

Ask Senators to protest attaching the Sensenbrenner-Goss bill

We are requesting that you contact your Senators, especially those on the Senate Select Committee on Intelligence, to oppose a proposed move to attach HR 3179 to the FY 2005 Intelligence Authorization bill (S 2386).

According to a report published on May 21, House and Senate GOP aides say that Judiciary Chairman F. James Sensenbrenner, Jr. (R-WI) and Intelligence Chairman Porter J. Goss (R-FL) are eyeing S 2386 as a vehicle for a proposal (HR 3179) that would make it a crime to disclose requests for information in national security letters, which government officials can use to solicit customer records and other information from libraries, Internet service providers, and other businesses. It would also allow the FBI to get a judge to enforce a national security letter, even though no judge is involved in the issuance of the letter.

The Sensenbrenner-Goss bill would make any knowing disclosure a misdemeanor, punishable by up to a year in prison. Anyone who revealed a national security letter's request with the intention of obstructing an investigation could face five years in prison.

Recipients of national security letters generally are barred from revealing that they received them, though administration officials have said recipients can confer with lawyers. Under current law, there is no penalty for violating the anti-disclosure rule, nor does the government have means to enforce its requests.

At a hearing on the bill last week, Thomas J. Harrington, deputy assistant director of the FBI's counter-terrorism division, revealed that, in at least one instance, the government has been unable to force an e-mail provider to comply with a request in a national security letter.

ALA does not believe that the government needs to further strengthen the already extraordinary authority it has been given under the PATRIOT Act and its progeny to acquire confidential records. An ordinary search warrant or grand jury subpoena can be used in the investigation of any crime, including alleged terrorism.

Adding judicial enforcement and criminal sanctions to an administrative process, which itself is not subject to judicial approval in the first instance or to legal challenge by the recipient, is inconsistent with our longstanding values of justice and basic fairness. The chilling effect of criminal sanctions applied to speech cannot be overstated.

Action needed: Please contact your Senators and ask that they oppose a proposed move to attach HR 3179 to the FY 2005 Intelligence Authorization bill (S 2386).

To contact members of Congress: Use ALA's Washington Office Legislative Action Center at capwiz.com/ala/home/ to identify and fax or e-mail your members of Congress.

You can also call your member of Congress directly using the U.S. Capitol switchboard at (202) 225-3121. ■

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Kranich (ed.), *Libraries and Democracy: The Cornerstones of Liberty* (Chicago, IL: American Library Association, 2001).

6. Julie Pratt, *Capturing Public Thinking: Authentic Reporting on Public Forums* (Charleston WV: West Virginia Center for Civic Life, n.d.): 3. www.ni.org/CapturPubThink.pdf.

7. More information about the Kettering Foundation is available at www.kettering.org.

8. For a complete listing of available discussion guides as well as recent network news, events and other information, see the NIF Web site at www.ni.org/.

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