

RON WYDEN  
OREGON

223 DIRKSEN SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
(202) 224-5244  
(202) 224-1280 (TDD)

# United States Senate

WASHINGTON, DC 20510-3703

March 24, 2016

## COMMITTEES:

COMMITTEE ON THE BUDGET  
COMMITTEE ON ENERGY AND NATURAL RESOURCES  
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS  
SPECIAL COMMITTEE ON AGING  
SELECT COMMITTEE ON INTELLIGENCE  
COMMITTEE ON FINANCE

The Honorable Loretta Lynch  
Attorney General  
United States Department of Justice  
Washington, D.C. 20530

Dear Attorney General Lynch:

As you may be aware, I have previously written to the Department of Justice regarding a particular secret legal opinion from the DOJ's Office of Legal Counsel, which has now been the subject of a recent suit under the Freedom of Information Act. This opinion remains classified, but it pertains to common commercial service agreements. The DOJ's motion to dismiss the now-pending FOIA case also noted that this opinion was signed by Deputy Assistant Attorney General John Yoo and dated March 30, 2003.

As I have noted in previous correspondence with the DOJ, I believe that this opinion is inconsistent with the public's understanding of the law, and should be withdrawn. I also believe that this opinion should be declassified and released to the public, so that anyone who is a party to one of these agreements can consider whether their agreement should be revised or modified. For these reasons, I encourage you to direct DOJ officials to comply with the pending FOIA request.

Additionally, I am greatly concerned that the DOJ's March 7, 2016, memorandum of law contains a key assertion which is inaccurate. This assertion appears to be central to the DOJ's legal arguments, and I would urge you to take action to ensure that this error is corrected.

I am enclosing a classified attachment which discusses this inaccurate assertion in more detail. If you or your staff have any difficulty obtaining the documents referenced in this attachment, please do not hesitate to let me know.

Thank you for your attention to this matter.

Sincerely,



Ron Wyden  
United States Senator

911 NE 11TH AVENUE  
SUITE 630  
PORTLAND, OR 97232-4169  
(503) 326-7525

405 EAST 8TH AVE  
SUITE 2020  
EUGENE, OR 97401  
(541) 431-0229

SAC ANNEX BUILDING  
105 FIR ST  
SUITE 201  
LA GRANDE, OR 97850  
(541) 962-7691

U.S. COURTHOUSE  
310 WEST 6TH ST  
ROOM 118  
MEDFORD, OR 97501  
(541) 858-5122

THE JAMISON BUILDING  
131 NW HAWTHORNE AVE  
SUITE 107  
BEND, OR 97701  
(541) 330-9142

707 13TH ST. SE  
SUITE 285  
SALEM, OR 97301  
(503) 589-4555

[HTTP://WYDEN.SENATE.GOV](http://wyden.senate.gov)

PRINTED ON RECYCLED PAPER