

## **House Votes To Curb Patriot Act**

FBI's Power to Seize Library Records Would Be Halted

*By Mike Allen*

The House handed President Bush the first defeat in his effort to preserve the broad powers of the USA Patriot Act, voting yesterday to curtail the FBI's ability to seize library and bookstore records for terrorism investigations.

Bush has threatened to veto any measure that weakens those powers. The surprise 238 to 187 rebuke to the White House was produced when a handful of conservative Republicans, worried about government intrusion, joined with Democrats who are concerned about personal privacy.

One provision of the Patriot Act makes it possible for the FBI to obtain a wide variety of personal records about a suspected terrorist -- including library transactions -- with an order from a secret Foreign Intelligence Surveillance Court, where the government must meet a lower threshold of proof than in criminal courts.

Under the House change, officials would have to get search warrants from a judge or subpoenas from a grand jury to seize records about a suspect's reading habits.

Some libraries have said they are disposing of patrons' records more quickly because of the provision, which opponents view as a license for fishing expeditions.

House Administration Committee Chairman Robert W. Ney (Ohio), one of three House Republicans who opposed the Patriot Act when it was enacted in 2001, voted yesterday to curtail agents' power to seize the records.

"Everybody's against terrorism, but there has to be reason in the way that we fight it," Ney said. "The government doesn't need to be sifting through library records. I talked to my libraries, and they felt very strongly about this."

The Justice Department said in a letter to Congress this week that the provision has been used only 35 times and has never been used to obtain bookstore, library, medical or gun-sale records. It has been used to obtain records of hotel stays, driver's licenses, apartment leases and credit cards, the letter said.

"Bookstores and libraries should not be carved out as safe havens for terrorists and spies, who have, in fact, used public libraries to do research and communicate with their co-conspirators," Assistant Attorney General William E. Moschella said in the letter.

The vote -- on an amendment to limit spending in a huge bill covering appropriations for science as well as the departments of Justice, State and Commerce -- came as Bush is traveling the country to build support for reauthorizing 15 provisions of the Patriot Act that are scheduled to expire at year's end.

House Republican leadership aides said they plan to have the provision removed when a conference committee meets to work out differences between the House and Senate versions of the bill. "The administration has threatened to veto the bill over this extraneous rider, and there are too many important initiatives in the bill for that to happen," said Appropriations Committee spokesman John Scofield.

Last year, the House leadership barely staved off the amendment with a 210 to 210 tie, engineered by holding the vote open to pressure some Republicans to switch their votes.

Democrats contend that the reversal is the first sign of growing wariness about some of the more intrusive elements of the Patriot Act, which was passed just weeks after the Sept. 11, 2001, terrorist attacks. The American Civil Liberties Union called the vote a rare victory for civil liberties.

Rep. Jerrold Nadler (D-N.Y.), a leader in the drive to curtail the act's reach, said in an interview that the original measure had passed "in an atmosphere of panic" and that a wide spectrum of lawmakers is beginning to conclude it went too far.

"If some terrorist checks out a book about how to make an atomic bomb, that might be legitimate for the government to know, and they can get a search warrant or a subpoena the way we've done it throughout American history," Nadler said. "Otherwise, what you're reading is none of the government's business."

House Republican leaders are not accustomed to losing, and they did not hide their anger about the result. One aide to a House leader referred to the victorious coalition as "the crazies on the left and the crazies on the right, meeting in the middle."

Justice Department spokesman Kevin Madden issued a statement reiterating the administration's insistence that the provision is vital. The statement said the section "provides national security investigators with an important tool for investigating and intercepting terrorism while at the same time establishing robust safeguards to protect law-abiding Americans."

The amendment was sponsored by Rep. Bernard Sanders (Vt.), a socialist who is the chamber's lone independent. He said the measure, which he originally introduced as the Freedom to Read Protection Act, "simply restores the checks and balances that protect innocent Americans under the Constitution."

House Minority Leader Nancy Pelosi (D-Calif.) called the amendment a "message to the world." Only one voting Democrat, Rep. Dan Boren (Okla.), opposed it.

The measure was supported by 38 Republicans and opposed by 186. Among the Republicans who voted for it were Reps. Jack Kingston (Ga.), Ron Paul (Tex.), C.L. "Butch" Otter (Idaho) and Ray LaHood (Ill.).