Let the USA PATRIOT Act sunset now

by Nancy Kranich

In a farewell letter last November, Attorney General John Ashcroft declared, “I am blessed to leave public office in a nation that is safer and stronger than the one I found; a nation in which the flame of freedom illuminates every American and burns a signal fire to a watching world.” Yet, the measures Ashcroft employed to secure the nation since the terrorist attacks on Sept. 11 leave many innocent Americans feeling neither safe nor free. Right here in State College, a Muslim Penn State graduate student recently revealed that she no longer feels safe speaking out about the American government, particularly on e-mail. And in Pittsburgh, FBI agents targeted activists defending the Bill of Rights. Elsewhere, law enforcement has interrogated chat-room users, arrested Muslims, subpoenaed antiwar protesters and investigated artists merely for expressing dissident views.

Clearly, the relationship between civil liberties and the USA PATRIOT Act is fostering a chilling climate of distrust and uncertainty, even in quiet, peaceful university communities. The act, officially titled the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act,” broadly expands the powers of federal law enforcement agencies to gather intelligence and investigate anyone it suspects of terrorism. The act contains more than 150 sections and amends over 15 federal statutes, including laws governing criminal procedure, computer fraud, foreign intelligence, wiretapping and immigration.

Unfortunately, some of these expanded surveillance powers license law enforcement officials to peer into Americans’ most private reading, research and communications. Several of the act’s hastily passed provisions not only violate the privacy and confidentiality rights of those using libraries and bookstores, but also sweep aside constitutional checks and balances by authorizing intelligence agencies to gather information in situations that may be completely unconnected to a potential criminal proceeding. Four years into the act, we still do not know how the government has applied the Patriot Act in libraries, bookstores and other venues because a gag order bars individuals from making that information public.

Opposition keeps growing against the act’s civil liberties abuses, led by public interest groups, librarians, gun owners and others who have challenged the most draconian provisions of the USA PATRIOT Act through the courts and Congress. A number of civil liberties groups have filed several lawsuits contending that sections of the law violate the privacy and First Amendment rights of all Americans. A new coalition called Patriots to Restore Checks and Balances, which includes the ACLU, the American Conservative Union, Gun Owners of America and the Libertarian Party, is bucking legislation that would repeal portions of the Patriot Act, called the SAFE Act (Security and Freedom Enhancement Act). In addition, more than 200,000 Americans have signed petitions urging Congress to restore protections for reader privacy that were eliminated by the Patriot Act.

In an unprecedented show of opposition to a federal law, five states (including Alaska and Montana) and 372 communities have passed resolutions condemning the USA PATRIOT Act and expressing their commitment to the values expressed in the Bill of Rights. Objections have come from both red and blue states and from communities as diverse as New York City, Boise, Idaho, and Madison, Wis. In Pennsylvania, Philadelphia and Pittsburgh have passed resolutions as have Berks County, York and Londonderry. Overall, these “Civil Liberties Safe Zone” resolutions represent the concerns of nearly 60 million Americans.

The Patriot Act and related measures chill the public’s civil liberties and free expression rights. Today, whether it is the books you read or the paths you travel, you are subject to government inspection and review. Americans in communities throughout the country are speaking out against those policies that threaten, not strengthen, our freedoms and security. As Pennsylvanians, we must influence our Senators who play a key role in shaping the future of this anti-terror legislation. Senate Judiciary Committee Chair Arlen Specter voiced his frustration with the Attorney General at recent hearings, and Senator Rick Santorum is facing reelection. Both need to hear from us now. At the same time, we need to join the 60 million Americans who “Just Say NO” to the USA PATRIOT Act by passing a resolution declaring Centre County a Civil Liberties Safe Zone. We simply cannot sit back when members of our own community are chilled from participating in democratic discourse. We must stand together as one community, united in the knowledge that we are protected by a constitution that guarantees civil liberties for all.

Nancy Kranich is a Past President of the American Library Association and the Convener of the Centre Region Bill of Rights Defense Committee.

The market guides commercial radio, not some sinister pay or play scheme

The article “Radio Paradise in the Digital World” in the February issue of Voices makes comparisons between Internet radio and commercial radio that bear little resemblance to anything I’ve observed over 39 years in commercial broadcasting.

The author states that “It is a thinly veiled secret that music selection on conventional ‘new music’ radio stations is driven by record company pay-offs” and that “profits in part reflect the station’s ability to sell its air time to music promoters.” He also suggests that “a large part of the station’s profits depends on its ability to convince the public (and advertisers) that what they are listening to really is ‘popular.’”

In America’s largest metropolitan markets record companies do, indeed, buy commercial time to promote new music releases. Even in those markets (New York, Chicago, Los Angeles and their peers) such advertising constitutes a small percentage of overall revenue—compared to car dealers, furniture stores, banks, bars, auto parts and the like—not enough to risk the forfeiture of FM licenses worth upwards of $100 million. More importantly, since “payola” is against the law, stations airing such commercials go out of their way to avoid any connection between music being advertised and music played as programming. The risk of being fired and/or going to jail is a serious deterrent. Any programmer accepting the “‘typical’ $1,000 promotional fees” cited would be risking both.

Beyond the large markets, record company advertising is minimal or nonexistent. And the vast majority of America’s 10,000 commercial radio stations are in small markets. Over the past 20 years, I’ve managed rock and pop music FM stations in media markets as large as Dayton (No. 47 at the time) and Mobile-Pensacola (No. 60) and as small as Panama City, Fla. (No. 160), and I haven’t seen a dime’s worth of record company advertising. Here in State College, one of the nation’s smallest radio markets, our pop music FM station has been number No. 1 in the past three Arbitron surveys in virtually every major demographic group, yet you’ll hear no record company commercials. We do make a serious effort to feature songs that our audience likes to hear, but no money exchanges hands in that process. To the best of my knowledge no one on our staff has yet been nominated for sainthood, but it’s just not an issue out here in Centre County, Pa., where the deer and the antelope play. Record company villains couldn’t find us with a roadmap!

It may be romantic to believe that there is a sinister plot to make commercial radio uninteresting to the listener with eclectic tastes, but the truth is more likely rooted in the notion that playing unpopular music yields small audiences, and advertisers prefer large audiences. Internet radio stations like Radio Paradise can cater to the individual rather than the masses, especially if the individual is forking over cash. From my perspective, that’s truly “pay for play.”

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To get involved...

The Centre Region Bill of Rights Defense Committee is just forming. Contact Nancy Kranich at nancy.kranich@nyu.edu.

Statewide and for more information, contact the ACLU-PA community education organizer, Andy Hoover, at ahhoover@aclupa.org or phone 717-236-6827.