

February 2, 2011

The Honorable Patrick Leahy, Chairman
Committee on the Judiciary
United States Senate
433 Russell Senate Office Building
Washington, DC 20510-4502

Dear Senator Leahy:

On behalf of the American Library Association (ALA) and the Association of Research Libraries (ARL), we write in support of the *USA PATRIOT Act Sunset Extension Act of 2011*, (S. 193). With the pending sunset of February 29, 2011, for Section 215 (the “library provision”) as well as the roving wiretaps and “lone wolf” sections, S. 193 is an important step toward improving the balance between the needs of law enforcement and the protection of our civil liberties.

ARL and ALA welcome the introduction of S. 193 for several reasons.

First, we support additional judicial oversight for use of these surveillance tools when they implicate reader privacy. Specifically, our members strongly support the requirement of a clear connection to a terrorist or spy (rather than the much lower “mere relevance” standard that applies to other Section 215 requests) when law enforcement agents seek library circulation records and patron lists. This provision recognizes the importance of protecting the right to read, a vital First Amendment activity.

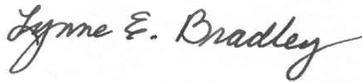
Second, ALA and ARL strongly support the codification of the reforms adopted voluntarily by Attorney General Eric Holder. While we welcomed the Attorney General’s announcement that he would institute some of the reforms included in S. 193, including the protections for library records, we believe strongly that these protections are too important to leave to the discretion of executive officers. Making them part of the law will ensure that future attorneys general will not roll back these important safeguards.

Third, we support the other commonsense reforms in the bill, including a new sunset for National Security Letters (NSLs) and the repeal of the presumption of relevance for certain Section 215 orders. Restoring the constitutional rights of gag order recipients is another important provision. These sections are extremely important to assure accountability and transparency.

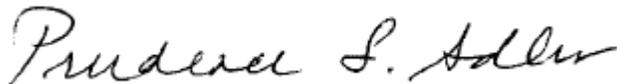
Finally, a 2013 sunset will ensure that these critically important issues will not be entangled in presidential election year politics. The new sunsets will promote continued bipartisan assessment and debate rather than partisan politics.

ARL and ALA agree with you that this is a package of reforms that all Americans should support. Our associations stand ready to work with you to assure passage of S. 193.

Sincerely,

A handwritten signature in cursive script that reads "Lynne E. Bradley".

Lynne E. Bradley, Director
ALA Office of Government Relations

A handwritten signature in cursive script that reads "Prue Adler".

Prue Adler, Associate Executive Director
Federal Relations and Information Policy
Association of Research Libraries