



## BOARD OF DIRECTORS

**Virginia E. Sloan**  
President

June 26, 2008

**Stephen F. Hanlon**  
Holland + Knight, LLP  
Chair

President George W. Bush  
1600 Pennsylvania Ave., NW  
Washington, DC 20500

**Mickey Edwards**  
The Aspen Institute

Senator Harry Reid  
Majority Leader, United States Senate  
528 Senate Hart Office Building  
Washington, D.C. 20510

**Morton H. Halperin**  
The Open Society Institute – D.C.

**Paul E. Saunders**  
Cravath, Swaine & Moore, LLP

Senator Mitch McConnell  
Minority Leader, United States Senate  
361-A Russell Senate Office Building  
Washington, DC 20510

**Laurie O. Robinson**  
University of Pennsylvania Jerry Lee  
Center of Criminology

## POLICY ADVISORY COMMITTEE

**Melody Barnes**  
Center for American Progress

Senator Patrick Leahy  
Chairman, Senate Judiciary Committee  
United States Senate  
433 Russell Senate Office Building  
Washington, D.C. 20510

**Christopher Caine**  
IBM

**Peter Edelman**  
Georgetown University Law Center

Senator Arlen Specter  
Ranking Member, Senate Judiciary Committee  
United States Senate  
711 Senate Hart Office Building  
Washington, DC 20510

**Dean Esserman**  
Providence, R.I. Police Department

**Thomas Gottschalk**  
Kirkland & Ellis LLP

**David Keene**  
Chair, American Conservative Union

Dear Mr. President, Sen. Reid, Sen. McConnell, Sen. Leahy, and Sen. Specter,

**Abner J. Mikva**  
University of Chicago School of Law

We write to urge you to nominate and confirm members of the Privacy and Civil Liberties Oversight Board without further delay, so that the Board can begin its important work.

**L. Michael Seidman**  
Georgetown University Law Center

**Roger Wilkins**  
George Mason University

The Privacy and Civil Liberties Oversight Board was created by Congress and given jurisdiction to review executive branch policies and programs on national security, to ensure that they safeguard Americans' privacy rights and civil liberties. The initial version of the Board, created by the National Intelligence Reform Act of 2004, lacked subpoena power, was not required to be bipartisan, and was housed within the Executive Office of the President without the independence needed to provide the oversight it was created to provide. The Implementing Recommendations of the 9/11 Commission Act of 2007 officially re-constituted the board as an independent agency, and required that all five members be nominated by the President and confirmed by the Senate.

**Hubert Williams**  
Police Foundation

**Helen Wright**

(Affiliations listed for identification purposes only)

**I. Scott Messinger**  
Chief Operating Officer

The revamped Board should provide an important safeguard to ensure that our government protects both our security and our constitutional rights.

However, the former Board disbanded at the end of January of this year, and to date, the newly revamped Board is still nothing but an unrealized promise. Thus far, only three Republican nominees have been named for the Board's five slots and no Democrats have been named to the two remaining positions.

The Constitution Project is a nonprofit organization in Washington, DC, that promotes and defends constitutional safeguards by bringing together liberal and conservative political leaders, policy experts, and legal scholars who share a common concern about preserving civil liberties. The Constitution Project's Liberty and Security Committee, launched in the aftermath of September 11<sup>th</sup>, works to develop and advance proposals to protect civil liberties even as we work to enhance our nation's security. The Committee is composed of members of the law enforcement community, legal academics, former government officials, and advocates from across the political spectrum.

In April 2006, the co-chairs of the Constitution Project's Liberty and Security Committee, David Keene, Chair of the American Conservative Union, and Professor David Cole of the Georgetown University Law Center, published an op-ed in the *Miami Herald* calling on Congress and the President to pass legislation to make the Board independent and provide it with real authority to conduct oversight. Although such legislation was finally enacted last summer, it is frustrating that two years later we must again call for implementation of that promise.

As we are in an election year, we are deeply concerned that if the Board is not created this summer, it is not likely to become operational for a long period of time. Particularly because the Board is required to be bipartisan in composition, and its mission has bipartisan support, we hope that its creation will not become a casualty of election-year politics.

We urge that the remaining members to the Privacy and Civil Liberties Oversight Board be nominated immediately, and we call on the Senate to promptly confirm these nominees, so that the Board can undertake the as-yet neglected work necessary to protect Americans' privacy and civil liberties.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Bradford Franklin". The signature is written in dark ink and is positioned above the typed name and title.

Sharon Bradford Franklin  
Senior Counsel