

Amend Patriot Act, protect our privacy

By Sen. Russ Feingold
(D-Wis.)

Much of our nation's strength comes from our constitutional liberties and respect for the rule of law. Our constitutional freedoms, our American values, are what make our country worth fighting for in the fight against terrorism. There is no question that the FBI needs ample resources and legal authority to prevent future acts of terrorism. But the USA Patriot Act went too far when it comes to giving the government access to the most personal details of law-abiding Americans' lives.

The Patriot Act allows the FBI broad, almost unfettered access to personal information about law-abiding Americans who have no connection to terrorism or spying. Under current law, the FBI could serve a subpoena on a library for all the borrowing records of its patrons or on a bookseller for the purchasing records of its customers simply by asserting that they want the records for a terrorism investigation.

But my concerns with the Patriot Act go beyond library and bookseller records. Under section 215 of the Patriot Act, the FBI could seek any records maintained by a business. These business records could contain sensitive, personal information — for example, medical records main-

tained by a doctor or hospital or credit records maintained by a credit agency. All the FBI would have to do is simply assert that the records are "sought for" its terrorism or foreign intelligence investigation.

As Keith Michael Fiels, executive director of the American Library Association, said, "This law is dangerous. ... I read murder mysteries — does that make me a murderer? I read spy stories — does that mean I'm a spy? There's no clear link between a person's intellectual pursuits and their actions."

Some librarians are so concerned about the potential for abuse by the FBI that they have taken matters into their own

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hands before the FBI knocks on their door. They have begun shredding on a daily basis sign-in logs and other documents relating to the public's use of library computer terminals to access the Internet.

I have introduced S. 1507, the Library, Bookseller, and Personal

Records Privacy Act to amend the Patriot Act to protect the privacy of law-abiding Americans. It would set reasonable limits on the federal government's access to library, bookseller, medical and other sensitive, personal information under the Foreign Intelligence Surveillance Act and related foreign intelligence authority.

My legislation would protect the privacy of law-abiding citizens by restoring a pre-Patriot Act requirement that the FBI set forth specific facts showing that the records sought pertain to a suspected terrorist or spy. My bill will not prevent the FBI from doing its job. It recognizes that there are circumstances when the FBI should legitimately have access to library, bookseller, or other personal information.

The post-Sept. 11 world is a different world with different threats, some changes to the law were needed to allow the FBI access to the information that it needs to prevent terrorism. But we do not need to change the values that constitute who we are as a nation in order to protect ourselves from terrorism.

We can protect both our nation and our privacy and civil liberties. Congress should act to protect our privacy, and my bill is a reasonable approach to do just that.

Feingold is a member of the Judiciary Committee.