

National Security Letters

Of all the dangerous government surveillance powers that were expanded by the [USA PATRIOT Act](#) the National Security Letter (NSL) power under [18 U.S.C. § 2709](#) as expanded by PATRIOT [Section 505](#) is one of the most frightening and invasive. These letters served on communications service providers like phone companies and ISPs allow the FBI to secretly demand data about ordinary American citizens' private communications and Internet activity without any meaningful oversight or prior judicial review. Recipients of NSLs are subject to a gag order that forbids them from ever revealing the letters' existence to their coworkers to their friends or even to their family members much less the public.

The FBI's systemic abuse of this power has been documented both by [a Department Of Justice investigation](#) and in [documents obtained by EFF](#) through a Freedom of Information Act request.

EFF has fought for years to spread awareness of National Security Letters and add accountability and oversight to the process.

In 2007 EFF filed Freedom of Information Act [litigation](#) seeking documentation of National Security Letter misuse by the FBI. Thousands of pages of documents were released over a period of four years leading to [repeated revelations](#) of [government abuses](#) of power. An [EFF report](#) based on these documents led to [tough questions](#) for the FBI before Congress. The documents also [helped prompt](#) the Senate Judiciary Committee to investigate whether Attorney General Alberto Gonzales lied to Congress.

In 2008 EFF [defended the Internet Archive](#) from an inappropriate National Security Letter. Because NSLs come with a gag order most recipients are unable to ever reveal their existence. However with the help of EFF and the ACLU the Internet Archive fought back and won the right to speak publicly about the letter. As a result it's become one of the few well-documented and publicly-known cases of NSL use.

And in 2013, EFF **won a landmark decision** in the Northern District of California in which Judge Susan Illston declared one of the statutes unconstitutional in its entirety. EFF's **petition**, brought on behalf of an **unidentified telephone service provider**, challenged both the underlying authority to obtain customer records as well as the concurrent gag provision that prevented the recipient from disclosing even that it had receiving an NSL.

EFF has been **fighting in Congress** for legislative reform of National Security Letters since **2005**. In 2009 many hoped that President Obama having run for office promising to reform Bush-era surveillance abuses would work with Congress to curb NSL abuse. Unfortunately the Obama Administration has instead **continued to block reform** and has even sought to expand NSL powers.

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