

**UNITED STATES SENATE**  
**COMMITTEE ON THE JUDICIARY**  
**QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES**

**PUBLIC**

1. **Name:** State full name (include any former names used).

First Middle Last (current) Sharon Bradford Franklin  
First Middle Last (maiden) Sharon Tracy Bradford

2. **Position:** State the position for which you have been nominated.  
Chairman, Privacy and Civil Liberties Oversight Board

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office:

Firm/Employer Name: Center for Democracy & Technology  
Address: 1401 K Street, NW, Suite 200, Washington, DC 20005

Residence:

City, State: Bethesda, MD

4. **Birthplace:** State date and place of birth.

October 8, 1965; New York, NY

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

Yale Law School, 1987 – 1990  
J.D., May 1990

Harvard College, 1982 – 1986  
A.B., June 1986

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

July 2021 – present  
Co-Director, Security and Surveillance Project  
Center for Democracy & Technology  
1401 K Street, NW, Suite 200  
Washington, DC 20005

July 2019 – April 2021  
Policy Director  
February 2018 – July 2019  
Director of Surveillance & Cybersecurity Policy  
July 2017 – January 2018  
Senior Fellow  
New America's Open Technology Institute  
740 15<sup>th</sup> Street, NW, Suite 900  
Washington, DC 20005

September 2013 – January 2017  
Executive Director  
Privacy and Civil Liberties Oversight Board  
2100 K Street, NW  
Washington, DC 20427

August 2013 – June 2015  
Co-President of the Board of Directors of parent booster organization supporting high school drama program  
Walt Whitman Drama Boosters, Inc.  
Bethesda, MD

March 2005 – September 2013  
Senior Counsel  
The Constitution Project  
1200 18<sup>th</sup> Street, NW, Suite 1000  
Washington, DC 20036

Approximately September 2010 – June 2012  
Co-President of the Board of Directors of parent booster organization supporting high school debate program  
Walt Whitman Debate Boosters, Inc.  
Bethesda, MD

Approximately 2008 to 2011 (3 year term)  
Member of the Board of Directors  
ACLU of the National Capital Area  
Washington, DC

February 2001 – February 2005  
Executive Director  
Washington Council of Lawyers  
555 13<sup>th</sup> Street, NW, Suite 210  
Washington, DC 20004

June 1998 – January 2001  
Special Counsel, Office of General Counsel  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

October 1991 – June 1998  
Trial Attorney  
Housing & Civil Enforcement Section, Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

September 1990 – September 1991  
Judicial Law Clerk  
The Honorable Jane R. Roth  
United States District Court for the District of Delaware & U.S. Court of Appeals for the  
Third Circuit  
U.S. Courthouse  
844 King Street  
Wilmington, DE 19801

Summer 1989  
Law Student Intern  
NAACP Legal Defense and Educational Fund  
Washington, DC

Summer 1989  
Summer Associate  
Wilmer, Cutler & Pickering  
Washington, DC

Summer 1988  
Law Student Intern  
Manhattan District Attorney's Office  
New York, NY

Summer 1988  
Summer Associate  
O'Sullivan, Graev & Karabell

New York, NY

July 1986 – August 1987

Intake Coordinator and Legal Assistant

Washington Lawyers' Committee for Civil Rights Under Law

1400 Eye Street, NW

Washington, DC 20005

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the U.S. military. I am not subject to selective service registration requirements.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

**List in reverse chronological order of receipt:**

**Award, Organization, Year Received**

Outstanding Contributions Award, Federal Communications Commission, 2001

Special Act Award, Federal Communications Commission, 1999

Special Achievement Award, U.S. Department of Justice, 1997 and 1995

Special Commendation Award, U.S. Department of Justice, 1993

Certificate of Commendation, U.S. Department of Justice, 1992

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

District of Columbia Bar Association

Pennsylvania Bar Association (Retired Status)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Pennsylvania, December 1990 (Retired Status)

District of Columbia, December 1991

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States (March 1996)

I have not been specifically admitted to practice in any lower federal courts because when I was a practicing litigator as a Trial Attorney for the U.S. Department of Justice, such admissions were not required.

There have been no lapses in membership.

#### 11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Georgetown Law's Center on National Security on Social Media Governance  
Task Force (Nov. 2021 – Present)

Temple Sinai (1997 – Present)

Harvard Club of Washington, DC

Alumni interviewer, Harvard Schools Committee (approximately 1997 to Present)

Transatlantic Digital Debates Steering Committee (2020)

Internet and Jurisdiction Policy Network

Member of Contact Group for Data & Jurisdiction Program (2018 – 2021)

Washington College of Law, Collaboration on Government Secrecy

Advisory Board Member (2010 – August 2013)

Cybersecurity Subcommittee of Department of Homeland Security's Data Privacy and Integrity Advisory Committee (DPIAC) (2009 – August 2013)

Historical Society of the D.C. Circuit

Oral history interviewer (2006 – 2013)

Litigation Screening Committee, ACLU of the National Capital Area

(Approximately 2008 – August 2013)

Bradley Hills Elementary School PTA

Science Fair Chair (approx. 2002 – 2006)

In addition, I have made financial contributions to charitable organizations over the years. Such organizations may list me as a member by virtue of my financial contribution. I have not listed above any organization to which I gave funds and

did not otherwise participate in programmatic activities.

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminate on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, none of these organizations discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

## 12. **Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

I have not published any books. I have done my best to identify all articles, letters to the editor, editorial pieces and other published material, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following (note: all pieces are solely authored by me except as noted where I have listed myself along with my co-authors):

Carey Shenkman, Sharon Bradford Franklin, Greg Nojeim, Dhanaraj Thakur, *Legal Loopholes and Data for Dollars: How Law Enforcement and Intelligence Agencies Are Buying Your Data From Brokers*, December 9, 2021

<https://cdt.org/insights/report-legal-loopholes-and-data-for-dollars-how-law-enforcement-and-intelligence-agencies-are-buying-your-data-from-brokers/>

Blog post to accompany report: Sharon Bradford Franklin and Dhanaraj Thakur, *New CDT Report Documents How Law Enforcement & Intel Agencies Are Evading the Law and Buying Your Data from Brokers*, December 9, 2021

<https://cdt.org/insights/new-cdt-report-documents-how-law-enforcement-intel-agencies-are-evading-the-law-and-buying-your-data-from-brokers/> (Report and blog post attached.)

*Rethinking Surveillance on the 20th Anniversary of the Patriot Act*, Just Security, October 26, 2021 <https://www.justsecurity.org/78753/rethinking-surveillance-on-the-20th-anniversary-of-the-patriot-act/>

*Recognizing the Threats: Congress Must Enact a Moratorium on Law Enforcement Use of Facial Recognition Tech*, CDT Insights, October 14, 2021 <https://cdt.org/insights/recognizing-the-threats-congress-must-impose-a-moratorium-on-law-enforcement-use-of-facial-recognition-tech/>

*Congress Should Seize This Chance to Finally End Warrantless Searches of Americans' Communications*, CDT Insights, July 30, 2021 <https://cdt.org/insights/congress-should-seize-this-chance-to-finally-end-warrantless-searches-of-americans-communications/>

Sharon Bradford Franklin, Lauren Sarkesian, Ross Schulman and Spandana Singh, *Strengthening Surveillance Safeguards After Schrems II: A Roadmap for Reform*, Open Technology Institute, April 7, 2021 <https://www.newamerica.org/oti/reports/strengthening-surveillance-safeguards-after-schrems-ii/>

Sharon Bradford Franklin and Spandana Singh, *Facebook's Oversight Board Is Not as Powerful as We Think. But It Can Push the Company's Policies in the Right Direction*, OTI Blog, Jan. 15, 2021 <https://www.newamerica.org/oti/blog/facebook-oversight-board-is-not-as-powerful-as-we-think-but-it-can-push-the-companys-policies-in-the-right-direction/>

Koustubh "K.J." Bagchi and Sharon Bradford Franklin, *Suspending Trump Was The Right Call*, OTI Blog, Jan. 14, 2021 <https://www.newamerica.org/oti/blog/suspending-trump-was-right-call/>

Koustubh "K.J." Bagchi, Christine Bannan, Sharon Bradford Franklin, Heather Hurlburt, Lauren Sarkesian, Ross Schulman, Joshua Stager, *Digital Tools for COVID-19 Contact Tracing: Identifying and Mitigating the Equity, Privacy, and Civil Liberties Concerns*, Harvard Safra Center for Ethics COVID-19 Rapid Response Impact Initiative White Paper 22, July 2, 2020 [https://newamericadotorg.s3.amazonaws.com/documents/Safra-OTI-NA\\_Contact\\_Tracing\\_Paper.pdf](https://newamericadotorg.s3.amazonaws.com/documents/Safra-OTI-NA_Contact_Tracing_Paper.pdf)

*A Key Part of Surveillance Reform Is Now In Jeopardy*, Slate's Future Tense, May 29, 2020 <https://slate.com/technology/2020/05/usa-freedom-reauthorization-act-fisa-reform-surveillance-amicus-curiae.html>

*The Right and Wrong Ways to Use Location Data in the Pandemic*, Slate's Future Tense, April 8, 2020 <https://slate.com/technology/2020/04/coronavirus-location-data-heat-maps-privacy.html>

Sharon Bradford Franklin and Lauren Sarkesian, *Congress Has the Opportunity to Enact Meaningful Surveillance Reforms Now: Here's How*, OTI Blog, Feb. 21, 2020, <https://www.newamerica.org/oti/blog/congress-has-opportunity-enact->

[meaningful-surveillance-reforms-now-heres-how/](#)

*Public Engagement is Key for Robust Intelligence Oversight*, About:Intel, Jan. 29, 2020 <https://aboutintel.eu/public-engagement-intelligence-oversight/>

*Congress Needs to Throw This Surveillance Program Away*, Slate's Future Tense, Jan. 27, 2020  
<https://slate.com/technology/2020/01/usa-freedom-act-renewal-section-215-cdr.html>

Sharon Bradford Franklin and Andi Wilson Thompson, *Open Letter to GCHQ on the Threats Posed by the Ghost Proposal*, Lawfare, May 30, 2019  
<https://www.lawfareblog.com/open-letter-gchq-threats-posed-ghost-proposal>

*The Need for Countries to Establish Robust and Transparent Vulnerabilities Equities Processes*, Tufts Fletcher Security Review, Summer 2019  
[https://docs.wixstatic.com/ugd/c28a64\\_d67e649778704af09b10d32fad27b317.pdf](https://docs.wixstatic.com/ugd/c28a64_d67e649778704af09b10d32fad27b317.pdf)

*Fulfilling the Promise of the USA Freedom Act: Time to Truly End Bulk Collection of Americans' Calling Records*, Just Security, March 28, 2019  
<https://www.justsecurity.org/63399/fulfilling-the-promise-of-the-usa-freedom-act-time-to-truly-end-bulk-collection-of-americans-calling-records/>

Sharon Bradford Franklin and Eric King, *Strategies for Engagement Between Civil Society and Intelligence Oversight Bodies*, Nov. 14, 2018  
<https://www.newamerica.org/oti/reports/strategies-engagement-between-civil-society-and-intelligence-oversight-community/>

*Looking Down Under for a Back Door*, Slate's Future Tense, Oct. 5, 2018  
<https://slate.com/technology/2018/10/australia-u-s-encryption-backdoor-law.html>

*What Happened at the Court: the Hasbajrami Oral Argument on Section 702 of FISA and the Fourth Amendment*, Just Security, Aug. 29, 2018  
<https://www.justsecurity.org/60505/happened-court-hasbajrami-oral-argument-section-702-fisa-fourth-amendment/>

*Carpenter and the End of Bulk Surveillance of Americans*, Lawfare, July 25, 2018  
<https://www.lawfareblog.com/carpenter-and-end-bulk-surveillance-americans>

*The Forecast is Still Cloudy*, Slate's Future Tense, March 29, 2018  
<https://slate.com/technology/2018/03/the-cloud-act-could-hurt-human-rights-around-the-world.html>

*The Microsoft Ireland Case: A Supreme Court Preface to the Congressional Debate*, Lawfare, Feb. 22, 2018 <https://www.lawfareblog.com/microsoft-ireland-case-supreme-court-preface-congressional-debate>



*Left Out of the Party on Cloud Nine: A Response to Jennifer Daskal*, Just Security, Feb. 13, 2018 <https://www.justsecurity.org/52189/left-party-cloud-nine/>

*The House Intelligence Committee's Section 702 Bill is a Wolf in Sheep's Clothing*, Just Security, Jan. 9, 2018 <https://www.justsecurity.org/50801/house-intelligence-committees-section-702-bill-wolf-sheeps-clothing/>

Sharon Bradford Franklin and Andi Wilson Thompson, *Rules of the Road: The Need for Vulnerabilities Equities Legislation*, Lawfare, Nov. 22, 2017 <https://www.lawfareblog.com/rules-road-need-vulnerabilities-equities-legislation>

*Is Government Domestic Surveillance Keeping the United States Safer?*, CQ Researcher, August 2013 <https://archive.constitutionproject.org/wp-content/uploads/2013/09/cqr20130830c.pdf>

*Letter to the editor, The interpretation of surveillance laws should not be secret*, Washington Post, June 9, 2013 [https://www.washingtonpost.com/opinions/the-interpretation-of-surveillance-laws-should-not-be-secret/2013/06/09/256d4994-cf90-11e2-8573-3baeea6a2647\\_story.html](https://www.washingtonpost.com/opinions/the-interpretation-of-surveillance-laws-should-not-be-secret/2013/06/09/256d4994-cf90-11e2-8573-3baeea6a2647_story.html)

*Private: DHS, Cybersecurity and Your Privacy*, American Constitution Society Blog Expert Forum, Nov. 27, 2012 <https://www.acslaw.org/expertforum/dhs-cybersecurity-and-your-privacy/>

*CISPA Lacks Protections for Individual Rights*, U.S. News & World Report, April 18, 2012 <https://www.usnews.com/debate-club/should-the-congress-pass-cispa/cispa-lacks-protections-for-individual-rights>

Sharon Bradford Franklin and Karen S. Bloom, *Limiting Immigration Detention and Promoting Access to Counsel*, Federal Reserve Bank of Boston's Communities and Banking, Winter 2011 <https://www.bostonfed.org/publications/communities-and-banking/2011/winter-2011.aspx>

*Should the Patriot Act be extended*, Politico Arena, May 7, 2011 (copy attached)

*Letter to the editor, Congress's crucial oversight role*, Washington Post, October 31, 2010 (copy attached)

*Letter to the editor, State secrets, pro and con*, LA Times, Dec. 18, 2009 (copy attached)

*Letter to the editor, The Courts Best Suited to Judge Terrorism Cases*, Washington Post, Aug. 13, 2009 (copy attached)

*Letter to the editor, Judging 'State Secrets,'* Washington Post, March 27, 2009  
(copy attached)

*Watching the Watchers: Establishing Limits on Public Video Surveillance,* The  
Champion, April 2008  
<https://archive.constitutionproject.org/pdf/WatchingWatchers.pdf>

*New legislation could protect against abuse of state secrets privilege,* Jurist, Jan.  
25, 2008  
<https://www.jurist.org/commentary/2008/01/new-legislation-could-protect-against/>

*Supreme Court Decision Leaves State Secrets Doctrine in Dire Need of Reform,*  
Los Angeles Daily Journal, Oct. 16, 2007  
[https://archive.constitutionproject.org/pdf/Franklin\\_Commentary\\_El\\_Masri\\_&\\_State\\_Secrets.pdf](https://archive.constitutionproject.org/pdf/Franklin_Commentary_El_Masri_&_State_Secrets.pdf)

*State Secrets Privilege: Congress, make it qualified,* National Law Journal, July 9,  
2007  
<https://www.law.com/nationallawjournal/almID/1183539960959/?sreturn=20210902133450>

Sharon Bradford Franklin and Sarah Holcomb, *Watching the Watch Lists:  
Maintaining Security and Liberty in America,* ABA Human Rights Magazine,  
July 1, 2007  
[https://www.americanbar.org/groups/crsj/publications/human\\_rights\\_magazine\\_home/human\\_rights\\_vol34\\_2007/summer2007/hr\\_summer07\\_brahol/](https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/human_rights_vol34_2007/summer2007/hr_summer07_brahol/)

*Remember Checks and Balances?* Tompaine.com, June 25, 2007 (copy attached)

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I have done my best to identify any reports, memoranda, or policy statements I have prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

Internet and Jurisdiction Policy Network, Data & Jurisdiction Program,  
*Operational Approaches, Norms, Criteria, Mechanisms* (April 2019)  
<https://www.internetjurisdiction.net/uploads/pdfs/Papers/Data-Jurisdiction->

[Program-Operational-Approaches.pdf](#)

DHS Data Privacy and Integrity Advisory Committee, *Recommendations on Privacy in Cybersecurity Pilot Programs* (November 2012)  
<https://www.dhs.gov/sites/default/files/publications/DPIAC%20Recommendations%20Paper%202012-01.pdf>

I also contributed to the drafting and preparation of reports of the Privacy and Civil Liberties Oversight Board (PCLOB) during my tenure as Executive Director.

Although I served as staff and not a member of the PCLOB, I list those reports here:

*Report to the President on the Implementation of Presidential Policy Directive 28: Signals Intelligence Activities* (October 2018)

[https://documents.pclob.gov/prod/Documents/OversightReport/16f31ea4-3536-43d6-ba51-b19f99c86589/PPD-28%20Report%20\(for%20FOIA%20Release\).pdf](https://documents.pclob.gov/prod/Documents/OversightReport/16f31ea4-3536-43d6-ba51-b19f99c86589/PPD-28%20Report%20(for%20FOIA%20Release).pdf)

(Note: This report was finalized and approved by the Board during my tenure as Executive Director, although it was not declassified and released until after I had departed from that position.)

*Reports under Section 803 of the 9/11 Commission Act: Recommendations for Privacy and Civil Liberties Officers* (June 2016)

[https://documents.pclob.gov/prod/Documents/OversightReport/3c1fd49e-7f8c-4001-b098-ccb3f4ee0c2b/803%20Report%20Recommendations%20\(Final\).pdf](https://documents.pclob.gov/prod/Documents/OversightReport/3c1fd49e-7f8c-4001-b098-ccb3f4ee0c2b/803%20Report%20Recommendations%20(Final).pdf)

*Recommendations Assessment Report* (February 2016)

[https://documents.pclob.gov/prod/Documents/OversightReport/b1accb9f-0469-46f1-b660-b66acfbcb601a/Recommendations\\_Assessment\\_Report\\_20160205.pdf](https://documents.pclob.gov/prod/Documents/OversightReport/b1accb9f-0469-46f1-b660-b66acfbcb601a/Recommendations_Assessment_Report_20160205.pdf)

*Recommendations Assessment Report* (January 2015)

[https://documents.pclob.gov/prod/Documents/OversightReport/8c09c647-c5dc-4ecb-b1d7-43e4dca27fb9/Recommendations\\_Assessment-Report\\_2015.pdf](https://documents.pclob.gov/prod/Documents/OversightReport/8c09c647-c5dc-4ecb-b1d7-43e4dca27fb9/Recommendations_Assessment-Report_2015.pdf)

*Report on the Surveillance Program Operated Pursuant to Section 702 of the Foreign Intelligence Surveillance Act* (July 2014)

<https://documents.pclob.gov/prod/Documents/OversightReport/823399ae-92ea-447a-ab60-0da28b555437/702-Report-2.pdf>

*Report on the Telephone Records Program Conducted under Section 215 of the USA PATRIOT Act and on the Operations of the Foreign Intelligence Surveillance Court* (January 2014)

[https://documents.pclob.gov/prod/Documents/OversightReport/ec542143-1079-424a-84b3-acc354698560/215-Report\\_on\\_the\\_Telephone\\_Records\\_Program.pdf](https://documents.pclob.gov/prod/Documents/OversightReport/ec542143-1079-424a-84b3-acc354698560/215-Report_on_the_Telephone_Records_Program.pdf)

In addition, I list here reports and statements of The Constitution Project's Liberty and Security Committee. I served as staff for The Constitution Project and not as a member of the committee, but I participated in the drafting and preparation of these reports and statements:

*Lift the Veil of Secrecy on Targeted Killings* (February 2013)  
<https://archive.constitutionproject.org/wp-content/uploads/2013/02/Lift-the-Veil-of-Secrecy-on-Targeted-Killing.pdf>

*Report on the FISA Amendments Act of 2008* (September 2012)  
[https://archive.constitutionproject.org/wp-content/uploads/2012/10/fisaamendmentsactreport\\_9612.pdf](https://archive.constitutionproject.org/wp-content/uploads/2012/10/fisaamendmentsactreport_9612.pdf)

*Recommendations for Fusion Centers: Preserving Privacy and Civil Liberties while Protecting Against Crime and Terrorism* (August 2012)  
<https://archive.constitutionproject.org/wp-content/uploads/2012/10/fusioncenterreport.pdf>

*Recommendations for the Implementation of a Comprehensive and Constitutional Cybersecurity Policy* (January 2012) <https://archive.constitutionproject.org/wp-content/uploads/2012/09/TCPCybersecurityReport.pdf>

*Statement on Location Tracking* (September 2011)  
<https://archive.constitutionproject.org/wp-content/uploads/2012/09/locationtrackingreport.pdf>

*Suspicionless Border Searches of Electronic Devices: Legal and Privacy Concerns with the Department of Homeland Security's Policy* (May 2011)  
[https://archive.constitutionproject.org/wp-content/uploads/2012/09/Border\\_Search\\_of\\_Electronic\\_Devices\\_0518\\_2011.pdf](https://archive.constitutionproject.org/wp-content/uploads/2012/09/Border_Search_of_Electronic_Devices_0518_2011.pdf)

*Principles for Government Data Mining: Preserving Civil Liberties in the Information Age* (December 2010) <https://archive.constitutionproject.org/wp-content/uploads/2012/09/DataMiningPublication.pdf>

*Prosecute Terrorism Suspects, Not Their Lawyers: Constitutional and Ethical Concerns Raised by Attacks on Lawyers* (July 2010)  
<https://archive.constitutionproject.org/wp-content/uploads/2012/10/475.pdf>

*Statement Opposing the Terrorist Expatriation Act* (May 2010)  
<https://archive.constitutionproject.org/wp-content/uploads/2012/10/402.pdf>

*Reforming the Material Support Laws: Constitutional Concerns Presented by Prohibitions on Material Support to "Terrorist Organizations"* (November 2009)  
<https://archive.constitutionproject.org/wp-content/uploads/2012/09/355.pdf>

*Recommendations for Reforming our Immigration Detention System and Promoting Access to Counsel in Immigration Proceedings* (October 2009)  
<https://archive.constitutionproject.org/wp-content/uploads/2012/10/359.pdf>

*Statement on Reforming the Patriot Act* (September 2009)  
<https://archive.constitutionproject.org/wp-content/uploads/2012/09/340.pdf>

*Reining in Excessive Secrecy: Recommendations for Reform of the Classification and Controlled Unclassified Information Systems* (July 2009)  
<https://archive.constitutionproject.org/wp-content/uploads/2012/09/178.pdf>

Morton Rosenberg, *When Congress Comes Calling: A Primer on the Principles, Practices, and Pragmatics of Legislative Inquiry* (June 2009)  
<https://archive.constitutionproject.org/wp-content/uploads/2009/07/WhenCongressComesCalling.pdf>

(Note: This is a report by Constitution Project Fellow Morton Rosenberg, and I assisted in its preparation, including as an editor. The remainder of the documents listed in this section are reports and statements by The Constitution Project's Liberty and Security Committee.)

*The Use and Abuse of Immigration Authority as a Counterterrorism Tool: Constitutional and Policy Considerations* (2008)  
[https://archive.constitutionproject.org/pdf/Immigration\\_Authority\\_As\\_A\\_Counterterrorism\\_Tool.pdf](https://archive.constitutionproject.org/pdf/Immigration_Authority_As_A_Counterterrorism_Tool.pdf)

*A Critique of "National Security Courts"* (June 2008)  
<https://archive.constitutionproject.org/wp-content/uploads/2012/10/49.pdf>

*Statement on the Protect America Act* (October 2007)  
<https://archive.constitutionproject.org/wp-content/uploads/2012/09/50.pdf>

*Statement on the National Security Agency's Domestic Surveillance Program* (July 2007) <https://archive.constitutionproject.org/wp-content/uploads/2012/09/51.pdf>

*Promoting Accuracy and Fairness in the Use of Government Watch Lists* (May 2007) <https://archive.constitutionproject.org/wp-content/uploads/2012/09/53.pdf>

*Reforming the State Secrets Privilege* (May 2007)  
[https://archive.constitutionproject.org/pdf/Reforming\\_the\\_State\\_Secrets\\_Privilege\\_Statement1.pdf](https://archive.constitutionproject.org/pdf/Reforming_the_State_Secrets_Privilege_Statement1.pdf)

*Statement on Restoring Habeas Corpus Rights Eliminated by the Military Commissions Act* (March 2007) <https://archive.constitutionproject.org/wp-content/uploads/2012/10/182.pdf>

*Guidelines for Public Video Surveillance: A Guide to Protecting Communities and Preserving Civil Liberties* (2006)  
[https://archive.constitutionproject.org/pdf/Video\\_Surveillance\\_Guidelines\\_Report\\_w\\_Model\\_Legislation4.pdf](https://archive.constitutionproject.org/pdf/Video_Surveillance_Guidelines_Report_w_Model_Legislation4.pdf)

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

Brief filed in *Federal Bureau of Investigation v. Fazaga*, No. 20-828, in the U.S. Supreme Court, on behalf of James Dempsey and Sharon Bradford Franklin as amici in support of respondents, September 2021 <https://cdt.org/wp-content/uploads/2021/09/20-828-Amicus-Brief-of-James-Dempsey-and-Sharon-Bradford-Franklin.pdf>

Brief filed in *American Civil Liberties Union v. United States*, No. 20-1499, in the U.S. Supreme Court, on behalf of former government officials as amici in support of petitioner, May 2021 [https://www.supremecourt.gov/DocketPDF/20/20-1499/180342/20210527142717034\\_20-1499%20Amici%20Brief%20Former%20Government%20Officials.pdf](https://www.supremecourt.gov/DocketPDF/20/20-1499/180342/20210527142717034_20-1499%20Amici%20Brief%20Former%20Government%20Officials.pdf)

*Statement of Sharon Bradford Franklin, Policy Director, New America's Open Technology Institute, to the Privacy and Civil Liberties Oversight Board Regarding Exercise of Authorities Under the Foreign Intelligence Surveillance Act (FISA)*, August 31, 2020 (written statement submitted, I did not testify) [https://newamericadotorg.s3.amazonaws.com/documents/Sharon\\_Bradford\\_Franklin\\_Comments\\_to\\_PCLOB\\_on\\_FISA\\_8-31-20.pdf](https://newamericadotorg.s3.amazonaws.com/documents/Sharon_Bradford_Franklin_Comments_to_PCLOB_on_FISA_8-31-20.pdf)

*Testimony of Sharon Bradford Franklin, International Civil Liberties and Technology Coalition, Parliamentary Joint Committee on Intelligence and Security, Commonwealth of Australia, Telecommunications Legislation Amendment (International Production Orders) Bill 2020*, May 13, 2020 (testified remotely by telephone) Transcript available: [https://parlinfo.aph.gov.au/parlInfo/download/committees/commjnt/1904b2c2-17ca-42da-98d8-5c5885ae9a6c/toc\\_pdf/Parliamentary%20Joint%20Committee%20on%20Intelligence%20and%20Security\\_2020\\_05\\_13\\_7707\\_Official.pdf;fileType=application%2Fpdf#search=%22committees/commjnt/1904b2c2-17ca-42da-98d8-5c5885ae9a6c/0005%22](https://parlinfo.aph.gov.au/parlInfo/download/committees/commjnt/1904b2c2-17ca-42da-98d8-5c5885ae9a6c/toc_pdf/Parliamentary%20Joint%20Committee%20on%20Intelligence%20and%20Security_2020_05_13_7707_Official.pdf;fileType=application%2Fpdf#search=%22committees/commjnt/1904b2c2-17ca-42da-98d8-5c5885ae9a6c/0005%22)

*Statement on behalf of New America's Open Technology Institute, D.C. Council Committee on the Judiciary and Public Safety Performance Oversight Hearing on the Metropolitan Police Department*, January 16, 2020 (I also testified in person at hearing)

[https://newamericadotorg.s3.amazonaws.com/documents/Testimony\\_for\\_DC\\_Council\\_hearing\\_Jan\\_16\\_2020\\_1.pdf](https://newamericadotorg.s3.amazonaws.com/documents/Testimony_for_DC_Council_hearing_Jan_16_2020_1.pdf)

Brief filed in *United States v. Muhtorov*, No. 18-1366, in the U.S. Court of Appeals for the Tenth Circuit, on behalf of David Medine and Sharon Bradford Franklin as amici in support of defendant-appellant, October 2019

[https://www.aclu.org/sites/default/files/field\\_document/010110240735\\_brief\\_of\\_amici\\_curiae\\_david\\_medine\\_and\\_sharon\\_bradford\\_franklin\\_10.7.19.pdf](https://www.aclu.org/sites/default/files/field_document/010110240735_brief_of_amici_curiae_david_medine_and_sharon_bradford_franklin_10.7.19.pdf)

*Statement of Sharon Franklin, Volunteer, Marylanders to Prevent Gun Violence, Maryland Senate Judicial Proceedings Committee hearing, March 7, 2017 (copy attached) (I also testified in person at a hearing on March 8, 2017)*

*Statement of Sharon Franklin, Volunteer, Marylanders to Prevent Gun Violence, Maryland Senate Judicial Proceedings Committee hearing, February 27, 2017 (copy attached)*

*Statement of The Constitution Project, Privacy and Civil Liberties Oversight Board, Workshop Regarding Surveillance Programs Operated Pursuant to Section 215 of the USA PATRIOT Act and Section 702 of Foreign Intelligence Surveillance Act, July 9, 2013 (I also testified in person at workshop)*

Statement: <https://archive.constitutionproject.org/wp-content/uploads/2013/07/TCP-PCLOB-statement-7-9-13.pdf>

Video of workshop: <https://www.c-span.org/video/?313822-3/privacy-civil-liberties-oversight-board-policy-perspectives>

*Statement of The Constitution Project Submitted to the Privacy and Civil Liberties Oversight Board, October 31, 2012 (I also spoke at the PCLOB meeting)*

[https://archive.constitutionproject.org/wp-content/uploads/2012/10/103112\\_statementtopclob.pdf](https://archive.constitutionproject.org/wp-content/uploads/2012/10/103112_statementtopclob.pdf)

*Testimony of Sharon Bradford Franklin, Senior Counsel, Constitution Project, Committee on Public Safety and the Judiciary of the D.C. Council, Hearing on Video Interoperability for Public Safety Program,” June 2, 2008 (written testimony unavailable, but see *In the News: Update on .D.C Council Hearing about CCTV, Privacy Lives* (Jun. 3, 2008) <https://www.privacylives.com/in-the-news-update-on-dc-council-hearing-about-cctv/2008/06/03/>)*

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter.

If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases. I frequently speak without notes or speak from a handwritten outline and do not retain those outlines. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

Panelist, *The Patriot Act Turns 20: Taking Stock and Rethinking Surveillance Powers*, Center for Democracy & Technology hosted panel discussion, Oct. 5, 2021.

Event description and recording: <https://cdt.org/insights/reflecting-on-20-years-of-the-patriot-act-u-s-surveillance-authorities-must-still-change/>

Panelist, *Trans-Atlantic Data Flows: What's Next After the EU-U.S. Privacy Shield?* Brookings online event, July 23, 2021

Event recording: <https://www.brookings.edu/events/transatlantic-data-flows-whats-next-after-the-eu-u-s-privacy-shield/>

Coverage of event: <https://iapp.org/news/a/federal-privacy-law-important-to-long-term-future-of-data-flows/>

Panelist, *Schrems II: What Surveillance Reforms are Needed to Preserve Transatlantic Data Flows?* Center for Democracy and Technology hosted panel discussion, Jan. 14, 2021

Event description and recording:  
<https://www.youtube.com/watch?v=qgS8SiRIJvc>

Panelist, *Surveillance, safeguards, and strategy: campaigns for surveillance reform in North America, Latin America, and Africa*, RightsCon 2020 online conference hosted by Access Now, July 31, 2020

Event description and recording:  
<https://www.youtube.com/watch?v=zcsZncKdJ34>

Moderator, *What Role Can Tech Play in Pandemic Response Plans?* New America, May 14, 2020

Event description and recording: <https://www.newamerica.org/oti/events/online-what-role-can-tech-play-pandemic-response-plans/>

Panelist, *AI in Government*, Stanford HAI Fall Conference, Nov. 13, 2019

Event recording: <https://www.youtube.com/watch?v=83gaVnWuQsE>

Panelist, *Encryption Briefing: Understanding its Technical and Human Elements*, Internet Society briefing for congressional staff, Panel 2: The Technology of Encryption, Oct. 25, 2019



Event description and recording:

<https://www.internet-society.org/events/encryption-briefing/>

Panelist, *The Future of Free Expression Online in America*, New America, Washington, DC, July 18, 2019

Event recording: <https://www.newamerica.org/oti/events/future-free-expression-online-america/>

*Washington Post* coverage:

<https://www.washingtonpost.com/news/powerpost/paloma/the-technology-202/2019/07/19/the-technology-202-facebook-seeks-outside-help-as-it-grapples-with-content-moderation-problems/5d30ad0e1ad2e5592fc359a0/>

Panelist, *It Always Feels Like Somebody's Watching You: The impact of U.S. foreign intelligence surveillance on journalists*, Panel Discussion at RightsCon 2019 Tunisia, June 12, 2019

Event description: <https://rightscon2019.sched.com/event/Pvny/it-always-feels-like-somebodys-watching-you-the-impact-of-us-foreign-intelligence-surveillance-on-journalists>

I did not retain any notes from my remarks and the event was not recorded. I co-authored a blog generally describing this panel: Sharon Bradford Franklin and Spandana Singh, *Human Rights in the Digital Age: RightsCon 2019*, OTI Blog, Jun. 27, 2019 <https://www.newamerica.org/oti/blog/human-rights-digital-age-rightscon-2019/>

Panelist, *Outcomes of the 3<sup>rd</sup> Global Conference of the Internet & Jurisdiction Policy Network*, Panel Discussion at RightsCon 2019 Tunisia, June 12, 2019

Event description: <https://rightscon2019.sched.com/event/PvmH/outcomes-of-the-3rd-global-conference-of-the-internet-jurisdiction-policy-network-and-presentation-of-the-internet-jurisdiction-global-status-report>

I did not retain any notes from my remarks and the event was not recorded. I co-authored a blog generally describing this panel: Sharon Bradford Franklin and Spandana Singh, *Human Rights in the Digital Age: RightsCon 2019*, OTI Blog, Jun. 27, 2019 <https://www.newamerica.org/oti/blog/human-rights-digital-age-rightscon-2019/>

Moderator, *India-U.S. Public Interest Technology Fellows Convening*, Panel: India-U.S. Cooperation: Security & Information Sharing, New America, March 13, 2019

Event description: <https://www.newamerica.org/fellows/events/india-us-public-interest-technology-fellows-convening/>

I did not retain any notes from my remarks and the event was not recorded. I was unable to find any relevant summary of the contents of this event.

*Flash Talk: Looking for a Backdoor Down Under: Australia's War on Encryption*, Cato Surveillance Conference, Washington, DC, Dec. 14, 2018

Event description and recording: <https://www.cato.org/events/2018-cato-institute-surveillance-conference>

Moderator, *Government Vulnerability Management*, New America hosted panel discussion, Dec. 11, 2018

Event description and recording: <https://www.newamerica.org/oti/events/government-vulnerability-management/>

Panelist, *New Safeguards and Oversight for Bulk Collection*, Center for Democracy & Technology, Dec. 10, 2018

Event recording: [https://www.youtube.com/watch?v=ahSqTXD8\\_ao](https://www.youtube.com/watch?v=ahSqTXD8_ao)

Moderator, *How Encryption Saves Lives and Fuels our Economy*, Panel: A Discussion on Human Rights and the International Crypto Debate, New America, Washington, DC, Nov. 27, 2018.

Event recording: <https://www.newamerica.org/oti/events/how-encryption-saves-lives-and-fuels-our-economy/>

Panelist, *Oversight of Intelligence and Law Enforcement Surveillance: Technology and Other Challenges*, Project on Government Oversight (POGO) Oversight Summit 2018, Nov. 16, 2018.

Event recording: <https://www.youtube.com/watch?v=gdsVTzgZZ1g>

Panelist, *Career Panel: Positions in Cybersecurity Policy*, Tufts University, Medford, MA, Oct. 17, 2018

Event description: <https://sites.tufts.edu/cybersecurityandpublicpolicy/events/career-panel-positions-in-cybersecurity-policy/>

Moderator, *Session One: Cross Border Access to Data*, Global Network Initiative 2018 Learning Forum, Washington, DC, Sept. 18, 2018

Event description and recording: <https://globalnetworkinitiative.org/gni-2018-learning-forum/>

Panelist, *The Microsoft-Ireland Case: Do U.S. Warrants Work in Foreign Lands?* American Constitution Society, Washington, DC, Feb. 20, 2018

Event description and recording: <https://www.acslaw.org/video/the-microsoft-ireland-case-do-u-s-warrants-work-in-foreign-lands/>

Moderator, *Section 702 Under Review: How Can Congress Address Warrantless Surveillance*, Fourth Amendment Advisory Committee briefing for congressional staff, Washington, DC, Jan. 8, 2018

Event description: <https://www.fourthadvisory.org/news/2018/6/18/yvkb2zja2cidaj0ahk1vqqzju5753>

[h](https://www.fourthadvisory.org/news/2018/6/18/yvkb2zja2cidaj0ahk1vqqzju5753) I did not retain any notes from my remarks and the event was not recorded. I was unable to find any relevant summary of the contents of this event.

Panelist, *Government Surveillance & Privacy Concerns*, Constitution Project, Washington, DC, Oct. 14, 2016.

Event recording: <https://www.c-span.org/video/?416909-1/federal-officials-discuss-government-surveillance>

Panelist, *Overseeing Surveillance: Secrecy, Transparency, and Accountability*, Cato Surveillance Conference, Washington, DC, Dec. 12, 2014.

Event description and recording: <https://www.cato.org/events/2014-cato-institute-surveillance-conference>

Panelist, *The State of Surveillance in Charlotte*, ACLU of North Carolina, Charlotte, NC, May 30, 2013

Event description: <https://www.acluofnorthcarolina.org/en/press-releases/aclu-nc-hold-talk-state-surveillance-charlotte-privacy-experts-city-officials>

Moderator, *Reforms to the Electronic Communications Privacy Act*, Constitution Project, Washington, DC, April 3, 2013

Event recording: <https://www.c-span.org/video/?311886-1/is-privacy-thing-past>

Moderator, *Surveillance Tools and Programs: Understanding Current Government Practices*, American University Washington College of Law National Security Law Brief Symposium, Washington, DC, March 24, 2013

Event description:

<https://web.archive.org/web/20190807060144/https://nationalsecuritylawbrief.com/2013/03/24/event-in-surveillance-we-trust-government-surveillance-programs-and-the-challenges-to-maintaining-privacy>

I did not retain any notes from my remarks and the event was not recorded. I was unable to find any relevant summary of the contents of this event.

Moderator, *Location Tracking by the Government After Jones*, Congressional Internet Caucus Academy State of the Mobile Net, Washington, DC, May 3, 2012

Event recording: <https://www.youtube.com/watch?v=RL131d54tFw>

Panelist, *Panel Two: Cybersecurity and Critical Infrastructure*, The Federalist Society 2012 National Security Forum, Washington, DC, April 5, 2012

I served as a panelist.

Event recording: <https://fedsoc.org/conferences/2012-national-security-symposium?#agenda-item-panel-two-cybersecurity-and-critical-infrastructure>

Moderator, *Privacy, Technology, and the ECPA*, Constitution Project briefing for congressional staff, Washington, DC, Oct. 11, 2011

Event recording: <https://www.youtube.com/watch?v=PodWWIMwxtM>

Panelist, *Federal Courts and Guantanamo Bay*, Human Rights First, Washington, DC, July 19, 2010

Event recording: <https://www.c-span.org/video/?294622-1/federal-courts-guantanamo-bay>

Panelist, *Free Speech, Human Rights, and Counterterrorism Laws*, Charity & Security Network and Constitution Project co-hosted panel discussion, Washington, DC, Feb. 17, 2010

Event recording: <https://www.c-span.org/video/?292133-1/free-speech-human-rights-counterterrorism-laws>

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have done my best to identify all interviews given, including through a review of my personal files, and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Radio interview for CBS News Radio affiliate KNX's live news magazine show *In Depth* on Facebook's decision to end use of facial recognition, November 2, 2021 (6:27 – 10:39)

<https://dcs.megaphone.fm/ENTDM2434896550.mp3?key=78f9819b20b9589e9122c51f41453f18> Audio file supplied.

*20 Years Later: How 9/11 Changed Surveillance, Privacy and What We've Learned Since*, WBEZ Chicago, Reset with Sasha-Ann Simons, September 9, 2021 (I was one of two interviewed guests) <https://www.wbez.org/stories/20-years-later-how-9-11-changed-surveillance-privacy-and-what-weve-learned-since/a181993b-6f18-4ff5-b17a-5e8cbbcf905> Audio file supplied.

Issie Lapowsky, *In Apple's privacy vs. child safety debate, there's no 'perfect solution,'* Protocol, August 24, 2021 (article contains a Q & A interview with me)

<https://www.protocol.com/policy/apple-csam-privacy>

Podcast interview, *In beta*, Episode 12: Contact tracing apps and human rights, July 9, 2020 <https://www.iheart.com/podcast/256-in-beta-31035529/episode/episode-12-contact-tracing-apps-67776029/> Audio file supplied.

Television interview, TRT World, *Bigger Than Five*, State of Surveillance, interview on use of facial recognition, Jan. 30, 2020

<https://www.youtube.com/watch?v=bPdqm0VFg94> Audio file supplied.

Radio interview, *Too late to fix Australia's encryption law?* ABC Australia,

Saturday Extra, Feb. 9, 2019

<https://www.abc.net.au/radionational/programs/saturdayextra/too-late-to-fix-australias-encryption-laws/10787412> Audio file supplied.

Radio interview, Federal News Network, Federal Drive program, interview on PCLOB's recommendations assessment report, Feb. 6, 2015,

<https://federalnewsnetwork.com/tom-temin-federal-drive/2015/02/sharon-bradford-franklin-executive-director-privacy-and-civil-liberties-oversight-board-1/> Audio file supplied.

Radio interview, Federal News Network, Federal Drive program, interview on PCLOB's Section 702 report, July 3, 2014

<https://federalnewsnetwork.com/tom-temin-federal-drive/2014/07/sharon-bradford-franklin-executive-director-privacy-and-civil-liberties-oversight-board/> Audio file supplied.

Radio interview, NPR, On the Media, *How Do We Have a National Conversation*, June 21, 2013

<https://www.wnycstudios.org/podcasts/otm/segments/300796-how-do-we-have-national-conversation> Audio file supplied.

Television interview, RT Today, interview on Snowden leaks, June 10, 2013

<https://www.youtube.com/watch?v=wSwp55LCEIM>

Television interview, RT Today, interview on CISPA cybersecurity bill, April 18, 2013

<https://www.youtube.com/watch?v=iaNgddLyiA0>

Podcast interview, KUCI: Privacy Piracy, Mari Frank Interviews Sharon Bradford Franklin, Senior Counsel at the Constitution Project, Feb. 27, 2012

[https://podcastaddict.com/?id=http%3A%2F%2Fwww.kuci.org%2Fpodcastfiles%2F615%2F\\_120227%2520Sharon%2520Bradford%2520Franklin%2520Final%252028%2520min%252001%2520sec.mp3&podcastId=1443854](https://podcastaddict.com/?id=http%3A%2F%2Fwww.kuci.org%2Fpodcastfiles%2F615%2F_120227%2520Sharon%2520Bradford%2520Franklin%2520Final%252028%2520min%252001%2520sec.mp3&podcastId=1443854) Audio file supplied.

Radio interview, Federal News Network, Federal Drive program, interview on cybersecurity bills, Jan. 31, 2012

<https://federalnewsnetwork.com/tom-temin-federal-drive/2012/01/analysis-cyber-bills-must-ensure-sanitized-info-sharing/> Audio file supplied.

Radio interview, Federal News Network, Federal Drive program, interview on state secrets privilege, May 27, 2011

<https://federalnewsnetwork.com/tom-temin-federal-drive/2011/05/state-secrets-lawsuit-leaves-government-contractors-unsatisfied/> Audio file supplied.

Radio interview, NPR Weekend Edition Sunday, *Surveillance Cameras Draw Mixed Reaction in DC*, April 13, 2008

<https://www.npr.org/templates/story/story.php?storyId=89598503> Audio file

supplied.

- f. If applicable, list all published judicial opinions that you have written, including concurrences and dissents. Supply the citations for all published judicial opinions to the Committee.

Not applicable.

13. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not run for public office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I am a member of the Democratic Party, but I have not held a position or played a formal role in a political campaign.

14. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
  - i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I clerked for Judge Jane R. Roth from September 1990 until September 1991. During the first ten months of my clerkship, Judge Roth served on the U.S. District Court for the District of Delaware. She was elevated to the U.S. Court of Appeals for the Third Circuit at the end of June 1991, and served on the Third Circuit during the final two months of my clerkship.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced law alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

July 2021 – present  
Co-Director, Security and Surveillance Project  
Center for Democracy & Technology  
1401 K Street, NW, Suite 200  
Washington, DC 20005

July 2019 – April 2021  
Policy Director  
February 2018 – July 2019  
Director of Surveillance & Cybersecurity Policy  
July 2017 – January 2018  
Senior Fellow  
New America's Open Technology Institute  
740 15<sup>th</sup> Street, NW, Suite 900  
Washington, DC 20005

September 2013 – January 2017  
Executive Director  
Privacy and Civil Liberties Oversight Board  
2100 K Street, NW  
Washington, DC 20427

March 2005 – September 2013  
Senior Counsel  
The Constitution Project  
1200 18<sup>th</sup> Street, NW, Suite 1000  
Washington, DC 20036

February 2001 – February 2005  
Executive Director  
Washington Council of Lawyers  
555 13<sup>th</sup> Street, NW, Suite 210  
Washington, DC 20004

June 1998 – January 2001  
Special Counsel, Office of General Counsel  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

October 1991 – June 1998  
Trial Attorney

Housing & Civil Enforcement Section, Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

- iv. Whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

- v. Whether you have held any judicial office, including positions as an administrative law judge, on any U.S. federal, state, tribal, or local court and if so, please provide the name of the court, the jurisdiction of that court, whether the position was appointed or elected, and the dates of your service.

I have not held any judicial office.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

Following my judicial clerkship, I began my legal career as a litigator. I served as a Trial Attorney with the Housing & Civil Enforcement Section of the Civil Rights Division of the U.S. Department of Justice from the fall of 1991 through the spring of 1998. During that time, I represented the U.S. government in conducting investigations and in bringing lawsuits to enforce the Fair Housing Act and other civil right statutes.

Since leaving the Justice Department in June 1998, I have engaged in legal policy work, both in the federal government and at non-profit organizations. My federal government positions included serving at the Federal Communications Commission (FCC) and at the Privacy and Civil Liberties Oversight Board (PCLOB). As Special Counsel at the FCC from 1998 to 2001, I worked on a variety of projects to promote the Chairman's Opportunity Agenda, including coordinating field hearings in connection with FCC BO Docket No. 99-11, entitled "Overcoming Obstacles to Telephone Service for Indians on Reservations." As Executive Director of the PCLOB from 2013 to 2017, I directed staff work in carrying out the agency's mission to review federal counterterrorism programs to ensure they include adequate safeguards for privacy and civil liberties.



From 2001 through the present, I have also worked at four non-profit organizations on a variety of legal policy issues. At the Washington Council of Lawyers, I worked to promote pro bono and public interest legal work. At the other three non-profits – the Constitution Project, New America’s Open Technology Institute, and the Center for Democracy & Technology – I have worked on a variety of legal and policy issues involving national security, privacy, civil liberties, and civil rights.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

While I served as a litigator for the U.S. Department of Justice from 1991 until 1998, my client was the United States government. I brought civil lawsuits on behalf of the government to enforce federal anti-discrimination laws.

Since I left the Justice Department in June 1998, I have worked at two additional federal agencies – the Federal Communications Commission and the Privacy and Civil Liberties Board – and although I did not have actual “clients,” I worked on behalf of these agencies and in furtherance of their missions.

In my positions at the four non-profit organizations – Washington Council of Lawyers, the Constitution Project, New America’s Open Technology Institute, and the Center for Democracy & Technology – I have engaged in legal policy work, and I have not generally had “clients” in the traditional sense. Rather, I have conducted legal research and writing, and have engaged in policy advocacy on behalf of my non-profit organization employers. The legal issues in which I have specialized have included civil rights law, national security and privacy and civil liberties.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

While I served at the Justice Department from 1991 through 1998, I was a litigator. Other than a 14-month period from July 1995 through August 1996 (when I served on an internal Justice Department task force), 100% of my work in this position consisted of litigation, all of which was in federal courts. The frequency of my appearances in court varied, but other than during the two bench trials that I litigated, I did not appear in court very often. I did appear for various status conferences and hearings on motions. However, most of my time was spent conducting investigations prior to filing lawsuits, conducting discovery – including depositions – for pending litigation, and negotiating consent decrees to resolve lawsuits. Since I left the Justice Department in June 1998, none of my

positions have involved conducting litigation.

i. Indicate the percentage of your practice in:

1. federal courts: 100%
2. state courts of record:
3. other courts:
4. administrative agencies:

ii. Indicate the percentage of your practice in:

1. civil proceedings: 100%
2. criminal proceedings:

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

During my employment at the Justice Department, I litigated two bench trials to final judgment, although they were for the same case. (The case went up on appeal in between the two trials.) I was one of two attorneys handling this matter for the Justice Department. I was the more junior attorney, but we divided the responsibilities and examination of the witnesses relatively equally. I also won two cases on summary judgment. I was the sole line attorney for the Justice Department for both of these cases. I resolved the remainder and vast majority of my cases by consent decree.

i. What percentage of these trials were:

1. jury:
2. non-jury: 100%

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not argued orally before the Supreme Court. Nor have I filed any merits briefs or petitions for writ of certiorari in the Supreme Court.

I have served as counsel on behalf of the Constitution Project (2005 – 2013) and on behalf of the Center for Democracy & Technology (July 2021 – present) in filing amicus briefs before the Supreme Court, although I have not served as counsel of record for these briefs:

Brief in *Tuggle v. United States*, No. 21-541, on behalf of the Electronic Frontier Foundation, Brennan Center for Justice, Center for Democracy & Technology, Electronic Privacy Information Center, and National Association of Criminal Defense Lawyers, as amici in support of petitioner, Nov. 12, 2021

<https://cdt.org/wp-content/uploads/2021/11/2021-November-308271-Supreme-Court-Brief-Tuggle-v-US.pdf> Copy supplied.

Brief in *United States v. Jones*, No. 10-1259, on behalf of The Constitution Project as amicus in support of respondent, October 2011  
[https://archive.constitutionproject.org/wp-content/uploads/2012/09/100411\\_amicusbriefjonesvusgpstracking.pdf](https://archive.constitutionproject.org/wp-content/uploads/2012/09/100411_amicusbriefjonesvusgpstracking.pdf) Copy supplied.

Brief in *Ashcroft v. Al-Kidd*, No. 10-98, on behalf of The Constitution Project as amicus in support of respondent, January 2011  
[https://archive.constitutionproject.org/wp-content/uploads/2012/10/al-Kidd\\_jan31\\_2011.pdf](https://archive.constitutionproject.org/wp-content/uploads/2012/10/al-Kidd_jan31_2011.pdf) Copy supplied.

Brief in *Mohamed v. United States and Jeppesen Dataplan*, No. 10-778, on behalf of The Constitution Project as amicus in support of petitioners, January 2011  
<https://archive.constitutionproject.org/wp-content/uploads/2012/10/JeppesenAmicusBrief.pdf> Copy supplied.

Brief in *General Dynamics Corp. v. United States* and *Boeing Co. v. United States*, Nos. 09-1298 & 09-1302, on behalf of The Constitution Project as amicus in support of petitioners, November 2010  
<https://archive.constitutionproject.org/wp-content/uploads/2012/10/GenDynamicsAmicus11-19-10.pdf> Copy supplied.

Brief in *Holder v. Humanitarian Law Project*, Nos. 08-1498 & 09-89, on behalf of The Constitution Project and The Rutherford Institute as amici in support of respondents, November 2009  
<https://archive.constitutionproject.org/wp-content/uploads/2012/09/357.pdf> Copy supplied.

Brief in *Kiyemba v. Obama*, No. 08-1234, on behalf of The Association of the Bar of The City of New York, The Brennan Center for Justice at the New York University School of Law, The Constitution Project, The Rutherford Institute, and The National Association of Criminal Defense Lawyers, as amici in support of petitioners, May 2009  
<https://archive.constitutionproject.org/wp-content/uploads/2012/10/373.pdf> Copy supplied.

Brief in *Al-Marri v. Spagone*, No. 08-368, on behalf of The Cato Institute, The Constitution Project and The Rutherford Institute as amici in support of petitioner, January 2009  
<https://archive.constitutionproject.org/wp-content/uploads/2012/10/76.pdf> Copy supplied.

Brief in *Geren v. Omar* and *Munaf v. Geren*, Nos. 07-394 & 06-1666, on behalf of The Constitution Project and The Rutherford Institute as amici in support of habeas petitioners, February 2008  
<https://archive.constitutionproject.org/wp-content/uploads/2012/10/199.pdf> Copy supplied.

Brief in *El-Masri v. United States*, No. 06-1613, on behalf of The Constitution Project as amicus in support of petitioner, September 2007  
<https://archive.constitutionproject.org/wp-content/uploads/2012/10/211.pdf> Copy supplied.

Brief in *Boumediene v. Bush* and *Al Odah v. United States*, Nos. 06-1195 & 06-1196, on behalf of Coalition of Non-Governmental Organizations as amici in support of petitioners, August 2007 <https://archive.constitutionproject.org/wp-content/uploads/2012/10/183.pdf> Copy supplied.

Brief in *Rahmani v. United States*, No. 06-241, on behalf of The Constitution Project as amicus in support of petitioners, November 2006  
<https://archive.constitutionproject.org/wp-content/uploads/2012/10/132.pdf> Copy supplied.

Brief in *Hamdan v. Rumsfeld*, 05-184, on behalf of the Center for National Security Studies and The Constitution Project as amici in support of petitioner, January 2006 <https://archive.constitutionproject.org/wp-content/uploads/2012/10/201.pdf> Copy supplied.

15. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. United States v. Kings Pointe Apartments  
Case No. 92-CV-77305-DT  
United States District Court for the Eastern District of Michigan  
The Honorable Avern Cohn  
1992-94

I filed this lawsuit on behalf of the Justice Department in December 1992, alleging that the housing providers had engaged in a pattern or practice of discrimination on the basis of race, color, and familial status, in violation of the Fair Housing Act. The case was based on evidence

gathered through the Justice Department's fair housing testing program. After I and another attorney conducted discovery in the case, we negotiated a consent order on behalf of the United States with the defendants, which was entered by the court in November 1994. Among other provisions, the consent order required the defendants to pay \$425,000, which was then the largest rental housing settlement ever obtained by the Justice Department.

Opposing counsel:  
Laurence Deitch  
Gordon Gold  
Seyburn, Kahn, Ginn, Bess, Howard & Deitch  
2000 Town Center, Suite 1500  
Southfield, MI 48075

2. United States v. Nationwide Mutual Insurance Co.  
Case No. C2-97-291  
United States District Court for the Southern District of Ohio  
The Honorable George C. Smith  
1995-97

I was one of the attorneys who conducted an investigation on behalf of the Justice Department examining the practices of Nationwide Insurance in offering and providing homeowners insurance. The attorneys and leadership concluded that the evidence reflected that Nationwide Insurance had engaged in a pattern or practice of discrimination on the basis of race, color, and national origin in violation of the Fair Housing Act. On behalf of the Justice Department, we negotiated a settlement agreement with the defendants which we filed simultaneously with the complaint. The consent decree was entered by the court in March 1997. At the time, this was the most comprehensive insurance redlining settlement entered by the Justice Department. Then-Attorney General Janet Reno announced the settlement at a press conference.

Opposing counsel:  
W. Sidney Druen  
Thomas Dietrich  
David White  
Nationwide Mutual Insurance company  
One Nationwide Plaza  
Columbus, OH 43215

3. United States v. Northern Trust  
Case No. 95C-3239  
United States District Court for the Northern District of Illinois  
The Honorable Claire Williams  
1993-95

I was one of the attorneys who initiated an investigation on behalf of the U.S. Department of Justice in November 1993, to examine the mortgage lending practices of the Northern Trust Company and its affiliates. Attorneys and leadership concluded that the evidence reflected that Northern Trust had engaged in a pattern or practice of discrimination against Black and Hispanic mortgage applicants in violation of the Fair Housing Act and the Equal Credit Opportunity Act. On behalf of the Justice Department, we negotiated a settlement agreement with the defendants which we filed simultaneously with the complaint. The consent order was entered by the court in June 1995. The case was part of a new initiative on the part of the Housing & Civil Enforcement Section to address discrimination in mortgage lending under the Fair Housing Act, and this was the second settlement announced under this initiative.

Opposing counsel:  
Robert W. Tarun  
Thomas Bearrows  
Timothy O'Connor  
Winston & Strawn  
35 W. Wacker Drive  
Chicago, IL 60601

4. United States v. City of Taylor, Michigan  
United States v. City of Taylor, Mich., 872 F. Supp. 423 (E.D. Mich. 1995); United States v. City of Taylor, Mich., 798 F. Supp. 442 (E.D. Mich. 1992)  
The Honorable Horace Gilmore  
1991-97

I was one of the attorneys who represented the United States in a lawsuit alleging that the City of Taylor, Michigan had engaged in discrimination on the basis of disability in violation of the Fair Housing Act. The case involved the city's refusal to permit the operation of a group home for elderly disabled people. The district court ruled in favor of the government and private plaintiff in the first trial, but on appeal, the U.S. Court of Appeals for the Sixth Circuit reversed and remanded. On retrial, the district court again found that the city had engaged in illegal discrimination on the basis of disability, and the city appealed again. On the second appeal, the court of appeals affirmed in part and reversed in part. Ultimately, it upheld the district court's finding that the city unlawfully denied the group home operators a reasonable accommodation to enable them to provide housing for elderly disabled residents.

Co-Counsel (representing the owners of the group home):  
Gregory Bator

Bator, Roualet & Berlin  
400 W. Maple, Suite 300  
Birmingham, MI 48009

Opposing Counsel:  
Patrick McCauley  
Sommers, Schwartz, Silver & Schwartz  
2000 Town Center, Suite 900  
Southfield, MI 48075

5. United States v. City of Hayward, California  
United States v. City of Hayward, 805 F. Supp. 810 (N.D. Cal. 1992)  
The Honorable Fern Smith  
1991-96

I filed suit on behalf of the United States against the City of Hayward, California for discrimination on the basis of familial status in violation of the Fair Housing Act. The judge granted the motion for summary judgement that I filed on behalf of the government. As the court found, the city had discriminated against families with children through its interpretation of its rent control ordinance, when the city required a mobile home park to provide a rent reduction to complaining residents after the park decided to accept families with children as residents. The district court, however, refused to award damages, and both sides filed cross appeals. On appeal, the U.S. Court of Appeals for the Ninth Circuit upheld the finding in the government's favor that the city had discriminated in violation of the Fair Housing Act, and ordered that the city was required to pay compensatory damages.

Opposing counsel:  
Michael O'Toole  
Penny Nakatsu  
City of Hayward  
25151 Clawiter Road  
Hayward, CA 94545

6. United States v. Lexington Village Assoc. and United States v. Hillcrest Assoc.  
Civil Action No. 97—5923 and Civil Action No. 97-5937 (consolidated)  
United States District Court for the District of New Jersey  
The Honorable Dennis Cavanaugh, U.S. Magistrate Judge  
1997-98

I was one of the attorneys who filed this lawsuit on behalf of the Justice Department in 1997, alleging that the housing providers had engaged in a pattern or practice of discrimination on the basis of race in violation of the Fair Housing Act. As with United States v. Kings Pointe Apartments

listed above, the case was based on evidence gathered through the Justice Department's fair housing testing program. The United States and the defendants resolved this case by consent order which was entered by the court in April 1998. Among other relief, it ordered the housing providers to pay \$50,000 in civil penalties plus \$250,000 in damages.

Opposing counsel:  
Everett C. Johnson, Jr.  
Minh N. Vu  
Latham & Watkins  
1001 Pennsylvania Ave., NW  
Suite 1300  
Washington, DC 20004

7. United States v. City of Charlotte, North Carolina  
No. 3-94CV-394-MU  
United States District Court for the Western District of North Carolina  
The Honorable Graham Mullen  
1994-95

I was one of the attorneys who filed this case on behalf of the Justice Department in 1994 alleging that the City of Charlotte, North Carolina had engaged in a pattern or practice of discrimination on the basis of handicap through its treatment of group homes for people with disabilities. The owner of a group home sought to intervene in the case, and the City of Charlotte filed a motion to dismiss the intervenor's complaint. We filed a brief on behalf of the United States in support of the intervenor's complaint. The district court partially granted the city's motion.

Reported opinion: *United States v. City of Charlotte*, 904 F. Supp. 482 (W.D.N.C. 1995).

To the best of my recollection, the parties ultimately resolved the case by Consent Order.

Opposing counsel:  
DeWitt F. McCarley  
David M. Smith  
Office of City Attorney  
City of Charlotte  
600 East Fourth Street  
Charlotte, N.C. 28202

Daniel G. Clodfelter  
Susan E. Rowell  
Meredith W. Holler  
Moore & Van Allen, P.L.L.C.



NationsBank Corporate Center  
100 North Tryon Street, Floor 47  
Charlotte, N.C. 28202-4003

8. Thanda Wai v. Allstate Insurance Company  
Civil Action No. 1:97CV01551  
United States District Court for the District of Columbia  
The Honorable Harold Greene  
1998

I was one of the attorneys who filed an amicus brief on behalf of the United States in this case alleging that the defendant insurance companies engaged in discrimination on the basis of disability in violation of the Fair Housing Act and the Americans with Disabilities Act (ADA). The United States' amicus brief supported plaintiffs in opposing a motion to dismiss filed by the defendants, including arguing that the plaintiff was entitled to state claims under the Fair Housing Act and that the ADA and that the ADA covers the terms and conditions of insurance policies. The court decided in favor of the plaintiffs and denied the motion to dismiss.

Reported opinion: *Wai v. Allstate Insurance Co.*, 75 F. Supp. 2d 1 (D.D.C. 1999).

ADDITIONAL CASES: I handled numerous other cases during my tenure with the Civil Rights Division, but I do not possess, nor can I locate, records containing all of the requested information for additional matters. However, I can list the following additional significant cases with the partial information available in my records:

9. United States v. Donald Short  
United States District Court for the Western District of Pennsylvania  
Approximately 1992 – 95

I filed this case on behalf of the Justice Department alleging that the defendant discriminated on the basis of handicap in violation of the Fair Housing Act. The defendant harassed the tenants at a rental property he owned after he learned that they had AIDS. The judge granted the motion for summary judgment that I filed on behalf of the United States, but there was no reported decision and I do not have a copy of the opinion in my records. Thereafter, the parties reached a settlement and the court entered a Consent Order designed to prevent future discrimination.

10. United States v. Rassekhi  
United States District Court for the Southern District of California

1992 – 93

I was one of the attorneys who filed this lawsuit on behalf of the Justice Department in 1992, alleging that the housing providers who owned and operated the Magnolia Apartments in Sherman Oaks, California, had engaged in a pattern or practice of discrimination on the basis of race in violation of the Fair Housing Act. This case was also based on evidence gathered through the Justice Department's fair housing testing program. The parties resolved this case by consent order which was entered by the court in May 1993. Among other relief, it ordered the housing providers to pay \$100,000 in damages and civil penalties.

16. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I have described my most significant litigation activities in response to question 15 above. During my service as a Trial Attorney for the Civil Rights Division of the Justice Department, I also conducted a number of investigations into allegations of housing discrimination in violation of the Fair Housing Act, and allegations of discrimination in public accommodations in violation Title II of the Civil Rights Act of 1964.

As Special Counsel at the Federal Communications Commission, my legal activities included developing and overseeing a series of studies which examined the extent to which small, women- and minority-owned firms in the communications industry experienced market entry barriers. The studies were commenced pursuant to Section 257 of the Telecommunications Act of 1996, 47 U.S.C. § 257, which requires that the FCC identify and eliminate market entry barriers for entrepreneurs and other small telecommunications businesses, and Section 309(j) of the Act, which requires the FCC to further opportunities in the allocation of spectrum-based services for small businesses and businesses owned by women and minorities. In addition, I coordinated field hearings in connection with FCC BO Docket No. 99-11.

As Executive Director of the Washington Council of Lawyers, I managed the day-to-day affairs of the organization and its finances, and ensured compliance with federal and District of Columbia regulations. I also analyzed legal policy issues in connection with planning panel discussions on topics of public interest concern.

As Executive Director of the Privacy and Civil Liberties Oversight Board, I analyzed a variety of legal and policy issues in support of the Board's mission to ensure that federal counterterrorism activities include adequate safeguards for privacy and civil liberties. This included analyzing legal issues under the First and Fourth Amendments and the

Foreign Intelligence Surveillance Act (FISA). I also worked closely with the agency's general counsel in reviewing legal issues associated with the PCLOB's operation as a federal agency.

In my positions for the Constitution Project and New America's Open Technology Institute, as well as in my current position at the Center for Democracy & Technology, I have analyzed a variety of legal and policy issues involving national security and privacy and civil liberties. These have included legal issues under the First and Fourth Amendments, the Electronic Communications Privacy Act, and the Foreign Intelligence Surveillance Act (FISA). I have engaged in limited lobbying activities on behalf of each of these employing organizations, under the legal limits permitted for 501(c)(3) organizations. My lobbying activities have involved meeting with congressional staff and sending written advocacy materials to staff, to explain and advocate for the legal positions of these organizations. This has included providing feedback on a variety of proposed bills and urging the development of legislation to increase safeguards for privacy and civil liberties.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses on a full time basis. From time to time, I have been asked to serve as a guest lecturer at educational institutions on various topics.

18. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have no arrangements in the future to be compensated for any financial or business interest.

19. **Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service? If so, explain.

None

20. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report,

required by the Ethics in Government Act of 1978, may be substituted here).

Please see my SF-278 as provided by the Office of Government Ethics.

21. **Statement of Net Worth**: Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

22. **Potential Conflicts of Interest**:

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

During the nomination process, I consulted with the PCLOB's Designated Ethics Officer to identify any potential conflicts. If I am confirmed, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the agency's designated agency ethics official. If confirmed, I will continue to consult with the agency's ethics office and will recuse myself from any matter in which recusal is required.

23. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional work load, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

I have spent my entire legal career in public service for various government agencies and working for various non-profit legal organizations.

My work at the Justice Department's Civil Rights Division involved representing the interests of protected classes, including racial, ethnic and religious minorities, as well as women, families with children, and people with disabilities.

At the Federal Communications Commission, my work involved various projects in support of the Chairman's "Opportunity Agenda," including studies to examine market entry barriers for minority and women-owned firms, as well as field hearings to examine obstacles to telephone service for Native Americans living on reservations.

At the Washington Council of Lawyers, I promoted the mission of the organization to promote pro bono and public interest legal work by all members of the D.C. Bar, including working to establish training programs.

At the Privacy and Civil Liberties Oversight Board, my work included examining the risks to privacy and civil liberties presented by counterterrorism programs, and supporting the Board in developing recommendations for measures to improve protections for privacy and civil liberties.

In my legal policy work at the Constitution Project, New America's Open Technology Institute, and the Center for Democracy & Technology, I have advocated for greater protections for privacy, civil liberties and civil rights, including pressing for reforms to address the impact of surveillance activities on minority groups and other impacted communities.