request, to challenge the records search order, and to challenge the gag order; and be it further

RESOLVED THAT ALA urges Congress to amend Section 505 to

- allow a recipient of a National Security Letter (NSL) to challenge the request in U.S. District Court; and
- allow a recipient of an NSL to challenge the gag order in U.S. District Court; and
- require law enforcement officials to show individualized suspicion that items pertain to a foreign power or its agent, a person in contact with a suspected agent, or a suspected agent who is the subject of the investigation; and
- require prior court review of NSL demands for intelligence gathering purposes; and be it further

RESOLVED THAT ALA urges that Section 215 have a sunset date of no more than four years; and be it further

RESOLVED THAT ALA urges that a sunset date of no more than four years be added to Section 505; and be it further

RESOLVED THAT ALA urges Congress to intensify its oversight of the use of the PATRIOT Act as well as other government surveillance and investigation that limit the privacy rights of library users, library employees, and U.S. persons; and be it further

RESOLVED THAT, ALA reasserts its commitment to the rights of inquiry and free expression of all library users, library employees, and U.S. persons and opposes limitations and chilling effects on these rights.

Policy 53.1.16, 53.4, 52.4.1

Prior History CD#20.2, 1/14/04; CD#20.6, 6/29/05; CD#20.1,1/29/03

Approved by COL Subcommittee on Privacy, January 22, 2006

Endorsed in principle by IFC, January 24, 2006

Endorsed in principle by PLA, January 22, 2006

Adopted by COL, January 23, 2006