

January 5, 2022

The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Durbin, and Ranking Member Grassley:

We write in our individual capacities to express our enthusiastic support of Sharon Bradford Franklin's nomination to serve as Chair of the Privacy and Civil Liberties Oversight Board (PCLOB). (This letter should not be construed as support by the organizations with which we are affiliated, many of which do not take positions on nominees for government office.) We are privacy and civil liberties advocates hailing from diverse ideological perspectives who have worked with Ms. Franklin, some of us for a decade or more. We believe that Ms. Franklin's qualifications for the position are unmatched, and that she possesses the qualities of leadership, open-mindedness, and professionalism that will make her a highly effective Chair.

Oversight of the privacy and civil liberties aspects of counterterrorism policies is more important than it has ever been. Over the past year, intelligence and law enforcement agencies have increased their focus on domestic terrorism while continuing to investigate terrorism inspired or perpetrated by overseas groups. These activities come with inherent potential threats to Americans' privacy and civil liberties. Robust, independent oversight is vital to ensure that counterterrorism operations respect constitutional rights and values.

Against this backdrop, many civil rights and civil liberties organizations signed a letter to President Biden in September 2021 urging him to nominate to the PCLOB "qualified individuals with expertise in protecting privacy and civil liberties and experience in the field," who would be "dedicated to vigorous pursuit of [PCLOB's] mission." Ms. Franklin is just such a person. She has more than a dozen years of experience working at nonpartisan civil society organizations, advocating for government policies that respect privacy and civil liberties. This experience includes senior leadership roles at New America's Open Technology Institute and the Center for Democracy and Technology. She has also served in government, working as a trial attorney at the Department of Justice and as a special counsel at the Federal Communications Commission. She was a member of the Cybersecurity Subcommittee for the Department of Homeland Security Data Privacy and Integrity Advisory Committee.

Perhaps most relevant to her nomination, Ms. Franklin was the Executive Director of the PCLOB from 2013-2017. She thus has not only the requisite expertise, but also close familiarity

with how the PCLOB works on a day-to-day level—a unique qualification that would enable her to fulfill the responsibilities of the Chair ably and proficiently from her first day in that office.

Equally important, based on our own work with Ms. Franklin on a wide range of privacy and civil liberties issues, we can attest that she possesses the personal and professional qualities that will ensure her success in this vital role. Based on her expertise and the respect in which she is widely held, she has long been a leader in the field—one to whom others often look for advice, and who has pointed the way when new and complex issues have arisen. At the same time, though, she is unfailingly respectful of—as well as genuinely open to—points of view other than her own. Her approach to working in groups and coalitions is collaborative, not individualistic. When differences arise, she attempts to convince rather than dictate. Even in the most informal settings, she comports herself with professionalism and treats others with courtesy.

Ms. Franklin also possesses a deep appreciation of the importance of working across partisan and ideological lines to safeguard Americans’ civil liberties. As an advocate for reform of governmental surveillance practices, for instance, she has engaged substantively and productively with all of the relevant stakeholders—including lawmakers on both sides of the aisle, executive officials under administrations of both parties, organizations representing the communities most affected by surveillance practices, and companies that are required to cooperate with surveillance orders. As both an idealist and a pragmatist, she has a keen sense for when compromise can serve, rather than retreat from, broader goals and principles. This has made her a highly effective advocate and will serve her equally well as Chair of the PCLOB.

In short, we can think of no one better to lead the PCLOB at this critical time. We urge you to give Ms. Franklin’s nomination prompt consideration and to act quickly to confirm her to the position of PCLOB Chair.

Sincerely,

Elizabeth Goitein
Brennan Center for Justice at NYU
School of Law*

Bob Goodlatte
Former Chairman, House Judiciary Committee*

Jake Laperruque
Project On Government Oversight*

Patrice McDermott
Government Information Watch*

India McKinney
Electronic Frontier Foundation*

Jumana Musa
National Association of Criminal Defense Lawyers*

Lauren Sarkesian
New America’s Open Technology Institute*

Berin Szóka
TechFreedom*

Sean Vitka
Demand Progress*

* Organizations listed for identification purposes only.