

Father Of Internet Imam Plans To Sue CIA

by DINA TEMPLE-RASTON



Enlarge

Muhammad ud-Deen/AP

Radical American-Yemeni Islamic cleric Anwar al-Awlaki has been linked to al-Qaida and deemed a national security threat to the United States. But Awlaki hasn't been publicly charged or indicted in the U.S.

lawsuits have focused mainly on the government's power to detain, interrogate and gather intelligence on individuals as part of the so-called 'war on terror.' Now, for the first time, the government's authority to kill one of its own citizens is in question."

Anwar al-Awlaki is thought to be a senior operative for al-Qaida's arm in Yemen, and he has been linked to both the Fort Hood shootings last November and an attempted bombing on a U.S. airliner on Christmas day.

NPR reported last week that Awlaki's father had been in contact with lawyers in the United States to file the lawsuit.

Restrictions On Representing Awlaki

The American Civil Liberties Union and the CCR say the details of that lawsuit have yet to be worked out, partly because the lawyers have been hamstrung by a federal regulation that limits their ability to defend Awlaki.

Under U.S. Treasury Department rules, the ACLU and CCR have to apply for a license to represent him because he has been designated a terrorist. The human rights lawyers asked a federal district court judge Tuesday to strike down that regulation.

"The same government that is seeking to kill Anwar al-Awlaki has prohibited attorneys from contesting the legality of the government's decision to use lethal force against him," says the complaint filed Tuesday morning.

Later Tuesday, the ACLU and CCR issued a statement addressing the status of the standoff with the Treasury Department's Office of Foreign Assets Control:

"OFAC has neither issued a license nor stated that we don't need one. It suggests that it might eventually

August 3, 2010

text size **A A A**

The father of the Internet's most famous radical cleric, Anwar al-Awlaki, is planning to sue the U.S. government for including his son on a CIA target list.

Nasser al-Awlaki hired the ACLU and the Center for Constitutional Rights last month to file a lawsuit that would question whether his American-born son can be on the CIA's "capture or kill" list. A lawsuit ultimately could seek an injunction to get him removed from the list. That lawsuit hasn't been filed. But it would mark the first legal challenge to the military and CIA target lists.

"This represents a new kind of challenge to American counter-terrorism," said Sam Rascoff, a New York University law professor. "Previous

grant us a license for our work, but our application has already gone unanswered for eleven days. OFAC is well aware that the case relates to the government's decision to add a U.S. citizen to its 'targeted killing' list. To say that the matter is urgent is a dramatic understatement. Instead of issuing press releases, OFAC should simply issue us a license."

The Obama administration placed Awlaki on a target list earlier this year. The decision came after a young Nigerian tried unsuccessfully to blow up a Detroit-bound airliner on Dec. 25. He told U.S. authorities that Awlaki had directed him to launch the attack. Awlaki is also thought to have inspired Maj. Nidal Hasan, the army psychiatrist who allegedly opened fire on fellow soldiers at Fort Hood in Texas last year.

Deemed A National Security Threat

The Treasury Department's decision to put Awlaki on its terrorism list was more recent. It came just weeks ago — about the same time that Awlaki's father was exploring whether to file a lawsuit against the U.S. government.

Stuart Levey, the Treasury Department's undersecretary for terrorism and financial intelligence, called Awlaki a national security threat.

"Anwar al-Awlaki has proven that he is extraordinarily dangerous, committed to carrying out deadly attacks on Americans and others worldwide," Levey said last month. "He 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."

ACLU executive director Anthony Romero acknowledged that Awlaki is a controversial client to represent. "But the issue isn't about Awlaki's character or crimes," he said. "The issue is due process under the law. Mary Poppins isn't on a terrorism list."

Travel To Yemen

Jameel Jaffer was one of two ACLU attorneys who traveled to Yemen in May to sit down with Awlaki's father and discuss the case.

Nasser al-Awlaki formally retained the ACLU and the CCR in early July. He told the lawyers that he feels the Obama administration has essentially green-lighted his son's assassination — without filing any charges or having a court weigh the evidence in the case.

Awlaki hasn't been publicly charged or indicted in the U.S.

Since the Sept. 11 attacks, there has been a debate about where the boundaries of the battlefield actually lie in the war against al-Qaida. The Obama administration has maintained that the battlefield isn't limited to specific parts of Afghanistan, Pakistan or Iraq, but essentially is wherever terrorists may be plotting against the U.S. That's the same position the Bush administration took.

An Awlaki court case could go right to the heart of that issue.

"There's no question that the government has the authority to use lethal force against Americans who join the Taliban, say, or who join the insurgency in Iraq," the ACLU's Jaffer said. "But the United States is not at war in Yemen, and the government doesn't have a blank check to kill terrorism suspects wherever they are in the world. Among the arguments we'll be making is that, outside actual war zones, the authority to use

lethal force is narrowly circumscribed, and preserving the rule of law depends on keeping this authority narrow."

comments

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Recent First



Gula Martaban (Murtabak) wrote:

Dena Temple-Raston is yet another tool of the government and those in the military-industrial complex. She has no credibility to me and what she reports. She is a mouthpiece for those who are perpetuating the endless war on terrorism.

She often cites her "various" anonymous sources. To me any anonymous source is someone who provides misleading information and cannot be held accountable for their actions. Anonymous sources are those who supply misinfo and disinfo and distort and divert your attention away from the issue at hand.

When she is reporting on Talk of the Nation one can hear how Neil Cohen plays the game along with her.

Both are simply tools to be used by the ruling elite to advance their agendas.

Quis custodiet ipsos custodes? (Who will watch the watchers?)

"The Central Intelligence Agency owns everyone of any significance in the major media."

...William Colby, former director of the CIA...

Wednesday, August 04, 2010 10:35:37 AM

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Frosted Flake (Frosted_Flake) wrote:

Daniel Ward (DanJW) wrote:

"Frosted Flake,
Hmm. I didn't know I was arguing for anything. Simply correcting a misconception."

Perhaps if I put it more personally. My dad murdered 3 people. A sister, a girlfriend, a rival for her affection. He brain damaged 2 people for life. A sister and a son. He raped 2 daughters, the first named for his murdered girlfriend. He beat his kids, wives and mistresses. And sometimes strangers also. He robbed and stole whatever he wanted from whoever had it. He was drunk most of his life. And I was lucky to get out alive. But I didn't starve. So, it wasn't all bad.

Is that an effective way to rationalize the situation? Or does it fall flat? And isn't that exactly what we are doing in Afghanistan? And Iraq.

I don't think you were correcting a misconception. I think you were buying into one, because you don't want to call your dad by his real name. If that is rough, perhaps it is because the issue named at the top of this page is the crux of the matter.

Rule of law, or rule of force? Building a school after bombing a country doesn't make up for anything. It just sets the dominoes up so they can be knocked down again.

Wednesday, August 04, 2010 3:41:27 AM

[Recommend \(3\)](#)

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James Harvey (J01) wrote:

I hope the ACLU can see the difference between a reasonable complaint of due process and support of enemy fighters using our system to protect themselves while they attack us.

I respect the ACLU for its dogged protection of due process, but here I believe they are stepping beyond the bounds of reason

Wednesday, August 04, 2010 12:22:14 AM

[Recommend \(2\)](#)

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Tom Elliott (TNE3) wrote:

I am troubled that Dena Temple-Raston doesn't cite any source besides the U.S. government concerning Anwar An-Awlaki's complicity in terrorist attacks. Good reporting should at least aspire to independent verification of the facts. Instead we are left with a choice of believing either a government which has been proven dramatically wrong on a number of terrorism-related claims (see Iraq, weapons of mass destruction) or the accused man's father. We all deserve harder work than this on such an important issue.

Tom Elliott

Tuesday, August 03, 2010 11:57:54 PM

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nlucci luccin (nlucci00) wrote:

An NPR moderator has removed this comment because it does not adhere to the discussion guidelines

Tuesday, August 03, 2010 11:39:54 PM

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Debra Williams (debralovesgospe) wrote:

Even though everything is out of whack, thank God for checks and balances.

Tuesday, August 03, 2010 11:15:46 PM

[Recommend \(2\)](#)

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Jacques Bouvier (Bouvier) wrote:



What sort of injustice is this? The USA is going to try to kill one of its own citizens based on someone's OPINION that he has inspired terrorism? Whatever happened to the rule of law? Whatever happened to "considered innocent until proven guilty"? Where's the EVIDENCE that this person is guilty? Let's have it before we even discuss what should be done with him. At this stage all that has been presented is opinion and hearsay. Those do not usually count as evidence.

Tuesday, August 03, 2010 10:21:59 PM

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Margaret Leafe (Poetmaggie2) wrote:

Why is the target list public, seems to me it should be top, top, top secret. Also if this man is a trator shouldn't his citizenship be pulled, end of citizenship problem. And if he is a citizen guilty of killing fellow citizens why isn't there a warrent out for his arrest?

Tuesday, August 03, 2010 8:33:25 PM

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Harry Hoxsey (OrangRoti) wrote:

CIA = Capitalism's Invisible Army, Crooks in Action or Cocaine Importing Agency.

"Enemies are necessary for the wheels of the U.S. military machine to turn. "

"It is the function of the CIA to keep the world unstable, and to propagandize and teach the American people to hate, so we will let the Establishment spend any amount of money on arms."

-- John Stockwell, former CIA official and author

Tuesday, August 03, 2010 6:56:36 PM

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Daniel Ward (DanJW) wrote:

Frosted Flake,

Hmm. I didn't know I was argueing for anything. Simply correcting a misconception.

Tuesday, August 03, 2010 5:46:43 PM

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