

AFTER OVER 23 REQUESTS, CONGRESS DRAWS CLOSER TO ISSUING SUBPOENAS

As I've been tracking, members of Congress have made over 23 requests for the OLC memos authorizing drone and/or targeted killing. Thus far, only the Intelligence Committees and the Senate – but not the House – Judiciary Committees have been able to see the memos, and they've not seen much more than the memo authorizing Anwar al-Awlaki's killing.

Tomorrow, the House Judiciary Committee may finally get around to demanding the memos – not just the Awlaki memos, but also any memos authorizing signature strikes.

On Monday, Chairman Bob Goodlatte (R-Va.) announced the meeting to authorize the subpoena after the administration failed to meet a deadline he and the panel's ranking member John Conyers (D-Mich.) issued last week asking for a plan to share the confidential documents.

[snip]

"There is no good reason that the committee's bipartisan request should go unanswered. The administration's policy raises serious questions about the role of due process during wartime when the enemy may be a U.S. citizen and the committee must explore these issues and ensure Americans' constitutional rights are protected at all times," he added

I'm actually somewhat surprised by this. I had thought the Administration would make a deal to show HJC only the Awlaki memos, as a way to continue to hide the signature strike memos (and Goodlatte's language suggests that's what he is

primarily interested in; the Democrats are the ones demanding the signature strike memos).

But then, the Administration has pretty consistently surprised me with its stubbornness on these memos.

Just as a reminder, on Friday National Security Council spokesperson Caitlin Hayden claimed the Administration had,

A commitment to congressional oversight. We regularly provide the appropriate members of Congress and the committees who have oversight of our counterterrorism programs with briefings about our drone operations. We have also provided certain Members unprecedented access to highly classified and deliberative legal opinions explaining the legal rationale for certain strikes, including drone strikes that might target U.S. persons.

It's hard to draw any conclusion except that the Administration believes that oversight of constitutional issues – such as HJC (and SJC) exercise – has nothing to do with oversight of counterterrorism issues.