

ACLU, CCR SUE TO PROTECT ANWAR AL-AWLAKI'S RIGHT TO A LAWYER

Some weeks ago, the ACLU and Center for Constitutional Rights had planned to sue the government on behalf of Anwar al-Awlaki's father. But in remarkable bit of timing, the government designated Awlaki a specially designated terrorist, meaning ACLU and CCR would have to get a "license" before they could engage in a transaction like legal representation on behalf of Awlaki. So now, the two groups are suing to make such licensing illegal.

Glenn Greenwald has the full story:

Early last month, the ACLU and the Center for Constitutional Rights were retained by Nasser al-Awlaki, the father of Obama assassination target (and U.S. citizen) Anwar al-Awlaki, to seek a federal court order restraining the Obama administration from killing his son without due process of law. But then, a significant and extraordinary problem arose: regulations promulgated several years ago by the Treasury Department prohibit U.S. persons from engaging in any transactions with individuals labeled by the Government as a "Specially Designated Global Terrorist," and those regulations specifically bar lawyers from providing legal services to such individuals without a special "license" from the Treasury Department specifically allowing such representation. On July 16 – roughly two weeks after Awlaki's father retained the ACLU and CCR to file suit – the Treasury Department slapped that label on Awlaki. That action would have made it a criminal offense for

those organizations to file suit on behalf of Awlaki or otherwise provide legal representation to him without express permission from the U.S. Government. On July 23, the two groups submitted a request for such a license with the Treasury Department, and when doing so, conveyed the extreme time-urgency involved: namely, that there is an ongoing governmental effort to kill Awlaki and any delay in granting this "license" could cause him to be killed without these claims being heard by a court. Despite that, the Treasury Department failed even to respond to the request.

Left with no choice, the ACLU and CCR this morning filed a lawsuit on their own behalf against Timothy Geithner and the Treasury Department. The suit argues that Treasury has no statutory authority under the law it invokes – **The International Emergency Economic Powers Act** – to bar American lawyers from representing American citizens on an uncompensated basis. It further argues what ought to be a completely uncontroversial point: that even if Congress had vested Treasury with this authority, it is blatantly unconstitutional to deny American citizens the right to have a lawyer, and to deny American lawyers the right to represent clients, without first obtaining a permission slip from Executive Branch officials.

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