



Privacy is personal to her

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By LINDA STEIN

Grayson Barber is a Princeton Township lawyer whose shingle should read, "Privacy Matters."

Because for her, it does. And because privacy has been her focus lately, especially her contention that the federal government has opened the door to invade personal freedoms.

Of particular concern, she said, is a new law that gives agents an easy ticket to investigate everything from the library books we read to the Internet sites we visit.

Barber, who calls herself a privacy advocate for the residents of New Jersey, believes U.S. Attorney General John Ashcroft and Congress went too far when the USA Patriot Act was enacted just weeks after the Sept. 11, 2001 terrorist attacks.

"I believe this is unconstitutional," said Barber, 46. "My fear is there's going to be a chilling effect."

While the fight against terrorism may seem a worthy idea, Barber believes the 342-page Patriot Act was hastily conceived, is too much of a target for legal interpretation and a way for the government to abuse our constitutional rights.

Her views are shared by many - including an estimated 150 community governments across the country that publicly have criticized the law.

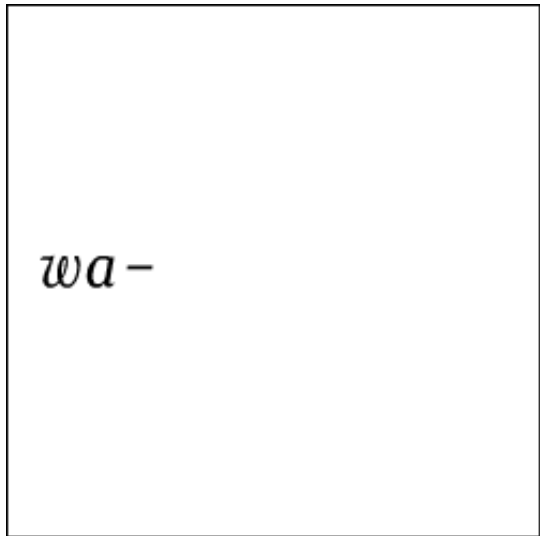
In May, Alaska's Republican-dominated legislature passed a resolution overwhelmingly opposing the Patriot Act. Legislators argue that the law lowers the standards of privacy and gives agents too much access to library records, bookstore purchases, personal and school records and Internet accounts.

Barber has advised the New Jersey Library Association about the ramifications of the law.

In April, the New Jersey group adopted a statement by the American Library Association opposing the sweeping changes. It said the Patriot Act and related measures "expand the authority of the federal government to investigate citizens and non-citizens, to engage in surveillance and to threaten civil rights and liberties guaranteed under the U.S. Constitution and Bill of Rights."

While the Patriot Act has captured national attention, local librarians said it hasn't changed the way

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they do business.

"So far, it has not affected us at all," said M.K. Kuriakose, director of the Trenton Public Library. "We haven't warned the people (about it). Nothing has come up."

Larry McNamara, a supervising librarian with the Mercer County library system, said records there are computerized.

"The records are in the computer and once you return a book it disappears," said McNamara. "And we don't know what book anyone took out. We value confidentiality and that's one of the ways we do it."

Before passage of the act, the FBI or other police agencies needed to obtain a search warrant if they had probable cause to investigate a library user. The Patriot Act grants far greater access to information to conduct surveillance, including the gathering of e-mail and use of wiretaps as part of a foreign intelligence investigation, said Barber.

"It doesn't make us safer if they catch the wrong people," she said. "It doesn't make us any safer to target people who had nothing to do with the crime."

The Justice Department disputes her assertion. Spokesman Jorge Martinez called Barber's concerns "a lot of misinformation and propaganda."

The Patriot Act, he said, applies only to possible terrorists under investigation and not to American citizens or lawful residents. Agents must go to a judge under the Foreign Intelligence Surveillance Act to get a warrant, he said, and its use in investigations of "garden variety crimes and even domestic terrorism is prohibited."

The law gives federal agents the tools needed to "dismantle terrorist cells before their deadly plans can be implemented," he said.

Barber also is a member of the 13-person New Jersey Privacy Study Commission, a group created to help refine the state Open Public Records Act signed into law about a year ago. She has publicly debated various aspects of that law on several occasions.

Barber originally is from Los Angeles and studied law after obtaining a master's degree in psychology and neuroscience at Princeton University.

"I studied monkeys," she said.

But after differences with her doctoral adviser, she took a job in state government in data analysis. She soon studied law in night courses at Rutgers University.

Barber is married to Peter Meyers, a Princeton University physics professor, and they have a 6-year-old daughter.

Barber believes there are two major trends since 9/11: an assault on privacy and increased secrecy by the federal government.

Previously, government agents had problems "connecting the dots" on terrorism, she said. "Now they'll have even more information and will try to catch the bad guys by listening to the prayers they say, monitoring the books they read and keeping an eye on the political rallies they attend.

"So if finding the terrorists is going to be like finding a needle in a haystack, it doesn't help to make the haystack bigger."

For example, she said, a high school senior without a home computer may use a library computer

to access information about a militant Islam group for a school report.

Although that activity is "clearly protected by the First Amendment," she said, it could "trigger a search by the FBI."

And if that student is an illegal immigrant, the FBI could turn him into immigration authorities for deportation.

While some librarians around the country have posted signs warning patrons that their research might be revealed to law enforcement, most in New Jersey have not, said Patricia Tumulty, executive director of the New Jersey Library Association.

"Certainly, they're trying to make people aware," said Tumulty.

A state law requires confidentiality for library users, so disclosure would be required only with a subpoena or a court order. Under the Patriot Act, librarians cannot contact the person who is under surveillance or tell the press if a warrant or subpoena was served.

Most libraries in the state, including Mercer County's, have self-purging systems that delete names once books are returned, said Tumulty. However, computer hard drives might still be searched for Web sites that a patron visited.

"There is a Big Brother aspect," Tumulty said. "It's a thin line we (librarians) walk with protecting people's rights."

Barber volunteers for the American Civil Liberties Union, which tried to obtain information about how often the government has used the Patriot Act to obtain records from libraries. The ACLU was turned away, Barber said, because the government considers the information classified. A lawsuit has been filed.

Meanwhile Congress may soon modify the Patriot Act. Rep. Bernie Sanders, I-Vt., introduced the Freedom to Read Protection Act that now has 75 cosponsors.

The bill would exempt libraries and bookstores from the Patriot Act and require law enforcement agents to return to more stringent rules regarding probable cause before a search could be authorized. Also it would remove the gag order now in place that prevents librarians from mentioning a search, said Joel Barkin, a Sanders spokesman.

An amendment to the law couldn't come soon enough for Barber, who wants her daughter to grow up in a world free of intrusion.

"In the U.S., we believe in the marketplace of ideas and don't suppress free expression," said Barber. "You want people to feel free to go to the library. You let people read."

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