

April 15, 2008

Hon. John Conyers, Jr., Chairman  
Hon. Lamar S. Smith, Ranking Minority Member  
House Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, DC 20515-6216

**Re: National Security Letters Reform Act, H.R. 3189**

Dear Chairman Conyers and Ranking Minority Member Smith:

The Judiciary Committee will soon consider the bi-partisan National Security Letters Reform Act (H.R. 3189). We write to express our support for this legislation.

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 the 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 with 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 in 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 NSL Reform Act includes many beneficial reforms, some of which we summarize below. First, it would protect Americans' privacy by requiring that NSLs only be used to obtain records that pertain to suspected terrorists or spies. Thus, it would re-establish the pre-PATRIOT Act requirement that there be specific and articulable facts giving reason to believe that the records sought pertain to an agent of a foreign power. The bill 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 also

provides for a recipient's right to seek judicial review of an NSL issued to it. The bill would require the Attorney General to issue minimization procedures for information obtained with an NSL, and enhance oversight by requiring additional reporting to Congress.

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 practicable. For more information, please contact Gregory T. Nojeim at the Center for Democracy & Technology, 202/637-9800 x113.

Sincerely,

American-Arab Anti-Discrimination Committee  
American Civil Liberties Union  
American Library Association  
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  
Federation of American Scientists  
Friends Committee on National Legislation  
Government Accountability Project  
Japanese American Citizens League  
League of Women Voters of the United States  
Liberty Coalition  
The Multiracial Activist  
National Security Archive  
OMB Watch  
Unitarian Universalist Service Committee  
U.S. Bill of Rights Foundation

cc: Members of the House Judiciary Committee