

TARGETED KILLINGS: WHEN JOHN CORNYN MAKES BETTER SENSE THAN DEMOCRATS ...

Things got a little crazy when the Senate Judiciary Committee FISA Amendment Markup turned to targeted killing.

John Cornyn used the opportunity of this must-pass intelligence bill to propose an amendment to require the Administration to share its authorization for targeting killing. Cornyn rather modestly said that “I think all of troubled w/o further explanation” for the authority. [All quotes in this post are my inexact transcription] Chuck Grassley went further, saying something to the effect of “We [the Administration] has got a license to kill, and we don’t know about that license and we won’t get it until we legislate it.”

But Democrats prevented Cornyn and Grassley from attaching legislation mandating the Administration share the authorization with Congress.

Now, Cornyn claimed (incorrectly, given his inaction on Bush’s torture and wiretapping) that he wasn’t pushing for legislation on this just because the President is a Democrat; he would have done so if the President were a Republican too. To which Dick Durbin reminded him of all the times he refused to back legislation requiring oversight and transparency under Bush.

Which was Dick Durbin’s opportunity to call for writing a letter on this issue rather than legislating. Pat Leahy suggested he could just use his letter, which was already sent and ignored. Then Grassley reminded he has sent a letter on this subject too, and been ignored.

It was a bunch of Senators recounting the number of letters demanding oversight into the

President's unchecked authority to kill, including American citizens, only to be blown off. America, fuck yeah!

Again, John Cornyn came off sounding like the adult. "We're not mere supplicants of the Executive Branch. It is insufficient to say, "Pretty please, Mr President, please tell us about the legal authorization."

Nevertheless, that didn't prevent Dianne Feinstein from promising that the Senate Intelligence Committee would include language about this in their authorization, and insisting that they let SSCI, not SJC, impose requirements. She suggested (though did not make explicit) that such a requirement belongs in SSCI because targeted killing is a covert program. Which is how the entire effort got tabled, leaving everyone to write more letters.

Cornyn had one more measure, requiring the President provide notice to the Gang of Eight. Dianne Feinstein, as she has repeatedly, assured her colleagues that she and Saxby Chambliss provide all the oversight on this front that is needed. To which Cornyn asked, "Is notice of targeted killing given before or after killing?" DiFi responded, "Sometimes before, sometimes during, sometimes just after." Cornyn replied, "I don't think Congress should delegate all authority to one or two members. Make sure not just you, but bicameral gang of eight."

Curiously, DiFi had no response to that, leaving the impression that the Obama Administration, even on the matter of targeted killing of US citizens, has continued the Bush Administration violation of the National Security Act by briefing just the Gang of Four, not the Gang of Eight (which would add Harry Reid, Nancy Pelosi, John Boehner, and Mitch McConnell to the Intelligence Committee heads being briefed).

But again, Democrats voted to table that amendment on a party line vote.

This is a problem. Not only is it taking legislation to even get the Senate Intelligence

Committee adequately briefed on this topic, but Democrats are using partisan obstruction to prevent the Judiciary Committee from learning enough to assess for themselves whether the targeted killing of a US citizen violates the Constitution.