



June 13, 2005

Dear Member of Congress:

We write to urge you to vote for the Sanders-Otter-Conyers-Paul-Nadler-Tom Udall Freedom to Read amendment to the fiscal year 2006 Commerce, Justice, State Appropriations bill. This amendment would help restore critical privacy and First Amendment rights to library and bookstore patrons.

Under Sec. 215 of the USA PATRIOT Act, the federal government may now seek a court order to obtain “any tangible thing” from any business without showing probable cause including book-borrowing records from a library or sales records from a bookstore. No evidentiary showing is required – the judge “shall” issue the order if the requesting agent certifies it is sought for a terrorism or espionage investigation. The government need not show that the person targeted by the order is himself or herself engaged in anything illegal, divulge what crime they are investigating, or even identify a specific individual as the target of the order.

The Freedom to Read amendment would bar the use of federal appropriations to make a request for library circulation records, library patron lists, bookseller sales records, or bookseller customer lists under Sec. 215 of the PATRIOT Act. Under the amendment, the federal government could use other investigative tools to obtain these records, such as search warrants and grand jury subpoenas. Unlike Sec. 215, however, these means are subject to greater oversight or higher burdens of proof to help prevent abuse or wide ranging fishing expeditions.

While we believe that Congress should adopt broader changes to Sec. 215 as part of a comprehensive reform of the PATRIOT Act, protecting the privacy and first amendment interests implicated in government demands for library and bookstore records is an important first step. We urge you to support the Sanders Freedom to Read amendment.

Sincerely

Ralph G. Neas
President

Marge Baker
Director, Public Policy