

THE ACLU BEGINS TO WIN BACK OUR COUNTRY

If you haven't given to the ACLU in a while, here's the donate button. The ACLU (with some help) has scored some important wins this week, starting with today's decision that National Security Letters are unconstitutional.

The ACLU said it was improper to issue so-called national security letters, or NSLs – investigative tools used by the FBI to compel businesses to turn over customer information – without a judge's order or grand jury subpoena. Examples of such businesses include Internet service providers, telephone companies and public libraries.

Yusill Scribner, a spokeswoman for the U.S. attorney's office, said prosecutors had no immediate comment.

Jameel Jaffer, who argued the case for the ACLU, said the revised law had wrongly given the FBI sweeping authority to control speech because the agency was allowed to decide on its own – without court review – whether a company receiving an NSL had to remain silent or whether it could reveal to its customers that it was turning over records.

Here's the decision for your reading pleasure.

And just the other day, a different judge ruled that DOJ had to provide specifics about the documents it was refusing to turn over in FISA. Maybe the ACLU will pull off a hat trick and get the FISC rulings from earlier this year.

This separation of powers thing might pull us through yet, not thanks to Congress.

Update: cboldt's right. The Hepting case would be more likely to be the third part of the hat trick.