

Statement of

The Honorable Russ Feingold

United States Senator
Wisconsin
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Opening Statement of U.S. Senator Russ Feingold
Senate Judiciary Committee
"National Security Letters: The Need for Greater Accountability and Oversight"
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The Justice Department's Inspector General documented serious misuse and abuse of National Security Letters from 2003 to 2006. A follow-up audit conducted by the FBI itself not only confirmed the Inspector General's findings, it documented even more violations. These widespread problems are directly attributable to the Patriot Act, which expanded the NSL statutes to essentially grant the FBI a blank check to obtain sensitive information about innocent Americans. Congress gave the FBI very few rules to follow, and it then failed to adequately fix these problems when it reauthorized the Patriot Act.

I appreciate that Director Mueller and others in the FBI leadership ranks have taken these problems seriously. But leaving this to the FBI alone to fix is not the answer.

These Inspector General reports prove that 'trust us' simply doesn't cut it. It was a significant mistake for Congress to grant the government broad powers and just keep its fingers crossed that they wouldn't be misused. Congress has the responsibility to put appropriate limits on government powers - limits that allow agents to actively pursue criminals, terrorists and spies, but that also protect the privacy of innocent Americans.

Congress must also ensure the statute complies with the Constitution. Last fall, a federal district court struck down one of the new NSL statutes, as modified by the Patriot Act reauthorization legislation enacted in 2006, on First Amendment grounds.

That is why I introduced the National Security Letter Reform Act with a bipartisan group of Senators, including Senator Sununu, Senator Durbin, Senator Murkowski, Senator Salazar, Senator Hagel, and others. The bill places new safeguards on the use of National Security Letters and related Patriot Act authorities to protect against abuse and ensure the constitutionality of the statute. Among other things, it restricts the types of records that can be obtained without a court order to those that are the least sensitive and private, and it ensures that the FBI can only use NSLs to obtain information about individuals with some nexus to a suspected terrorist or spy. I am pleased that it has received endorsements from all over the political spectrum, from the Center for American Progress to the League of Women Voters to Grover Norquist of Americans for Tax Reform.