



Written by [Raven Clabough](#) on July 19, 2012

Families Sue Over Drone Strikes on American Citizens

Family members of American citizens who have perished in U.S. drone strikes in Yemen last year are currently suing the United States for targeting the suspected terrorists “without due process.” The families of Muslim cleric Anwar al-Awlaki, his sixteen-year old son Abdulrahman al-Awlaki, and operative Samir Khan filed a wrongful death [lawsuit](#) on Wednesday, citing the murders as unconstitutional.



Fox News [reports](#): “The complaint, prepared by the American Civil Liberties Union (ACLU) and Center for Constitutional Rights (CCR), was filed against four senior national security officials: Defense Secretary Leon Panetta, CIA Director David Petraeus and senior commanders of the military’s Special Operations forces, Adm. William McRaven of the Navy and Lt. Gen. Joseph Votel of the Army.”

The complaint focuses on the violations to the Constitution arising from the assassinations of the three men, who were American citizens. Anwar al-Awlaki was born in the state of New Mexico, while his son Abdulrahman was born in Colorado. Khan was a naturalized U.S. citizen whose family lived in Charlotte, North Carolina. Anwar Al-Awlaki and Samir Khan were killed in Yemen on September 30, 2011, while Anwar’s son Abdulrahman was killed in a separate drone strike on October 14, 2011.

According to the lawsuit:

The U.S. practice of “targeted killing” has resulted in the deaths of thousands of people, including many hundreds of civilian bystanders. While some targeted killings have been carried out in the context of the wars in Afghanistan and Iraq, many have taken place outside the context of armed conflict, in countries including Yemen, Somalia, Pakistan, Sudan, and the Philippines.

These killings rely on vague legal standards, a closed executive process, and evidence never presented to the courts.... The killings violated fundamental rights afforded to all U.S. citizens, including the right not to be deprived of life without due process of law.

The constitutionality of targeting American citizens labeled as terrorists for murder was an issue even before the assassinations took place.

In 2010, the American Civil Liberties Union and the Center for Constitutional Rights filed [suit](#) against the United States on behalf of Anwar Al-Awlaki’s father, Nasser, in a case regarding Executive Order 13224, signed by President George W. Bush on September 23, 2001. That order established “Specially Designated Global Terrorists.” TNA’s Joe Wolverton, II wrote at the time:

Under the terms of the executive order, the designation as an SDGT [Specially Designated Global Terrorist] allows the United States to block the assets of foreign individuals and entities that commit, or pose a significant risk of committing, acts of terrorism, and to block the assets of individuals and entities that provide support, services, or assistance to, or otherwise associate with, terrorists and terrorist organizations designated under the order, as well as their subsidiaries, front organizations, agents, and associates.

This includes American citizens. Anwar al-Awlaki was labeled an SDGT, and became the first American-



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born citizen to be added to the CIA assassination list. That designation provoked the ACLU and Center for Constitutional Rights to file suit against the United States, stating that an expedited lawsuit may “spell the difference between life and death for Anwar al-Awlaki.” But the groups were unable to stop the targeted killing of the three men.

Indeed, U.S. District Judge John Bates [dismissed](#) the suit, asserting he did not have the authority to hear such a lawsuit. He said that the suit must be dismissed because it falls under the “political question doctrine,” which necessitates that judges step aside for issues to be resolved by the elected branches of government. “This court does not hold that the Executive possesses unreviewable authority to order the assassination of any American whom he labels an enemy of the state,” Judge Bates wrote in his December 2010 decision. “Rather, the court only concludes that it lacks the capacity to determine whether a specific individual in hiding overseas ... presents such a threat to national security that the United States may authorize the use of lethal force against him,” the judge said.

Efforts to have Al-Awlaki removed from the kill list obviously failed and a drone targeting Awlaki’s car killed both Awlaki and Khan. Two weeks later, his son was killed in a drone strike at an open-air restaurant.

Following the assassination of al-Awlaki, Democratic Representative Dennis Kucinich accused the Obama administration of [assaulting the Constitution. He argued](#), “The idea that the United States has the ability to summarily execute a US citizen ought to send chills racing up and down the spines of every person of conscience. The fact that our government can set itself up as policeman, prosecutor, judge, jury and executioner, all wrapped into one fatal moment, should cause every person who loves this country to be deeply concerned about the direction we’re going.”

GOP presidential candidate Ron Paul has made similar assertions, calling the assassination of al-Awlaki an “[impeachable offense](#).”

The wrongful death suit launched by the ACLU and CCR will once again be calling attention to the “kill lists” that target suspected terrorists, including American citizens, and how those lists violate constitutional rights like due process and the Fourth Amendment that protects Americans from illegal search and seizure.

“This suit is an effort to enforce the Constitution’s fundamental guarantee against the deprivation of life without due process of law,” [Jameel Jaffer](#) of the ACLU said in a statement. “The Constitution does not permit a bureaucratized program under which Americans far from any battlefield are summarily killed by their own government on the basis of shifting legal standards and allegations never tested in court,” Mr. Jaffer said.

Speaking specifically about the death of al-Awlaki’s 16-year-old son, CCR staff attorney Pardiss Kebriaei said, “When a 16-year-old boy who has never been charged with a crime nor ever alleged to have committed a violent act is blown to pieces by US missiles, alarm bells should go off.” “The US program of sending drones into countries in and against which it is not at war and eliminating so-called enemies on the basis of executive memos and conference calls is illegal, out of control, and must end,” she said.



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