

**Georgia Library Association Executive Board**  
**Resolution on the 2009 Reauthorization of the USA PATRIOT Act**

WHEREAS, the Georgia Library Association is committed to encouraging free and open inquiry by preserving the privacy rights of library users, library employees, and persons living in the United States; and

WHEREAS, the Georgia Library Association opposes governmental actions that suppress free and open inquiry and has called for the USA PATRIOT Act to be amended to restore fundamental constitutional rights and safeguards that protect the civil liberties of library users, library employees, and persons living in the United States; and

WHEREAS, Section 215 of the USA PATRIOT Act allows the FBI to secretly request and obtain library records for large numbers of individuals without providing reasonable cause to believe they are involved in illegal activity; and

WHEREAS, Section 505 of the USA PATRIOT Act permits the FBI to obtain records from libraries by using National Security Letters (NSL) without any prior judicial oversight; and

WHEREAS, Section 215 automatically requires, and Section 505 permits, the FBI to impose a nondisclosure or "gag" order on the recipients, thereby prohibiting the reporting of possible abuses of government authority and abrogating the recipients' First Amendment rights; and

WHEREAS, FBI Director Robert S. Mueller III testified before the Senate Judiciary Committee on March 25, 2009, that the FBI had used Section 215 of the USA PATRIOT Act 223 times between 2004 and 2007<sup>1</sup>, and the Office of the Inspector General (OIG) of the Department of Justice reported in March 2008 that the FBI had made 192,499 National Security Letter requests from 2003 through 2006<sup>2</sup>; and

WHEREAS, the OIG reported in March 2008 that "the FISA Court twice refused to authorize Section 215 orders based on concerns that the investigation was premised on protected First Amendment activity, and the FBI subsequently issued NSLs to obtain information," without reviewing the underlying investigation to be sure it did not violate the statute's First Amendment caveat<sup>3</sup>; and

WHEREAS, members of Congress have introduced legislation in both the Senate and House to restore privacy rights and address the concerns of the library community; now be it

RESOLVED that the Georgia Library Association:

1. Urges Congress to amend the USA PATRIOT Act by limiting the authority granted in Section 215 and Section 505 to eliminate "fishing expeditions," and restrict their use to obtain information only about persons who are targets of an investigation, and to reinstate standards limiting the use of these Sections to obtain information only about terrorism suspects and agents of foreign powers;
2. Urges Congress to allow nondisclosure of "gag" orders of limited scope and duration only when necessary to protect national security and only upon the authority of a court, and ensure that

recipients of such orders have a meaningful right to challenge them before a fair and neutral arbiter;

3. Urges Congress to increase its oversight of the use of the USA PATRIOT Act as well as other governmental surveillance and investigations that potentially infringe on the privacy rights of library users, library employees, and persons living in the United States.
4. Communicate this resolution to Georgia's Congressional delegation;
5. Urges members of the Georgia Library Association, library employees and trustees, and all Georgia library advocates to ask Congress to restore crucial Constitutional safeguards protecting civil liberties.

Adopted by the Executive Board on behalf of the Georgia Library Association November 18, 2009.

<sup>1</sup> Robert S. Mueller. (March 25, 2009). "Oversight of the Federal Bureau of Investigation." *Hearing of the Senate Judiciary Committee*. Accessed through LexisNexis Congressional database.

<sup>2</sup> Office of the Inspector General, U.S. Department of Justice. (March 2008). *A Review of the FBI's Use of National Security Letters: Assessment of Corrective Actions and Examination of NSL Usage in 2006*, p. 110. Available at <http://www.usdoj.gov/oig/special/s0803b/final.pdf>.

<sup>3</sup> Office of the Inspector General, U.S. Department of Justice. (March 2008). *A Review of the FBI's Use of Section 215 Orders for Business Records in 2006*, p. 73. Available at <http://www.usdoj.gov/oig/special/s0803a/final.pdf>.