

## Rights Groups Sue U.S. On Effort to Kill Cleric

By SCOTT SHANE

WASHINGTON — Two human rights organizations went to court on Monday to challenge the Obama administration's decision to authorize the killing of Anwar al-Awlaki, the American-born radical Muslim cleric now hiding in Yemen.

The lawsuit, filed in federal court in Washington on behalf of Mr. Awlaki's father, Nasser al-Awlaki, argues that the United States government should not be permitted to kill an American citizen away from the battlefield and without judicial review.

The human rights groups, the American Civil Liberties Union and the Center for Constitutional Rights, asked the court to prohibit the government from killing Mr. Awlaki until the lawsuit is heard. They also demand that the government disclose the standards it uses to determine who should be singled out for killing.

The lawsuit is the first legal challenge since administration officials disclosed that Mr. Awlaki was the first American citizen to be designated for capture or killing by the Central Intelligence Agency. The authorization, which also applies to the Defense Department, came after intelligence agencies concluded early this year that Mr. Awlaki was actively participating in plotting attacks against the United States, including the failed bombing of a Detroit-bound airliner on Dec. 25.

Since then, Mr. Awlaki has escalated his criticism of the United States in a series of written and recorded statements broadcast by Al Jazeera and posted on the Web. Calling the United States "a nation of evil," Mr. Awlaki said in a March Web posting that "jihad against America is binding upon myself, just as it is binding on ev-

ery other able Muslim."

Obama administration officials have argued that Mr. Awlaki, now believed to be an operative of Al Qaeda in the Arabian Peninsula, the Yemen branch of the terrorist network, has essentially joined the enemy in a time of war. The government does not need a court's permission to kill an enemy soldier, the officials say.

But some legal experts and human rights activists have noted that the law requires the government to get a court warrant to eavesdrop on Mr. Awlaki or other American citizens. An order to kill him should require at least the same degree of review, the activists say, to meet the Fifth Amendment's requirement of "due process" before depriving an American of life or liberty.

"The United States cannot simply execute people, including its own citizens, anywhere in the world based on its own say-so," said Vince Warren, executive director of the Center for Constitutional Rights.

The lawsuit acknowledges that singling out someone for killing can be lawful "as a last resort to protect against concrete, specific and imminent threats of death or serious physical injury." But terrorism suspects designated secretly by the government and left on the target list for months or years do not qualify as such an urgent threat, the lawsuit says.

A Justice Department spokesman, Matthew A. Miller, would not comment on the lawsuit. But he noted that Congress authorized the use of force against Al Qaeda after the 2001 terrorist attacks and that international law recognized a right of self-defense.

Anwar al-Awlaki was born in 1971 in New Mexico, where his father was a graduate student, and moved with his family to Yemen

at the age of 7. He returned to the United States to attend Colorado State University and later served as an imam in three American mosques before moving to London and back to Yemen in 2004.

His publicly expressed views have grown steadily more militant, and his prolific writings and recordings have been cited as an important influence on suspects in more than a dozen terrorism cases in the United States, Canada and Britain.

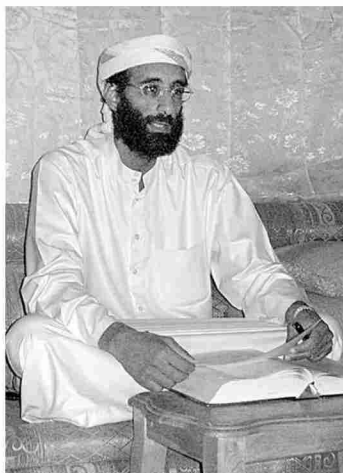
The Obama administration has pursued terrorism suspects using missiles fired from drones in Pakistan and from ships and jets in Yemen. Such strikes have killed hundreds of people, but the effort to capture or kill Mr. Awlaki has drawn particular attention because of his citizenship and prominence as a cleric.

In July, the Treasury Department designated Mr. Awlaki as a terrorist, meaning that providing him legal or other services could be a crime. The A.C.L.U. and the Center for Constitutional Rights filed suit earlier this month challenging the Treasury regulations, but the department issued a license to the two groups permitting them to take legal action on Mr. Awlaki's behalf. The lawsuit challenging the Treasury regulations is still pending.

William C. Banks, an expert on national security law at Syracuse University, said the lawsuit filed Monday faced numerous, probably insurmountable, legal obstacles. He said Nasser al-Awlaki might have difficulty showing that he had been injured by the actions taken against his son or overcoming the secrecy that protected counterterrorism programs.

Even if the elder Mr. Awlaki does have legal standing to sue, the government can cite the Congressional authorization of 2001 to justify its actions, Mr. Banks said. "The arguments in this lawsuit are creative," he said, "but I think it's unlikely to succeed."





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**Anwar al-Awlaki, a Muslim cleric who was born in New Mexico, in Yemen in 2008.**

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