

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  
Open the Government  
Project on Government Oversight  
Public Knowledge  
TechFreedom