

June 18, 2012

By Facsimile (202-616-2665)

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Holder:

The undersigned organizations respectfully call upon you to release the memorandum drafted by the Department of Justice's Office of Legal Counsel ("OLC") justifying the killing of Anwar al-Awlaki, an American-born radical Muslim cleric killed by a drone strike in September 2011, and perhaps others as well.

One of the greatest strengths of our democracy lies in our country's ability to engage in public debate on some of the most controversial issues of our time. The national soul searching that often accompanies such discussions strengthens our government and its decision-making processes. This occurred when President Barack Obama authorized the disclosure of memoranda issued by the OLC justifying the use of certain forms of torture on detainees, the so-called "torture memos." Unquestionably the president made the right decision by releasing those memos -- helping to restore confidence in our government -- even if many citizens disagree with the policy authorized by the memos.

Today, we face yet another test of our democracy as questions are raised about the wisdom and legality of the United States government conducting targeted killings on foreign soil. Newspaper articles have revealed that the OLC issued a memorandum justifying the killing of Anwar al-Awlaki, though it may apply to others as well. Nevertheless, despite numerous calls for its disclosure by members of Congress and several Freedom of Information Act (FOIA) requests, the Department of Justice has refused to release this memo.

As during the last administration, by withholding such a critical document from the American people, the Department of Justice appears to be attempting to evade the accountability that stems from transparency. The insistence that the targeted killing memo remain secret is all the more surprising given President Obama's stated commitment to an open government. On his first full day in office, the president issued a memorandum hailing the critical role transparency plays in our democracy and heralding the FOIA as "the most prominent expression of a profound national commitment to ensuring an open Government." The refusal to release the OLC memo stands in stark contrast to this declared principle.

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As President Obama stated when he ordered the release of the torture memos, “withholding these memos would only serve to deny facts that have been in the public domain for some time. This could contribute to an inaccurate accounting of the past, and fuel erroneous and inflammatory assumptions about actions taken by the United States.” While the length of time the public has been aware of the existence of OLC’s targeted killing memo is undoubtedly shorter, the need for release of the information is no less great. Accordingly, the undersigned organizations, dedicated to government transparency and accountability, respectfully request that you authorize the immediate disclosure of this OLC memorandum.

Sincerely,

American Library Association
Brennan Center for Justice
BORDC
Californians Aware
The Center for Public Forum Rights
Citizens for Responsibility and Ethics in Washington
Collaboration on Government Secrecy
Council on American-Islamic Relations
Defending Dissent Foundation
Electronic Frontier Foundation
Federation of American Scientists
Friends Committee on National Legislation
Government Accountability Project
Indy Media
Liberty Coalition
Muck Rock
National Freedom of Information Coalition
National Security Archive
OMB Watch
OpenTheGovernment.org
Progressive Librarians Guild
Project on Government Oversight
Public Citizen
Society of Professional Journalists

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Sunlight Foundation
Tully Center for Free Speech, Syracuse University
Utah Foundation for Open Government

cc: Senator Patrick J. Leahy
Rep. Jerrold Nadler