

# IS THIS WHAT THE GOVERNMENT CONSIDERS INABILITY TO CAPTURE AWLAKI?

I'm going to have two posts on the Anwar al-Awlaki documents liberated by Judicial Watch.

On March 24, 2011, State sent the Embassy in Sanaa a cable (see pages 63-64) asking them to courier Awlaki a letter at a Sanaa address telling him there's an important letter for him at the Embassy he must pick up in person.

Post is to hold and retain the revocation letter and send a separate letter to Mr. Aulaqi informing him that there is an important letter for him at post regarding his U.S. passport. Mr. Aulaqi will need to appear in person and at that time post will then serve him with the revocation letter. The language for the letter informing Mr. Aulaqi to appear at post regarding his passport is below. Post should not mention that the letter waiting for Mr. Aulaqi is a revocation letter.

2. The Department's action is based upon determination by the Secretary that Mr. Aulaqi's activities abroad are causing and/or likely to cause serious damage to the national security or the foreign policy of the United States.

3. The department has been informed that Anwar Nasser Aulaqi is currently located at Rabat St., Sanaa, Yemen.

4. The language for the letter asking Mr. Aulaqi to appear at post may not be modified without the approval of the Office of Legal Affairs.

5. Post should coordinate delivery of this letter by courier or other

acceptable method for ensuring delivery. Post should create a memorandum of record specifically stating the date upon which delivery of the letter was made. Post should also obtain a confirmation of receipt. Please provide a copy of the memorandum and confirmation of receipt to the Director of the Office of Legal Affairs via secure email.

[snip]

7. Below is the language that must be used in the letter requesting Mr. Aulaqi to appear at post:

This letter is to advise you that the U.S. Embassy in Sanaa, Yemen, has an important letter regarding your U.S. passport. This letter must be picked up in person at the U.S. Embassy in Sanaa.

Now, we know there's actually more to this request. Page 60 shows a March 29 reply to a "high side" (that is, sent on the classified email system) request for the cable, with the cable attached.

Which is why Victoria Nuland's response to questions about this the other day is so interesting. While she says the sole reason State sent the letter was to call him to the Embassy to tell them they were going to revoke his passport, she also says they would have offered him a one-time passport to fly to the US to face charges.

MS. NULAND: I'm not going to entertain the notion that we would be calling him to the Embassy for that purpose, Matt. We were calling him to the Embassy for one purpose alone, which was to revoke his passport and to advise him that if he was prepared to travel back to the United States, where he would have faced prosecution, we would give him a one-way

passport back to the United States. He chose not to answer –

QUESTION: Probably smart of him.

MS. NULAND: – our request for him to come to the Embassy. [my emphasis]

So this request was about revocation and a generous offer for a one-time passport to face prosecution in the US (thus the secrecy about the purpose of the appearance in the first place), but the letter to get him to show up at the Embassy included no mention of that prosecution?

And, um, prosecution? On what charges? Are we to understand from Nuland's comment that the government has—or at least had, in March 2011, before they attempted to take him with a drone strike two more times that year, a sealed indictment against Awlaki?

Part of the purported process the US uses to decide it can kill Americans with no due process is to claim that they could not capture the American. I wonder whether this charade—carried just as CIA was taking a more active role in drone strikes in Yemen, which would ultimately lead to Awlaki's killing six months later—is what the lawyers rubber stamping killing American citizens consider an attempt to “capture” someone?