

# THE WHITE HOUSE'S SELF-AUTHORIZATION TO USE MILITARY FORCE IN ALGERIA AND MALI

Back when the Administration dug in its heels over releasing 7 OLC memos on targeted killing, I suggested at least some of the authorized targeted killing in places we're not at war.

This National Journal story seems to suggest that that's correct, at least in the case of Mali and Algeria.

Others may have been signed with the leaders of Algeria and Mali, the legal expert said. Given the widespread unpopularity of the drone program, the disclosure of these agreements could prove extremely embarrassing both for the United States and partner governments.

I have also suggested (though usually verbally) that others of the missing 7 memos authorize signature strikes in the two places we're using them – Pakistan and Yemen. And while the NJ story is more confused on this point (it seems unclear how many memos there are, for example), it does appear that several of the memos involve secret protocols with those two countries.

A senator who sits on the Intelligence Committee and has read some of the memos also said that the still-unreleased memos contain secret protocols with the governments of Yemen and Pakistan on how targeted killings should be conducted. Information about these pacts, however, were not in the OLC opinions the senator has been allowed to see.

I'd be really curious how much the Yemeni memo

involves protocols with Yemen, and how much it involves protocols with our buddies the Saudis.

The best part of the story, though, is the cranky Administration figure who may or may not be Tommy Vietor bitching that Dianne Feinstein would use this opportunity to force the Administration to hand over what it would otherwise refuse to hand over.

An Obama administration official who is familiar with the negotiations with Feinstein's committee indicated that the White House was miffed at efforts by the senator and her staff to obtain all the memos at once, because such efforts play into the Republican strategy of using the dispute to delay the confirmation of John Brennan, Obama's nominee to head the CIA and the main architect of the drone program, as well as Chuck Hagel as Defense secretary.

"These guys don't even know what the hell they're asking for," the official said. "They think they can 'reverse-engineer' the [drone] program by asking for more memos, but these are not necessarily things that exist or are relevant... What they're asking for is to get more people read into very sensitive programs. That's not a small decision."

Uh, last I checked the only Republican – on the Senate Intelligence Committee, at least – who has made a stink about the OLC memos is Susan Collins (though given the reporting on this front, which says only Democrats care about memos, I think she may have flipped parties). The Democrats – plus Collins – who are pushing for memos are pushing to conduct oversight, not to delay the confirmation of Brennan and Hagel per se.

Maybe if the Administration hadn't adopted a worse transparency standard than Bush lawyer Steven Bradbury, it wouldn't leave key votes

like this the only opportunity to conduct oversight.

But that's a choice the Administration made, not some Republicans – or even Democrats – in the Senate.