

THE GANG OF FOUR DOESN'T HAVE ACCESS TO THE KILL LIST

Particularly given the questions raised the other day, I wanted to point to something Dutch Ruppersberger, the Democratic Ranking Member of the House Intelligence Committee, had to say the other day. As part of the assurance he offered that the killing of Anwar al-Awlaki was legal, he admitted he doesn't know whether Samir Khan, the other American citizen killed, was on the government's kill list, because he doesn't have access to the list.

Ruppersberger said al-Awlaki was on a special list of individuals that have attempted to attack the United States and are a severe threat to U.S. citizens.

"There's a process that goes through the National Security Council, and then after that it goes to the president, and then the president then indicates that these individuals are on this list, and as a result of that process we followed it's legal," Ruppersberger said. "It's legitimate, and we're taking out someone who has attempted to attack us on numerous occasions, and he was on that list. It was pursuant to a process."

Ruppersberger said he didn't know if Khan was on the list.

"But Khan was a collateral damage issue here, and I don't know because I don't really have access to that list," Ruppersberger said.

The Gang of Four (or possibly the full Eight, though only the Four have made comments about the killing) is presumably the only review anyone outside of the Executive Branch gives of

its decisions to target people, including American citizens, for killing.

But if the Gang of Four doesn't have access to the kill list, then the only opportunity they'll have to review the government's case that the target is indeed a legal target will come at a time when the government already has the person in their sights, presumably with a great deal of time sensitivity.

Yet another reason why this process is inadequate.