

# **COUNT VON COUNT COUNTS 20 TIMES THE ADMINISTRATION HAS BLOWN OFF TARGETED KILLING MEMO REQUESTS**

1 – 2 – 3 – 4 – 5 – 6 – 7 – 8 – 9 – 10 – 11 – 12  
– 13 – 14 – 15 – 16 – 17 – 18 – 19 -20

With Bob Goodlatte's – and several other members of the House Judiciary Committee – renewed requests on Wednesday for the Office of Legal Counsel memos authorizing the targeted killing of American citizens, we have reached a milestone.

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Members of Congress have asked for the targeted killing memos more than 20 times. And with the exception of the 35 members of the intelligence committees getting a quick peek without staff assistance and (presumably) a more substantial review by members of the Gang of Eight, the Administration has blown off every single one of those 20 requests.

I've included the updated timeline below. In addition to the hard count, note two letters from Ted Poe and Trey Gowdy to Eric Holder that don't specifically ask for the memo, but ask a lot of pretty good questions about drone and other targeted killings.

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 7, 2013: Pat Leahy and Chuck Grassley ask that SJC be able to get the memos that SSCI had just gotten. (14)

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. (15)

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. (16)

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. (17, 18, 19)

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. (20)