

THANK YOU NICHOLAS MERRILL

Today we learn the name of the guy who challenged the more abusive aspects of the National Security Letter program: Nicholas Merrill.

Now, following the partial lifting of his gag order 11 days ago as a result of an FBI settlement, Merrill can speak openly for the first time about the experience, although he cannot disclose the full scope of the data demanded.

[snip]

On a cold February day in 2004, an FBI agent pulled an envelope out of his trench coat and handed it to Merrill, who ran an Internet startup called Calyx in New York. At the time, like most Americans, he had no idea what a national security letter was.

The letter requested that Merrill provide 16 categories of “electronic communication transactional records,” including e-mail address, account number and billing information. Most of the other categories remain redacted by the FBI.

Two things, he said, “just leaped out at me.” The first was the letter’s prohibition against disclosure. The second was the absence of a judge’s signature.

Thanks to Merrill’s—and the ACLU’s—challenge of the gag order on NSLs, the authority has been slightly circumscribed (even as the Obama Administration tries to expand it).

Merrill’s ISP sounds pretty small in the grand scheme of things. So why was Merrill the guy fighting for our Constitution and not—say—Ma

Bell?