

December 12, 2013

The Honorable Harry Reid
Senate Majority Leader
S-221, The Capitol
Washington, D.C. 20510

Dear Majority Leader Reid:

We write to thank you for bringing the re-nomination of Privacy and Civil Liberties Oversight Board member Judge Patricia Wald one step closer to confirmation, and to urge the full Senate to invoke cloture and confirm Judge Wald before adjourning for the December recess.

The Privacy and Civil Liberties Oversight Board (PCLOB) is charged with a significant role in the evaluation of classified intelligence programs. Although Congress created the PCLOB as an independent agency in 2007, the board did not exist for another five years until its members were confirmed in August 2012. It took nearly another year for the board's Chair to be confirmed in May 2013. Thus, the PCLOB came into full operation just days before Edward Snowden's first disclosures. PCLOB members are currently engaged in intensive review of NSA surveillance authorities and the FISA Court's policies and procedures in preparation for their first report to Congress and the public. President Obama, House Minority Leader Nancy Pelosi, and thirteen senators have called for the report's completion.

Yet if Judge Wald's confirmation is delayed beyond the Senate's adjournment *sine die*, she will be forced to step down. *See* 42 U.S.C. § 2000ee(h)(4)(B)(ii). This would unbalance and cripple the PCLOB at just the time when the administration, Congress, and the public are awaiting the board's findings.

The PCLOB only has four part-time members. It needs all of them to be operating at full strength. At this crucial juncture in the national debate on surveillance and privacy issues, the PCLOB cannot afford to lose one of its members. We urge you and the full Senate not to allow partisan political processes or unnecessary delays to strike a significant blow to the effectiveness of the Board's vital oversight responsibilities.

While many of our organizations do not take positions endorsing or opposing specific candidates, we all agree that it is critical for the full Senate to act quickly to reconfirm Judge Wald. Her pending reappointment to the PCLOB must be confirmed before the Senate adjourns for the holidays if she is to continue her service.

For this reason, we thank you for your efforts so far and entreat you and your colleagues to ensure a yes-or-no vote on this confirmation before the end of year deadline.

Sincerely,

Access
Alliance For Justice
American Booksellers Foundation For Free Expression
Arab American Institute

Association of Research Libraries
Brennan Center for Justice
Center for Democracy and Technology
Center for Financial Privacy and Human Rights
Citizens for Responsibility & Ethics in Washington (CREW)
Competitive Enterprise Institute
Computer & Communications Industry Association
The Constitution Project
Council on American-Islamic Relations
Cyber Privacy Projects
Defending Dissent Foundation
Demand Progress
Electronic Frontier Foundation
Federation of American Scientists
First Amendment Coalition
Government Accountability Project
Human Rights Watch
InFo: The Foundation for Innovation and Internet Freedom
National Coalition Against Censorship
New America Foundation's Open Technology Institute
Open MIC: Open Media and Information Companies Initiative
OpenTheGovernment.org
Project on Government Oversight
Public Knowledge
TechFreedom