

## An illegal bulls-eye?

**M**AY THE U.S. government kill one of its own citizens without first convicting him of a crime? A court may have the opportunity to answer that important question. After being sued by the American Civil Liberties Union and the Center for Constitutional Rights, the Treasury Department has issued a license allowing the civil liberties groups to provide legal services to the father of Anwar Awlaki, an American-born Muslim cleric who is reportedly on a list of individuals targeted for assassination by the military or the CIA. Awlaki's father insists that his son is not a terrorist.

Initially, the government was not going to allow the groups to weigh in. That would have been a travesty. But the Treasury Department provided a license after the groups challenged a requirement that anyone providing legal services on behalf of a "designated global terrorist" obtain permission from the department. Now they will be permitted to file suit to contest the notion that the United States may engage in "targeted killings" of individuals far from a battlefield.

Awlaki, who is believed to live in Yemen, allegedly has encouraged a series of terrorist attacks, including the attempted Christmas

Day bombing of an airliner arriving in Detroit. He was also in communication with Nidal Malik Hasan, the Army major accused of killing 13 people at Ft. Hood, Texas.

The government insists that Awlaki does more than incite acts of terror; he also plays an operational role. Stuart Levey, undersecretary of the Treasury for terrorism, said that Awlaki "has involved himself in every aspect of the supply chain of terrorism — fundraising for terrorist groups, recruiting and training operatives, and planning and ordering attacks on innocents."

Even if those charges are true, it remains controversial whether the United States can legally assassinate a suspected terrorist away from a battlefield. The government obviously believes that Awlaki is a legitimate target in a global war on terror. On the other hand, the 5th Amendment of the Constitution says that no person may be deprived of life, liberty or property without due process of law.

We can understand the military's concern that judges not intrude in the prosecution of a war. But the case of Awlaki, an American citizen who lives far from the U.S. combat zones in Iraq and Afghanistan, raises profound legal and moral issues that at the very least ought to be debated in a court of law. That is now a possibility.

