

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

[REDACTED]

11 - number of awards to member libraries. It

administers an automated library system, which member libraries use for the cataloging and circulation of library materials, and to track borrowing trends and library usage.

12 - number of awards to member libraries

members, recognizes that reader privacy is essential to the exercise of free speech, free

For library, the right to privacy is the right to open inquiry

Charge, FBI New Haven Division. A copy of the letter is attached to this declaration as Exhibit 1.

10. The NSL served on Library Connection stated that Library Connection is “hereby directed to provide to the Federal Bureau of Investigation (FBI) any and all subscriber information, billing information and access logs of any person or entity related to the following: IP Address: 216.47.180.118, Date: 02/15/2005; Time: 16:00 to 16:45 (PM) EST.” It included a certification that the information requested was part of an international terrorism investigation or clandestine intelligence activities

[REDACTED]

14. On August 9, 2005, Library Connection filed suit in the United States District

Court in District of Columbia to challenge the constitutionality of the gag order

of the gag order. Judge Hall granted us a preliminary injunction but stayed

both Library Connection and myself to serious sanctions, including possible imprisonment.

<sup>19</sup> For example, as the Executive Director of Library Connection, I felt an obligation

to inform the directors of all member libraries of the fact and scope of the NSL demand.

However, the gag prevented me from saying anything. My discomfort became acute

when, because the government failed to properly redact district court filings, the facts of

[REDACTED]

on closed circuit television in a locked room at the Hartford Courthouse 60 miles away. I had to sit in a room with a security officer after going through two levels of security.

21. At the court hearing in Bridgeport, we also discovered the first of many

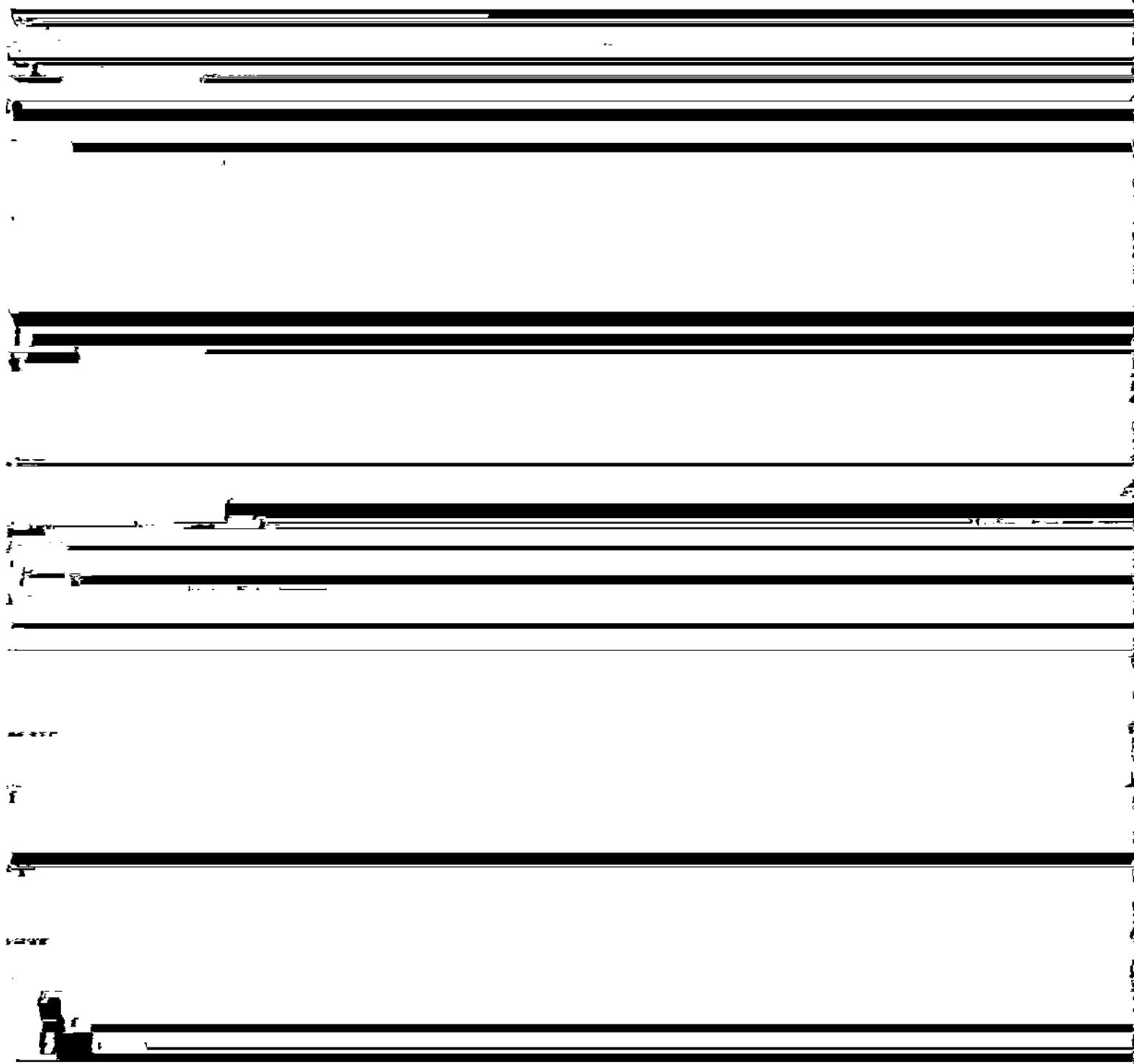
~~points in which the Government had elected to redact the~~

name of Library Connection's Vice President, Peter Chase, in an affidavit. My attorneys found the mistake and notified the court of it. The government then redacted Peter's name from the affidavit.

~~cc: [redacted] 01/09/07. The government discovered that it had elected to redact~~

an online service of the United States Judiciary. The *Times* published a story disclosing our identity on September 21, 2005.

25. Because the cat was out of the bag, we assumed the government would give up, but it continued to insist that it would jeopardize national security for us to merely





31. Once my entire board and staff knew about the NSL, I felt I was ignoring my responsibilities by not informing them about the case. I could not even tell them that we were being represented by the ACLU at no charge. I could not reassure them that our

32. The gag prevented me from participating in the very important public debate surrounding the reauthorization of the Patriot Act. Even though Library Connection's status as an NSL recipient and plaintiff in the lawsuit was widely disseminated in the media, I was unable to talk about it. The FBI's ability to use its new Patriot Act

has been the subject of an extraordinary public debate since the Act



libraries, libraries remain subject to NSLs to exactly the same extent that they were subject to NSLs under the old law.

36 The revised act also defines criminal penalties for violation the gag. This change

is very troubling to me. The government may very well believe that I violated the gag by informing my Executive Committee of the NSL and asking the Committee to share with me the responsibility for determining how to the corporation should respond. I did not feel I could commit the corporation to a legal suit against the Attorney General of the United States on my own, while keeping the governing body in complete ignorance. Now that there are specific penalties for violating the gag, I feel others in my position

concerns, from Aids and breast cancer to signing statements and Wahhabism. An

informant ~~is responsible for an effective democracy. I would have told~~

Congress that the renewed Patriot Act would result in a less informed citizenry. Had I

THE [REDACTED] [REDACTED]



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to  
File No. NH-43906

New Haven Division  
600 State Street  
New Haven, Connecticut 06511

May 19, 2005

Mr. Kenneth Sutton  
Systems and Telecommunication Manager  
Library Connection, Inc.  
599 Matianuck Avenue  
Windsor, Connecticut

Dear Mr. Sutton:

Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to

18 U.S.C. § 793(e) and 50 U.S.C. § 3605(a)(1), you are hereby directed to

[REDACTED]