



U.S. Law May Allow Killings, Holder Says

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 1:39 PM March 6, 2012

The New York Times on March 5, 2012 released the following:

“By CHARLIE SAVAGE

WASHINGTON — Attorney General Eric H. Holder Jr. asserted on Monday that it is lawful for the government to kill American citizens if officials deem them to be operational leaders of Al Qaeda who are planning attacks on the United States and if capturing them alive is not feasible. “Given the nature of how terrorists act and where they tend to hide, it may not always be feasible to capture a United States citizen terrorist who presents an imminent threat of violent attack,” Mr. Holder said in a speech at Northwestern University’s law school. “In that case, our government has the clear authority to defend the United States with lethal force.”

While Mr. Holder is not the first administration official to address the targeted killing of citizens — the Pentagon’s general counsel, Jeh Johnson, did so last month at Yale Law School, for example — it was notable for the nation’s top law enforcement official to declare that it is constitutional for the government to kill citizens without any judicial review under certain circumstances. Mr. Holder’s remarks about the targeted killing of United States citizens were a centerpiece of a speech describing legal principles behind the Obama administration’s counterterrorism policies.

“Some have argued that the president is required to get permission from a federal court before taking action against a United States citizen who is a senior operational leader of Al Qaeda or associated forces,” Mr. Holder said. “This is simply not accurate. ‘Due process’ and ‘judicial process’ are not one and the same, particularly when it comes to national security. The Constitution guarantees due process, not judicial process.”

Mr. Holder’s speech has been planned since last fall, when questions were first raised about the Obama administration’s

legal justification for the targeted killing of Anwar al-Awlaki, a New Mexico-born radical Muslim cleric who died in an American drone strike last September. The administration has rejected bipartisan calls to release a secret memorandum by the Justice Department’s Office of Legal Counsel, which signed off on killing Mr. Awlaki. Mr. Holder’s speech was designed to offer the public some explanation of the government’s reasoning.

Still, the speech contained no footnotes or specific legal citations, and it fell far short of the level of detail contained in the Office of Legal Counsel memo — or in an account of its contents published in October by The New York Times based on descriptions by people who had read it.

The administration has declined to confirm that the memo exists, and late last year, The Times filed a lawsuit under the Freedom of Information Act asking a judge to order the Justice Department to make it public. In February, the American Civil Liberties Union filed a broader lawsuit, seeking both the memo and the evidence against Mr. Awlaki.

Last month, Justice Department court filings against Umar Farouk Abdulmutallab, the Nigerian man who attempted to blow up a Detroit-bound airliner on Dec. 25, 2009, provided a detailed account — based on his interrogations — of Mr. Awlaki’s alleged involvement.

Mr. Holder, by contrast, did not acknowledge the killing of Mr. Awlaki or provide new details about him, although he did mention him in passing as “a U.S. citizen and a leader” of Al Qaeda’s Yemen branch when discussing Mr. Abdulmutallab.

Although widely reported, American drone operations over Yemen are considered to be covert by the administration. Mr. Holder said that while he could not “discuss or confirm any particular program or operation,” he believed it was important to publicly explain national security legal principles.

Those began, he said, with the authorization to use military force against Al Qaeda and its allies, enacted by Congress shortly after the terrorist attacks of Sept. 11, 2001, an authority that he said extended beyond the traditional battlefields of Afghanistan because Al Qaeda members are moving — and launching attacks — from elsewhere.

He also said that some threats come from “a small number of United States citizens” who are plotting attacks from abroad, and that “United States citizenship alone does not make such individuals immune from being targeted.”

He focused on one situation in which someone could be killed without a trial: when a citizen who is believed to be an operational leader of Al Qaeda or its allies and who is plotting attacks; who is located in a country that either granted the United States permission to strike or that is unable or unwilling to suppress the threat on its own; and whose capture is not feasible.

Significantly, Mr. Holder did not say that such a situation is the only kind in which it would be lawful to kill a citizen. Rather, he said it would be lawful “at least” under those conditions. Later, he offered an example of another situation in which it would be lawful to kill a citizen even if all those requirements were not met: “operations that take place on traditional battlefields.”

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Kansas Refinery to Pay Nearly \$1 Million Penalty for Environmental Violations Related to Air Emissions

(USDOJ: Justice News)

Submitted at 3:14 PM March 6, 2012

Coffeyville Resources Refining & Marketing (CRRM) has agreed to pay a

civil penalty of more than \$970,000 and invest more than \$4.25 million in new pollution controls and \$6.5 million in operating costs to resolve alleged

violations of air, Superfund and community right-to-know laws at its Coffeyville, Kan., refinery.



EXCLUSIVE: Infamous international hacking group LulzSec brought down by own leader

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 9:05 AM March 6, 2012

Fox News on March 6, 2012 released the following:

“By Jana Winter

EXCLUSIVE: Law enforcement agents on two continents swooped in on top members of the infamous computer hacking group LulzSec early this morning, and acting largely on evidence gathered by the organization’s brazen leader — who sources say has been secretly working for the government for months — arrested three and charged two more with conspiracy.

Charges against four of the five were based on a conspiracy case filed in New York federal court, FoxNews.com has learned. An indictment charging the suspects, who include two men from Great Britain, two from Ireland and an American in Chicago, is expected to be unsealed Tuesday morning in the Southern District of New York.

“This is devastating to the organization,” said an FBI official involved with the investigation. “We’re chopping off the head of LulzSec.”

The offshoot of the loose network of hackers, Anonymous, believed to have caused billions of dollars in damage to governments, international banks and corporations, was allegedly led by a shadowy figure FoxNews.com has identified as Hector Xavier Monsegur. Working under the Internet alias “Sabu,” the unemployed, 28-year-old father of two allegedly commanded a loosely organized, international team of perhaps thousands of hackers from his nerve center in a public housing project on New York’s Lower East Side. After the FBI unmasked

Federal Court in Illinois Shuts Down Nationwide “Employee Benefit Plan” Tax Scheme

(USDOJ: Justice News)

Submitted at 9:29 AM March 6, 2012

A federal court has permanently barred Tracy L. Sunderlage, Linda Sunderlage and four companies from operating an alleged scheme to help high-income individuals attempt to avoid income taxes by funneling money through purported employee benefit plans, the Justice Department announced today.

Justice Department to Monitor Elections in Ohio

(USDOJ: Justice News)

Submitted at 9:16 AM March 6, 2012

The Justice Department announced today

Monsegur last June, he became a cooperating witness, sources told FoxNews.com.

“They caught him and he was secretly arrested and now works for the FBI,” a source close to Sabu told FoxNews.com. Monsegur pleaded guilty Aug. 15 to 12 hacking-related charges and information documenting his admissions is expected to be unsealed in Southern District Court on Tuesday.

As a result of Monsegur’s cooperation, which was confirmed by numerous senior-level officials, the remaining top-ranking members of LulzSec were arrested or hit with additional charges Tuesday morning. The five charged in the LulzSec conspiracy indictment expected to be unsealed were identified by sources as: Ryan Ackroyd, aka “Kayla” and Jake Davis, aka “Topiary,” both of London; Darren Martyn, aka “pwnsauce” and Donncha O’Cearrbhail, aka “palladium,” both of Ireland; and Jeremy Hammond aka “Anarchaos,” of Chicago.

Hammond was arrested on access device fraud and hacking charges and is believed to have been the main person behind the devastating December hack on U.S. security company Stratfor. Millions of emails were stolen and then published on Wikileaks; credit card numbers and other confidential information were also stolen, law enforcement sources told FoxNews.com.

The sources said Hammond will be charged in a separate indictment, and they described him as a member of Anonymous.

The others are all suspected members of LulzSec, the group that has wreaked havoc on U.S. and foreign government agencies, including the CIA and FBI, **Attorney General Eric Holder Speaks at the National Association of Attorneys General Spring Meeting**

(USDOJ: Justice News)

Submitted at 10:43 AM March 6, 2012

“Today’s most urgent challenges continue to bring us together. Some of us are collaborating on critical public safety and consumer protection initiatives. Some of us are working together to strengthen our courts and corrections systems – and to find ways to cut costs and share resources,” said Attorney General Holder.

that the Civil Rights Division will monitor elections today in Cuyahoga, Hamilton and Lorain Counties, Ohio.

numerous defense contractors, financial and governmental entities and corporations including Fox and Sony.

Ackroyd, who is suspected of using the online handle “Kayla,” is alleged to be Monsegur’s top deputy. Among other things, Kayla identified vulnerabilities in the U.S. Senate’s computer systems and passed the information on to Sabu. Kayla was expected to be taken into custody on Tuesday.

A spokeswoman for the Southern District and U.S. Attorney Preet Bharara declined comment.

Monsegur’s attorney did not return FoxNews.com’s repeated requests for comment.”

Douglas McNabb – McNabb Associates, P.C.’s

Federal Criminal Defense Attorneys

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Assistant Attorney General Thomas E. Perez Speaks on Anoka-Hennepin Conference Call

(USDOJ: Justice News)

Submitted at 1:34 PM March 6, 2012

“The consent decree is a comprehensive blueprint for sustainable reform that will enhance the district’s policies, training and other efforts to ensure that every student in the district is free from sex-based harassment,” said Assistant Attorney General Perez.

U.S. Remains Opposed to Drug Legalization, Biden Tells Region

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 2:07 PM March 6, 2012

The New York Times on March 5, 2012 released the following:

“By RANDAL C. ARCHIBOLD

MEXICO CITY — Vice President Joseph R. Biden Jr. delivered a blunt message on Monday to leaders in Latin America who are contemplating opening the door to the legalization of illicit drugs: The United States will not budge in its opposition.

Mr. Biden, beginning a two-day trip to Mexico and Honduras ahead of a regional summit meeting next month, told reporters that he welcomed a debate over legalization, but then he knocked down the arguments in favor of it.

He said he sympathized with Latin American leaders who are frustrated over violence tied to the drug trade and with the consumption habits in its biggest market, the United States. But the few potential benefits from legalization, like a smaller prison population, would be offset by problems, including a costly bureaucracy to regulate the drugs and new addicts, Mr. Biden said.

“I think it warrants a discussion. It is totally legitimate,” he said. “And the reason it warrants a discussion is, on examination you realize there are more problems with legalization than with nonlegalization.”

Mr. Biden made his comments shortly after meeting with President Felipe Calderón of Mexico, who has said that “market alternatives” — a phrase that many have taken as code for legalization

Allen Stanford Convicted in Houston for Orchestrating \$7 Billion Investment Fraud Scheme

(USDOJ: Justice News)

Submitted at 6:22 PM March 6, 2012

A Houston federal jury today convicted Robert Allen Stanford, the former Board of Directors Chairman of Stanford International Bank (SIB), for orchestrating a 20-year investment fraud scheme in which he misappropriated \$7 billion from SIB to finance his personal businesses.

— should be considered by the United States if it could control the amount of drugs its citizens consume.

At the same time, the Obama administration has proposed reductions in certain antidrug programs for next year in line with a long-planned shift toward training programs instead of expensive equipment like the helicopters used to fight trafficking.

Small amounts of marijuana for personal use are legal in Mexico, but Mr. Calderón has done little to press for any discussions over legalization. Mr. Biden said the subject did not come up in their meeting, which he called wide-ranging and which he said provided him an opportunity to pledge more American help to curtail money laundering and gun trafficking.

Other Latin American leaders, including the presidents of Costa Rica and Colombia, have suggested that legalization should at least be seriously discussed, but none have gone as far as the new president of Guatemala, Otto Pérez Molina.

In a country where drug trafficking and violence has exploded, he has said he would call for the legalization of drugs at a meeting with other Central America leaders.

Analysts suggest that Mr. Pérez Molina, a former army general, and other leaders may be angling for more antidrug aid and, in Mr. Pérez Molina’s case, for the United States to lift the suspension of military assistance that has been in place since the civil strife of the late 1970s.

“The growing discussion about

Federal District Court Judge Told a Federal Jury That They Must Keep Deliberating in the R. Allen Stanford Federal Criminal Trial

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 9:43 AM March 6, 2012

The New York Times on March 5, 2012 released the following:

“Jurors Told to Keep Talking in Financier’s Fraud Trial

By BLOOMBERG NEWS

The judge in the fraud trial of the financier R. Allen Stanford ordered the jury on Monday to return to deliberations after it said it could not reach a unanimous verdict in its fourth day of reviewing the evidence.

The eight men and four women on the jury told Judge David Hittner of Federal District Court for the Southern District of Texas in Houston that they had been

legalization comes largely from the struggles on the ground with organized crime and violence,” said Shannon K. O’Neil, a scholar at the Council on Foreign Relations who studies American relations in the region. “But in particular cases — that of Guatemalan President Otto Pérez Molina, for instance — it also likely reflects at least in part the desire to increase U.S. aid to his country, and to lift the ban on weapons sales instituted in the 1970s.”

The United States has warned of human rights violations by the Guatemalan military and the police there, said Michael Shifter, president of the Inter-American Dialogue in Washington. “For Pérez Molina, U.S. drug policy ends up making organized crime more powerful, and its human rights policy limits Guatemala’s ability to deal effectively with that threat,” he said. “That contradiction perhaps best accounts for Pérez Molina’s motivation.””

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unable to reach a verdict on each of the 14 counts, the judge said, reading a note they had written to lawyers for both sides.

Judge Hittner instructed jurors to continue deliberations, saying that the trial had taken a lot of time and money and that it was unlikely that the lawyers could put on a better trial or that another jury could be more conscientious.

“It is your duty to agree upon a verdict if you can do so, without surrendering your conscientious opinion,” Judge Hittner said.

Mr. Stanford, 61, is accused of leading a \$7 billion international fraud scheme involving the sale of certificates of deposit



Houston Federal Jury Convicts R. Allen Stanford on 13 out of 14 Counts

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 12:59 PM March 6, 2012

The Wall Street Journal on March 6, 2012 released the following: "Allen Stanford Convicted on 13 of 14 Counts

By Daniel Gilbert

A federal jury on Tuesday convicted international financier R. Allen Stanford on 13 out of 14 charges of money laundering and fraud in what prosecutors called a Ponzi scheme that lost billions of dollars for investors.

The jury of eight men and four women found him not guilty on one count of wire fraud.

The verdict, coming on the fourth full day of deliberation after a monthlong trial, marks a stunning comedown for Mr. Stanford, 61 years old, who rose from owning a bodybuilding gym in Texas to become a billionaire knighted in Antigua.

As the verdict was read Mr. Stanford, wearing a dark suit, turned to where his

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issued by his bank, which was based in Antigua.

He faces up to 20 years in prison if found guilty of the most severe charges, mail fraud and wire fraud. Mr. Stanford says he is not guilty.

The jury left for the day after it was told to resume deliberations.

Jury selection began Jan. 23. The panel heard five weeks of evidence.

The government presented testimony from investors who had bought the reportedly fraudulent C.D.'s and from the executives who had helped sell them.

The witnesses included government officials and the former chief financial officer of the Stanford Financial Group, James M. Davis, who pleaded guilty to fraud-related charges in 2009 and testified for five days against Mr. Stanford.

The defense presented former Stanford employees who said they had seen no evidence of fraud at the company. Mr. Stanford did not testify during the trial."

family members were sitting and appeared the mouth the words, "It's okay."

The verdict caps a three-year criminal prosecution that has blocked investors from attempting to recover hundreds of millions of dollars from Mr. Stanford, and which has stalled a civil lawsuit against him brought by the U.S. Securities and Exchange Commission. It came a day after jurors said they could not reach a unanimous verdict on all counts, and U.S. District Judge David Hittner ordered them to keep deliberating.

Prosecutors had accused Mr. Stanford, 61 years old, of swindling thousands of investors by selling them certificates of deposit issued by a bank he controlled in Antigua. They say he invested these proceeds in risky real-estate assets and his own businesses, funding a lavish lifestyle aboard yachts and jets and even sponsoring cricket tournaments.

Mr. Stanford's lawyers, who ultimately chose not to let him testify in his own defense, countered that he ran a legitimate

business that was ruined when the SEC raided his office in 2009 and froze his assets. They portrayed Mr. Stanford as an absentee chief executive, and argued that any fraud would have been committed by his chief financial officer, James Davis, a key government witness."

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