

March 1, 2010

VIA FACSIMILE (202) 456-2461

President Barack Obama
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

Re: Nominations to the Privacy and Civil Liberties Oversight Board – 2ND REQUEST

Dear Mr. President,

In November 2009, many of the undersigned organizations wrote to you to express our concern over the lack of nominations to the Privacy and Civil Liberties Oversight Board (PCLOB). We write again, with increased urgency, to encourage you to appoint individuals immediately.

The Congress first created the Board in 2004, based on the recommendations of the bipartisan 9/11 Commission. In 2007, Congress restructured the Board, strengthening it and moving it outside of the White House. The Board was designed to play a vital independent role in oversight of privacy and civil liberties. It is one of the few safeguards adopted to protect Americans from improper intrusions into our privacy and civil liberties as part of the major legal and policy changes put in place to fight terrorism. However, the 2007 legislation that provided the Board with independence and subpoena powers remains an unfulfilled promise, because without anyone even nominated to fill these positions, the revamped Board does not yet exist.

As a result of the attempted Christmas Day bombing, your Administration and Congress are considering numerous policy changes that impact the privacy and freedoms of Americans, including expanding watch lists and more intrusive searches at airports. It is crucial that you nominate qualified individuals to serve on the PCLOB, so that it may begin to provide guidance as new policies and procedures are developed.

On January 20, 2010, the Director of National Intelligence, Admiral Dennis Blair, told the Senate Homeland Security and Governmental Affairs Committee, "I think ... that that panel should be -- should be manned up and started. It would provide a very valuable service."

In testimony before the Senate Homeland Security and Governmental Affairs Committee on January 26, 2010, the Chair and Vice-Chair of the 9/11 Commission, Governor Thomas Keane and Congressman Lee Hamilton, urged you to act immediately:

With massive capacity to develop data on individuals, the Board has to be the champion of seeing that collection capabilities do not intrude into privacy and civil liberties. We continue to believe that the Board provides critical functions and we urge President Obama to reconstitute it, quickly appoint its Members, and allow them full access to the information and the authority to perform this essential function.

In addition, Representatives Bennie Thompson and Jane Harman and Senator Susan Collins, who hold key positions on the House and Senate Homeland Security Committees respectively, as well as your own Cybersecurity Review have all called for the prompt restoration of the PCLOB.

We urge you to nominate members to the Board without delay.

Sincerely,

American Association of Law Libraries
American Booksellers Foundation for Free Expression
American Civil Liberties Union
American Library Association
Arab American Institute
Association of Research Libraries
Bill of Rights Defense Committee
Center for Democracy & Technology
Center for National Security Studies
Council on American-Islamic Relations
The Constitution Project
Defending Dissent Foundation
DownsizeDC.org, Inc.
Electronic Frontier Foundation
Electronic Privacy Information Center
Federation of American Scientists
Government Accountability Project
Liberty Coalition
Muslim Advocates
Muslim Public Affairs Council
Muslimah Writers Alliance
OMB Watch
Privacy Lives
Rutherford Institute
U.S. Bill of Rights Foundation

cc: Sen. Harry Reid, Majority Leader, U.S. Senate
Sen. Mitch McConnell, Minority Leader, U.S. Senate
Sen. Joseph Lieberman, Chairman, Committee on Homeland Security and Government Affairs, U.S. Senate
Sen. Susan Collins, Ranking Member, Committee on Homeland Security and Government Affairs, U.S. Senate
Rep. Nancy Pelosi, Speaker, U.S. House of Representatives
Rep. John Boehner, Minority Leader, U.S. House of Representatives
Rep. Bennie Thompson, Chairman, Committee on Homeland Security, U.S. House of Representatives
Rep. Peter King, Ranking Member, Committee on Homeland Security, U.S. House of Representatives
Rep. Jane Harman, Chair, Sub Committee on Intelligence, Information Sharing and Terrorism Risk Assessment, Committee on Homeland Security, U.S. House of Representatives
Rep. Michael McCaul, Ranking Member, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, Committee on Homeland Security, U.S. House of Representatives