

July 6, 2016

President Barack Obama  
The White House  
1600 Pennsylvania Ave., NW  
Washington, DC 20500

Dear President Obama:

The undersigned organizations request that you act quickly to nominate someone with a strong background in privacy and civil liberties to fill the position of Privacy and Civil Liberties Oversight Board (PCLOB) chair, which became vacant on July 1, 2016.

The PCLOB has unique importance within government. It was created in response to a recommendation by the 9/11 Commission, which understood that the dramatic expansion of our nation's counterterrorism authorities required institutionalizing the consideration of civil liberties. For the majority of its 12-year history, it sat vacant.

Despite these limitations, the PCLOB has made critical contributions in the past three years, notably through its reports on the NSA's bulk collection of Americans' telephone records under Section 215 of the Patriot Act and on surveillance activities under Section 702 of FISA. The undersigned organizations do not agree with all of the reports' conclusions and recommendations, but we acknowledge the tremendous service the board performed by obtaining the public release of a large amount of information on these activities, and by calling public attention to some of the civil liberties issues they raise.

The PCLOB's role is too important to allow it to slip back into dormancy, even for a few months. As long as the chairmanship remains vacant, the work of the board will be impeded; the board's powers require a quorum in the chair's absence, and the board has been required to operate under existing statutes as granting the chair sole, non-delegable authority to hire staff.

It is equally important that the individual nominated to chair the PCLOB have a strong background in privacy and civil liberties. There are, to be sure, many other important dimensions to the implementation of counterterrorism policies. Other agencies and institutions exist to focus on these issues. As noted, the PCLOB is the only independent agency charged solely with the protection of privacy and civil liberties. It is vital that all members of the board, but especially its chair, come equipped with both a deep understanding and significant practical experience in this area. Appointing a chair who lacks this background would risk undermining the board's mission. Moreover, a board chaired by an individual without the appropriate qualifications would risk losing the support of the civil liberties community – support that we have seen integral to the board's actual and perceived effectiveness.

We know that you appreciate the value of the PCLOB, and we hope and trust that you will act quickly to appoint a qualified individual with a background in privacy and civil liberties to the position of chair.

Sincerely,

Access Now  
Advocacy for Principled Action in Government  
American Civil Liberties Union  
American-Arab Anti-Discrimination Committee (ADC)  
American Library Association  
Arab American Institute  
Bill of Rights Defense Committee/Defending Dissent Foundation  
Brennan Center for Justice  
Center for Democracy & Technology  
The Constitution Project  
Constitutional Alliance  
Council on American-Islamic Relations  
Demand Progress  
Electronic Frontier Foundation  
Electronic Privacy Information Center  
Fight for the Future  
Free the People  
Free Press  
Friends Committee on National Legislation  
Government Accountability Project  
Liberty Coalition  
New American's Open Technology Institute  
Niskanen Center  
OpenTheGovernment.org  
PEN America  
Project On Government Oversight  
Restore the Fourth  
Sunlight Foundation  
TechFreedom