

May 18, 2012

**BY FACSIMILE**

The Honorable Colleen McMahon  
United States District Court  
Southern District of New York  
Room 1350  
500 Pearl Street  
New York, NY 10007

Re: American Civil Liberties Union et al. v. U.S. Department of Justice et al.  
U.S. Southern District of New York File No: 12 CIV 794 (CM)

Dear Judge McMahon,

Plaintiffs American Civil Liberties Union and American Civil Liberties Union Foundation ("Plaintiffs") respectfully write to oppose the Government's request, submitted today, for a one-month extension of the deadline for its motion for summary judgment. The Government has engaged in a pattern of delay in this case. Plaintiffs submitted their FOIA request to the Defendant agencies on October 19, 2011. After Defendants failed to produce responsive records, Plaintiffs filed their Complaint on February 1, 2012. On February 24, 2012, this Court established a briefing schedule setting the Government's summary judgment motion due on April 13, 2012. On April 9, 2012, the Government made its first request for a ten-day extension, which the Court granted while admonishing the Government not to ask for additional time. On April 23, 2012, the Government requested a second extension, until May 21, 2012. The Court granted the extension after reviewing the government's classified declaration. Today, the Government seeks an additional month of delay.

The subject of Plaintiffs FOIA request, the extrajudicial targeted killing of U.S. citizens, is an issue of widespread and pressing public importance, and a spirited public debate about the issue is ongoing. The administration is taking part in that public debate through selective leaks and disclosures of information to the press, and through highly publicized speeches by the most senior government officials, including the Attorney General, the general counsel of the CIA, the general counsel of the DOD and, most recently, the Assistant to the President for Homeland Security and Counterterrorism. Yet, at the same time the administration is discussing the targeted killing of Americans and others in public, it is stonewalling in court. The government's repeated requests for extensions constitute a denial of Plaintiffs' FOIA requests. That this denial is being effected by 30-day increments is of no moment; the fact remains that the Government has yet to respond to Plaintiffs' request, and has yet to justify its failure to do so to the Court through summary judgment briefing. Because the public has a current need for the records that are the subject of this lawsuit, Plaintiffs oppose the Government's request.

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To the extent that the Court is inclined to grant the Government's motion to any extent, Plaintiffs respectfully request that the Court minimize the length of the extension. An additional month of delay is not justified in this case.

Respectfully,



Eric A. O. Ruzicka

cc: Sarah S. Normand, Esq., United States Attorney (by Email)  
David McCraw, Esq. Counsel for New York Times Plaintiffs (by Email)