

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

TRAVIS LEBLANC, *et al.*,

Plaintiffs,

v.

UNITED STATES PRIVACY AND CIVIL
LIBERTIES OVERSIGHT BOARD, *et al.*,

Defendants.

Civil Action No. 25-542 (RBW)

DECLARATION OF EDWARD FELTEN

I, Edward Felten, declare as follows:

1. This declaration is based on my personal knowledge and belief. I am over eighteen years of age and competent to testify to the matters set forth herein.

2. In March 2018, I was nominated by President Donald J. Trump and in October 2018 I was confirmed unanimously by the United States Senate to serve as a Board member of the United States Privacy and Civil Liberties Oversight Board (“PCLOB” or “the Board”). On March 14, 2019, I was renominated by President Trump and reconfirmed unanimously by the Senate on June 27, 2019, for a second term that initially ran through January 29, 2025. I am eligible at my election to serve until January 29, 2026, because no successor has been confirmed to take my place.

3. By statute, Board members are required to be appointed “on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience.” I have extensive experience and expertise in technology, civil liberties, and privacy that are relevant to my service as a Board member. Between 1993 and 2021, I was a professor of computer science and public affairs at Princeton University; I am now an emeritus

professor. I founded, and for over a decade led, Princeton's Center for Information Technology Policy, which focuses on issues including data security and privacy. I previously served as Chief Technologist of the Federal Trade Commission and Deputy United States Chief Technology Officer. Before joining PCLOB, I served on advisory groups or working groups, or as a consultant, to the Departments of Defense, Justice, Homeland Security, and Commerce. I am a member of the National Academy of Engineering and the American Academy of Arts and Sciences. In 2023-24 I served as co-chair of a National Academies report committee on facial recognition technology. According to Google Scholar, my academic publications have been cited more than 27,000 times in the research literature.

4. As of January 20, 2025, the Board had four members: myself, Travis LeBlanc, Beth Williams, and Sharon Bradford Franklin, the chair. Ms. Bradford Franklin's term, which had been extended by one year pursuant to the statutory holdover provision, was set to expire on January 29, 2025. Mr. LeBlanc, Ms. Bradford Franklin, and I are Democrats, while Ms. Williams is a Republican.

5. On Tuesday, January 21, 2025, at 6:54 p.m., I received an email from Deputy Director of Presidential Personnel Trent Morse, sent from a White House email address, with the subject line "Privacy and Civil Liberties Oversight Board." The email stated:

On behalf of President Donald J. Trump, I am writing to request your resignation as a Member of the Privacy and Civil Liberties Oversight Board. Please submit your resignation to me by the close of business on Thursday, January 23, 2025. If we have not received your resignation by that time, your position will be terminated. Should the President determine your services are still needed, you will receive additional correspondence.

A copy of that email is attached as Exhibit A.

6. Mr. Morse's email did not offer any cause or offer any explanation for the requested resignation or for the threatened termination.

7. Mr. LeBlanc and the chair of the PCLOB, Ms. Bradford Franklin, advised me that they received similar emails threatening to terminate them without cause.

8. I was not provided advance notice, a hearing, or any other process prior to the President's decision to terminate me.

9. I did not, and have not, resigned.

10. Staff members at the PCLOB have advised me that on Thursday, January 23, another PCLOB Board member, Beth Williams, informed PCLOB staff that the three Democratic Board members would be terminated that evening. Staff members also advised me that she ordered PCLOB staff to stay past the close of business that day for the purpose of effectuating our anticipated removal from the Board, including removing us as active Board members on the PCLOB website.

11. I did not receive any notice of any termination by the President on Thursday, January 23; Friday, January 24; Saturday, January 25; or Sunday, January 26.

12. PCLOB staff have advised me that, on Monday, January 27, 2025, Mr. Morse notified Ms. Williams to terminate me and my fellow Board members Mr. LeBlanc and Ms. Bradford Franklin. PCLOB staff advised me that Ms. Williams then directed PCLOB staff to cut off my access to my PCLOB email account, revoke my access to PCLOB's offices, remove me from the PCLOB website as an active Board member, and terminate me from the agency.

13. On Monday, January 27, I received a notification via Microsoft Outlook that I had been locked out of my PCLOB email account.

14. Subsequently on Monday, January 27, I received, via my non-government email address, an email from Mr. Morse, with the subject line "Privacy and Civil Liberties Oversight Board." The email stated:

Hello,

This email confirms that your position on the Privacy and Civil Liberties Oversight Board was terminated on Thursday, January 23, 2025 at 17:01.

I responded with an email requesting a copy of the President's order. Mr. Morse did not respond.

A copy of this email exchange is attached as Exhibit B.

15. Mr. Morse's email did not offer any cause or offer any explanation for my termination.

16. The President has not informed me in any other way that he believes that I have committed neglect of duty or malfeasance or that there is any other cause for my removal.

17. Mr. LeBlanc and Ms. Bradford Franklin were also purportedly terminated on January 27, 2025.

18. The PCLOB now lacks the quorum necessary to conduct its statutorily mandated functions.

19. Prior to my purported termination, I was working on PCLOB's mandatory semi-annual report to Congress, an important report on the use of facial recognition in aviation security, and a forthcoming report to Congress on Section 702 of the Foreign Intelligence Surveillance Act (among other projects). Authority for Section 702 is set to expire in April 2026, and Congress will be considering whether to re-authorize Section 702, and under what terms, in the coming year. Collecting information and drafting the report will take many months, after which the report will need to clear an extensive accuracy and classification review—meaning that if Mr. LeBlanc and I are not reinstated, it is highly unlikely that Congress will have the benefit of this nonpartisan report before Congress is required to act on the Section 702 reauthorization.

20. As a result of the purported termination, I am unable to carry out my statutorily mandated duties as a Senate-confirmed member of the PCLOB.

21. I seek reinstatement so that I can fulfill the duties for which the President nominated and the Senate confirmed me, and a monetary award would not adequately compensate me for the injury caused by my purported termination.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed in Alexandria, Virginia on March 12, 2025.

A handwritten signature in blue ink, appearing to read 'EFelten', is written above a horizontal line.

Edward Felten

Exhibit A

From: **Morse, Trent M. EOP/WHO** <Trent.M.Morse@who.eop.gov>

Date: Tue, Jan 21, 2025 at 6:54 PM

Subject: Privacy and Civil Liberties Oversight Board

To: ed.felten@pclob.gov <ed.felten@pclob.gov>, ed@felten.com <ed@felten.com>, felten@CS.Princeton.EDU <felten@cs.princeton.edu>, ed@princeton.edu <ed@princeton.edu>

Edward,

On behalf of President Donald J. Trump, I am writing to request your resignation as a Member of the Privacy and Civil Liberties Oversight Board. Please submit your resignation to me by the close of business on Thursday, January 23, 2025. If we have not received your resignation by that time, your position will be terminated. Should the President determine your services are still needed, you will receive additional correspondence.

Trent Morse

Deputy Director of Presidential Personnel

Exhibit B

From: **Ed Felten** <ed@felten.com>
Date: Mon, Jan 27, 2025 at 4:36 PM
Subject: Re: FW: Privacy and Civil Liberties Oversight Board
To: Morse, Trent M. EOP/WHO <Trent.M.Morse@who.eop.gov>
Cc: Richard Morgan <Richard.Morgan@pclob.gov>

Please send a copy of the President's order.

On Mon, Jan 27, 2025 at 2:52 PM Morse, Trent M. EOP/WHO
<Trent.M.Morse@who.eop.gov> wrote:

Hello,

This email confirms that your position on the Privacy and Civil Liberties Oversight Board was terminated on Thursday, January 23, 2025 at 17:01.

From: Morse, Trent M. EOP/WHO
Sent: Tuesday, January 21, 2025 6:55 PM
Subject: Privacy and Civil Liberties Oversight Board

On behalf of President Donald J. Trump, I am writing to request your resignation as a Member of the Privacy and Civil Liberties Oversight Board. Please submit your resignation to me by the close of business on Thursday, January 23, 2025. If we have not received your resignation by that time, your position will be terminated. Should the President determine your services are still needed, you will receive additional correspondence.

Trent Morse
Deputy Director of Presidential Personnel