

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN CIVIL LIBERTIES UNION and
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION,

Plaintiffs,

v.

DEPARTMENT OF JUSTICE, including its
components the OFFICE OF LEGAL COUNSEL
and the OFFICE OF INFORMATION POLICY,
DEPARTMENT OF DEFENSE, DEPARTMENT
OF STATE, and CENTRAL INTELLIGENCE
AGENCY,

Defendants.

No. 15 Civ. 1954 (CM)

ECF CASE

DECLARATION OF MATTHEW SPURLOCK

I, Matthew Spurlock, pursuant to 28 U.S.C. § 1746, hereby declare and state under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief:

I am an attorney at the American Civil Liberties Union Foundation and co-counsel for Plaintiffs in this litigation. Attached hereto are true and correct copies of the following:

Exhibit #	Short Title	Full Citation
Exhibit 1	Request	Plaintiffs' Freedom of Information Act Request (Oct. 15, 2013)
Exhibit 2	December 1989 Parks Memo	W. Hays Parks, <i>Memorandum of Law: Executive Order 12333 and Assassination</i> , Army Lawyer, Dec. 1989, at 4
Exhibit 3	June 2007 Dorn Declaration	Eighth Decl. of Marilyn Dorn, CIA Info. Review Officer, <i>ACLU v. DOD</i> , No. 04 Civ. 4151 (S.D.N.Y. June 8, 2007), ECF No. 226

Exhibit #	Short Title	Full Citation
Exhibit 4	May 2009 Panetta Speech	Leon Panetta, Dir., CIA, Remarks at the Pacific Council on International Policy (May 18, 2009)
Exhibit 5	February 2010 OLC Memo	David Barron, Acting Assistant Attorney Gen., OLC, <i>Memorandum for the Attorney Gen. Re: Lethal Operation Against Shaykh Anwar Aulaqi [REDACTED]</i> (Feb. 19, 2010)
Exhibit 6	March 2010 Koh Speech	Harold H. Koh, Legal Advisor, DOS, The Obama Administration and International Law, Speech at the Annual Meeting of the American Society of International Law, (Mar. 25, 2010)
Exhibit 7	June 2010 Panetta Interview	<i>This Week</i> (ABC News television broadcast June 27, 2010)
Exhibit 8	July 2010 OLC Memo	David Barron, Acting Assistant Attorney Gen., OLC, <i>Memorandum for the Attorney Gen. Re: Applicability of Fed. Criminal Laws and the Constitution to Contemplated Lethal Operations Against Shaykh Anwar Aulaqi [REDACTED]</i> (July 16, 2010)
Exhibit 9	September 2010 Government Brief	Opp. to Pls.' Mot. for Preliminary Injunction & Mem. in Supp. of Defs.' Mot. to Dismiss, No. 10-cv-1469 (D.D.C. Sept. 25, 2010), ECF No. 15-1
Exhibit 10	March 2011 Gates Speech	Robert Gates, Sec'y of Def., Remarks at the U.S. Air Force Academy (Mar. 4, 2011)
Exhibit 11	April 2011 Gates Statement	Greg Jaffe, Edward Cody & William Branigin, <i>Libyan Rebels Welcome U.S. Drones; McCain Visits Benghazi</i> , Wash. Post, Apr. 22, 2011
Exhibit 12	May 2011 White Paper	DOJ, <i>White Paper: Legality of a Lethal Operation by the Central Intelligence Agency Against a U.S. Citizen [REDACTED]</i> (May 25, 2011)

Exhibit #	Short Title	Full Citation
Exhibit 13	October 2011 Panetta Statement	Craig Whitlock, <i>Panetta: Loose Lips on CIA's Not-So-Secret Secret</i> , Wash. Post, Oct. 7, 2011
Exhibit 14	October 2011 Panetta Speech	Leon Panetta, Sec'y of Def., Remarks to Service Members in Naples, Italy (Oct. 7, 2011)
Exhibit 15	November 2011 White Paper	DOJ, <i>White Paper: Lawfulness of a Lethal Operation Directed Against a U.S. Citizen Who is a Senior Operational Leader of Al-Qa'ida or an Associated Force</i> (Nov. 8, 2011)
Exhibit 16	February 2012 Johnson Speech	Jeh C. Johnson, Gen. Counsel, DOD, National Security Law, Lawyers, and Lawyering in the Obama Administration, Dean's Lecture at Yale Law School (Feb. 22, 2012)
Exhibit 17	March 2012 Holder Speech	Eric Holder, Attorney Gen., Address at Northwestern University School of Law (Mar. 5, 2012)
Exhibit 18	April 2012 Brennan Speech	John Brennan, Assistant to the President for Homeland Security and Counterterrorism, The Ethics and Efficacy of the President's Counterterrorism Strategy, Speech at the Woodrow Wilson International Center for Scholars (Apr. 30, 2012)
Exhibit 19	May 2012 Feinstein Letter	Sen. Dianne Feinstein, <i>Letters: Sen. Feinstein on Drone Strikes</i> , L.A. Times, May 17, 2012
Exhibit 20	June 2012 Carney Statement	White House, Press Briefing by Press Secretary Jay Carney (June 5, 2012)
Exhibit 21	June 2012 WPR Report	Letter from President Barack Obama to John Boehner, Speaker of the U.S. House of Representatives, 2012 War Powers Resolution 6-Month Report (June 15, 2012)
Exhibit 22	December 2012 Government Brief	Defs.' Mot. to Dismiss, No. 12-cv-1192 (D.D.C. Dec. 14, 2012), ECF No. 18

Exhibit #	Short Title	Full Citation
Exhibit 23	February 2013 Brennan Testimony	<i>Nomination of John O. Brennan to be Director of the Central Intelligence Agency: Hearing Before the S. Select Comm. on Intelligence, 113th Cong. (Feb. 7, 2013)</i>
Exhibit 24	February 2013 Rogers Interview	<i>Face the Nation</i> (CBS News television broadcast Feb. 10, 2013)
Exhibit 25	February 2013 McCain Interview	<i>Fox News Sunday</i> (Fox News television broadcast Feb. 10, 2013)
Exhibit 26	February 2013 Feinstein Statement	Press Release, Sen. Dianne Feinstein, Statement on Intelligence Committee Oversight of Targeted Killings (Feb. 13, 2013)
Exhibit 27	February 2013 Brennan QFR	<i>Nomination of John O. Brennan to be Director of the Central Intelligence Agency: Questions for the Record Submitted to the S. Select Comm. on Intelligence, 113th Cong. (Feb. 14, 2013)</i>
Exhibit 28	March 2013 Government Brief	Defs.' Reply in Supp. of Mot. to Dismiss, No. 12-cv-1192 (D.D.C. Mar. 7, 2013), ECF No. 23
Exhibit 29	March 2013 Feinstein Statement	John T. Bennett, <i>McCain, Feinstein Split Over Shifting Strike UAV Program to Military</i> , Defense News, Mar. 15, 2013
Exhibit 30	May 2013 DOD Statement	<i>Law of Armed Conflict, the Use of Military Force and the 2001 Authorization for Use of Military Force: Department of Defense Joint Statement for the Record Before the S. Comm. on Armed Services, 113th Cong. (May 16, 2013)</i>
Exhibit 31	May 2013 Holder Letter	Letter from Eric Holder, Attorney Gen., to Patrick Leahy, Chairman of the Senate Comm. on the Judiciary (May 22, 2013)
Exhibit 32	May 2013 Obama Speech	President Barack Obama, Remarks at the National Defense University (Mar. 23, 2015)

Exhibit #	Short Title	Full Citation
Exhibit 33	May 2013 Fact Sheet	White House, Fact Sheet: U.S. Policy Standards and Procedures for the Use of Force in Counterterrorism Operations Outside the United States and Areas of Active Hostilities (May 23, 2013)
Exhibit 34	August 2013 Kerry Statement	Michael R. Gordon, <i>Kerry, in Pakistan, Expresses Optimism on Ending Drone Strikes Soon</i> , N.Y. Times, Aug. 1, 2013
Exhibit 35	2014 Rizzo Book	John Rizzo, <i>Company Man: Thirty Years of Controversy and Crisis in the CIA</i> (2014)
Exhibit 36	February 2014 Clapper Testimony	Siobhan Gorman, <i>CIA's Drones, Barely Secret, Receive Rare Public Nod</i> , Wall St. J. Wash. Wire Blog (Feb. 11, 2014)
Exhibit 37	July 2014 Yoho Statement	Press Release, Rep. Ted Yoho, Yoho Wants Increased Transparency and Oversight over U.S. Drone Policy (July 11, 2014)
Exhibit 38	July 2014 Yoho Bill	Drone Reform Act, H.R. 5091, 113th Cong.
Exhibit 39	September 2014 Pentagon Statement	Press Release, DOD, Statement from Pentagon Press Secretary Rear Admiral John Kirby on Ahmed Godane (Sept. 5, 2014)
Exhibit 40	December 2014 WPR Report	Letter from President Barack Obama to John Boehner, Speaker of the U.S. House of Representatives, Six Month Consolidated War Powers Resolution Report (Dec. 11, 2014)
Exhibit 41	January 2015 Burgess Bill	To Prohibit the Central Intelligence Agency from Using an Unmanned Aerial Vehicle to Carry Out a Weapons Strike or Other Deliberately Lethal Action and to Transfer the Authority to Conduct Such Strikes or Lethal Action to the Department of Defense, H.R. 466, 114th Cong. (2015)
Exhibit 42	February 2015 Pentagon Statement	DOD, Press Briefing by Rear Adm. John Kirby (Feb. 3, 2015)

Exhibit #	Short Title	Full Citation
Exhibit 43	March 2015 Pentagon Statement	Press Release, DOD, Statement on March 12 Airstrike in Somalia (Mar. 18, 2015)
Exhibit 44	April 2015 Feinstein Statement	Press Release, Sen. Dianne Feinstein, Statement on Death of U.S., Italian Hostages (April 23, 2015)
Exhibit 45	May 2015 White House Statement	White House, Press Briefing by Press Secretary Josh Earnest (April 23, 2015)
Exhibit 46	April 2015 Burr Statement	Martin Matishak, <i>Key Republicans Defend Use of Drones</i> , The Hill, Apr. 23, 2015
Exhibit 47	April 2015 McCain Interview	<i>State of the Union</i> (CNN television broadcast Apr. 26, 2015)
Exhibit 48	May 2015 NSC Statement	Karen DeYoung, <i>Debate Is Renewed on Control of Lethal Drones Operations</i> , Wash. Post, May 5, 2015
Exhibit 49	June 2015 Pentagon Statement	Eric Schmitt, <i>U.S. Airstrike in Libya Targets Planner of 2013 Algeria Attack</i> , N.Y. Times, June 14, 2015
Exhibit 50	June 2015 White House Statement	Press Release, White House, Statement by NSC Spokesperson Ned Price on the Death of Al-Qa'ida in the Arabian Peninsula Leader Nasir al-Wahishi (June 16, 2015)

Date: August 28, 2015

Respectfully submitted,

/s/ Matthew Spurlock

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