

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

February 7, 2013

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

Dear Mr. President:

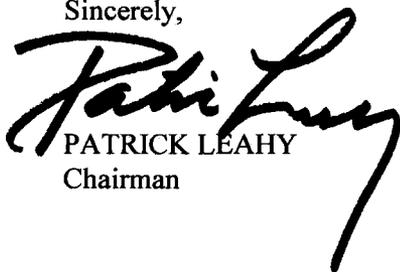
In October 2011, both of us wrote to the Attorney General seeking access to any legal opinions that had been prepared by the Department of Justice regarding legal justification for the targeted killing of American citizens abroad. Last year, the Department of Justice provided members of the Senate Committee on the Judiciary (Committee) with a confidential White Paper that addressed the lawfulness of lethal operations against U.S. citizens who are senior members of al Qaeda or associated forces. Unfortunately, this White Paper was not an adequate substitute for the underlying legal analysis that we believed had been prepared by the Department's Office of Legal Counsel (OLC), and we renewed our requests for the disclosure of those legal opinions. Earlier this week, as part of a bipartisan group of Senators, we sent a letter to you requesting that any and all OLC opinions regarding the targeted killing of American citizens abroad be disclosed to the Senate Judiciary and Intelligence Committees.

We were informed last evening that you had directed the Department to provide copies of relevant OLC opinions to members of the Senate Select Committee on Intelligence, but not this Committee. The deliberate killing of a United States citizen pursuant to a targeted operation authorized or aided by our Government raises significant constitutional and legal concerns that fall squarely within the jurisdiction of the Committee. Indeed, the analysis in the Department's White Paper centers on core constitutional questions about the scope and application of the Fourth and Fifth Amendments, as well as the possible violation of federal criminal statutes. In addition, the Committee has direct oversight jurisdiction over the Department, including OLC.

Our Committee plays an important role in providing congressional oversight over important national security and intelligence activities conducted by the Executive Branch, and our Members and our staff have frequently been provided access to highly classified documents. Given the important constitutional issues implicated by the targeted killing of U.S. citizens by our Government, and given our Committee's jurisdiction over these issues and the Department, we respectfully request that you direct the Department to promptly provide our Committee with access to unredacted copies of any and all legal opinions drafted by OLC that pertain to the targeted killing of U.S. citizens abroad.

Thank you for your attention to this important matter. We look forward to your response.

Sincerely,



PATRICK LEAHY
Chairman



CHARLES E. GRASSLEY
Ranking Member