

An Update on the U.S.A. P.A.T.R.I.O.T Act
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As of the date of this publication, Congress has reached no consensus regarding sunset provisions for §215 of the U.S.A. P.A.T.R.I.O.T. Act. Section 215 allows library and bookseller records containing personally identifiable customer information to be construed as business records for purposes of investigations under the law. As such, library circulation records and computer sign-up sheets, considered confidential under many state laws including those of Louisiana, are subject to search by invocation of the P.A.T.R.I.O.T. Act. At this time, a compromise allowing §215 to sunset in 2015 has yet to be reached.

In August 2005, the American Civil Liberties Union filed a lawsuit in federal district court as a means to challenge §505 of the Patriot Act and obtain release from its gag provision, so that the ACLU's unnamed client, John Doe, from a Connecticut library organization could identify himself as the recipient of a national security letter. It was hoped that by lifting the gag, John Doe would be able to participate during the fall of 2005 in Congress' deliberations regarding the renewal of P.A.T.R.I.O.T.

U.S. District Court Judge Janet Hall removed the gag order related to the case on September 9, 2005, but granted the Department of Justice time to appeal [Doe v. Gonzales, No. CA 3:05-cv-1256(JCH), (D Conn., 2005)]. Later in September, the U.S. Court of Appeals for the Second Circuit in Manhattan granted a full stay of Hall's decision [Doe v. Gonzales, No. 05-0570-cv (2d Cir. Sept. 16, 2005)], which prompted the ACLU to appeal to the United States Supreme Court. On October 7, Justice Ruth Bader Ginsburg declined to vacate the stay in an emergency appeal by the American Civil Liberties Union, noting that the Second Circuit should be given time to allow the case a full airing [Doe v. Gonzales, 05A295, slip op. at 7 (U.S. October 9, 2005), <http://a257.g.akamaitech.net/7/257/2422/07oct20051700/www.supremecourtus.gov/opinions/05pdf/05a295.pdf>].

The Second Circuit is expected to take up the case in early November 2005.

American Civil Liberties Union, *ACLU v. Gonzales Redacted Complaint*, <http://www.aclu.org/SafeandFree/SafeandFree.cfm?ID=18956&c=262> (October 31, 2005).

American Civil Liberties Union, *Judge Hall's opinion in NSL II CT case*, September 9, 2005, <http://www.aclu.org/SafeandFree/SafeandFree.cfm?ID=19064&c=262> (November 2, 2005).

American Civil Liberties Union, *Librarians, Lawmakers and Conservatives Join ACLU in Call to Lift Gag Order, Say "John Doe" Must Be Allowed to Participate in Patriot Act Debate*, September 28, 2005 <http://www.aclu.org/SafeandFree/SafeandFree.cfm?ID=19177&c=206> (November 2, 2005).

Connecticut Library Consortium, <http://www.ctlibrarians.org/news/patriotact.html> (November 2, 2005).

