



# National Security Letters

## A Brief History

**1978** – National Security Letters (NSLs) were created after the Right of Financial Privacy Act passed in 1978. The Right of Financial Privacy Act required that law enforcement give advanced notice to organizations before demanding financial information be disclosed.

**1986** – A 1986 amendment to this law allowed for immediate disclosure, through NSLs, if the government could show “specific and articulable facts giving reason to believe that the customer or entity whose records are sought is a foreign power or an agent of a foreign power.”

The government’s power to use NSLs has expanded from financial records over the years. The government can now use NSLs to obtain phone and Internet information and consumer reports.

**2001** – In October 2001, the USA PATRIOT Act expanded several Executive Branch powers and removed the other branches’ ability to provide oversight to ensure that Americans’ civil liberties are protected.

The PATRIOT Act also lowered the standard for when an NSL may be obtained to when information sought is "relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities." This new standard does not require the information sought to be regarding a suspected terrorist.

**2003** – Congress expanded the ability for any of the 56 FBI field supervisors to issue NSLs without any court oversight to that demand U.S. businesses, banks, telephone companies, libraries, and Internet service providers hand over the private records of their customers and never tell the customer about the release of their records.

**2006** – In the PATRIOT Act Reauthorization, Congress added an expressed right for businesses to challenge an NSL or the accompanying gag order in court, using language that limits the likelihood that such a suit would be successful. Congress also added an annual audit of the NSL power by the Inspector General within the Department of Justice.

**2007** – The first annual audit of the FBI’s uses of NSLs by the DOJ Inspector General, released on March 9, 2007, revealed substantial misuses and abuses of the power.

## WHAT YOU CAN DO TODAY

Many of the civil liberties issues are addressed in Representative Jerrold Nadler’s bill, **H.R. 3189, National Security Letters Reform Act of 2007**. This bill would require the official seeking an NSL to certify “that there are specific and articulable facts giving reason to believe that the information or records sought by that letter pertain to a foreign power or agent of a foreign power.”

Call your representative and urge them to support H.R. 3189, and ask your senators to sponsor a companion bill in the Senate. You can reach your Congressmen through the Congressional Switchboard at **202-224-3121**.