

STATE OF THE NET



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State of the Net - Feb 11 2025

12 Fireside Chat with Travis LeBlanc

LeBlanc's Dismissal from PCLOB

- **Fired by President Trump:** LeBlanc received an email from an unknown person in the White House asking him to resign or be terminated within 48 hours. Initially, he thought it was spam due to the unusual email addresses it was sent to.
- **Legality of the Firing:** He pointed out the **contradiction**—the PCLOB was designed to be an **independent agency**, with members appointed for six-year terms. While there's no explicit protection against removal in the statute, the restructuring of PCLOB in 2007 intentionally **removed the "serving at the pleasure of the President" clause**.
- **Considering Legal Action:** LeBlanc stated that he was **exploring legal options** to challenge his removal.

Concerns About Surveillance and Government Oversight

- **Section 702 of FISA:** A critical law that allows foreign surveillance but has raised concerns over **incidental collection of U.S. citizen data**. PCLOB was actively reviewing its implications, and LeBlanc feared that without proper oversight, government spying on Americans could increase.
- **Customs and Border Protection (CBP) Tactical Terrorism Response Teams:** These teams conduct **border surveillance and phone access** operations. LeBlanc was particularly concerned about **potential coordination with the FBI** for intelligence gathering on U.S. citizens.

The Role and Independence of PCLOB

- **Why PCLOB Matters:** Established after 9/11 to **balance privacy and civil liberties**, PCLOB provides **independent oversight of federal surveillance activities**.
- **Impact of Its Weakening:** If the board is perceived as a rubber stamp for the administration, it could undermine **public trust** and **international agreements**, such as the **EU-U.S. Data Privacy Framework**.
- **Concerns About Independent Agencies:** The weakening of PCLOB could set a precedent for removing members from other independent agencies, like the **Federal Election Commission** or **Consumer Financial Protection Bureau**, ultimately undermining **regulatory stability** and **expert oversight**.

Broader Political and Legal Implications

- **Potential Constitutional Crisis:** Fung and LeBlanc discussed concerns that the administration's **lack of respect for judicial orders** could lead to a **breakdown in legal oversight**.
- **Impact on EU-U.S. Relations:** European officials rely on **independent oversight** of U.S. surveillance to justify data transfers. If PCLOB is seen as ineffective, it could threaten transatlantic data agreements.
- **Advice to Democrats:** LeBlanc suggested a **Tennessee Three-style response**, where dismissed members could be renominated to restore the board's independence.

Future Considerations

- **Would LeBlanc Return?** He stated that if called back, he would continue his service.
- **Potential Next Steps:** He was still considering his options but warned that allowing this precedent to stand could permanently weaken PCLOB and similar agencies.
- **Does Weakening PCLOB Undermine National Security?** LeBlanc argued that it **undermines privacy and civil liberties**, as well as **public confidence in government oversight**.

The conversation concluded with an acknowledgment of the critical role **independent oversight agencies** play in **balancing government power, privacy rights, and national security**.