

ACLU files suit against Obama administration in Awlaki case

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The American Civil Liberties Union (ACLU) and the Center for Constitutional Rights (CCR) on Tuesday filed a lawsuit against the US Treasury Department and the Office of Foreign Assets Control (OFAC) challenging the Obama administration's authority to prevent their lawyers or other attorneys from representing alleged terrorist Anwar Al-Awlaki without special permission.

In April it was revealed that President Obama had given the order for the "targeted killing" of Awlaki, a US-born Muslim cleric in Yemen accused of terrorism by the US government. This marked the first time in history that a US president officially ordered the assassination of a US citizen.

There has already been at least one attempt on Awlaki's life, when the US launched a cruise missile attack on a meeting he was attending, but the cleric survived. Hundreds have already been assassinated in attacks of this kind in Pakistan and elsewhere carried out by unmanned drones armed with missiles under the control of the US Central Intelligence Agency.

In July, OFAC designated Awlaki a "global terrorist." With this designation, it now becomes illegal for an attorney to represent him unless OFAC grants the lawyer a special license to do so. This is a clear violation of one of the most basic democratic rights laid down in the US Constitution, which recognizes the right of a defendant to legal representation by counsel of his or her choosing.

The ACLU was asked by Awlaki's father, Nasser Al-Awlaki, a scientist trained in the US, to represent him in a suit challenging the government's placement of his son on its list of targets for assassination. Because the case would benefit the younger Awlaki, the ACLU cannot represent the father without an OFAC license. The ACLU has applied for a license but, after 11 days,

has yet to receive an answer.

A press release announcing the suit against the Treasury Department and OFAC states: "The ACLU and CCR charge that OFAC has exceeded its authority by subjecting uncompensated legal services to a licensing requirement, and that OFAC's regulations violate the First Amendment, the Fifth Amendment and the principle of separation of powers. Today's lawsuit asks the court to invalidate the regulations and to make clear that lawyers can provide representation for the benefit of designated individuals without first seeking the government's consent."

ACLU Executive Director Anthony Romero said in the statement, "The government is targeting an American citizen for death without any legal process whatsoever, while at the same time impeding lawyers from challenging that death sentence and the government's sweeping claim of authority to issue it. This is a dual blow to some of our most precious liberties, and such an alarming denial of rights in any one case endangers the rights of all Americans." He added, "Attorneys shouldn't have to ask the government for permission in order to challenge the constitutionality of the government's conduct."

Vince Warren, the executive director of CCR, has also spoken out against the Obama administration's actions, saying, "President Obama is claiming the power to act as judge, jury and executioner while suspending any semblance of due process. Yemen is nearly 2,000 miles from Afghanistan or Iraq. The US government is going outside the law to create an ever-larger global war zone and turn the whole world into a battlefield. Would we tolerate it if China or France secretly decided to execute their enemies inside the US?"

The Obama administration has reacted with hostility

to the news of the ACLU suit. "Let's be clear about Anwar al-Awlaki," said White House Press Secretary Robert Gibbs on Tuesday. He "is someone who has sworn allegiance to Al Qaeda in the Arabian Peninsula, is a regional commander for that group in Yemen, has and continues to direct attacks there and, as we know, against innocent men, women and children in this country, and this president will take the steps necessary to keep our country safe from thugs like him."

The indifference toward the rights of a US citizen on display in Gibbs' comments is remarkable, but not surprising. The attack on democratic rights carried out in the name of the "war on terror" under the Bush administration has not abated under Obama. No less than his predecessor, President Obama is prepared to do whatever is necessary to intimidate opposition to the United States' colonial-style wars in the Middle East as well as the administration's anti-working class policies at home.

Under Obama, like Bush, those accused of terrorism may be held indefinitely without ever being charged with a crime or granted a trial. Should the president order it, they can be executed at will.



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