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July 23, 2012

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The Honorable Eric Holder
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear Attorney General Holder:

On June 10, 2010, Senator Feingold and I wrote to you regarding two classified opinions from the Justice Department's Office of Legal Counsel, including an opinion that interprets common commercial service agreements. We asked you to declassify both of these opinions, and we urged that the opinion pertaining to commercial service agreements be revoked. The Department of Justice has not yet provided a written response to this request.

The opinion regarding commercial service agreements has direct relevance to the ongoing debate in Congress regarding cybersecurity legislation. In my view, it will be difficult for Congress to have a fully informed debate on cybersecurity legislation if it does not understand how these agreements have been secretly interpreted by the executive branch.

I continue to believe that this opinion is inconsistent with the public's understanding of the law and that it should be withdrawn. However, I am concerned that simply withdrawing this opinion will not necessarily prevent its interpretation of commercial service agreements from being asserted again in the future. Therefore, I believe it is important to declassify this opinion and release it to the public, so that anyone who is a party to one of these agreements can consider whether they should be revised or modified. For these reasons, I renew my request that you both revoke and declassify this opinion.

Thank you for your attention to this matter. I look forward to your response.

Sincerely,



Ron Wyden
United States Senator

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