

DIANNE FEINSTEIN AGREES WITH OBAMA: PUBLIC CAN'T KNOW TARGETED KILLING LEGAL JUSTIFICATION

At the end of a useful Steve Coll piece on the Constitutional danger of the Administration's unilateral decisions to kill American citizens, he argues that Congress has the ability to force the Administration to release the process by which it executes Americans with no due process publicly.

None of Obama's legal advisers has testified similarly about what secret system and classified legal memos may exist for judging, in the case of an American citizen targeted overseas, whether and why a capture attempt may be feasible. Congress has the power to force such statements onto the public record. It must try; it is obvious by now that the Obama Administration will not volunteer them. Is "kill or capture" a policy, or are the words just a screen for politically convenient targeted killings?

As I laid out the other day, Congress has tried to ask nicely for the memos on over 10 occasions, only to be blown off by the Administration.

That's why Dianne Feinstein's thus far successful effort to undercut John Cornyn's effort to mandate release of the memos is so dangerous. John Cornyn's amendment would mandate release to six oversight committees (those overseeing Intelligence, Judiciary, and Armed Services) within a month. DiFi's bill would require release of all intelligence related memos (which is good), but only to the

Intelligence Committees, and with loopholes that would permit the Administration to withhold a slew of their legal authorities. And any release could be delayed 6 months beyond the passage of the bill (so, if Mitt were to win, beyond the end of the Obama Administration).

There is widespread bipartisan support for releasing a real explanation of this to the public, now. Cornyn's amendment would be an important half measure, requiring release of the Awlaki kill memo at least to the members of Congress purportedly ensuring government activities remain constitutional. And yet DiFi's efforts undercut even that half measure.

Update: My original title, which I've resigned to the dustbin of over-long novels, stunk. Thankfully, Kade Ellis gave me a better one.