



U.S. Department of Justice

Office of Legal Policy

Assistant Attorney General

Washington, D.C. 20530

December 19, 2003

Ms. Janice R. Lachance
Executive Director
Special Libraries Association
1700 18th Street, N.W.
Washington, DC 20009

Re: Views of the Special Libraries Association

Dear Ms. Lachance:

I want to thank you for your letter of September 24, 2003, in which you provided the Attorney General the views of the Special Libraries Association concerning aspects of the war against terrorism, including the USA PATRIOT Act. I apologize for any delay in responding to your letter. To ensure the safety of our employees, our incoming mail had to be properly sanitized and irradiated prior to forwarding it for action. Thank you for your patience and understanding.

Section 215 of the USA PATRIOT Act allows the Foreign Intelligence Surveillance Act ("FISA") court to issue orders for business records in international-terrorism or espionage cases. Federal grand juries long have been able to obtain the same records through subpoenas in ordinary criminal cases. Section 215 differs from the grand-jury process in that records can be obtained under section 215 only through a court order (which is not required in the grand-jury context), and only if the FISA court determines that the investigators are legally entitled to them. Investigators have no authority to issue such orders unilaterally.

I also wanted to bring to your attention the fact that in a September 18, 2003 memorandum from General Ashcroft to Federal Bureau of Investigation Director Robert S. Mueller, General Ashcroft confirmed that he had declassified the number of times to date the Justice Department had utilized Section 215 of the USA PATRIOT Act relating to the production of business records. The number of times Section 215 had been used to date was zero (0).

Since the September 11, 2001 attacks, General Ashcroft has made it clear to Justice Department agents and lawyers that in our efforts to protect the American people, we must respect and uphold the fundamental rights and liberties of every American. We continue to welcome discussion about the USA PATRIOT Act and would encourage members of your association – and readers nationwide – to learn more about it on our new website, www.lifeandliberty.gov. This website includes an overview of the USA PATRIOT Act, its entire text, statements from Members of Congress explaining the law, factual information dispelling some of the major myths perpetuated about the Act, as well as other information.

Sincerely,

Daniel J. Bryant
Assistant Attorney General