



# National Security Letters FBI Abuses

- ◆ National Security Letters (NSL) are subpoena-like documents that an FBI field supervisor issues to businesses, like communication providers, financial institutions, and credit bureaus as a demand for records, often with no suspicion of any specific individual.
- ◆ It's a vacuum cleaner approach to collection of information for an investigation that may not have even begun until the records are sifted through.
- ◆ The FBI supervisor isn't required to submit the NSL for external permission or oversight from a judge. Some businesses are willing cooperate with government requests; for them, the NSL acts as proof that they didn't intentionally break privacy laws by giving away your records.
- ◆ If a business wants to challenge the NSL, they are barred from doing so for at least a year, and even then, they have to prove the government acted in bad faith – a steep mountain of proof, given that the government can state “national security” reasons for halting any court procedure at any time.
- ◆ U.S. District Judge Victor Marrero declared NSLs unconstitutional in September 2007, stating they were a violation of free speech because a recipient is under a gag order. A government decision to appeal the decision is pending.

## FBI Abuses Cited in the March 2007 Inspector General's Report

- ◆ Misled businesses, saying they needed information for emergency situations, when there was no emergency
- ◆ Withheld from Congress accurate figures on how much the FBI used NSLs
- ◆ Collected huge databases full of information about ordinary people that was not destroyed after it became obvious the individuals were innocent. That information can still be shared throughout the government, and even with businesses (though the FBI has since promised it will destroy records the Inspector General's report caught.)
- ◆ Shifted focus to U.S. persons more than on non-U.S. persons by 53 percent from 2003-2005.

## What You Can Do

Many NSL civil liberties abuses are addressed in Representative Jerrold Nadler's (D-NY) bill **H.R. 3189**. Call your representative and urge him or her to support H.R. 3189. You can reach your congressional representatives through the Congress's Switchboard at 202-224-3121.

***For more information, visit [fbiunbound.org](http://fbiunbound.org).***