

111TH CONGRESS
2^D SESSION

H. R. 6010

To prohibit the extrajudicial killing of United States citizens, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2010

Mr. KUCINICH (for himself, Mr. CONYERS, Mr. FILNER, Mr. GRIJALVA, Mr. STARK, Mr. ELLISON, and Mr. JACKSON of Illinois) introduced the following bill; which was referred to the Select Committee on Intelligence (Permanent Select), and in addition to the Committees on the Judiciary and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit the extrajudicial killing of United States citizens, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress finds the following:

5 (1) On January 27, 2010, The Washington
6 Post revealed that United States citizens have been
7 included on lists maintained by the Central Intel-

1 ligence Agency (CIA) and the Joint Special Oper-
2 ations Command (JSOC) to be assassinated.

3 (2) The January 27 Washington Post article
4 reported that the JSOC and CIA maintain lists of
5 individuals deemed “High Value Targets” and
6 “High Value Individuals”, whom they seek to kill or
7 capture, that the lists currently include United
8 States citizens, and that the President has author-
9 ized military operations with the express under-
10 standing that a United States citizen may be killed.

11 (3) Admiral Dennis C. Blair, then the Director
12 of National Intelligence, in testimony before the
13 House Select Committee on Intelligence on February
14 3, 2010, confirmed the policy of including United
15 States citizens on such lists, stating that “a decision
16 to use lethal force against a U.S. citizen must get
17 special permission” before the targeting of a United
18 States citizen can be granted and that “being a U.S.
19 citizen will not spare an American from getting as-
20 sassinated by military or intelligence operatives over-
21 seas if the individual is working with terrorists and
22 planning to attack fellow Americans.”

23 (4) The Obama administration has publicly au-
24 thorized the extrajudicial killing of Anwar Al-Awlaki,
25 a United States citizen born in New Mexico who is

1 accused of involvement in terrorist organizations
2 abroad, the first confirmed United States citizen to
3 be added to a CIA list of targets for capture or kill-
4 ing.

5 (5) According to an article published in The
6 Nation in November 2009, the private security con-
7 tractor Blackwater Worldwide, now Xe Services, is
8 intimately involved with the targeted assassination
9 programs run by the CIA and JSOC in Pakistan.

10 (6) Department of Defense Instruction
11 1100.22, issued on April 12, 2010, states that “se-
12 curity is inherently governmental” and that the
13 “U.S. Government has exclusive responsibility for
14 discretionary decisions concerning the appropriate,
15 measured use of combat power, including the offen-
16 sive use of destructive or deadly force on behalf of
17 the United States”, particularly in operations that
18 have virtually no transparency, accountability, or
19 oversight.

20 (7) United States Attorney General Eric J.
21 Holder recognized that the Department of Justice
22 has successfully prosecuted many terrorism defend-
23 ants in Federal courts, stating on Friday, November
24 13, 2009, that “for over two hundred years, our na-
25 tion has relied on a faithful adherence to the rule of

1 law to bring criminals to justice . . . Once again we
2 will ask our legal system to rise to that challenge,
3 and I am confident it will answer the call with fair-
4 ness and justice”.

5 (8) Executive Order 12333 (46 Fed. Reg.
6 59941; relating to United States intelligence activi-
7 ties), issued by President Ronald Reagan in 1981,
8 stated, “No person employed by or acting on behalf
9 of the United States Government shall engage in, or
10 conspire to engage in, assassination”.

11 (9) Executive Order 11905 (41 Fed. Reg. 7703;
12 relating to United States foreign intelligence activi-
13 ties), issued by President Gerald Ford in 1976, stat-
14 ed, “No employee of the United States Government
15 shall engage in, or conspire to engage in, political
16 assassination”.

17 **SEC. 2. SENSE OF CONGRESS.**

18 It is the sense of Congress that—

19 (1) due process of law is a fundamental prin-
20 ciple in the United States Constitution, the United
21 States has a commitment to the principles included
22 in the Bill of Rights, and no United States citizen,
23 regardless of location, can be “deprived of life, lib-
24 erty, property, without due process of law”, as stat-
25 ed in Article XIV of the Constitution;

1 (2) the participation in, or planning of activi-
2 ties, by the United States Government that result in
3 the extrajudicial killing of a United States citizen
4 undermines the rule of law and the moral standing
5 of the United States in the world;

6 (3) the United States and other responsible na-
7 tions have a vital interest in upholding the rule of
8 law;

9 (4) the authority granted to the President in
10 the Authorization for Use of Military Force (50
11 U.S.C. 1541 note), following the terrorist attacks of
12 September 11, 2001, is not limitless;

13 (5) this authority has been used by the Execu-
14 tive Branch to circumvent the role of Congress as a
15 co-equal branch of Government, to justify holding
16 prisoners indefinitely at Guantanamo Bay, for mass
17 domestic spying on United States citizens in viola-
18 tion of their most basic constitutional rights, and to
19 use lethal force against United States citizens
20 abroad who are believed to participate in terrorist
21 activities absent judicial review;

22 (6) the notion that the constitutional rights of
23 one citizen can be revoked to protect the constitu-
24 tional rights of other citizens should be rejected;

1 (7) the use of extrajudicial force against a cit-
2 izen of the United States that is outside of the inter-
3 nationally recognized battlefields of Iraq and Af-
4 ghanistan constitutes a violation of the law of armed
5 conflict; and

6 (8) it is in the best interest of the United
7 States to respect the rule of law and set the example
8 for upholding the principles of international and do-
9 mestic law.

10 **SEC. 3. PROHIBITION ON THE EXTRAJUDICIAL KILLING OF**
11 **UNITED STATES CITIZENS.**

12 (a) PROHIBITION.—No one, including the President,
13 may instruct a person acting within the scope of employ-
14 ment with the United States Government or an agent act-
15 ing on behalf of the United States Government to engage
16 in, or conspire to engage in, the extrajudicial killing of
17 a United States citizen.

18 (b) REPORT ON UNITED STATES CITIZENS ON TAR-
19 GETED ASSASSINATION LISTS.—Not later than 7 days
20 after the date of the enactment of this Act, the President
21 shall submit to the congressional intelligence committees
22 a report on the identity of each United States citizen that
23 is on the list of the Joint Special Operations Command
24 or the Central Intelligence Agency as “high value individ-
25 uals” or “high value targets”.

1 (c) ASSURANCES TO CONGRESS.—Not later than 7
2 days after the date of the enactment of this Act, the Presi-
3 dent shall submit to the congressional intelligence commit-
4 tees a written assurance that no United States citizens
5 are being added to the list of the Joint Special Operations
6 Command or the Central Intelligence Agency as “high
7 value individuals” or “high value targets”.

8 (d) DEFINITIONS.—In this section:

9 (1) CONGRESSIONAL INTELLIGENCE COMMIT-
10 TEES.—The term “congressional intelligence com-
11 mittees” means—

12 (A) the Permanent Select Committee on
13 Intelligence of the House of Representatives;
14 and

15 (B) the Select Committee on Intelligence
16 of the Senate.

17 (2) EXTRAJUDICIAL KILLING.—The term
18 “extrajudicial killing”—

19 (A) means a premeditated and intentional
20 use of lethal force against a United States citi-
21 izen; and

22 (B) does not include—

23 (i) the use of lethal force against a
24 United States citizen after a trial and find-
25 ing of guilt for such citizen by an appro-

1 appropriate tribunal consistent with due process
2 of law;

3 (ii) the use of lethal force against a
4 United States citizen who is directly par-
5 ticipating in hostilities in a zone of active
6 armed conflict and the United States is a
7 party to such conflict; and

8 (iii) the use of lethal force against a
9 United States citizen that is authorized for
10 law enforcement personnel under certain
11 circumstances, including self-defense, de-
12 fense of others, and enabling the release of
13 hostages.

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