

112TH CONGRESS  
2D SESSION

# H. R. 6357

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

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2012

Mr. KUCINICH (for himself and Mr. GRIJALVA) 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

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## 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) Admiral Dennis C. Blair, then the Director  
6 of National Intelligence, in testimony before the  
7 House Select Committee on Intelligence on February  
8 3, 2010, confirmed the policy of including United

1 States citizens on lists of people to be assassinated  
2 maintained by the Central Intelligence Agency (CIA)  
3 and the Joint Special Operations Command (JSOC),  
4 stating that “a decision to use lethal force against  
5 a U.S. citizen must get special permission.”

6 (2) The Obama administration publicly ac-  
7 knowledged that it authorized the targeting of  
8 Anwar Al-Awlaki, a United States citizen born in  
9 New Mexico who was accused of involvement in ter-  
10 rorist organizations abroad, the first confirmed  
11 United States citizen to be added to the CIA list of  
12 targets for capture or killing.

13 (3) Anwar Al-Awlaqi and Samir Khan, 2  
14 United States citizens, were killed, without due proc-  
15 ess, by a United States drone strike in Yemen on  
16 September 30, 2011.

17 (4) Abdul-Rahman Al-Awlaqi, a 16-year-old  
18 United States citizen was killed, without due proc-  
19 ess, by a United States drone strike in Yemen on  
20 October 14, 2011.

21 (5) United States Attorney General Eric Hold-  
22 er, Jr., recognized that the Department of Justice  
23 has successfully prosecuted many terrorism defend-  
24 ants in Federal courts, stating on Friday, November  
25 13, 2009, that “for over two hundred years, our na-

1       tion has relied on a faithful adherence to the rule of  
2       law to bring criminals to justice . . . Once again we  
3       will ask our legal system to rise to that challenge,  
4       and I am confident it will answer the call with fair-  
5       ness and justice.”.

6               (6) The decision to use lethal force against  
7       United States citizens abroad occurs absent congress-  
8       sional oversight, a constitutionally guaranteed judi-  
9       cial process, or publicly disclosed standards for in-  
10      clusion on the United States Government’s “high-  
11      value targets” or “high-value individuals” list.

12              (7) Executive Order 12333 (46 Fed. Reg.  
13      59941; relating to United States intelligence activi-  
14      ties), issued by President Ronald Reagan in 1981,  
15      stated, “No person employed by or acting on behalf  
16      of the United States Government shall engage in, or  
17      conspire to engage in, assassination.”.

18              (8) Executive Order 11905 (41 Fed. Reg. 7703;  
19      relating to United States foreign intelligence activi-  
20      ties), issued by President Gerald Ford in 1976, stat-  
21      ed, “No employee of the United States Government  
22      shall engage in, or conspire to engage in, political  
23      assassination.”.

24 **SEC. 2. SENSE OF CONGRESS.**

25       It is the sense of Congress that—

1           (1) due process of law is a fundamental right  
2 of the United States Constitution, the United States  
3 has a commitment to uphold and defend the rights  
4 included in the Bill of Rights, and no United States  
5 citizen, regardless of location, should be “deprived of  
6 life, liberty, property, without due process of law”,  
7 as stated in article XIV of the Constitution;

8           (2) the participation in, or planning of activi-  
9 ties, by the United States Government that result in  
10 the extrajudicial killing of a United States citizen  
11 undermines the rule of law and the moral standing  
12 of the United States in the world;

13           (3) the United States and other responsible na-  
14 tions have a vital interest in upholding the rule of  
15 law;

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

20           (5) the authority provided by the 2001 Author-  
21 ization for Use of Military Force has been used by  
22 the executive branch to circumvent the role of Con-  
23 gress as a coequal branch of Government, to justify  
24 holding prisoners indefinitely without due process at  
25 Guantanamo Bay, for mass domestic spying on

1 United States citizens in violation of their most  
2 basic constitutional rights, and using lethal force  
3 against United States citizens abroad who are sus-  
4 pected of participating in terrorist activities absent  
5 judicial review;

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

9 (7) the use of lethal force against a citizen of  
10 the United States that is outside of the internation-  
11 ally recognized battlefield of Afghanistan constitutes  
12 a violation of the law of armed conflict; and

13 (8) it is in the best interest of the United  
14 States to respect the rule of law and set the example  
15 for upholding the principles of international and do-  
16 mestic law.

17 **SEC. 3. PROHIBITION ON THE EXTRAJUDICIAL KILLING OF**  
18 **UNITED STATES CITIZENS.**

19 (a) PROHIBITION.—No one, including the President,  
20 may instruct a person acting within the scope of employ-  
21 ment with the United States Government or an agent act-  
22 ing on behalf of the United States Government to engage  
23 in, or conspire to engage in, the extrajudicial killing of  
24 a United States citizen.

1           (b) REPORT ON UNITED STATES CITIZENS ON TAR-  
2 GETED ASSASSINATION LISTS.—Not later than 15 days  
3 after the date of the enactment of this Act, the President  
4 shall submit to the congressional intelligence committees  
5 a report on the identity of each United States citizen that  
6 is on the list of the Joint Special Operations Command  
7 or the Central Intelligence Agency as “high-value individ-  
8 uals” or “high-value targets”.

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

16           (d) DEFINITIONS.—In this section:

17                 (1) CONGRESSIONAL INTELLIGENCE COMMIT-  
18 TEES.—The term “congressional intelligence com-  
19 mittees” means—

20                         (A) the Permanent Select Committee on  
21 Intelligence of the House of Representatives;  
22 and

23                         (B) the Select Committee on Intelligence  
24 of the Senate.

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

3           (A) means a premeditated and intentional  
4 use of lethal force against a United States cit-  
5 izen; and

6           (B) does not include—

7           (i) the use of lethal force against a  
8 United States citizen after a trial and find-  
9 ing of guilt for such citizen by an appro-  
10 priate tribunal consistent with due process  
11 of law;

12           (ii) the use of lethal force against a  
13 United States citizen who is directly par-  
14 ticipating in hostilities in a zone of active  
15 armed conflict and the United States is a  
16 party to such conflict; and

17           (iii) the use of lethal force against a  
18 United States citizen that is authorized for  
19 law enforcement personnel under certain  
20 circumstances, including self-defense, de-  
21 fense of others, and enabling the release of  
22 hostages.

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