

# Congress of the United States

Washington, DC 20515

March 11, 2013

President Barack Obama  
The White House  
1600 Pennsylvania Ave NW  
Washington, D.C. 20500

Dear Mr. President:

In response to the partial release of Department of Justice memos describing the underlying legal justifications for the targeted killings of American citizens and others in the course of counterterrorism operations, we are writing to emphasize Congress' vital oversight role in these matters. Every American has the right to know the underlying legal rationale that ensures due process.

Authorizing the killing of American citizens and others has profound implications for our Constitution, the core values of our Nation, our national security and future international practice. The executive branch's claim of authority to deprive citizens of life, and to do so without explaining the legal bases for doing so, sets a dangerous precedent and is a model of behavior that the United States would not want other nations to emulate.

The information from the Justice Department memo leaked on February 4, 2013, in the context of an increasing devolution of accountability, transparency and Constitutional protections in U.S. counterterrorism operations, leaves us deeply concerned about what appears to constitute overly broad authority language, including but not limited to:

- 1) An unbounded geographic scope;
- 2) Unidentified 'high-level' officials with authority to approve kill-lists;
- 3) A vaguely defined definition of whether a capture is "feasible";
- 4) An overly broad definition of the phrase "imminent threat," which re-defines the word in a way that strays significantly from its traditional legal meaning; and
- 5) The suggestion that killing American citizens and others would be legitimate "under the Authorization for Use of Military Force and the inherent right to national self-defense."

These are vague legal boundaries that raise the risk of the executive branch authorizing the deaths of American civilians otherwise protected by the Constitution and appear to effectively vitiate due process of law without meaningful oversight or accountability.

Therefore, we ask that you release, in an unclassified form, the full legal basis of executive branch claims in the areas which are the subject of this letter. The Executive's claims of authority need to be fully articulated to the whole of Congress and the American people.

We also ask that you prepare a report to Congress outlining the architecture of your Administration's drone program going forward, including your efforts to limit instances and remunerate victims of civilian casualties by signature drone strikes, broaden access to due process for identified targets and continue to structure the drone program within the framework of international law. A 2012 GAO study reported that 75 countries and "certain terrorist organizations" have acquired drones and either have or are seeking weaponized drones. We are growing increasingly concerned that there is a risk that our country's "global war" doctrine will further corrode the foundations of the international framework for protection of human rights.

As you stated in your recent State of the Union address, "we must enlist our values in the fight." We ask, therefore, that you follow through with your commitment to engage with Congress to ensure that the ways in which we target, detain, prosecute, and kill suspected terrorists are consistent with the commands of our Constitution, including our system of checks and balances.

We strongly urge you to release the documents requested in this letter for the reasons articulated above.

Thank you and we look forward to your response.

Sincerely,



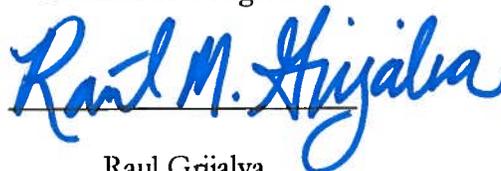
Barbara Lee  
Member of Congress



John Conyers  
Member of Congress



Keith Ellison  
Member of Congress



Raul Grijalva  
Member of Congress



Donna Edwards  
Member of Congress



Mike Honda  
Member of Congress



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Rush Holt  
Member of Congress



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James McGovern  
Member of Congress