

Justice Department Leaks Memo “Legalizing” Murdering Americans

By [David Swanson](#)

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[War is a Crime](#)

Region: [USA](#)

Theme: [Law and Justice](#), [Police State & Civil Rights](#)

[Here](#) is the memo. With a few tweaks and a more creative title — like “Murder With Your Hands Clean” — this memo could sell a lot of copies.

And why not? Either there’s a whistleblower in the Department of So-Called Justice about to be charged with espionage, and NBC is about to face the same persecution as WikiLeaks, or this is one of those “good” leaks that the White House wanted made public in an underhanded manner — perhaps as an imagined boost to morality-challenged CIA director nominee John Brennan who faces his Senate Rejection Hearing on Thursday.

The memo, which is thought to be a summary of a longer one, says the United States can murder a U.S. citizen abroad (abroad but somehow “outside the area of active hostilities” even though killing him or her seems rather active and hostile) if three conditions are met:

“1. an informed, high-level official of the U.S. government has determined that the targeted individual poses an imminent threat of violent attack against the United States;”

The memo goes on to base its claims on the supposed powers of the President, not of some random official. Who is such an official? Who decides whether he or she is informed? What if two of them disagree? What if he or she disagrees with the President? or the Congress? or the Supreme Court? or the U.S. public? or the United Nations? or the International Criminal Court? What then? One solution is to redefine the terms so that everyone has to agree. “Imminent” is defined in this memo to mean nothing at all. “The United States” clearly means anywhere U.S. troops may be.

“2. capture is infeasible, and the United States continues to monitor whether capture becomes feasible;”

And if a high-level official claims it’s infeasible, who can challenge that?

“3. the operation would be conducted in a manner consistent with applicable law of war principles.”

When a U.S. drone strike killed Anwar al-Awlaki and Samir Khan, no one had shown either of them to meet the above qualifications.

When a U.S. drone strike targeted and killed 16-year-old Abdulrahman al-Awlaki, no one had shown him to meet the above qualifications; I don't think anyone has made such a claim to this day. And what about his cousin who died for the crime of being with him at the wrong time?

The sociopaths who wrote this memo have "legalized" the drone-killing of Americans with the exception of all the Americans known thus far to have been murdered by our government with the use of drones.

David Swanson's books include "War Is A Lie." He blogs at <http://davidswanson.org> and <http://warisacrime.org> and works for <http://rootsaction.org>. He hosts [Talk Nation Radio](#). Follow him on Twitter: [@davidcnswanson](#) and [FaceBook](#).

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