

# TARGETED KILLING

**September 17, 2001:** George Bush signs Memorandum of Notification (henceforth, Gloves Come Off MON) authorizing a range of counterterrorism techniques, including torture and targeted killing.

**September 18, 2001:** Congress passes the Authorization to Use Military Force.

**November 3, 2002:** US citizen Kamal Derwish killed in drone purportedly targeting Abu Ali al-Harithi.

**Late 2008:** Ruben Shumpert reported killed in Somalia.

**June 24, 2009:** Leon Panetta gets briefed on assassination squad program.

**June 26, 2009:** HPSCI passes a funding authorization report expanding the Gang of Eight briefings.

**July 8, 2009:** The Administration responds with an insulting appeal to a “fundamental compact” between Congress and the President on intelligence matters.

**July 8, 2009:** Silvestre Reyes announces CIA lied to Congress.

**October 26, 2009:** British High Court first orders British government to release language on Binyam Mohamed’s treatment.

**October 28, 2009:** FBI kills Imam Luqman Asmeen Abdullah during Dearborn, MI arrest raid.

**October 29, 2009:** Hearing on declassifying mention of Gloves Come Off MON before Judge Alvin Hellerstein; in it, Hellerstein reveals NSA James Jones has submitted declaration to keep mention of MON secret.

**November 5, 2009:** Nidal Hasan attacks Fort Hood, killing 13.

**December 24, 2009:** JSOC tries but fails to hit

Anwar al-Awlaki. On that day, the IC did not yet believe him to be operational.

**December 25, 2009:** With Umar Farouk Abdulmutallab attack, FBI develops full understanding of Awlaki's operational goals.

**January 2, 2010:** In conversation with David Petraeus, Yemeni President Ali Abdullah Saleh speaks as if Awlaki, whom he refers to as a cleric, not an AQAP member, was a designated target of December 24 attack.

**January 13, 2010:** ACLU FOIAs for information on drone killing.

**6 months before July 16, 2010 memo:** First David Barron drone killing memo.

**January 18, 2010:** DOJ prepares talking points for Eric Holder to brief Obama on targeted killing.

**January 19, 2010:** Eric Holder meeting with Obama.

**January 19, 2010:** State adds AQAP and Nasir al-Wuhayshi and Said al-Shihri – but not Anwar al-Awlaki – to FT0.

**January 25, February 15, 2010:** According to much later decrypted emails British Airways Engineer Rajib Karim and Awlaki discuss attacks on British Airways.

**January 26, 2010:** Dana Priest reports Awlaki was already on JSOC targeted killing list, CIA considering adding him.

**January 28, 2010:** AUSA Sean Lane asks Hellerstein for two more weeks (until February 12) to comply with order in torture FOIA case.

**January 29, 2010:** DOD denies ACLU's request for expedited processing/waiver. Abdulmutallab starts cooperating with FBI.

**February 2010:** Date on one of two OLC memos shared with Intelligence Committees in February 2013.

**February 1, 2010:** FBI informs Senate Intelligence Committee Abdulmutallab now cooperating.

**February 3, 2010:** Dennis Blair acknowledges drone program in Congress, explaining in part “We target them for taking action that threatens Americans or has resulted in it.”

**February 5, 2010:** Umar Farouk Abdulmutallab confession still consistent with “Abu Tarak” ordering plot, not Awlaki.

**February 9, 2010:** Potential Abdulmutallab confirmation Awlaki picked the target.

**February 9, 2010:** ODAG sends OLC two emails regarding language in January 18 talking points for Holder.

**February 10, 2010:** British Government releases language revealing they warned that Binyam Mohamed’s pre-OLC memo treatment might constitute torture.

**February 17, 2010:** Lane asks Hellerstein to stay his order regarding the Gloves Come Off MON language until he decides the ACLU’s motion to reconsider.

**February 19, 2010:** Second OLC memo authorizing Awlaki killing.

**February 23, 2010:** Abdulmutallab says he was not motivated by hatred of the US. This contradicts with his statement at sentencing.

**March 1-3, 2010:** Hilton submits a new declaration regarding the Gloves Come Off MON language, claiming new factual developments in the case; US Attorney Preet Bharara also submitted a letter urging Hellerstein to reconsider his ruling in light of the new facts.

**March 9, 2010:** CIA issues Glomar in Drone FOIA.

**March 25, 2010:** Harold Koh discusses targeted killing, implicitly discussing Awlaki.

**March 29-30, 2010:** Emails between OLC and attorneys from various agencies on potential

statement on legal basis against US citizens in certain circumstances.

**April 2010:** Anwar al-Awlaki put on CIA kill list.

**April 9, 2010:** Govt gets extension in Drone FOIA to May 6.

**April 16, 2010:** Abdulmutallab's interrogators ask about Awlaki's martyrdom.

**April 29, 2010:** End date of earlier March 29 email chain on targeted killing.

**Around June 2010:** OLC completes Awlaki memo.

**June 1, 2010:** ACLU files amended complaint in Drone FOIA adding CIA.

**June 11, 2010:** NYT's Scott Shane FOIAs DOJ OLC for memos on targeted killings.

**June 24, 2010:** David Barron announces his departure.

**July 2010:** According to recent reports, the date on the Barron/Lederman OLC memo.

**July 20, 2010:** Marty Lederman announces his departure.

**July 16, 2010:** Treasury puts Awlaki on Specially Designated Terrorist list; drone memo written.

**August 2010:** Stuart Delery becomes Senior Counselor to Holder.

**August 27, 2010:** Osama bin Laden questions whether Awlaki should take on greater leadership role without first being tested in battle.

**August 30, 2010:** Nasser al-Awlaki sues to prevent government from killing Anwar unless he presented imminent threat.

**September 13, 2010:** Abdulmutallab fires his lawyers, tries to plead guilty.

**September 14, 2010:** DOJ considers, then decides against, charging Anwar al-Awlaki

**October 2, 2010:** Hellerstein orders DOJ to

release Gloves Come Off MON language.

**October 10-11, 2010:** Emails between OLC, Attorney General's Office, and other National Security Lawyers on targeting US citizens.

**October 16, 2010:** Jabir al-Fayfi returns to Saudi Arabia and provides details of toner cartridge plot, naming others as more central leaders in plot.

**October 21, 2010:** Govt requests delay on FOIA discussion about MON itself pending decision on MON language.

**November 8, 2010:** Hearing in Nasser al-Awlaki suit on targeted killing.

**December 7, 2010:** Judge John Bates dismisses Awlaki suit.

**February 2011:** Ron Wyden asks DNI Clapper for information on Awlaki targeting.

**March 24, 29, 2011:** Department of State tries to get Awlaki to come to Embassy in Sanaa with ploy involving passport.

**April 2011:** Wyden calls Eric Holder and asks that OLC memos be provided to Congress.

**May 5, 2011:** US drone strike barely misses Awlaki

**May 18-20, 2011:** Emails between NSC, DOJ, and Legislative Affairs on draft legal analysis pertaining to lethal force against US citizen; one version includes Civil division; most include National Security Council.

**May 2011:** DOJ provides some information to Wyden, but doesn't answer his questions.

**June 23, 2011:** Memo from Mike Mullen to National Security Legal Advisor on effect of US citizenship on targeting enemy belligerents.

**September 9, 2011:** Judge Rosemary Collyer grants CIA summary judgment in Drone FOIA.

**September 16, 2011:** John Brennan speech lays out new standard for imminence.

**September 23, 2011:** Government moves to protect something in Abdulmutallab case apparently tied to Awlaki.

**September 30, 2011:** Anwar al-Awlaki and Samir Khan killed in drone strike.

**October 4, 2011:** During jury selection, Abdulmutallab yells out, "Anwar is alive," suggesting he had been told Awlaki had been killed.

**October 5, 2011:** Chuck Grassley requests targeted killing memo.

**October 7, 2011:** NYT's Charlie Savage FOIAs OLC for memos on targeting killings.

**October 8, 2011:** Savage publishes detailed description of June 2010 OLC memo.

**October 8, October 18, October 20-25, October 30-November 4, November 6-10, 2011:** OLC email discussions about lethal force against US citizen, also including other agencies.

**October 11, 2011:** In opening argument of Abdulmutallab trial, DOJ claims "Abu Tarak" as the director of Abdulmutallab's attack.

**October 12, 2011:** Abdulmutallab pleads guilty.

**October 14, 2011:** Abdulrahman al-Awlaki killed in JSOC drone strike.

**October 19, 2011:** ACLU FOIAs Anwar al-Awlaki OLC memo, underlying evidence supporting it, and information relating to Samir Khan and Abdullah al-Awalaki; group of OLC personnel meet in Virginia Seitz' office on response, ostensibly to just NYT.

**October 27, 2011:** OLC denies both NYT requests under FOIA exemptions (b)(1), (b)(3), and (b)(5), and, in response to Shane's request, also notes that with regards to other agencies, "neither confirms nor denies the existence of the documents" in the request.

**October 27, 2011:** DOJ Office of Information Policy grants ACLU's request for expedited

processing but determines the request fell within “unusual circumstances” so it could not meet the statutory deadline.

**October 31, 2011:** DOD denies ACLU’s request for expedited processing and also claimed “unusual circumstances.”

**November 2011, unknown date:** Situation Room meeting at which Principals decide to pursue a “half monty” strategy of limited release of information on Awlaki.

**November 2, 2011:** State sends two emails to AG, OLC, and various NatSec agencies on draft language on targeted killing.

**November 3, 2011:** Arbitrary end date DOJ’s Office of Information Policy placed on FOIA request for targeted killing documents.

**November 4, 2011:** NYT appeals its denial.

**November 7, 2011:** USSOCOM denies ACLU’s request for expedited processing and determined the request fell within “unusual circumstances.”

**November 8, 2011:** Stuart Delery drafts white paper.

**November 8, 2011:** In his opening statement for a DOJ Oversight hearing, Pat Leahy complains the Senate Judiciary Committee had not been given “the legal justification underlying drone strikes against an American citizen overseas.”

**November 9, 2011:** ACLU appeals summary judgment in Drone FOIA.

**November 14, 2011:** OLC denies ACLU’s request under FOIA exemptions (b)(1), (b)(3), and (b)(5).

**November 17, 2011:** CIA denies ACLU’s FOIA “pursuant to FOIA exemptions (b)(1) and (b)(3)” and claims that the “fact of the existence or nonexistence of requested records is currently and properly classified.”

**December 27, 2011:** DOD informs ACLU it could not process the request within statutory timeframe.

**January 18, 2012:** CIA informs ACLU it would be unable to respond to ACLU's administrative appeal within statutory timeframe.

**February 1, 2012:** ACLU sues on Anwar al-Awlaki et al FOIA.

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

**February 10, 2012:** In sentencing memo for Abdulmutallab, government releases narrative of Abdulmutallab's confession.

**February 11, 21, 2012:** Email discussions about Jeh Johnson's February 22, 2012 speech.

**February 22, 2012:** Jeh Johnson speech on targeted killing.

**February 27, March 1, 2012:** DOD emails discussing content of Eric Holder's March 5, 2012 speech.

**March 2012:** Stuart Delery becomes PDAAG and Acting AAG at Civil Division.

**March 5, 2012:** Eric Holder speech lays out claimed basis for Awlaki killing.

**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.

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

**March 9, 2012:** 2nd Circuit hearing on Gloves Come Off MON

**March 30, 2012:** AUSA Sarah Normand asks ACLU to exclude draft legal analyses, email, and other correspondence from TK FOIA

**April 3, 2012:** ACLU accepts limit on draft legal analyses, but not email and internal communication.

**April 4, 2012:** Stephen Preston speech lays out CIA's legal authorization to engage in targeted

killing.

**April 9, 2012:** Govt requests 10-day extension on TK FOIA.

**April 23, 2012:** Govt requests 28-day extension on TK FOIA.

**April 30, 2012:** John Brennan speech admits we use drones to kill terrorists.

**May 21, 2012:** 2nd Circuit permits govt to keep mention of Gloves Come Off MON secret; In phone conference, Judge Colleen McMahon extends deadline to June 20, 2012.

**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.

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

**June 20, 2012:** The government responds to NYT and ACLU lawsuits for memo and other documents related to targeted killing (though several of the declarations supporting that motion, including the one from DOJ OIP, were not submitted until June 21).

**June 22, 2012:** According to House Judiciary Committee letter, the date the 7-month old white paper provided to Committee (Dianne Feinstein says both Senate Judiciary and Intelligence Committees received the memo in June 2012 too).

**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.

**July 18, 2012:** ACLU, CCR, and Khan and Awlaki families file wrongful death suit.

**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.

**August 10, 2012:** Pat Leahy claims SJC received the white paper in response to his (and Grassley's) initial requests from the previous year: "the Senators has been provided with a white paper we received back as an initial part of the request I made of this administration."

**October 18, 2012:** Abdulmutallab prosecution team wins AG recognition for balancing intelligence collection and prosecution.

**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.

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

**January 25, 2012:** Rand Paul asks John Brennan if he'll release past and future OLC memos on targeting Americans.

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

**February 7, 2013:** On morning of Brennan confirmation hearing, Administration provides two OLC memos, withholding 7-8 more.

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

**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.

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

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

**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.

**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.

**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.

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

**April 4, 2014:** Judge throws out wrongful death suit from Awlaki and Khan families.

**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).

**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.