

Statement of

The Honorable Patrick Leahy

United States Senator
United States Senate
April 18, 2012

Today, the Committee holds an important hearing to consider several nominations to the Privacy and Civil Liberties Oversight Board (PCLOB). At a time when our Nation faces growing threats to national security at home, abroad, and in cyberspace, having a fully functioning Privacy and Civil Liberties Oversight Board is more important than ever. I welcome President Obama's nominees to this critical Board.

During the decade since the tragic events of September 11, 2001, our Government has developed many new tools to combat terrorism. I have always believed that we also need meaningful checks and balances, so that we safeguard our fundamental values as we work to better secure the Nation. I worked with Senator Durbin, Senator Lieberman and Senator Collins and others to create the Privacy and Civil Liberties Oversight Board at the recommendation of the 9/11 Commission. We intend for it to help ensure that Americans' privacy and civil liberties are effectively protected, even while the Government implemented heightened national security measures. As the 9/11 Commission observed in its report: "[I]f our liberties are curtailed, we lose the values that we are struggling to defend."

The Board was initially established within the Executive Office of the President. Five years ago, we revised the legislation to improve the Board's effectiveness by reconstituting it as an independent, executive branch entity. We did so to strengthen the Board so that it would have a greater impact on the policies that affect Americans' privacy rights and civil liberties.

Today, Congress is considering various proposals to enhance the Nation's cybersecurity and these proposals would have a significant impact on the privacy rights and liberties of all Americans. Our Nation is also grappling with important questions about how our national counterterrorism strategy impacts the rights and liberties of U.S. citizens at home and abroad. Smartphones, GPS devices, and other mobile technologies are making it easier for our Government to identify and track potential threats. These new technologies and increased Government surveillance can also imperil our privacy rights and civil liberties. Over the last several weeks, we have seen reports in The New York Times and elsewhere about the increased location tracking conducted by local police and the fact that such surveillance is neither limited to terrorist threats, nor, most importantly, subject to a warrant requirement, or judicial review. That is why I have been working so hard to update and strengthen the Electronic Communications Privacy Act.

Safeguarding our liberties should not be a partisan issue. It should not be a Democratic idea, or a Republican idea. These are American values that we all should embrace. I hope that we will join together to consider these nominations to this important Board in a bipartisan manner. On behalf of the Committee, I welcome the nominees and thank them for their willingness to serve.

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