

# Obama legal team drew up secret bin Laden assassination memos

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In a prominently featured article for the *New York Times*, excerpted from his forthcoming book, journalist Charlie Savage has brought to light some new aspects of the US government operation to assassinate Osama bin Laden.

According to Savage's research, apparently based largely on an unnamed insider who some speculate may be Secretary of Homeland Security Jeh Johnson, the Obama administration convened an ultra-secret US government legal task force to produce legal memoranda aimed at justifying the 2011 military incursion into Pakistan to assassinate bin Laden.

Four handpicked White House lawyers collaborated to "hammer out rationales intended to overcome any legal obstacles" during the days and weeks just prior to the attack by US Special Forces against bin Laden's compound in Pakistan, Savage reported in the *Times*.

The administration's legal team consisted of then Defense Department General Counsel Jeh Johnson; Joint Chiefs of Staff legal attaché Rear Admiral James Crawford; CIA General Counsel Stephen Preston and National Security Council legal chief Mary DeRosa. The group sought to justify a variety of illegal activities by the executive branch through a process, to use Savage's phrase, of "stretching sparse precedents."

"Just days before the raid, the lawyers drafted five secret memos so that if pressed later, they could prove they were not inventing after-the-fact reasons for having blessed it," Savage wrote.

The main thrust of the memos is to assert, on behalf of the Obama administration, an array of sweeping powers that would effectively "legalize" the assassination mission, even though the mission involved several violations of international law.

Powers arrogated to the White House by the legal team included authority to order a raid with the explicit

purpose of killing and not capturing bin Laden, authority to conduct covert operations even when they clearly violate international law, authority to destroy bin Laden's body, and authority to order bin Laden's killing even in the case that he attempted to surrender.

"The lawyers grappled with whether it was lawful for the SEAL team to go in intending to kill bin Laden as its default option. They agreed that it would be legal," Savage notes.

"Mr. Obama explicitly ordered a kill mission," Savage writes, citing administration sources.

The activities of the legal team were so secret, according to Savage, that team members communicated only by hand delivered memos, and even Attorney General Eric Holder and the Office of Legal Counsel were not informed about the team's existence and activities.

Savage's article gives only an outline sketch of the activities of the secret White House legal team, establishing the basic facts about the bin Laden assassination memos. The actual memos remain publicly unavailable.

Following the pattern of the Bush administration's torture memos, the Obama administration organized a secretive legal team to craft ad hoc loopholes enabling the White House to legitimize flagrantly illegal covert operations, Savage shows.

Savage's account, for all his evident sympathy for the military-intelligence apparatus and its "Global War on Terror," confirms that the Obama administration never sought to capture bin Laden, but "explicitly" ordered the US Special Forces team to kill him instead. It had no interest in bringing the al Qaeda leader into a courtroom, where he could testify about his longstanding relationship with sections of the Saudi state and US intelligence agencies.

The Special Forces team was further given a general mandate to murder any other persons who might happen to be on the scene.

US forces deliberately killed several other unarmed civilians during the raid, including bin Laden's teenage son, according to unnamed SEAL team members cited by *Army Times* journalist Sean Naylor in his recently published *Relentless Strike: The Secret History of Joint Special Operations Command*.

Bin Laden's compound was "not defended by armed men," and there was no "firefight," yet this did not prevent the SEAL Team from killing several people in the process of entering, including at least one woman, who was shot while running to cover the body of her wounded brother, according to the US commando.

"It was made crystal clear to us that capturing the terrorist was not the preferred option," a Team 6 source told Naylor, referring to the raid against bin Laden's compound. Specific orders to kill bin Laden came directly from CIA Director Leon Panetta, according to Naylor's source.

Bin Laden himself was killed by SEAL members when they opened fire at an unidentified person at the end of a dark hallway.

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Even as he seeks to establish that the White House followed some sort of "legal" procedure before ordering the killings, Savage reveals further chilling details about the inner workings of the Obama assassination machine.

According to Savage's research, the Obama legal team considered authorizing Obama to bomb not only bin Laden's compound, but also large portions of the area surrounding it in an effort to destroy underground tunnels analysts believed to be in place as potential escape routes.

The team decided against recommending the massive bombing attack on the densely populated neighborhood out of fear that the anticipated large number of civilian casualties "would have bought us a propaganda fight," CIA General Counsel Stephen Preston told Savage.

Savage's research underscores the extent to which fascistic legal procedures have become entrenched inside the American state. The White House legal team's efforts focused on finding a "legal" basis for the President to authorize military-covert operations

even in full knowledge that the operations are violating international law. As their "legal precedent" for this position, the administration lawyers cited congressional testimony given by CIA General Counsel Caroline Krass informing lawmakers that the president can decide to violate international law, and order illegal covert operations when he considers it necessary.

In a written transcript of Krass' testimony referred to by the White House legal team, the CIA chief attorney states:

"If the CIA General Counsel, in consultation with senior lawyers for other departments and agencies participating in the review of the covert action activity, concludes that a covert action violates a non-self-excluding treaty or customary international law, I believe it is his or her duty to ensure that the Director of the CIA is made aware of that conclusion so that policy discussions can occur when deciding whether to recommend that the President nonetheless authorize the covert action activity."

"The United States respects international law and complies with it *to the extent possible* in the execution of covert action activities," Krass added.

Based on Krass' position, the secret legal cabal determined that "he [Obama] could decide to violate international law when authorizing a 'covert' action," according to Savage.

On the whole, Savage's piece has the character of a carefully crafted damage control effort, which seeks to establish credibility by offering a relatively more truthful version of events, while doing so within a pseudo-legal framework that serves to justify and rationalize grave crimes organized by the Obama administration and the US military.



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