

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

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Groups Urge Senate to Hold Privacy Board Confirmation Hearings *TCP's Franklin: Without PCLOB, Privacy Protection a 'Hollow Promise'*

WASHINGTON, D.C. -- According to a diverse coalition of twenty groups led by The Constitution Project, the Senate Judiciary Committee should promptly hold confirmation hearings on President Obama's nominees to the Privacy and Civil Liberties Oversight Board.

"President Obama has finally offered a full bipartisan slate of candidates to serve on this essential oversight board. It is now time for the Senate to carry out its duties," the groups told Senators Patrick Leahy (D-VT) and Charles Grassley (R-IA), the committee's chairman and ranking member, in a [letter released today](#).

Created by Congress based on the recommendations of the bipartisan 9/11 Commission, the Privacy and Civil Liberties Oversight Board (PCLOB) is intended to play a vital, independent role in overseeing the privacy and civil liberties implications of national security programs and policies. For example, all the major legislative proposals to strengthen cybersecurity protections currently pending in Congress rely on the Board to ensure that any new government programs combating cyber threats do not infringe unnecessarily on the individual privacy rights of internet users, noted Sharon Bradford Franklin, senior policy counsel at The Constitution Project (TCP).

However, no members have yet been confirmed to serve on the PCLOB and, at present, the Board does not exist.

"Until the members of the PCLOB have been confirmed--and the Board itself is up and running--oversight provisions such as those in the proposed cybersecurity bills are simply a hollow promise," Franklin said, "and obviously will not provide the American people with the privacy protections they expect and deserve."

The letter makes clear that groups are not endorsing or opposing any specific candidate for the Board. However, the groups wrote, "we all agree it is critical that this Committee and the full Senate act quickly to move forward with the confirmation process and allow the PCLOB to begin its important work."

The Constitution Project has long urged Congress and the president to create and staff an independent privacy board. First created in 2004, Congress enacted legislation three years later to

strengthen the PCLOB, including making it an independent agency and giving it subpoena power. However, until December of last year, neither President Bush nor President Obama had nominated a full slate of five candidates for the Board.

In addition to TCP, some of the groups signing the letter include: American Civil Liberties Union, American Library Association, Consumer Action, Liberty Coalition, National Association of Criminal Defense Lawyers, OpenTheGovernment.org and Privacy Times.

A copy of the letter with the [full list of signatories](#) is available on the TCP website.

[About The Constitution Project](#)

Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project (TCP) brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time. TCP seeks to reform the nation's broken criminal justice system and to strengthen the rule of law through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.



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