

EFF BAGS A BIG WIN ON NSLS

Our good friends at EFF have a big announcement. They have bagged a big win against the Bush Government on the improper use of National Security Letters.

The FBI has withdrawn an unconstitutional national security letter (NSL) issued to the Internet Archive after a legal challenge from the American Civil Liberties Union (ACLU) and the Electronic Frontier Foundation (EFF). As the result of a settlement agreement, the FBI withdrew the NSL and agreed to the unsealing of the case, finally allowing the Archive's founder to speak out for the first time about his battle against the record demand.

"The free flow of information is at the heart of every library's work. That's why Congress passed a law limiting the FBI's power to issue NSLs to America's libraries," said Brewster Kahle, founder and Digital Librarian of the Internet Archive. "While it's never easy standing up to the government – particularly when I was barred from discussing it with anyone – I knew I had to challenge something that was clearly wrong. I'm grateful that I am able now to talk about what happened to me, so that other libraries can learn how they can fight back from these overreaching demands."

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The NSL included a gag order, prohibiting Kahle from discussing the letter and the legal issues it presented with the rest of the Archive's Board of Directors or anyone else except his attorneys, who were also gagged. The gag also prevented the ACLU and EFF from discussing the NSL with members of Congress, even though an ACLU lawyer who

represents the Archive recently testified at a congressional hearing about the FBI's misuse of NSLs.

"This is a great victory for the Archive and also the Constitution," said Melissa Goodman, staff attorney with the ACLU.

"It appears that every time a national security letter recipient has challenged an NSL in court and forced the government to justify it, the government has ultimately withdrawn its demand for records. In the absence of much needed judicial oversight – and with recipients silenced and the public in the dark – there is nothing to stop the FBI from abusing its NSL power."

You can read the entire press release [here](#). When they say "there is nothing to stop the FBI from abusing its NSL power" that is not quite right; there is something, and it is the invaluable work of the EFF and ACLU. Make no mistake though, this is a big deal both in terms of timing and substance. It is an excellent fact situation for discussion both as an example to hold up and the full ability to discuss all aspects of the case. That is huge. But also the timing coming right as we gear up for another FISA battle is crucial. Kudos to the EFF.

For all the outstanding work and efforts put forth every day, both here and around the blogosphere, we would be nowhere without organizations like the EFF and ACLU doing the hard work of challenging the wrongs of the government in court. When you get around to making your various charitable donations, please keep them in mind; if there is a better ~~bang~~ ~~for~~ ~~your~~ ~~back~~ place to donate your hard earned cash, other than the hostess of this blog, I cannot imagine what it is.