

Deep Background - Assassinating Americans

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Even in World War II, the United States did not attempt to assassinate U.S. citizens who went over to the enemy, but that has now changed with President Obama's overseas contingency operations.

On Feb. 3, Director of National Intelligence Dennis Blair told the House Intelligence Committee that the United States government has developed procedures for killing American citizens abroad who are "involved" with groups threatening to carry out terrorist acts directed against other Americans. Three U.S. citizens have already been approved by the White House for summary execution as soon as actionable intelligence is developed to enable a pilotless drone's hellfire missiles to do the killing. One is Yemeni cleric Anwar al-Aulaqi; the second is American al-Qaeda member Adam Perlman, who goes under the name Adam Yahiyeh Gadahn; and the third is believed to be a Somali from Minnesota who has joined the al-Qaeda affiliate al-Shabab in the Horn of Africa. Anwar al-Aulaqi, linked in the media to the Christmas underwear bombing and with Major Malik Nadal Hasan, the Fort Hood shooter, has denied any involvement in either incident. Perlman, a propagandist for al-Qaeda, is in Waziristan. Killing these men would involve using military drones to attack targets in three countries with which the United States is not at war.

The Fifth and Sixth Amendments to the U.S. Constitution guarantee a citizen due process and a public trial, as well as the right to confront his accuser. The Obama administration is arguing that these American turncoats do not have constitutional rights because they are not physically in the United States and are actively engaged in planning terrorist acts that the government has the right to disrupt by killing them preemptively. Blair has also explained that there are "defined policies and legal procedures," but as the criteria for inclusion on the kill list are secret, due process is likely limited to the ruminations of a senior bureaucrat and a government lawyer, neither of whom has a mandate to protect the rights of the suspect. Furthermore, Blair's use of the word "involved" suggests that the definition of terrorist activity might be somewhat elastic. The result is that secret information used to make a secret decision can very definitely get you killed in the Obama White House's Brave New World. It will also kill many of your friends and family, as the hellfire missiles are notorious for their infliction of collateral damage.

Killing dissident citizens without due process is not a unique practice. Libyans, Iranians, and Soviets all did it in the 1980s and 1990s. But it is unusual in a liberal democracy where there are restraints on depriving a citizen of his life. The odd thing is that no one who matters seems too disturbed. No congressional committee protested, the *New York Times* only ran a short discussion thread on its online opinion page, and the Washington Post relegated the story to page 3 without any follow-up.

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