

December 9, 2013

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

Dear Majority Leader Reid:

We are writing to urge you to bring Judge Patricia Wald's re-nomination to the Privacy and Civil Liberties Oversight Board to the Senate floor for a confirmation vote before the Senate adjourns for its 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. Judge Wald and other 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. 2000e (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 not to allow partisan political processes or unnecessary delays to strike a significant blow to the effectiveness of the Board's vital oversight responsibilities.

Judge Wald's reappointment to the PCLOB must be confirmed before the Senate adjourns for the holidays if she is to continue her service. Therefore we entreat you to move with the greatest expediency to bring her confirmation to the Senate floor—in the next few days, if possible, but at the very latest, before the end of year deadline.

Sincerely,

Association of Research Libraries  
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  
Defending Dissent Foundation  
Federation of American Scientists  
First Amendment Coalition  
Government Accountability Project  
Human Rights Watch  
InFo: The Foundation for Innovation and Internet Freedom  
National Association of Criminal Defense Lawyers  
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  
Tech Freedom