

Congress of the United States

Washington, DC 20515

February 21, 2006

President George W. Bush
The White House
1600 Pennsylvania Ave
Washington, D.C. 20500

Dear Mr. President,

As the Senate Judiciary Committee begins its examination of the National Security Agency's (NSA) surveillance program, and the administration defends its use of increased constitutional power, it seems to us the efficacy of the Privacy and Civil Liberties Oversight Board recommended by the 9-11 Commission becomes even more crucial. With more Presidential authority must come more oversight, and money talks.

We were therefore surprised to learn that the Fiscal Year 2007 budget proposal, released last week, includes no funding for the civil liberties oversight board created in late 2004. The board, established by the landmark P.L. 108-458, the Intelligence Reform and Terrorism Prevention Act, has yet to receive adequate resources to do its job; in fact it has yet to meet.

When the 9/11 Commission released its report in July 2004, one of its 41 recommendations was the creation of a Privacy and Civil Liberties Oversight Board. In its report the commissioners wrote:

"The burden of proof for retaining a particular governmental power should be on the executive, to explain (a) that the power actually materially enhances security and (b) that there is adequate supervision of the executive's use of the powers to ensure protection of civil liberties. If the power is granted, there must be adequate guidelines and oversight to properly confine its use."

A robust Privacy and Civil Liberties Board was included in the base Senate legislation, which passed the Senate by a vote of 96-2. The House version, however, did not include any Privacy and Civil Liberties Board and an amendment to create a similar board was stripped from the bill, despite majority support in the Judiciary Committee, and the final bill included a much weaker board than was approved by the Senate or by the House Judiciary Committee.

We have taken to heart your strong statements in recent weeks regarding your support for the protection of civil rights even during times of increased security surveillance, and look for support of this board's mission as a result. Regrettably, nominations to the board were delayed, some nominees lacked extensive civil liberties credentials, nominations to the board have yet to be confirmed by the Senate and the board has yet to convene. Initial funding for the board was severely inadequate last year, and no funding has been proposed in the FY 07 Budget Proposal.

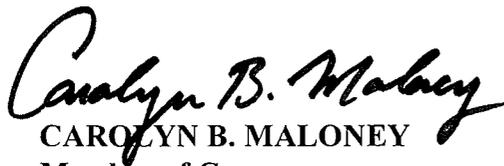
On December 5, 2005, the former members of the 9/11 Commission released a report card on the status of the implementation of its recommendations. It gave the Privacy and Civil

Liberties Oversight Board a "D." The report noted "little urgency" in the creation of the Privacy and Civil Liberties Oversight Board and noted that while the President had nominated individuals to its leadership positions in June, "the Senate has not confirmed them." Furthermore, funding for the board was regarded to be "insufficient," and the Commission stated, "no meetings have been held, no staff named, no work plan outlined, no work begun, no office established."

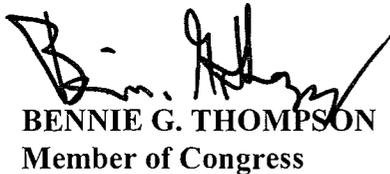
Last year, we introduced H.R. 1310, the Protection of Civil Liberties Act as bipartisan legislation to restore the original provisions of the bill that were stripped out in conference. However, attempts to even debate this important legislation as an amendment to relevant legislation have been denied four times by the House Rules Committee.

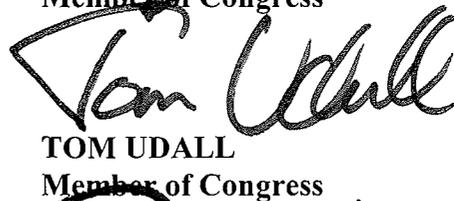
We now ask you to use your support for the protection of civil liberties to support the strengthening of the Privacy and Civil Liberties Oversight Board by urging Congress to adopt H.R. 1310, finally get the board up and running with qualified candidates as the 9/11 Commission envisioned and provide the board with the funding it needs to do its job.

Sincerely,


CAROLYN B. MALONEY
Member of Congress


CHRISTOPHER SHAYS
Member of Congress

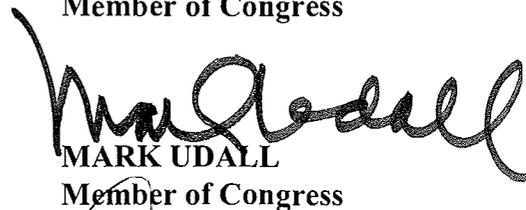

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Member of Congress

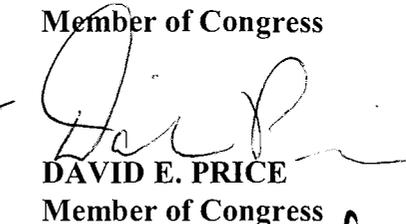

BERNARD SANDERS
Member of Congress

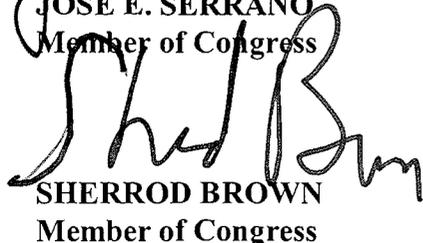

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Member of Congress

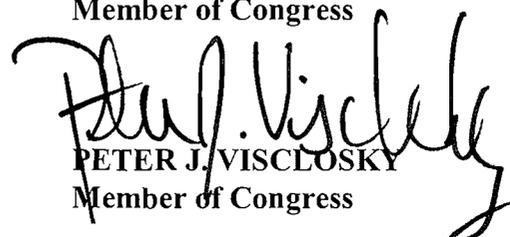

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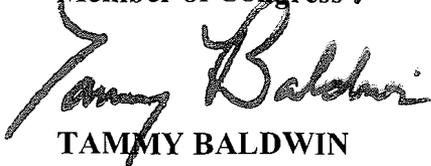
MAJOR R. OWENS
Member of Congress



LLOYD DOGGETT
Member of Congress



SHEILA JACKSON-LEE
Member of Congress



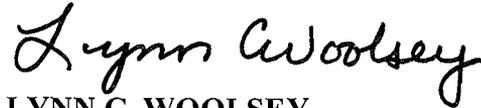
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