

# US NATIONAL SECURITY

Dr. Jason Brownlee



# U.S. NATIONAL SECURITY

Dr. Jason Brownlee

## Segment Title

# Notable Ideas and Terms

## People and organizations

- Barack Obama
- Umar Farouk Abdulmutallab
- Ali Abdullah Saleh
- Anwar al-Awlaki
- Abdulrahman al-Awlaki
- Eric Holder
- Senator Ted Cruz

## Policy-related events and concepts

- Unmanned combat aerial vehicles (UCAVs, aka “armed drones”)
- Northwest Airlines Flight 253 (December 25, 2009)
- “Underwear” bomb plot
- US-Yemen security relationship
- Al-Qaeda in the Arabian Peninsula (AQAP)
- Killings of US citizens in drone strikes
- Objections to Obama administration policy on drones
- Obama’s argument about limits of conventional military and law enforcement methods for fighting al-Qaeda
- Obama’s public defense of drone strikes
- Fourth and Fifth Amendment considerations and drone strikes





LIVE  
10:09 pm ET



C-SPAN  
cspan.org



## President Obama Remarks at 2010 White House Correspondents' Dinner

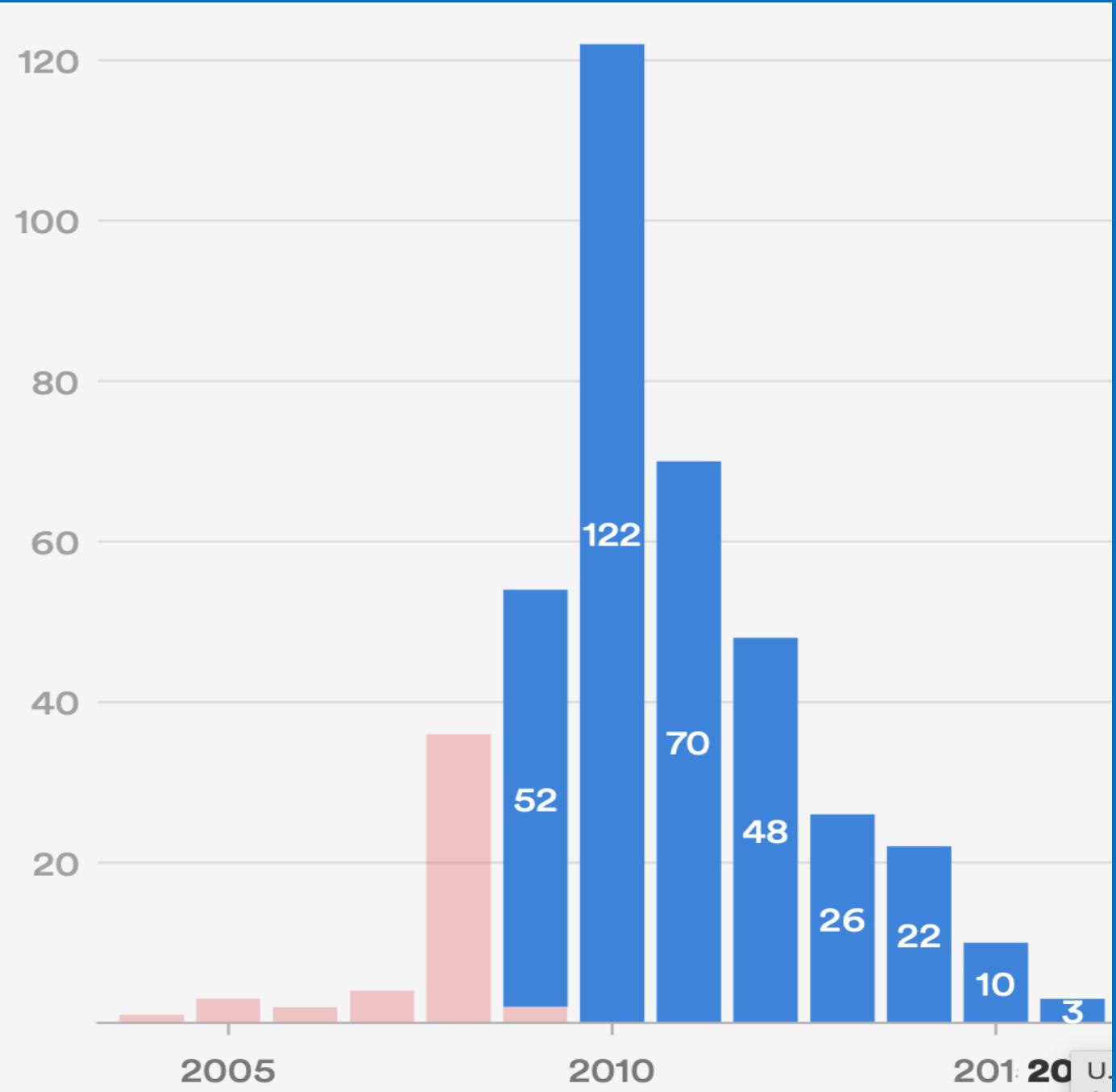


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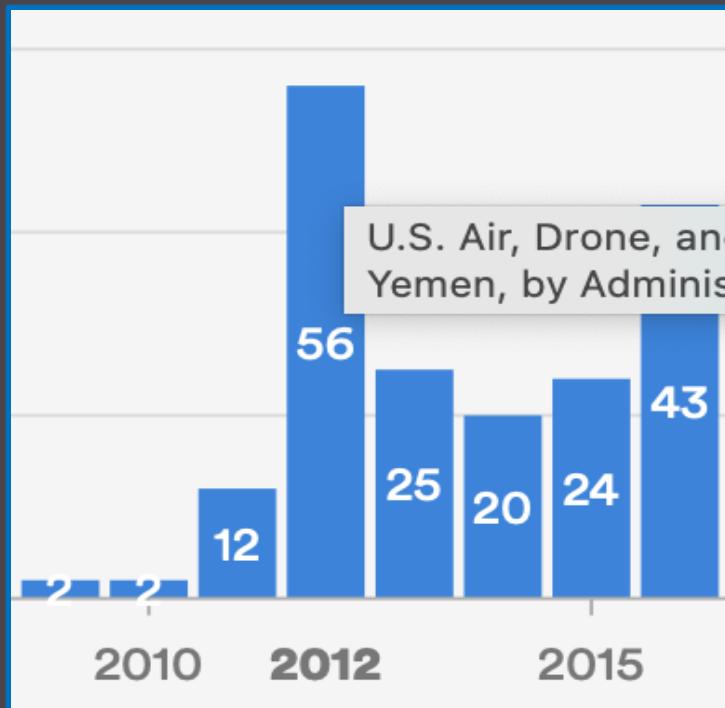
<https://www.youtube.com/watch?v=JP5k4n6Wnc4>



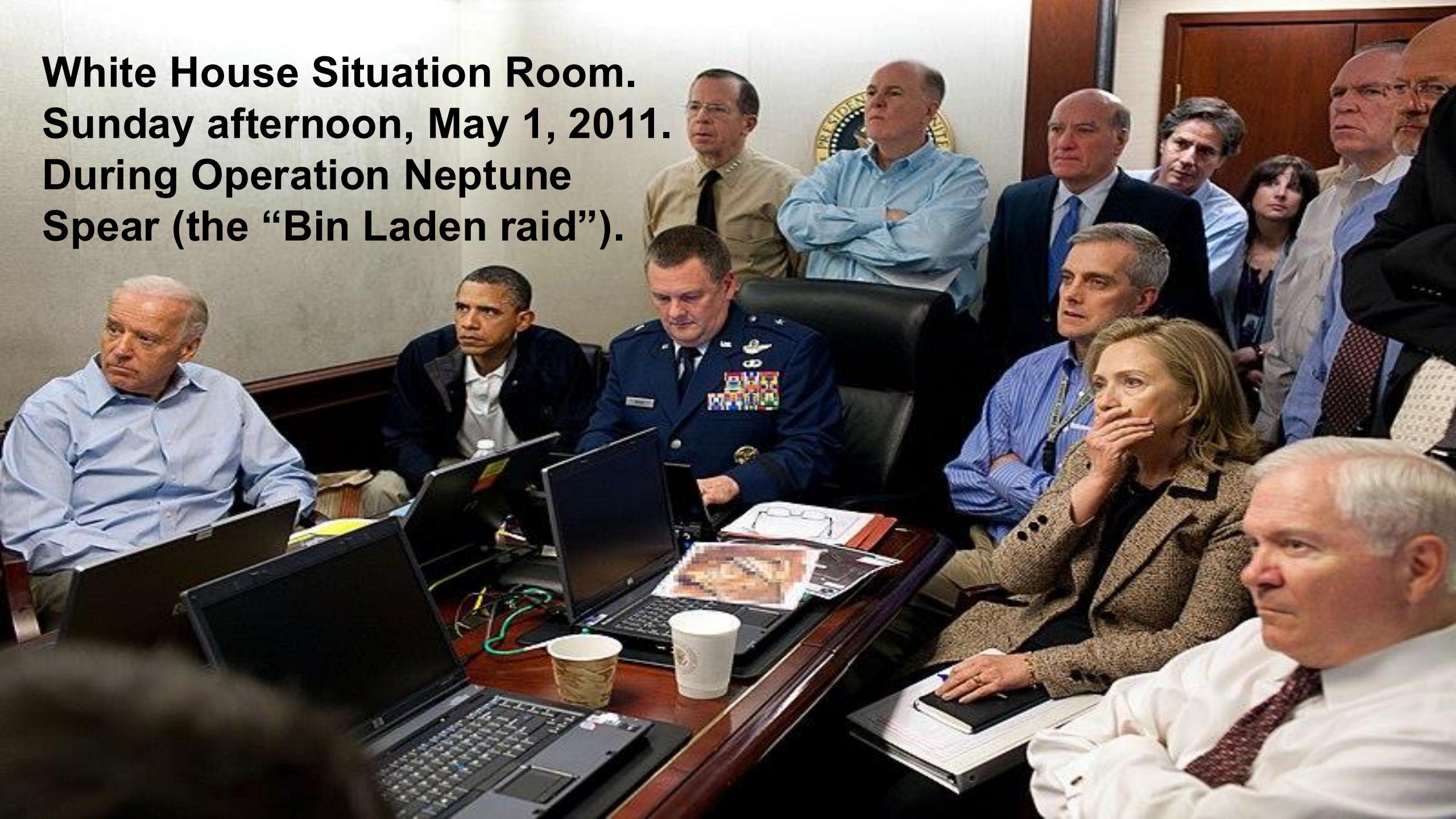


US Air and Drone Strikes in  
Pakistan (left) and Yemen  
(below) during Obama  
administration years 2009-2016  
(blue bars).

Source: New America Foundation.  
<https://www.newamerica.org/>



**White House Situation Room.  
Sunday afternoon, May 1, 2011.  
During Operation Neptune  
Spear (the “Bin Laden raid”).**





Umar Farouk Abdulmutallab (b. December 22, 1986, Lagos, Nigeria).

# Northwest Airlines Flight 253

December 25, 2009

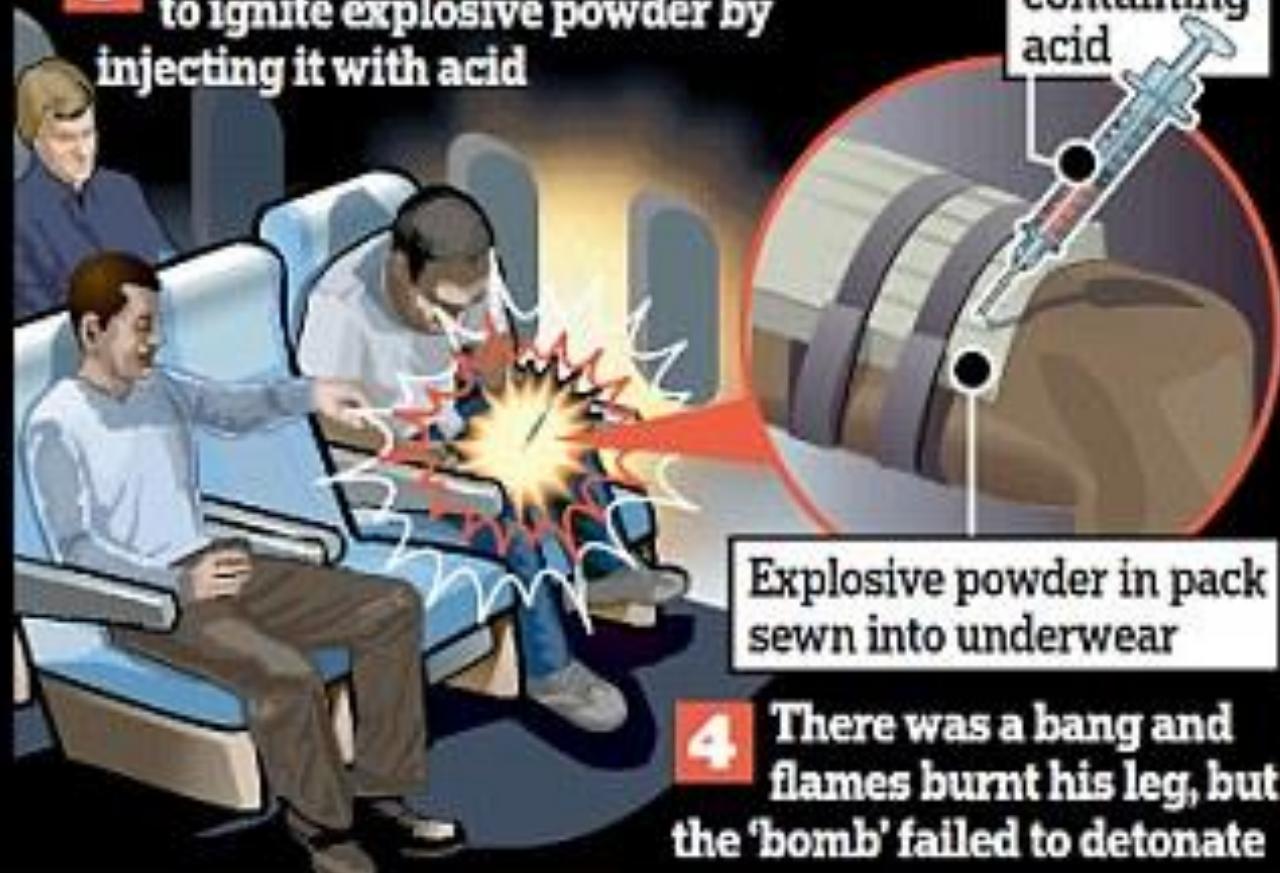
## THE CHRISTMAS DAY PLOT THAT CAME SO CLOSE



**1** Abdulmutallab, above, flew from Nigeria to the US via the Netherlands. At Schiphol airport in Amsterdam, he transferred to a Detroit-bound flight

**2** Strapped to the student's leg was 80g of explosive powder, made from a mixture of PETN, or pentaerythritol tetranitrate, and the high explosive triacetone triperoxide (TATP)

**3** Forty minutes from landing he tried to ignite explosive powder by injecting it with acid



**4** There was a bang and flames burnt his leg, but the 'bomb' failed to detonate

# Boeing 747 survives simulated 'Flight 253' bomb blast

5 March 10 14:51 GMT



**A test explosion on a Boeing 747 has shown that a US Christmas Day flight would have landed safely even if a bomb on board was detonated successfully.**

The plane's fuselage did not break in the controlled blast, which used the same explosives that were on Flight 253 from Amsterdam to Detroit.

However experts said it showed the suspected bomber and the passenger next to him would have been killed.



# Archives

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PRESS RELEASE

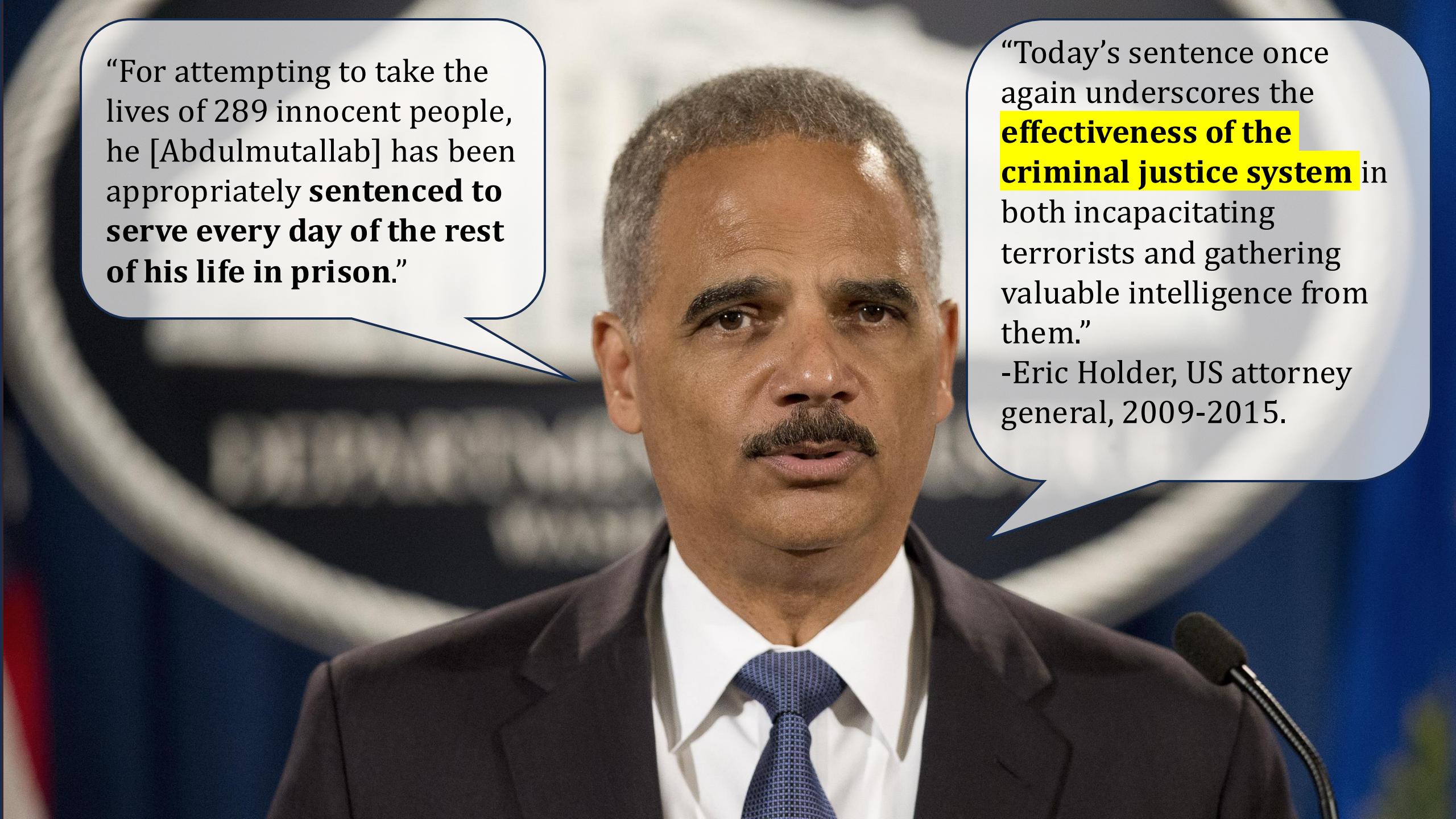
# Umar Farouk Abdulmutallab Sentenced to Life in Prison for Attempted Bombing of Flight 253 on Christmas Day 2009

Thursday, February 16, 2012

For Immediate Release

Office of Public Affairs

WASHINGTON – Umar Farouk Abdulmutallab, the so-called “underwear bomber,” was sentenced today to life in prison as a result of his guilty plea to all eight counts of a federal indictment charging him for his role in the attempted Christmas Day 2009 bombing of Northwest Airlines flight 253.

A portrait of Eric Holder, US Attorney General from 2009 to 2015. He is a Black man with short grey hair and a mustache, wearing a dark suit, white shirt, and blue patterned tie. He is looking slightly to his left. A speech bubble originates from his mouth on the left side of the frame.

"For attempting to take the lives of 289 innocent people, he [Abdulmutallab] has been appropriately **sentenced to serve every day of the rest of his life in prison.**"

"Today's sentence once again underscores the **effectiveness of the criminal justice system** in both incapacitating terrorists and gathering valuable intelligence from them."

-Eric Holder, US attorney general, 2009-2015.



Jeddah  
جدة

Makkah  
مكة

Red Sea

Sudan

Eritrea

Kingdom of Saudi Arabia

Abha  
أبها

Yemen  
صُنَعَاء

Gulf of Aden

Djibouti

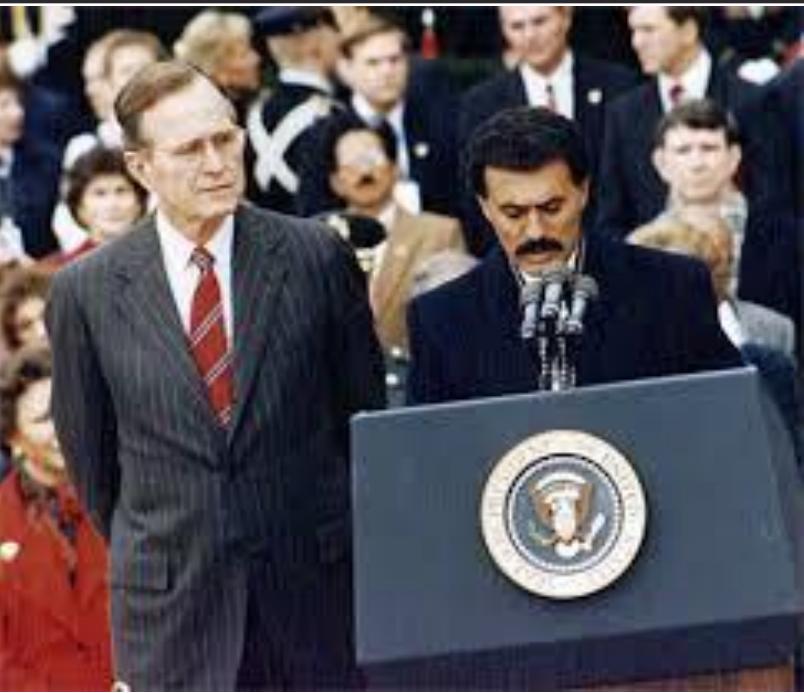
Dire Dawa  
ድሬዳዋ

Somalia

Ethiopia

Oman

الدِيَانِي



**Ali Abdullah Saleh**  
علي عبدالله صالح  
**President of Yemen**  
**1990-2012.**

# Al-Qaeda in the Arabian Peninsula

تنظيم القاعدة في جزيرة العرب،

Tanzīm al-Qā'idah fī Jazīrat al-'Arab



Founded in 2009.  
Known as AQAP.



Anwar al-Awlaki (1971-2011)

# Purported al-Awlaki message calls for jihad against U.S.

<https://perma.cc/7P22-FJBF>

By Paula Newton, CNN

March 17, 2010 10:44 p.m. EDT



Muslim cleric Anwar al-Awlaki was born in the U.S. and is considered to have a strong influence.

## STORY HIGHLIGHTS

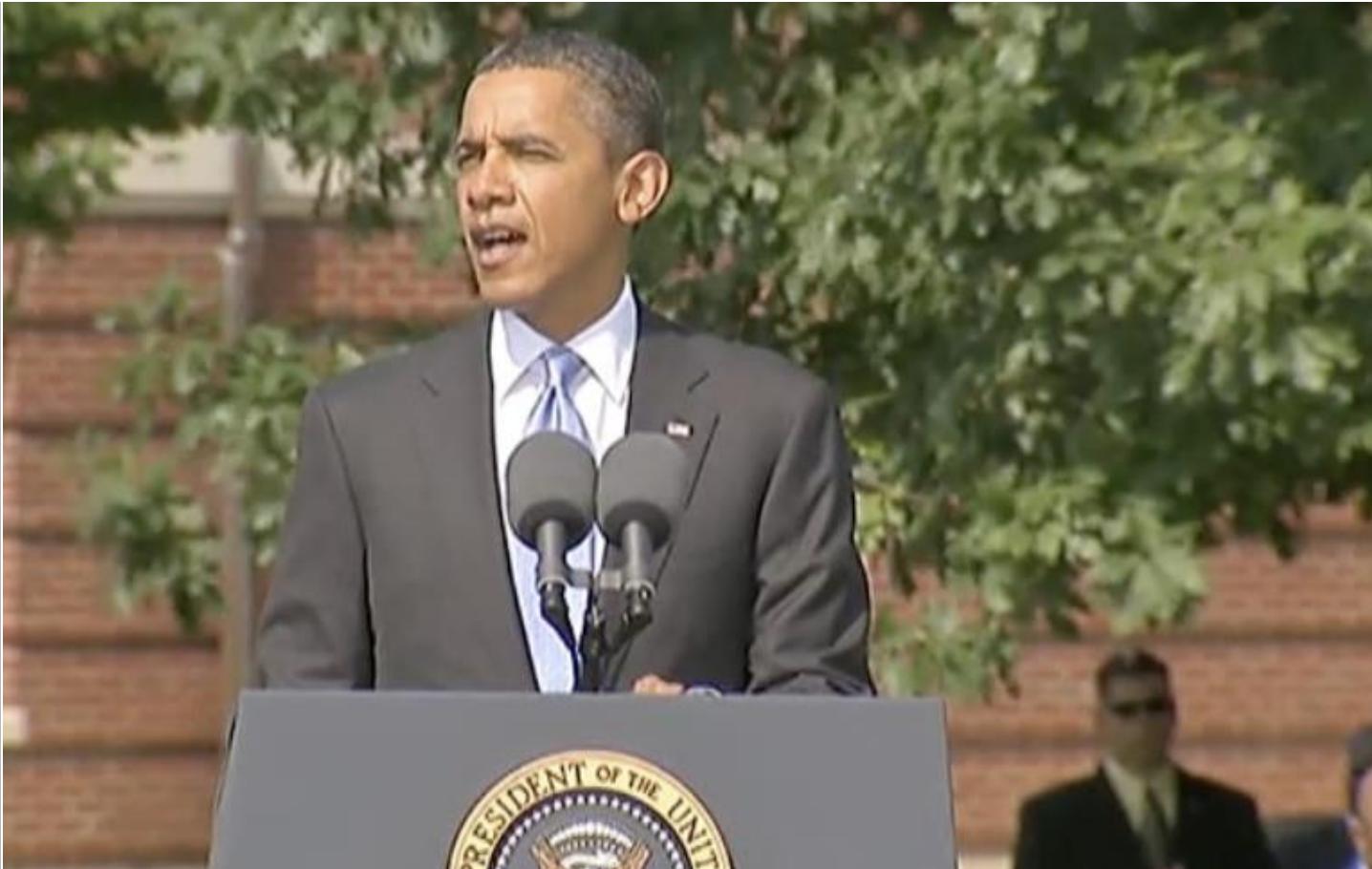
- Muslim cleric Anwar al-Awlaki

"every other Muslim," he says in the recording that runs more than 12 minutes.

**London, England (CNN)** -- American-born Muslim cleric Anwar al-Awlaki is calling for jihad against America, claiming "America is evil" in a new audio message obtained by CNN.

"With the American invasion of Iraq and continued U.S. aggression against Muslims, I could not reconcile between living in the U.S. and being a Muslim, and I eventually came to the conclusion that jihad against America is binding upon myself just as it is binding on

## **Obama: Anwar Al-Awlaki death is major blow for al-Qaeda**



Source: BBC. <https://perma.cc/954D-C83T>



**Abdulrahman al-Awlaki (1995-2011)**

عبدالرحمن العولقي



"[Sen. Ted] Cruz [R-TX], [AG Eric] Holder spar over potential drone strike on U.S. soil." March 6, 2013.

<https://www.youtube.com/watch?v=uGQQOyzWen4>

For Immediate Release

May 23, 2013

# Remarks by the President at the National Defense University

<https://obamawhitehouse.archives.gov/the-press-office/2013/05/23/remarks-president-national-defense-university>  
2:01 P.M. EDT

National Defense University  
Fort McNair  
Washington, D.C.

THE PRESIDENT: Good afternoon, everybody. Please be se

It is a great honor to return to the National Defense University. Here, at Fort McNair, Americans have served in uniform since 1791 -- standing guard in the earliest days of the Republic, and contemplating the future of warfare here in the 21st century.





# Bill of Rights

Congress of THE  
begin and held at the City of New York, on  
Wednesday, the fourth of March, one thousand seven hundred and eighty three.

Resolved, That the following Articles be proposed to the Legislatures of the several States, pursuant to the fifth Article of the Original Constitution, and Amendment thereto, and to one hundred, after the first Article of the Original Constitution, there shall be so regulated for every forty thousand persons, for the services of the Senators and Representatives, to assemble, and security of religion, freedom of speech, and of the press, and of the right of the people to keep and bear arms, shall not be violated; and that the same be valid to all intents and purposes, that further declaratory and restrictive clauses should be added: And a



U.S. Department of Justice  
Office of Legal Counsel

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Office of the Assistant Attorney General

Washington, D.C. 20530

July 16, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

*Re: Applicability of Federal Criminal Laws and the Constitution to  
Contemplated Lethal Operations Against Shaykh Anwar al-Aulaqi*

# **Relevant individual rights protections in the US Constitution**

## **Fourth Amendment**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## **Fifth Amendment**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law...

Supreme Court has made clear that the constitutionality of a seizure is determined by “balanc[ing] the nature and quality of the intrusion on the individual’s Fourth Amendment interests against the importance of the governmental interests alleged to justify the intrusion.” *Tennessee v. Garner*, 471 U.S. 1, 8 (1985) (internal quotation marks omitted); *accord Scott v. Harris*, 550 U.S. 372, 383 (2007). Even in domestic law enforcement operations, the Court has noted that “[w]here the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force.” *Garner*, 471 U.S. at 11. Thus, “if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape and if, where feasible, some warning has been given.” *Id.* at 11-12.

The Fourth Amendment “reasonableness” test is situation-dependent. Cf. *Scott*, 550 U.S. at 382 (*Garner* “did not establish a magical on/off switch that triggers rigid preconditions whenever an officer’s actions constitute ‘deadly force’”). What would constitute a reasonable use of lethal force for purposes of domestic law enforcement operations will be very different from what would be reasonable in a situation like such as that at issue here. In the present circumstances, as we understand the facts, the U.S. citizen in question has gone overseas and become part of the forces of an enemy with which the United States is engaged in an armed conflict; that person is engaged in continual planning and direction of attacks upon U.S. persons from one of the enemy’s overseas bases of operations; the U.S. government does not know precisely when such attacks will occur; and a capture operation would be infeasible

. . . at least where high-level government officials have determined that a capture operation overseas is infeasible and that the targeted person is part of a dangerous enemy force and is engaged in activities that pose a continued and imminent threat to U.S. persons or interests  
the use of lethal force would not violate the Fourth  
Amendment.

thus that the intrusion on any Fourth Amendment interests would be outweighed by “the importance of the governmental interests [that] justify the intrusion,” *Garner*, 471 U.S. at 8, based on the facts that have been represented to us.

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In *Hamdi*, a plurality of the Supreme Court used the *Mathews v. Eldridge* balancing test to analyze the Fifth Amendment due process rights of a U.S. citizen captured on the battlefield in Afghanistan and detained in the United States who wished to challenge the government's assertion that he was a part of enemy forces, explaining that "the process due in any given instance is determined by weighing 'the private interest that will be affected by the official action' against the Government's asserted interest, 'including the function involved' and the burdens the Government would face in providing greater process." 542 U.S. at 529 (plurality opinion) (quoting *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)).

We believe similar reasoning supports the constitutionality of the contemplated operations here. As explained above, on the facts represented to us, a decision-maker could reasonably decide that the threat posed by al-Aulaqi's activities to United States persons is "continued" and "imminent"



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