

# American Library Association

## Washington Office Newsline

ALAWON

Volume 16, Number 026

March 12, 2007

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### ***Statement from Leslie Burger on Justice Department Investigation into FBI, NSLs***

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A recent report by Justice Department Inspector General Glenn Fine showed numerous violations of policy and several potential violations of law in the Federal Bureau of Investigation's (FBI's) distribution and enforcement of National Security Letters (NSLs). NSLs carry particular significance for libraries, as virtually all of the libraries in the United States provide public access to the Internet, and are thus potentially vulnerable to the demand for records.

The findings by the Inspector General are indeed disappointing, yet not surprising given the sheer volume of letters handed out in recent years (19,000 in 2005 alone, according to the Washington Post), and given that the FBI needs virtually no justification in order to serve a letter.

While ALA fully supports the efforts of law enforcement in legitimate investigations, those efforts must be balanced against the right to privacy. These findings confirm many of ALA's most repeatedly stated concerns about the lack of oversight into the FBI's surveillance activities, resulting in repeated intrusions into the lives of innocent American citizens.

Since the FBI agent does not need to get approval from a judge, prosecutor, or grand jury, and since the recipient is permanently "gagged" from telling its customers or anyone else about the government's request, citizens never know that their personal information has been disclosed to the government.

In May 2006, recipients of an NSL – a nonprofit consortium of 27 public and academic libraries in central Connecticut known as the Library Connection – were finally allowed to speak publicly after lawyers representing the government withdrew an appeal to keep their identities hidden after Federal District Court Judge Janet C. Hall declared the perpetual gag order that accompanies NSLs unconstitutional.

This is just one example of libraries being subject to NSLs, and notably came not long after the FBI claimed not to have ever invoked Section 215 of the PATRIOT Act (the section concerning library records). The recent findings by the Inspector General demonstrate that not only was the FBI misleading citizens then, it's been misleading them all along.

The ALA thanks Congress for doing its Constitutional duty by beginning an

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investigation into this matter, and further calls upon Congress to tighten language in the PATRIOT Act to minimize these sorts of privacy violations and to provide thorough, ongoing oversight into the FBI's surveillance activities.



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