

Dear Mr. President,

The undersigned organizations write to urge you to fill the vacancies on the Privacy and Civil Liberties Oversight Board (PCLOB) as expeditiously as possible and with nominees that will vigorously protect privacy and civil liberties while upholding government transparency. The PCLOB currently has three vacant seats and no Chairperson, significantly limiting the work the Board can accomplish because the Board cannot operate without a quorum. A functioning PCLOB is necessary to continue to hold the government accountable for safeguarding our privacy and civil liberties in surveillance programs that are often shrouded in secrecy.

Many of our organizations do not take positions endorsing or opposing nominees and this letter should not be considered an endorsement of any particular nominee. However, we are in agreement that it is critical that the PCLOB immediately be staffed with a full complement of Board Members dedicated to the work of conducting oversight and providing advice regarding counterterrorism laws and programs.

As you are aware, based on a recommendation of the 9/11 Commission, Congress enacted legislation in August 2007 to create the PCLOB as an independent agency, and charged this body to review federal counterterrorism programs to ensure that they provide adequate safeguards for privacy and civil liberties. It took another five years before the agency came into existence, when, in August 2012, the Senate confirmed the first four Board members. During the four and one-half years in which the PCLOB initially operated with a quorum, it played a valuable role, including conducting a review of the Section 215 program and bringing to light critical details about government surveillance programs. The PCLOB also performed significant work to create a new independent agency from scratch, and to establish crucial relationships with other federal agencies, Members of Congress, and the public.

It is critical that the PCLOB operate with a full bipartisan slate of qualified individuals with expertise in protecting privacy and civil liberties and experience in the field. We have seen what can happen when Board members fail to vigorously pursue the Board's oversight mission. Years of work can be reduced to reports that provide little if any useful information or, worse, remain hidden from public view. The PCLOB has played a significant role in informing the public debates over the past several years regarding the operation of U.S. surveillance programs. It must be restored to its full operating capacity through the appointment of Board members dedicated to vigorous pursuit of its mission. We urge you to appoint members to the remaining open seats on the Board and restore quorum to the Board as soon as possible in order for the PCLOB to finally be able to resume its vital work. Thank you for considering our request. Please reach out to Kate Ruane, kruane@aclu.org, with any questions.

Sincerely,

American Civil Liberties Union
Asian Americans Advancing Justice – AAJC
Brennan Center for Justice
Center for Democracy & Technology

Citizens for Responsibility and Ethics in Washington
Defending Rights & Dissent
Demand Progress Education Fund
Due Process Institute
Electronic Privacy Information Center (EPIC)
Government Information Watch
National Coalition Against Censorship
New America's Open Technology Institute
Open The Government
Project On Government Oversight
Project on Privacy and Surveillance Accountability
Public Knowledge
Restore The Fourth
TechFreedom
The Digital Democracy Project