



*United States Attorney  
Southern District of New York*

*86 Chambers Street  
New York, New York 10007*

April 18, 2016

Hon. Colleen McMahon  
United States District Judge  
Daniel P. Moynihan United States Courthouse  
500 Pearl Street, Room 1640  
New York, NY 10007

Re: *ACLU v. Department of Justice*, 15 Civ. 1954 (CM)

Dear Judge McMahon:

We write respectfully on behalf of defendants (the “Government”) in the above-referenced case, and in response to the ACLU’s letter of April 13, 2016. Contrary to the ACLU’s assertions, the President’s remarks to the University of Chicago Law School did not constitute an “acknowledgement that the CIA conducts drone strikes.” Rather, the President underscored broad transparency themes that he has addressed repeatedly in the past in the context of counterterrorism operations. The President has been clear, for example, that “we must be more transparent about both the basis of our counterterrorism actions and the manner in which they are carried out.” Accordingly, he has stressed that he “will increasingly turn to our military to take the lead and provide information to the public about our efforts.” *See* Remarks by the President at the United States Military Academy Commencement Ceremony, May 28, 2014, reproduced at <https://www.whitehouse.gov/the-press-office/2014/05/28/remarks-president-united-states-military-academy-commencement-ceremony>. The President addressed these same themes at the University of Chicago.

That the intelligence community may contribute to or play an unspecified role in the U.S. government’s drone program is not new information and does not constitute an official confirmation that “the CIA conducts drone strikes.” Indeed, the President made no mention of the CIA, and the ACLU’s claim that “President Obama discussed the Central Intelligence Agency’s operational role in the program” is simply not accurate. The President’s remarks addressed only broad, undefined classified intelligence activities that necessarily limited the degree of transparency that could be achieved in public discourse, and specifically noted that these activities involved “men and women in intelligence *and* in operations” (emphasis added). The President’s comments highlighted that the nature and details of the intelligence community’s role in U.S. government drone strikes remain highly sensitive and classified.

Respectfully,

BENJAMIN C. MIZER  
Principal Deputy Assistant  
Attorney General

PREET BHARARA  
United States Attorney for the  
Southern District of New York

By: /s/ Elizabeth J. Shapiro  
ELIZABETH J. SHAPIRO  
AMY POWELL  
STEPHEN ELLIOTT  
Attorneys, Federal Programs Branch  
Civil Division, U.S. Dept. of Justice  
Telephone: (202) 514-5302  
elizabeth.shapiro@usdoj.gov

By: /s Sarah S. Normand  
SARAH S. NORMAND  
Assistant United States Attorney  
Telephone: (212) 637-2709  
sarah.normand@usdoj.gov