



July 23, 2010

BY FACSIMILE AND OVERNIGHT MAIL

Licensing Division
Office of Foreign Assets Control
U.S. Department of the Treasury
Treasury Annex
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Re: Emergency Request for a License Pursuant to GTSR § 594.506 Authorizing the ACLU and the Center for Constitutional Rights to Provide Legal Services to the Father of Anwar Al-Aulaqi, as Representative of His Interests

Dear Sir or Madam:

The American Civil Liberties Union and the American Civil Liberties Union Foundation, Inc. and one or more of its local ACLU affiliates (collectively, the “ACLU”) and the Center for Constitutional Rights (“CCR”) hereby request that the Office of Foreign Assets Control (“OFAC”) issue an emergency license authorizing them to continue to provide legal services, on a *pro bono* basis, to Nasser Al Aulaqi, the father of Anwar Al-Aulaqi, as representative of the interests of Anwar Al-Aulaqi.¹ The ACLU and CCR seek this license as a consequence of OFAC’s decision on July 16, 2010 to add Anwar Al-Aulaqi to the List of Specially Designated Nationals and Blocked Persons (the “SDN List”). This request is urgent because of the nature of the legal services the ACLU and CCR have been engaged to provide to Nasser Al Aulaqi, which they agreed to provide prior to the designation of his son on the SDN List. In light of this urgency, we request an immediate response.

Nasser Al Aulaqi, acting through the Allawo Law Firm in Yemen, retained the ACLU and CCR in June to represent him in connection with the widely reported decision of the Obama Administration to authorize the targeted killing of his son, Anwar Al-Aulaqi. The ACLU and

¹ Neither the ACLU nor CCR believes it is required to obtain a license to represent Nasser Al-Aulaqi in his own right.

CCR believe that any requirement that they obtain a license in order to provide *pro bono* legal representation to anyone, including individuals on the SDN list, is unconstitutional. Moreover, since Nasser Al Aulaqi is not himself designated on the SDN List or otherwise subject to U.S. sanctions, arguably the OFAC regulations do not require that the ACLU and CCR obtain an OFAC license to continue to provide legal representation to him. Nonetheless, since the beneficiary of the representation is our client's son, an SDN-Listed individual, the ACLU and CCR seek this emergency license with respect to this representation.

I. The Applicants

The ACLU is a nonprofit and nonpartisan organization that strives to preserve fundamental rights, including the right to due process, and to extend rights to segments of the population that have been traditionally denied such rights. CCR is a non-profit legal and educational organization that is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights.

II. Scope of Requested Authorization

It has been widely reported in the media that the Obama Administration has authorized federal agencies to kill Anwar Al-Aulaqi, the son of our client and a United States citizen. As a consequence of those reports, Nasser Al Aulaqi retained the ACLU and CCR to provide legal representation in connection with the reported U.S. governmental action. The engagement includes the provision of legal advice concerning the legality of the reported U.S. government action and the possible filing of a lawsuit in a U.S. court challenging the governmental action. As noted, this representation commenced prior to OFAC's decision to add our client's son, Anwar Al-Aulaqi, to the SDN List.

Section 594.204 of OFAC's Global Terrorism Sanctions Regulations ("GTSR") prohibits U.S. persons from engaging in any transaction or dealing in property or interests in property of persons whose interests in property are blocked pursuant to GTSR § 594.201(a). As a result of OFAC's decision on July 16 to add Anwar Al-Aulaqi to the SDN List as a Specially Designated Global Terrorist, he is a person whose interests in property are blocked under GTSR § 594.201. While the engagement of the ACLU and CCR is by Nasser Al Aulaqi, through the Allawo Law Firm, OFAC may consider Anwar Al-Aulaqi to have an indirect interest in the representation for purposes of the GTSR insofar as Nasser Al Aulaqi is representing the interests of Anwar Al-Aulaqi with respect to the reported U.S. governmental action authorizing his killing.

While GTSR § 594.506 provides a general license authorizing U.S. persons to provide certain legal services to or on behalf of persons whose property and interests in property are blocked pursuant to Section 594.201(a), none of the legal services general license categories unambiguously applies to the particular representation at issue. Accordingly, the ACLU and CCR respectfully request the immediate issuance of a specific license authorizing them to

continue to provide legal representation to Nasser Al Aulqi as representative of the interests of his son.

In particular, the ACLU and CCR seek an OFAC license authorizing them to undertake all activities ordinarily incident to the provision of legal services to Nasser Al Aulqi (as representative of his son's interests), through the Allawo Law Firm, relating to the reported decision of the Obama Administration to authorize the targeted killing of Anwar Al-Aulqi. This representation will include the provision of legal advice, the possible filing of a lawsuit in a U.S. court challenging the U.S. governmental action, the possible hiring of experts and others (and the payment of their fees) in connection with such litigation and representation, advocacy before relevant U.S. governmental agencies and more general public advocacy in connection with the engagement.

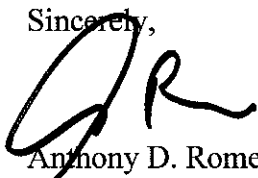
The representation that the ACLU and CCR have been providing and desire to continue to provide to Nasser Al Aulqi is being provided on a *pro bono* basis; that is, neither the ACLU nor CCR is being reimbursed for legal fees or expenses. The legal representation in question is being provided by attorneys who are employees of the ACLU and CCR, and the organizations' expenses are expected to be covered out of the general funds of these organizations. As noted, however, the ACLU and CCR may find it necessary to retain experts or others to assist in the representation, so they request that the license authorize them to pay the usual and customary fees and expenses of such individuals and other expenses ordinarily incident and necessary to give effect to the representation.

If you or your staff has any questions about this license application, please feel free to contact the ACLU's counsel, Corinne A. Goldstein of Covington & Burling LLP at 202-662-5534 (cgoldstein@cov.com), who will arrange for a prompt response.

* * * * *

Please be advised that this letter contains commercial and financial information about the ACLU and CCR and their businesses that is privileged and confidential and which is, therefore, exempt from the public access provisions of the Freedom of Information Act, 5 U.S.C. § 522. Such information, if disclosed, could adversely affect the financial and competitive position of the ACLU and CCR and the normal conduct of their business operations. Accordingly, the ACLU and CCR request that this letter be withheld in the event of a demand for its disclosure. The ACLU and CCR understand that in the event of such a demand your Office will give them prompt notice and opportunity to be heard prior to taking any action to disclose.

Sincerely,



Anthony D. Romero
Executive Director, ACLU



Vincent Warren
Executive Director, CCR

OFAC Licensing Division

July 23, 2010

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cc: Corinne Goldstein
Terence Dougherty, ACLU General Counsel

MESSAGE CONFIRMATION

JUL-23-2010 03:50 PM FRI

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**American Civil Liberties Union/
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Terence Dougherty, Esq., General Counsel

FAX MEMORANDUM

TO: Licensing Department, Office of Foreign Assets Control, Department
of the Treasury; 202.622.1657
FROM: Terence Dougherty
DATE: July 23, 2010
RE: Emergency Request for a License
PAGES: 5

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Please see the attached correspondence.