

THE SENATE JUDICIARY COMMITTEE HASN'T SEEN THE TARGETED KILLING MEMO EITHER

I guess it should be no surprise that Pat Leahy, the Chair of the Senate Judiciary Committee, hasn't seen the memo authorizing the killing of Anwar al-Awlaki. After all, if the full Senate Intelligence Committee—which is supposed to exercise oversight over covert operations like that assassination—hasn't seen the memo, then it'd be unlikely the Administration would share it with Leahy, much less the full committee.

But Charlie Savage confirms that Leahy has not seen it (while also catching Eric Holder giving a response far more comprehensive than the Glomar response the NYT and ACLU have received in FOIA requests).

For months, the Obama administration has refused to confirm or deny the existence of a Justice Department memorandum that approved the targeted killing of a United States citizen, Anwar al-Awlaki, who died in a drone strike in Yemen last September.

But in an exchange at a budget hearing on Thursday, Senator Patrick J. Leahy and Attorney General Eric H. Holder Jr. came close to implicitly conceding that there is indeed such a memo, which was written by the Justice Department's Office of Legal Counsel.

Mr. Leahy, a Vermont Democrat who is chairman of the Senate Judiciary Committee, brought up a conversation he said he and Mr. Holder had earlier this week about a speech on "drones and targeting of U.S. citizens" that the attorney general delivered on Monday.

“I still want to see the Office of Legal Counsel memorandum and I would urge you to keep working on that,” Mr. Leahy said to Mr. Holder. “I realize that’s a matter of some debate within the administration but ...”

The senator then paused, smiled and laughed. Mr. Holder responded by nodding and said, chuckling, “That would be true.”

Say, Pat?

You were in an Appropriations Committee hearing.

One way—the only proven way—of forcing an Administration to act like it’s still a democracy is to withhold funds. Attach rules like, “DOJ may not authorize the targeted killing of US citizens unless it has shared the legal argument with its oversight committees.” Or, “DOJ may not authorize the targeted killing of US citizens without due process **including judicial review.**”

Unless you actually make the Administration act like they’re in a democracy, we’re all just pretending. And an Appropriations meeting is the perfect time to do such things.