

2808 Battery Place, NW
Washington, DC 20016

December 21, 2021

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

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

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

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

Re: Letter in Support of the Nomination of Sharon Bradford Franklin as Chair of the Privacy and Civil Liberties Oversight Board

Dear Senators,

I have the pleasure of writing to you in support of the nomination of Sharon Bradford Franklin to be Chair of the Privacy and Civil Liberties Board. I am the founder and president emeritus of The Constitution Project, an independent think tank that promotes and defends constitutional safeguards. I had the pleasure of working with Ms. Franklin for approximately 8 1/2 years, when she served as senior counsel on a variety of projects, and worked closely with our bipartisan Liberty and Security Committee after it was created.

The Constitution Project, which was merged into the Project on Government Oversight in 2018, carries out its mission through recommendations for policy reforms crafted and issued by a group of ideologically diverse prominent Americans. These recommendations are broadly disseminated, including to federal, state, and local policymakers, the press, and the public.

Ms. Franklin came to The Constitution Project in March 2005. Following the September 11, 2001, terrorist attacks on the United States, we created our Liberty and Security Committee. That Committee

was co-chaired by David Keene, then the chair of the American Conservative Union, and David Cole, then a Georgetown Law Center professor and now the national legal director for the American Civil Liberties Union. Committee members were dedicated to developing and advancing proposals to protect civil liberties even as our country worked to make Americans safe. A major issue considered by the Committee was the tension between measures designed to enhance security and constitutional values relating to personal liberty and privacy. For example and of relevance, the Committee considered reforms of data mining procedures to ensure the preservation of civil liberties as part of the Committee's ongoing efforts to examine areas in which technology was developing more quickly than the law, and to ensure that government programs incorporate proper safeguards to preserve constitutional rights in the digital age and beyond.

Ms. Franklin played a major role in researching and drafting the Committee's reports and shorter statements. She worked closely with the Committee to develop their recommendations, including working with them to find areas of consensus and drafting language to capture that consensus. She also worked with the Committee to disseminate those recommendations.

In my experience, Ms. Franklin's ability to work in a bipartisan manner and to keep an open mind on all issues is extraordinary. She was able to find consensus among so many eminent people on the Liberty and Security Committee, all of whom came to the Committee with strong and often divergent views. Her analytical skills and expertise, regarding all of the issues on which she worked, are outstanding.

I know that if she is confirmed, Ms. Franklin will bring the same abilities to her role as Chair of the Privacy and Civil Liberties Board. I am delighted to support her nomination and would be happy to provide further information to you if you need it.

Thank you for considering this letter and Ms. Franklin's nomination.

Very Truly Yours,

A handwritten signature in black ink that reads "Virginia E. Sloan". The signature is written in a cursive, flowing style.

Virginia E. Sloan
Founder and President-Emeritus
The Constitution Project