

OBAMA TO RELEASE OLC MEMO AFTER ONLY 24 CONGRESSIONAL REQUESTS FROM 31 MEMBERS OF CONGRESS

Congratulations to Rand Paul, who, having made request number 24, has finally gotten the Administration to agree to publicly release the OLC memo authorizing the drone killing of Anwar al-Awlaki.

Here, for posterity, is a record of the at least 24 requests from at least 31 members of Congress for this memo.

February 2011: Ron Wyden **asks** the Director of National Intelligence for the legal analysis behind the targeted killing program; the letter references “similar requests to other officials.” (1)

April 2011: Ron Wyden **calls** Eric Holder to ask for legal analysis on targeted killing. (2)

May 2011: DOJ **responds** to Wyden’s request, yet doesn’t answer key questions.

May 18-20, 2011: DOJ (including Office of Legislative Affairs) **discusses** “draft legal analysis regarding the application of domestic and international law to the use of lethal force in a foreign country against U.S. citizens” (this may be the DOJ response to Ron Wyden).

October 5, 2011: Chuck Grassley **sends** Eric Holder a letter requesting the OLC memo by October 27, 2011. (3)

November 8, 2011: Pat Leahy **complains** about past Administration refusal to share targeted killing OLC memo. Administration drafts white paper, but

does not share with Congress yet. (4)

February 8, 2012: Ron Wyden **follows up** on his earlier requests for information on the targeted killing memo with Eric Holder. (5)

March 7, 2012: Tom Graves (R-GA) **asks** Robert Mueller whether Eric Holder's criteria for the targeted killing of Americans applies in the US; Mueller replies he'd have to ask DOJ. Per his office today, DOJ has not yet provided Graves with an answer. (6)

March 8, 2012: Pat Leahy **renews** his request for the OLC memo at DOJ appropriations hearing. (7)

June 7, 2012: After Jerry Nadler requests the memo, Eric Holder **commits** to providing the House Judiciary a briefing—but not the OLC memo—within a month. (8)

June 12, 2012: Pat Leahy **renews** his request for the OLC memo at DOJ oversight hearing. (9)

June 22, 2012: DOJ **provides** Intelligence and Judiciary Committees with white paper dated November 8, 2011.

June 27, 2012: In Questions for the Record following a June 7 hearing, Jerry Nadler **notes** that DOJ has sought dismissal of court challenges to targeted killing by claiming “the appropriate check on executive branch conduct here is the Congress and that information is being shared with Congress to make that check a meaningful one,” but “we have yet to get any response” to “several requests” for the OLC memo authorizing targeted killing. He also renews his request for the briefing Holder had promised. (10)

July 19, 2012: Both Pat Leahy and Chuck Grassley **complain** about past unanswered requests for OLC memo. (Grassley prepared an **amendment** as well, but withdrew it in favor of Cornyn's.) Leahy (but not Grassley) votes to table **John Cornyn amendment** to require Administration to release the memo.

July 24, 2012: SSCI passes **Intelligence**

Authorization that requires DOJ to make all post-9/11 OLC memos available to the Senate Intelligence Committee, albeit with two big loopholes.

December 4, 2012: Jerry Nadler, John Conyers, and Bobby Scott **ask** for finalized white paper, all opinions on broader drone program (or at least a briefing), including signature strikes, an update on the drone rule book, and public release of the white paper.

December 19, 2012: Ted Poe and Tredy Gowdy send Eric Holder **a letter** asking specific questions about targeted killing (not limited to the killing of an American), including “Where is the legal authority for the President (or US intelligence agencies acting under his direction) to target and kill a US citizen abroad?”

January 14, 2013: Wyden **writes** John Brennan letter in anticipation of his confirmation hearing, renewing his request for targeted killing memos. (11)

January 25, 2013: Rand Paul **asks** John Brennan if he’ll release past and future OLC memos on targeting Americans. (12)

February 4, 2013: 11 Senators **ask** for any and all memos authorizing the killing of American citizens, hinting at filibuster of national security nominees. (13)

February 6, 2013: John McCain **asks** Brennan a number of questions about targeted killing, including whether he would make sure the memos are provided to Congress. (14)

February 7, 2013: **Pat Leahy and Chuck Grassley** **ask** that SJC be able to get the memos that SSCI had just gotten. (15)

February 7, 2013: In John Brennan’s confirmation hearing, Dianne Feinstein and Ron Wyden reveal there are still outstanding memos pertaining to killing Americans, and renew their demand for those memos. (16)

February 8, 2013: Poe and Gowdy **follow up** on their December 19 letter, adding several questions, particularly regarding what “informed, high level” officials make determinations on targeted killing criteria.

February 8, 2013: Bob Goodlatte, Trent Franks, and James Sensenbrenner **join their Democratic colleagues** to renew the December 4, 2012 request. (17)

February 12, 2013: Rand Paul sends **second letter** asking not just about white paper standards, but also about how National Security Act, Posse Comitatus, and Insurrection Acts would limit targeting Americans within the US.

February 13, 2013: In **statement** on targeted killings oversight, DiFi describes writing 3 previous letters to the Administration asking for targeted killing memos. (18, 19, 20)

February 20, 2013: Paul sends **third letter**, repeating his question about whether the President can have American killed inside the US.

February 27, 2013: At hearing on targeted killing of Americans, HJC Chair Bob Goodlatte – and several other members of the Committee – renews request for OLC memos. (21)

March 11, 2013: Barbara Lee and 7 other progressives **ask Obama to release** “in an unclassified form, the full legal basis of executive branch claims” about targeted killing, as well as the “architecture” of the drone program generally. (22)

April 10, 2013: Bob Goodlatte and John Conyers **send Obama a letter** threatening a subpoena if they don’t get to see the drone killing memos. (23)

March 27, 2014: Alan Grayson holds hearing with drone victim, calls for more transparency over decision making.

April 21, 2014: 2nd Circuit orders Administration to release redacted version of

OLC memo to ACLU and NYT.

May 5, 2014: Rand Paul issues veto threat for David Barron's confirmation unless Administration releases OLC memo (already ordered for release by 2nd Circuit). (24)

May 20, 2014: The Most Transparent Administration Evah™ announces it will release (what is certain to be a highly redacted version of) the OLC memo.

Members of Congress who requested the memo:

1. Ron Wyden
2. Dianne Feinstein
3. Saxby Chambliss
4. Chuck Grassley
5. Pat Leahy
6. Tom Graves
7. Jerry Nadler
8. John Conyers
9. Bobby Scott
10. Ted Poe
11. Trey Gowdy
12. Rand Paul
13. Mark Udall
14. Dick Durbin
15. Tom Udall
16. Jeff Merkley
17. Mike Lee
18. Al Franken
19. Mark Begich
20. Susan Collins
21. John McCain
22. Bob Goodlatte
23. Trent Franks
24. James Sensenbrenner
25. Barbara Lee

26. Keith Ellison
27. Raul Grijalva
28. Donna Edwards
29. Mike Honda
30. Rush Holt
31. James McGovern