UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION, and CENTER FOR CONSTITUTIONAL RIGHTS, Plaintiffs, v. U.S. DEPARTMENT OF JUSTICE, including its component OFFICE OF LEGAL COUNSEL, U.S. DEPARTMENT OF STATE, and U.S. DEPARTMENT OF DEFENSE, Defendants.	25 Civ. 10189 (PAE)

SECOND DECLARATION OF RYAN WATZEL

I, Ryan Watzel, declare as follows:

1. I am a Special Counsel in the Office of Legal Counsel ("OLC") of the United States Department of Justice (the "Department") and a career member of the Senior Executive Service. I joined OLC in 2017, and since 2024 I have had the responsibility, among other things, of supervising OLC's responses to requests it receives under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. I submit this declaration in response to the court's order in this case directing the Department to provide certain information (ECF No. 72, Sept. 30, 2026), as modified by the court's order on reconsideration (ECF No. 81, Oct. 27, 2026). The statements that follow are based on my personal knowledge, as well as on information provided to me by OLC staff working under my supervision and by Executive Branch officials who accessed the document at issue in this case.

2. The information provided herein was compiled by gathering a list of Department

individuals who were known to OLC as having accessed or possibly accessed the Memorandum at issue in this case, or portions thereof. Those individuals still employed by the Department were then sent an email seeking the following information: (1) whether the individual had in fact accessed the Memorandum; (2) the date(s) on which any such access occurred and the title the individual held at the time of access; (3) the purpose for which the individual accessed the document; (4) whether the individual was aware of anyone else in their component that may have accessed the Memorandum or portions thereof; and (5) whether the individual had other information to add that might be helpful in gathering this information. One individual no longer employed by the Department was contacted separately by phone and was asked for the same information. Another individual no longer employed by the Department has been included on the list without having been separately contacted. That entry is marked with an asterisk and is based on the knowledge of officials within the Department.

3. In compliance with the court's orders in this matter, the following information identifies individuals who have accessed the Department's copy of the Memorandum after it was finalized and signed on September 5, 2025, excluding OLC attorneys. For completeness's sake, I note that two categories of individuals are not covered by the terms of the court's orders and therefore were not considered for potential inclusion in this list: individuals who may have accessed drafts of the Memorandum prior to its finalization but who did not subsequently access the final Memorandum; and individuals who, based on second-hand knowledge of the Memorandum, may have have discussed or considered aspects of the legal reasoning contained in the Memorandum, either before or after it was signed, but who did not access the final Memorandum.

4. The information requested by the court is as follows:

Department of Justice Employees Who Accessed the Memorandum

Name	Component	Title	Date	Purpose of Access
John Eisenberg	National Security Division	Assistant Attorney General	Oct. 2025	To prepare for a Senate briefing
[redacted]	Office of Legal Counsel	Paralegal	Dec. 22, 2025, Apr. 15, 2026, Apr. 28, 2026	To assist others in the Department with access to the Memorandum and to assist with related FOIA matters
Elizabeth Shapiro	Civil Division	Deputy Director, Federal Programs Branch	Apr. 15, 2026	To coordinate and ensure the integrity of the government's arguments in multiple FOIA litigation matters
Peter Aronoff	USAO-SDNY	Assistant U.S. Attorney	Apr. 30, 2026	To prepare the government's motion papers in this FOIA litigation matter
Jonathan Guynn	Civil Division	Deputy Assistant Attorney General, Torts Branch	Feb. 2, 2026	To supervise a lawsuit seeking damages for wrongful death allegedly resulting from Operation Southern Spear strikes and ensure that it was being litigated appropriately
Rodney Patton	Civil Division, Torts Branch	Director, Aviation, Space & Admiralty Litigation Section	Apr. 14, 2026	To supervise a lawsuit seeking damages for wrongful death allegedly resulting from Operation Southern Spear strikes and ensure that it was being litigated appropriately
Michael DiLauro	Civil Division, Torts Branch	Assistant Director, Aviation, Space & Admiralty Litigation Section	July 8, 2026	To supervise a lawsuit seeking damages for wrongful death allegedly resulting from Operation Southern Spear strikes and ensure that it was being litigated appropriately
Thomas Brown*	Civil Division, Torts Branch	Senior Aviation & Admiralty Counsel, Aviation, Space & Admiralty Litigation Section	Feb. 3, 2026, Apr. 14, 2026	To prepare the defense to a lawsuit seeking damages for wrongful death allegedly resulting from Operation Southern Spear strikes

Name	Component	Title	Date	Purpose of Access
James Whitman	Civil Division, Torts Branch	Senior Trial Counsel, Aviation, Space & Admiralty Litigation Section	July 8, 2026	To prepare the defense to a lawsuit seeking damages for wrongful death allegedly resulting from Operation Southern Spear strikes
Richard Ingebretsen	Civil Division, Torts Branch	Trial Attorney, Aviation, Space & Admiralty Litigation Section	July 8, 2026	To prepare the defense to a lawsuit seeking damages for wrongful death allegedly resulting from Operation Southern Spear strikes

* Denotes now-former Department of Justice employee as of the date the information was gathered.

5. Finally, the court's orders note that the Department's submissions describe the existence of four copies of the Memorandum in the present tense but do not address "whether there were ever earlier additional copies of the Memo that no longer exist." ECF No. 81 at 15. Based on information provided to me by OLC staff and Department officials with relevant knowledge about these issues, I understand that there have been two circumstances in which the Department created past, temporary copies of the Memorandum. First, in order to effectively brief the members of Congress who reviewed the Memorandum, the Executive Branch generated temporary copies of the Memorandum for the purpose of those briefings. Executive Branch staff supervised the review of those copies by members of Congress and subsequently destroyed the copies. Second, in order to permit timely review of the Memorandum prior to filing motion papers in this matter, a copy of the Memorandum was transmitted by secure fax to Assistant U.S. Attorney Peter Aronoff in the U.S. Attorney's Office for the Southern District of New York. By prearranged agreement, Mr. Aronoff received the Memorandum, reviewed the Memorandum, and then shredded that copy of the Memorandum approximately four hours after receiving it.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed: November 10, 2026

RYAN WATZEL