

DENNIS J. KUCINICH

10TH DISTRICT, OHIO

2445 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-5871

14400 DETROIT AVENUE
LAKEWOOD, OHIO 44107
(216) 228-8850

PARMATOWN MALL
7904 DAY DRIVE
PARMA, OH 44129
(440) 845-2707



Congress of the United States
House of Representatives

www.kucinich.house.gov

CHAIRMAN,
SUBCOMMITTEE ON DOMESTIC POLICY

COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM

COMMITTEE ON EDUCATION AND LABOR

February 4, 2010

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, Northwest
Washington, DC 20530-00001

Dear Attorney General Holder:

A recent article published by *The Washington Post*¹ revealed that U.S. citizens have been included on targeted assassination lists maintained by the Central Intelligence Agency (CIA) and the Joint Special Operations Command (JSOC), and that the President has authorized military operations with the express understanding that a U.S. citizen might be killed, or under this policy may be killed in the future. The article, outlining U.S. military involvement in secret joint operations with Yemeni troops, quotes senior officials in the Administration referring to the authorization to assassinate U.S. citizens abroad if it is deemed that they are connected with al Qaeda or are seen to pose "a continuing and imminent threat to U.S. persons and interests."

The article, published on January 27, reports that the JSOC and CIA maintain lists of individuals deemed "High Value Targets" and "High Value Individuals," whom they seek to kill or capture, and that the lists currently include U.S. citizens. A senior administration official is quoted as saying that a U.S. citizen who is deemed to have joined al Qaeda "doesn't really change anything from the standpoint of whether we can target them...they are then part of the enemy." Another article published by *The Washington Post*² February 4,, quotes Director of National Intelligence, Dennis C. Blair, confirming this, but adding that the JSOC and CIA "follow a set of defined policy and legal procedures that are very carefully observed," in targeting U.S. citizens deemed to be security threats. These policies and procedures, however, are not clear.

Due process of law is a fundamental principle in our Constitutional structure. Even the most superficial reading of Article XIV makes it clear that extrajudicial killings of U.S. citizens by the U.S. government or its agents are by definition outside the law. Yet under the policy cited in *The Washington Post*, when U.S.

¹ Priest, Dana. (2010, January 27). "U.S. military teams, intelligence deeply involved in aiding Yemen on strikes." *The Washington Post*. Online. Accessible: <http://www.washingtonpost.com/wp-dyn/content/article/2010/01/26/AR2010012604239.html?hpid=topnews>.

² Nakashima, Ellen. (2010, February 4). "Intelligence chief acknowledges U.S. may target Americans involved in terrorism." *The Washington Post*. Online. Accessible: http://www.washingtonpost.com/wp-dyn/content/article/2010/02/03/AR2010020303968_pf.html.

citizens are unilaterally deemed a threat to our national security, their right to present a defense is summarily and anonymously stripped from them--the government becomes policeman, prosecutor, judge, jury and executioner all in one. This suspension of basic constitutional protections for U.S. citizens puts in jeopardy our Constitution and the rule of law.

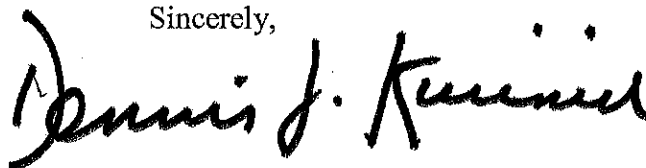
Furthermore, the revelation that Blackwater is intimately involved with a targeted assassination program run by the CIA and JSOC in Pakistan leads me to the concern that there is a possibility of their involvement in targeted assassinations elsewhere. An article published by *The Nation*³ in November of 2009 reported the involvement of Xe Services, the now thoroughly discredited company formerly known as Blackwater, in a covert targeted assassination program run by the JSOC in Pakistan. The article reports that "members of an elite division of Blackwater are at the center of a secret program in which they plan targeted assassinations of suspected Taliban and al Qaeda operatives . . . inside and outside Pakistan." The participation of Blackwater in covert, targeted assassination programs run by the CIA and JSOC has been confirmed by the company's founder; Erik Prince.⁴ It seems that since private, U.S.-based security contractors are intimately involved in the planning of targeted assassinations, the door of murder-for-hire has been opened wide.

Blackwater has already been subject of an investigation of wholesale murder in Iraq. Instead of being debarred from federal contracts, the Pentagon and the CIA have now seen fit to give Blackwater operatives the power over life and death. The use of private security companies in operations that have virtually no transparency, accountability or oversight raises serious legal questions, particularly when the outcomes of such programs constitute possible violations of international law and violations of the U.S. Constitution. This policy can only serve to undermine America's moral standing in the world.

The government has the right and the obligation to protect the citizens of this country. However, I reject the notion that we can accomplish this goal only by violating international law and trampling on the Constitution. Protecting the constitutional rights of some citizens should not require revoking the constitutional rights of other citizens. As such, I request the legal justification for the authority to revoke the constitutional protections of any U.S. citizen and conduct targeted assassinations of U.S. citizens. In addition, I request information on the use of U.S.-based private security companies in targeted assassination programs, domestically or abroad.

Thank you for your attention to my concerns.

Sincerely,

A handwritten signature in black ink that reads "Dennis J. Kucinich". The signature is written in a cursive, flowing style with a large initial 'D'.

Dennis J. Kucinich
Member of Congress

³ Scahill, Jeremy. (2009, November 23). "The Secret U.S. War in Pakistan." *The Nation*. Online. Accessible: <http://www.thenation.com/doc/20091207/scahill/print>.

⁴ Ciralsky, Adam. (2010, January). "Tycoon, Contractor, Soldier, Spy." *Vanity Fair*. Online. Accessible: <http://www.vanityfair.com/politics/features/2010/01/blackwater-201001>.