



September 18, 2012

Office of the Clerk  
Room 5205  
United States Court of Appeals  
for the District of Columbia Circuit  
E. Barrett Prettyman U.S. Courthouse  
333 Constitution Ave., NW  
Washington, DC 20001

Re: *ACLU v. CIA*, No. 11-5320

Dear Clerk of Court,

AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION  
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Pursuant to Federal Rule of Appellate Procedure 28(j), Appellants American Civil Liberties Union and American Civil Liberties Union Foundation call the Court's attention to several recent statements by the administration and members of Congress relating to the CIA's drone program.

On June 25, the *Los Angeles Times* published a story in which members of the House and Senate Intelligence Committees spoke on the record about their review of drone strikes carried out by the CIA. See Ken Dilanian, *Congress Keeps Closer Watch on CIA Drone Strikes*, *Los Angeles Times*, June 25, 2012.<sup>1</sup> The statements are not official acknowledgements in themselves, but they suggest that the Committees that oversee the CIA believe that the agency's drone program has been acknowledged, and accordingly they reinforce Plaintiffs' argument that the CIA's past statements about the drone program should be given their plain meaning.

Appellants additionally direct the Court's attention to President Obama's recent television interview with CNN. The interview can be found online at: <http://edition.cnn.com/video/#/video/us/2012/09/05/president-obama-on-drone-warfare.cnn>. While the President does not expressly mention the CIA, he expressly addresses the targeted killing of American citizens, a practice that Leon Panetta, the former CIA director, has said is within the purview of the CIA. Pl. Br. 20-21.

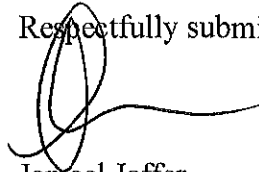
Finally, Appellants direct the Court to a video that was distributed by the President's re-election campaign and aired during the recent Democratic National

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<sup>1</sup> Available at <http://www.stripes.com/mobile/news/congress-keeps-closer-watch-on-cia-drone-strikes-1.181294>.

Convention.<sup>2</sup> In the context of describing the President's accomplishments in office, the video states "Anwar al-Awlaki is dead. Another huge victory in the war on terror." While the President does not expressly mention the CIA, he has previously credited "our intelligence community" with the killing of al-Aulaqi, Pl. Br. 26, and Mr. Panetta has acknowledged that the CIA carried out that killing, Pl. Br. 20-21.

Respectfully submitted,



Jameel Jaffer

AMERICAN CIVIL LIBERTIES  
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<sup>2</sup> The video is at <http://www.youtube.com/watch?v=1WbQe-wVK9E>. The reference to the killing of Anwar al-Awlaki is at 3:38. Although the video was produced by the President's re-election campaign, it includes the message: "Approved by Barack Obama."