

# WHO WANTS TO KNOW WHAT YOU'RE READING?

There is a long and troubling history of efforts to compel online and offline libraries and booksellers to turn over records about readers—a few recent examples are included below.

- ➔ **NORTH CAROLINA GOVERNMENT DEMANDS OVER 50 MILLION PURCHASE RECORDS OF AMAZON CUSTOMERS (2010)<sup>1</sup>**

The North Carolina Department of Revenue demanded over 50 million Amazon purchase records from North Carolina residents. Amazon again fought back to protect reader privacy and anonymity, and successfully defended its customers in federal court. The judge ruled that the First Amendment protects a buyer from having the expressive content of her purchases disclosed to the government and that individuals are “entitled to receive information and ideas through books, films, and other expressive materials anonymously.”
- ➔ **U.S. ATTORNEY DEMANDED BOOK PURCHASE RECORDS OF 24,000 AMAZON CUSTOMERS (2006)<sup>2</sup>**

The U.S. attorney subpoenaed Amazon for the used book purchase records of over 24,000 customers in the course of a grand jury probe investigating a single individual. Amazon fought back to protect reader anonymity and a federal judge agreed that Amazon should not have to turn over this information about its customers, saying that if word spread over the Internet that the federal government was probing book purchase information, “the chilling effect on e-commerce would frost keyboards across America.”
- ➔ **JUSTICE DEPARTMENT DEMANDS SENATOR'S BOOK PURCHASE RECORDS (2001)<sup>3</sup>**

The FBI subpoenaed over 6 years of book purchase records of former New Jersey Senator Robert Torricelli from Arundel Books, an independent bookstore in Los Angeles. Arundel Books challenged the subpoena and the charges were dropped leaving the book purchase records safely with the bookstore. Since the subpoena, Arundel Books has stopped keeping customer book records so that it will not be forced to release information to the government or third parties.
- ➔ **ONE OF LARGEST INDEPENDENT BOOKSTORES IN AMERICA ORDERED TO TURN OVER BOOK RECORDS (2000)<sup>4</sup>**

The Drug Enforcement Agency tried to force Tattered Books of Denver to turn over its book purchase records. The bookstore fought back to protect its readers and the case went to the Colorado Supreme Court. The court held that book records were sensitive information that required a warrant. The decision safeguarded an individual's ability to “purchase and read whatever books without fear that the government will take steps to discover which books she buys, reads, or intends to read.”<sup>5</sup>
- ➔ **BOOK RECORDS DEMANDED FROM BORDERS BOOKS (2000)<sup>6</sup>**

The Drug Enforcement Administration subpoenaed records of a Borders' bookstore in Johnson County, Kansas, in the hopes of solving an unspecified crime. Borders fought back and a judge sided with the bookstore against the DEA.
- ➔ **BARNES & NOBLE AND KRAMERBOOKS TOLD TO TURN OVER LEWINSKY BOOK PURCHASE RECORDS (1998)<sup>7</sup>**

Independent Counsel Kenneth Starr subpoenaed two Washington area bookstores to obtain Monica Lewinsky's book purchase records as part of his investigation into the Clinton-Lewinsky scandal. The two bookstores protected her privacy and resisted the demands.<sup>8</sup>
- ➔ **PUBLISHER ASKED TO TURN OVER IDENTITY OF ALL ARIZONA RESIDENTS WHO PURCHASED BOOK (1997)<sup>9</sup>**

The Drug Enforcement Agency subpoenaed Ronin Publishing Company for “[t]he names and addresses of any and all residents of the State of Arizona” who purchased one of Ronin's books. Ronin resisted and eventually the DEA backed down.

1 North Carolina Wants to Know What You Bought from Amazon, Apr. 21, 2010, available at [http://www.aclunc.org/issues/technology/blog/north\\_carolina\\_wants\\_to\\_know\\_what\\_you\\_bought\\_from\\_amazon.shtml](http://www.aclunc.org/issues/technology/blog/north_carolina_wants_to_know_what_you_bought_from_amazon.shtml); Amazon.com LLC v. Lay, No. C10-664 MJP (W.D. Wash. Oct. 25, 2010), available at [http://www.aclunc.org/issues/technology/asset\\_upload\\_file205\\_9273.pdf](http://www.aclunc.org/issues/technology/asset_upload_file205_9273.pdf).

2 Feds retreat on Amazon buyers' identities, Associate Press, Nov. 27, 2007, available at <http://www.msnbc.msn.com/id/21997757/>; Sealed Order, In re Grand Jury Subpoena to Amazon.com, No. 07-GJ-04 (W.D. Wis. Aug. 7, 2006), available at <http://www.medialawlaunch.com/documents/2008-01-amazon.pdf>.

3 CNN The Point with Greta Van Susteren, The Justice Department's Investigation of Senator Robert Torricelli: Has It Gone Too Far?, (CNN television broadcast Sept. 6, 2001) (transcript available at <http://transcripts.cnn.com/TRANSCRIPTS/0109/06/tpt.00.html>); Bob Tedeschi, E-Commerce Report: The Patriot Act has led online buyers and sellers to watch what they do. Could it threaten Internet business?, N.Y. Times, Oct. 13, 2003 at C6, available at <http://www.nytimes.com/2003/10/13/business/e-commerce-report-patriot-act-has-led-online-buyers-sellers-watch-what-they.html>.

4 Christopher Dreher, Big Brother Is Watching You Read, Salon, Feb. 13, 2002, <http://dir.salon.com/story/books/feature/2002/02/13/bookstores/index.html>; Tattered Cover, Inc. v. City of Thornton, 44 P3d 1044 (2002)

5 Tattered Cover, Inc. v. City of Thornton, 44 P3d 1044, 1053 (2002).

6 Federal Judge Quashes Subpoena for Kansas Bookstore's Sales Records, Associated Press, Dec. 4 2000 available at <http://www.freedomforum.org/templates/document.asp?documentID=3209>.

7 David Streitfeld and Bill Miller, Quest for Book Buys Faces High Bar, Washington Post, Apr. 10, 1998 at B1, available at <http://www.washingtonpost.com/wpsrv/politics/special/clinton/stories/kramer041098.htm>; Stephen Labaton, Lewinsky's Lawyers to Turn Over Records of Book Purchases, N.Y. Times, June 23, 1998 at A13 available at <http://www.nytimes.com/1998/06/23/us/lewis-s-lawyers-to-turn-over-records-of-book-purchases.html>; Grand Jury Subpoena to Kramerbooks & Afterwords Inc., 26 Med. L. Rptr. 1599 (D.C. 1998).

8 Lewinsky and her legal team decided to ultimately turn over her own book records.

9 Richard Glen Boire, When Reading Becomes a Crime: The War on Drugs Goes After Books, <http://www.cognitiveliberty.org/news/nov202000tatteredcover.htm> (last visited Mar. 26, 2009); Publisher Fights DEA On Book Buyers' Names, Contra Costa Times, Oct. 30, 1997, at A9.

