

Privacy, Civil Rights, & Homeland Security

Compiled by Marian G. Rogers, July 2003

<http://www.legis.state.wi.us/lrb/pubs/tapthepower.htm>

Acts of terrorism have caused the U.S. government to reevaluate homeland security. In the process of protecting ourselves, some believe our basic civil liberties are being curtailed. This bibliography presents basic information on these issues; most are available online.

Ashcroft Calls Patriot Act "Key Weapon" in Fighting Terrorism: Testifies Before House Judiciary Committee. June 5, 2003.
www.uspolicy.be/Issues/Terrorism/ashcroft.060503.htm

"Biometrics – The Future of Identification: Are You Who You Say You Are?" Chad S. Foster, *State Government News*, April 2002, p.19 and 22. (029/St2b/2002/v.45, no.4) Some states are reexamining their driver licensing and identification systems.

"Civil Liberties in Wartime: Is the Government's Crackdown on Terrorism Too Harsh?" Congressional Quarterly, Inc., *CQ Researcher*, December 14, 2001. (342.4/C762b) Some perceive the new federal policies are undermining American freedoms.

Commentary: the Impact of the USA PATRIOT Act on Free Expression. Nancy Kranich/ *The Free Expression Policy Project*, May 5, 2003. "Since 9-11, libraries remain more important than ever to ensuring the right of every individual to hold and express opinions and to seek and receive information . . . But just as the public is exercising its right to receive information and ideas . . . government is threatening these very liberties . . ." www.fepproject.org/commentaries/patriotact.html

Electronic Surveillance. National Conference of State Legislatures, January 2002. (346.12/N21) A 2-page brief on changes in wiretapping and surveillance laws.

"The Evolving Judicial Response to the War on Terrorism". Kendall W. Harrison, *Wisconsin Lawyer*, December 2002, p.14-17. (341.14/W75/2002/v.75, no.12) ". . . [E]xamines some . . . questions in light of three specific areas in which the federal courts have faced the individual liberty/national security tension in the post-Sept. 11 world: closed immigration proceedings; secret detentions; and the definition of enemy combatants." — p.15.

"Government Surveillance Technology: Protecting Civil Liberties in the Age of Terrorism – Pro and Con", Congressional Digest Corporation, *Congressional Digest*, April 2003. (342.4/C761b) In 2002, government agencies began to plan the Total Information Awareness (TIA) system of information mining (later renamed Terrorism Information Awareness system). "As the war on terrorism continues, the challenge to Congress and to all Americans will be to find a way to enhance safety without destroying the values we seek to protect." — p.97.

Guidelines for Librarians on the U.S.A. PATRIOT Act: What to Do Before, During and After a "Knock at the Door?" American Library Association, Washington Office, January 19, 2002. (027/Am3f) Guidelines (not legal advice) to help local libraries prepare an appropriate response to a legal inquiry.
www.ala.org/Content/NavigationMenu/Our_Association/Offices/ALA_Washington/Issues2/Civil_Liberties,_Intellectual_Freedom,_Privacy/The_USA_Patriot_Act_and_Libraries/patstep.pdf

Imbalance of Powers: How Changes to U.S. Law & Policy Since 9/11 Erode Human Rights and Civil Liberties. Lawyers Committee for Human Rights, March 2003. While supporting the U.S. government's efforts to enhance public security, the committee reports on the steps taken which erode human rights protections and guarantees. www.lchr.org/us_law/loss/imbalance/powers.pdf

Information Technology and Internet Laws. National Conference of State Legislatures, January 2003. (028/N213b/2002) Some states have passed laws relating to homeland security and electronic surveillance (see pages 2, 3, and 11).

The Internet and the USA PATRIOT Act: Potential Implications for Electronic Privacy, Security, Commerce, and Government. Congressional Research Service, March 4, 2002. (342.43/X15) "Because of the controversial aspects of some provisions in the Act, particularly regarding privacy, Congress and other groups are expected to monitor closely how the Act is implemented." — *Summary*. www.epic.org/privacy/terrorism/usapatriot/RL31289.pdf

Internet Privacy: Overview and Pending Legislation. Congressional Research Service, April 23, 2003. (342.43/X14) This regularly updated report provides an overview of Internet privacy issues and outlines legislation currently before Congress. Includes information on commercial Web site practices, e-mail and Web usage monitoring, identity theft, and spyware.
www.house.gov/markgreen/crs.htm (See Long Report RL31408)

Library Records Post-Patriot Act (Federal Law). Mary Minow, September 16, 2002. (027/M66) Concise table which outlines changes to library records laws relating to wiretaps, search warrants, pen/trap orders, subpoenas, and other means of obtaining information. www.llrx.com/features/libraryrecords.htm

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Possible Impacts of Major Counter Terrorism Security Actions on Research, Development, and Higher Education. Congressional Research Service, April 8, 2002. (346.12/X6) www.aau.edu/research/crsteror.pdf

Privacy Today: A Review of Current Issues. Privacy Rights Clearinghouse, Updated October 2002. Contains information on biometrics technologies, wiretapping, data profiling, and video surveillance. www.privacyrights.org/ar/Privacy-IssuesList.htm

Privacy: Total Information Awareness Programs and Related Information Access, Collection, and Protection Laws. Congressional Research Service, March 21, 2003. (342.43/X16)

“. . . [D]escribes current laws and safeguards to protect the privacy of personal information, the required legal process for officials who seek access to information, and the provisions currently in place that permit access and dissemination of information . . .”
— Summary. www.fas.org/irp/crs/RL31730.pdf

“Protecting Freedom: Public Safety vs. Civil Liberties”. Laurie Clewett, *State Government News*, October 2001, p.19 and 22. (029/St2b/2001/v.44, no.9)

The Search and Seizure of Electronic Information: The Law Before and After the USA PATRIOT Act. Wiley, Rein, and Fielding, January 18, 2002. (028.2/W64) A chart contrasting federal law changes regarding type of information sought, government-required disclosure, and voluntary disclosure by organizations. www.arl.org/info/frn/other/matrix.pdf

Searching and Seizing Computers and Obtaining Electronic Evidence in Criminal Investigations. U.S. Department of Justice, Computer Crime and Intellectual Property Section, Criminal Division, July 2002. In this revision of the 2001 edition, chapters 3 and 4 deal principally with changes made to the laws governing electronic evidence gathering as affected by the USA PATRIOT Act of 2001, P.L. 107-56. www.cybercrime.gov/s&smanual2002.htm

State Privacy Laws Regarding Library Records. American Library Association. Links to state laws and ALA privacy policies. www.ala.org/Template.cfm?Section=State_IFC_in_Action&Template=/ContentManagement/ContentDisplay.cfm&ContentID=14773

Taking the Mystique Out of the USA PATRIOT Act: Information, Process, and Protocol. Tracy Miltrano, May 14, 2002. (346.12/M691) This paper is a concise and easy to read overview of this 2001 federal law: “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism”. www.cit.cornell.edu/oit/PatriotAct/article.html

Terrorism: A Section By Section Analysis of the USA PATRIOT Act. Congressional Research Service, December 10, 2001. (346.12/X5) <http://library.nps.navy.mil/uhtbin/cgiisirs/Thu+Jun+19+09:09:21+PDT+2003/0/520/CRS-RL31200.pdf>

The USA PATRIOT Act and Patron Privacy on Library Internet Terminals. Mary Minow, February 15, 2002. www.llrx.com/features/usapatriotact.htm

Related Web sites:

www.aclu.org – American Civil Liberties Union. Founded in 1920, the ACLU provides support and defense of civil liberties and has links to information about the issues of “National Security”, “Privacy & Technology”, and “Safe and Free” America.

www.ala.org/Content/NavigationMenu/Our_Association/Offices/Intellectual_Freedom3/Intellectual_Freedom_Issues/USA_Patriot_Act.htm – American Library Association, “USA PATRIOT Act” page.

www.aaiusa.org/discrimination.htm – Arab-American Institute, “Discrimination and Civil Liberties”.

www.epic.org/privacy/terrorism/usapatriot – Electronic Privacy Information Center, “USA PATRIOT” Act page. History, overview, and links to information about the Act. Includes:

- “Biometric Identifiers” (www.epic.org/privacy/biometrics)
- “Face Recognition” (www.epic.org/privacy/facerecognition)
- “Video Surveillance” (www.epic.org/privacy/surveillance)

www.heritage.org/Research/HomelandDefense/ Heritage Foundation, “Homeland Security”.

www.darpa.mil/iao/index.htm – Information Awareness Office, Defense Advanced Research Projects Agency, U.S. Department of Defense. The mission of this agency is the development and integration of advanced information technologies to aid in national security endeavors. Various technologies under development are presented on this site.

www.dhs.gov/dhspublic/index.jsp – U.S. Department of Homeland Security.

www.usdoj.gov/crt/nordwg.html – U.S. Department of Justice, Civil Rights Division. “Initiative to Combat Post-9/11 Discriminatory Backlash”.

BadgerLink: www.badgerlink.net

Search the ProQuest Newspapers and EBSCOhost magazines databases for full text articles. Suggested search words: *biometrics and homeland security*, *patriot act and civil*, and *patriot act and privacy*.
