HEARING BEFORE THE COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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Mr. Keller. One final question. Can you give us an example to help make your case, if you have one, as to what is a scenario where a National Security Letter is your best investigative tool because, for whatever reason, a grand jury subpoena or a FISA court order is insufficient?

Ms. Caproni. Any time I would say that they were at the very beginning of an investigation; say, for example, after the London bombing when the British authorities provided us with telephone numbers of the British bombers. So we were looking to see if we have anyone in the United States that had telephone contact with the London bombers. In my view, the appropriate way to pursue that investigation is via National Security Letter.

Mr. Keller. Because you wouldn't have time under the other options?

Ms. Caproni. We wanted to know that very quickly; and, again, I think the American people would want us to know very quickly after the London bombings took place whether we had any cells or groups of people tightly related to the London bombers. So we needed to move very quickly; and, in fact, the investigators did move very quickly on that to figure how out who here was connected to there and was it an innocuous connection or a dangerous connection.

…

Mr. Forbes. … the other question I would like to ask either of you to respond to: Do either of you have any evidence today that anyone in a supervisory position gave instructions, either expressly or impliedly, to any person under his or her supervision to misuse the NSLs?

Ms. Caproni. Not to my knowledge.

Mr. Forbes. Mr. Fine.

Mr. Fine. We did not find that evidence. We did not find that there was an intent by people who knew they were misusing it to misuse it. So, no.

On the other hand, we did not do a thorough review of what people up and down the line knew and did, so we reported what we found.