



July 16, 2026

BY ECF

Hon. Paul A. Engelmayer, United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *ACLU, et al. v. DOJ, et al.*, 25 Civ. 10189 (PAE)

Dear Judge Engelmayer:

Plaintiffs American Civil Liberties Union and American Civil Liberties Union Foundation (together, “ACLU”) and the Center for Constitutional Rights (“CCR”) write respectfully to alert the Court to new additional evidence that the Office of Legal Counsel (“OLC”) memorandum at issue in this Freedom of Information Act lawsuit has been expressly adopted as the government’s working law of the ongoing boat strikes campaign in the Caribbean Sea and eastern Pacific Ocean.

On July 15, 2026, at a confirmation hearing before the Senate Judiciary Committee, Acting Attorney General Todd Blanche and Senator Chris Coons engaged in the following colloquy:

Senator Coons: You did say earlier, this is the most transparent Department of Justice in American history, we have nothing to hide, and you started by saying we’re here to rebuild trust. Two decisions, or two OLC opinions, I’m very interested in. I’m the senior Democrat on Defense and Intelligence [Appropriations]. I’m the most senior member of the Foreign Relations Committee on my side who’s currently serving on this Committee. I’m curious as to why the most transparent Department has refused to release the OLC opinion that justifies the 66 strikes the military has conducted on boats in the Caribbean, which have killed more than 220 people—either a redacted version or in a classified setting to me and others who are in relevant decisionmaking positions.

Acting Attorney General Blanche: Well, Senator, we made the head of OLC available on multiple occasions to explain that to you and other members of the Committee, and that is extraordinarily transparent and unprecedented that we’ve done that. Whether an OLC opinion is released, there’s a lot of process that goes into that, but the idea that we were not transparent about our legal basis there is absolutely not true.¹

Acting Attorney General Blanche’s testimony confirms Plaintiffs’ other evidence of express adoption. He makes clear that the government has been “transparent” with Congress

¹ *Attorney General Nominee Todd Blanche Testifies at Confirmation Hearing*, at 2:18:36–19:41, C-SPAN (July 15, 2026, at 9:10 ET), <https://www.c-span.org/program/senate-committee/attorney-general-nominee-todd-blanche-testifies-at-confirmation-hearing/681265>.



about the fact that OLC’s legal analysis, which is reflected in the OLC memo, constitutes the “legal basis” for the ongoing boat strikes campaign. *Cf.* ECF No. 58-1 (testimony of Chairman of the Joint Chiefs of Staff General Caine); ECF No. 50-1 at 76:07–77:12 (testimony of former Department of Defense Principal Deputy General Counsel Young). And his testimony corroborates statements in the record from members of Congress explaining that Executive Branch officials have repeatedly “presented” the OLC memo in congressional briefings as “the legal authorization document” for the ongoing campaign. *See, e.g.,* ECF No. 50-5 at S7945 (statement of Senator Kaine). Accordingly, Acting Attorney General Blanche’s statement reinforces a record replete with evidence that the OLC memo has been expressly adopted as working law.

Respectfully submitted,

/s/ Jeffrey Stein

Jeffrey Stein
Brett Max Kaufman
Ashley Gorski
Natalie Smith (admitted pro hac vice)
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street, 18th Floor
New York, New York 10004
Tel: (646) 905-8904
jstein@aclu.org
bkaufman@aclu.org

Perry Grossman
Ifeyinwa Chikezie
NEW YORK CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street, 19th Floor
New York, New York 10004
(212) 607-3347
pgrossman@nyclu.org
ichikezie@nyclu.org

Baher Azmy
CENTER FOR CONSTITUTIONAL
RIGHTS
666 Broadway, 7th Floor
New York, New York 10012
Tel: (212) 614-6464
bazmy@ccrjustice.org