

April 22, 2008

Hon. Patrick J. Leahy, Chairman
Hon. Arlen Specter, Ranking Minority Member
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Re: National Security Letters Reform Act, S. 2088

Dear Chairman Leahy and Ranking Member Specter:

The Judiciary Committee will soon consider issues relating to National Security Letters. We write to express our support for the National Security Letters Reform Act (S. 2088).

The PATRIOT Act and Intelligence Authorization Act of FY 2004 drastically expanded the FBI's authority to obtain the business and personal records of Americans by issuing National Security Letters (NSLs). NSLs, which do not require prior judicial approval, can be used to obtain a wide range of documents based upon vague claims that the information is merely "relevant" to a terrorism investigation. Once the FBI acquires records with an NSL, it can keep them indefinitely, even when it concludes that the subject of those records is innocent of any crime and is not of intelligence interest.

Undeniably, the FBI needs prompt access to some of the types of information currently acquired under NSLs, but the current method of self-policing simply does not work. Reports issued by the Office of the Inspector General of the Department of Justice in March 2007 and March 2008 documented the drastic expansion of the use of NSLs and their subsequent abuse. The IG's reports also show that NSLs are increasingly used to obtain records about Americans, making reform all the more important. The NSL Reform Act appropriately addresses the problems uncovered by the Inspector General's reports by establishing statutory safeguards and judicial oversight while protecting privacy concerns and bolstering national security interests.

The bi-partisan NSL Reform Act includes many beneficial reforms. First, it would limit the reach of NSLs by allowing only less sensitive personal information to be made available under this authority. Other existing authorities could still be used to obtain the more sensitive information that would no longer be available with an NSL. It would require the government to determine that records sought with an NSL relate to someone who is connected to terrorism or espionage. The bill would require the Attorney General to issue minimization procedures for information obtained through NSLs, and to create a system to track their use. It would also enhance oversight by requiring additional reporting to Congress. The act would also establish reasonable limits on the "gag" that

attaches to an NSL, requiring it to be narrowly tailored and limiting it to 30-days, extendable by a court. The bill would also tighten the standards for court-issued orders under Section 215 of the USA PATRIOT Act (the “library records” provision) by requiring the government to show that the records sought relate to a suspected terrorist or spy, or to someone directly linked to such a person.

We believe this bill takes significant steps toward achieving a balance between privacy and national security concerns. We ask that the Judiciary Committee consider this legislation and report it favorably as soon as is practical. For more information, please contact ACLU’s Michelle Richardson, mrichardson@dcacclu.org, 202/715-0825.

Sincerely,

American-Arab Anti-Discrimination Committee

American Civil Liberties Union

American Library Association

American Policy Center

Association of Research Libraries

Bill of Rights Defense Committee

Center for American Progress Action Fund

Center for Democracy & Technology

Constitution Project

Concerned Foreign Service Officers

Defending Dissent Foundation

DownsizeDC.org, Inc.

Electronic Frontier Foundation

Equal Justice Alliance

Federation of American Scientists

Friends Committee on National Legislation

Government Accountability Project

Gun Owners of America

Japanese American Citizens League

League of Women Voters of the United States

Liberty Coalition

The Multiracial Activist

National Security Archive

National Lawyers Guild--National Office

OMB Watch

OpenTheGovernment.org

Unitarian Universalist Service Committee

United Methodist Church, General Board of Church and Society

U.S. Bill of Rights Foundation

cc: Members of the Senate Judiciary Committee