



DID YOU SIGN THE PATRIOT ACT PETITION? READ ON!

Key Provisions of the PATRIOT Re-authorization Bill Signed by President Bush

THE GOOD NEWS

Booksellers and librarians who receive PATRIOT Act search orders have clearly defined rights.

- They can consult an attorney.
- They can challenge search orders in the secret court established by Foreign Intelligence Surveillance Act (FISA).
- After one year, they can challenge the “gag” order that prevents them from revealing the fact that their records have been searched.

The FBI must meet new requirements to submit a request for a search order to the FISA Court.

- A request must be approved by one of three top FBI officials.
- The FBI must give the FISA judge a statement of facts establishing the relevance of the request to a terrorism investigation.

There are new oversight requirements.

- The FBI must report publicly every year the number of bookstore and library searches.
- The Inspector General of the Justice Department will conduct an audit to determine whether the FBI has abused its search authority since 2001.

THE BAD NEWS

- The main goal of reader privacy advocates – narrowing the FBI’s search authority to the records of suspected terrorists – was not achieved. As a result, the FBI retains the right to search any records it believes are “relevant” to a terrorism investigation, even if the person whose records are sought is not suspected of any criminal activity.
- The value of the right to challenge search orders will not be fully known until the FISA Court creates procedures for handling these cases.
- In signing the re-authorization bill, President Bush said that he has the right to ignore the oversight provisions if he believes it is necessary for national security.
- A court that is considering a challenge to the gag order must give serious consideration to leaving it in place if the government asserts that lifting it threatens national security.

NEXT STEPS

The campaign to restore the protections for reader privacy is continuing. For more information, visit the website of the American Booksellers Foundation for Free Expression, www.abffe.com, or call (212) 587-4025.

THANKS FOR YOUR SUPPORT!