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# United States Senate

WASHINGTON, DC 20510-3703

March 24, 2016

## COMMITTEES:

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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.

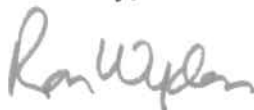
As I have noted in previous correspondence with the DOJ, I believe that this opinion is inconsistent with the public's understanding of the law, and should be withdrawn. I also believe that this opinion should be declassified and released to the public, so that anyone who is a party to one of these agreements 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

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