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FBI Director Questioned on Misuse of NSLs

At a March 27, 2007, Federal Bureau of Investigation (FBI) oversight hearing, members of the Senate Judiciary Committee asked sharp questions of FBI Director Robert Mueller. After opening remarks, the first question asked by Judiciary Chair Patrick Leahy (D-VT) to Mueller was about the number of "national security letters" (NSLs) served on libraries and other educational institutions. Mueller could not provide the number but promised Leahy he would provide the answer by the end of the week.

Senator Leahy went on to note the sweeping request by the FBI to the Library Connection – a non-profit consortium of 27 public and academic libraries in central Connecticut – for library records about all patrons and materials in 2005.

In [Leahy's opening statement](#), he noted:

From the FBI's illegal and improper use of National Security Letters (NSLs), to the Bureau's failure to be accountable for and secure its own computers and weapons, to the politically motivated dismissal of eight of the Nation's U.S. Attorneys, there are growing concerns about the competence of the FBI and the independence of the Department of Justice. This pattern of abuse of authority and mismanagement causes me, and many others on both sides of the aisle, to wonder whether the FBI and Department of Justice have been faithful trustees of the great trust that the Congress and American people have placed in them to keep our Nation safe, while respecting the privacy rights and civil liberties of all Americans.

Many other pointed questions were asked during the approximately three-hour hearing. In response to Director Mueller noting that ". . . the warrant applications are very long and contain thousands of facts," Ranking Member Arlen Specter remarked, "I am not impressed with your assertion that there are thousands of facts. That's your job, you asked for these powers; we gave them to you. If these applications are wrong, you're subjecting people to an invasion of privacy that ought not to be issued."

See [Mueller's statement](#).

A significant finding of the Office of the Inspector General (OIG) involved the

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ALAWON Editor:
Andy Bridges

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ALA Washington Office
Emily Sheketoff, Executive Director
1615 New Hampshire Ave NW, First Floor
Washington, D.C. 20009
202.628.8410 (V)
202.628.8419 (F)

Office of Government Relations
Lynne Bradley, Director;
Melanie Anderson, Don

use within one unit at FBI Headquarters of so-called "exigent letters." These letters, which numbered in excess of 700, were provided to telephone companies with requests for toll billing information regarding telephone numbers. All of the letters stated that there were exigent circumstances. Many of the letters stated that federal grand jury subpoenas had been requested for the records even though in fact no such request for grand jury subpoenas had been made, while others promised future national security letters.

From an audit and internal control perspective, the FBI did not document the nature of the emergency circumstances that led it to ask for toll records in advance of proper legal process, did not keep copies of all of the exigent letters it provided to the telephone companies, and did not keep records showing that it had subsequently provided either the legal process promised or any other legal process. Further, based on interviews the OIG conducted, some employees indicated that there was not always any emergency relating to the documents that were sought.

Essex, Erin Haggerty, and
Miriam Nisbet, Tara Olivero,
Rosalind Reynolds

**Office for Information
Technology Policy**
Rick Weingarten, Director;
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