



U.S. Department of Justice
Civil Division, Appellate Staff
950 Pennsylvania Ave. NW, Rm. 7250
Washington, DC 20530

Tel: 202-353-2689

VIA CM/ECF

April 19, 2016

Hon. Mark Langer
Clerk of the Court
United States Court of Appeals for the District of Columbia Circuit
E. Barrett Prettyman United States Courthouse
333 Constitution Avenue, N.W.
Washington, D.C. 20001

RE: *ACLU v. CIA*, No. 15-5217

Dear Mr. Langer:

The ACLU's April 13, 2016 letter asserts that, in remarks made on April 8, 2016, President Obama officially "acknowledg[ed] that the CIA conducts drone strikes." That conclusion is erroneous. Nothing in the letter or the cited remarks supports a remand of this action to the district court.

That the intelligence community may contribute to or play an unspecified role in the U.S. Government's drone program is not new information. The President has repeatedly emphasized the importance of transparency in counterterrorism efforts, and has explained 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 U.S. 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 on April 8, 2016.

The ACLU has not shown that the President's general remarks about counterterrorism operations are as specific as, and match, the detailed information it seeks, including "the identity of the intended targets, assessed number of people killed, dates, status of those killed, agencies involved, the location of each strike, and the identities of those killed if known." Joint Appendix 199.

The ACLU claims that the remarks constitute official acknowledgment that the CIA conducts drone strikes, but the President made no mention of the CIA, and his statement that drone operations involved "men and women in intelligence and in operations" does not reveal information about the nature or scope of the CIA's role, if any, in such operations.

In any event, as the government has previously noted, statements made after the oral argument in this appeal do not show that the government improperly processed the ACLU's Freedom of Information Act in 2014, or that the district court's 2015 grant of summary judgment was erroneous. *See Bonner v. Dep't of State*, 928 F.2d 1148, 1152 (D.C. Cir. 1991).

Sincerely,

/s/ Sharon Swingle

Sharon Swingle

cc: all counsel (via CM/ECF)