

“How to Do It Legally”: Obama White House Envisages Drone Assassination of U.S. Citizen

By [Bill Van Auken](#)

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Unnamed “senior US officials” have told the Associated Press that the Obama administration is “wrestling with whether to kill [a US citizen] with a drone strike and how to do so legally under its new stricter targeting policy.”

This extraordinary AP report publicly announces and justifies a drone assassination of an American citizen before it takes place. It has all the hallmarks of a deliberately orchestrated leak. Its evident aim is to lend a veneer of “transparency” and legality to a conspiratorial and unconstitutional program of state murder, all the better to institutionalize it as a permanent arm of dictatorial presidential power.

The US officials who spoke to the AP laid out a scenario that fits neatly into the framework laid out by President Barack Obama in a speech delivered at the National Defense University last May, defending the program of extra-judicial assassinations, while promising a “high threshold” for ordering such a killing.

The individual being targeted for a drone strike was said to be suspected of being a terrorist and “in a country that refuses US military action on its soil and that has proved unable to go after him.”

Under Obama’s reported policy, such individuals must be killed by the US military’s Joint Special Operations Command, not by the CIA, which has been responsible for previous strikes.

According to the AP, the Pentagon “was divided over whether the man is dangerous enough to merit the potential domestic fallout of killing an American without charging him with a crime or trying him, and the potential international fallout of such an operation in a country that has been resistant to US action.” It added that the military ultimately came around to supporting the killing.

The report added that, under Obama’s targeting rules, the Department of Justice must present a case that the assassination of the US citizen is “legal and constitutional” by defining him as an “enemy combatant” under the Authorization for Use of Military Force passed by Congress in the immediate aftermath of the September 11, 2001 attacks on New York City and Washington. According to the US officials, such a case has yet to be presented.

Involved here is the mockery of “due process” adopted by the Obama administration as pseudo-legal window dressing for its assassination program. The Justice Department is instructed by the White House to prepare a brief justifying the murder of a US citizen,

without any charges being publicly presented, much less a trial to adjudicate them, and the president then places the individual on a kill list.

The series of rubber-stamp procedures instituted by the Obama administration represents an irrevocable break with the US Constitution and the Bill of Rights. The Fifth Amendment to the Constitution guarantees that no one “shall be deprived of life ... without due process of law,” meaning the right of anyone accused of a crime to be notified of the charges and have the opportunity to defend oneself against them before an independent and impartial tribunal.

If Obama gives the green light for this proposed drone assassination, its victim will be the fifth American citizen killed in this fashion. The previous victims include Anwar al-Awlaki, a New Mexico-born Islamic cleric, and another American, Samir Khan, who were killed in the same drone strike in September 2011 in Yemen; al-Awlaki’s 16-year-old son, Abdulrahman, who was blown to bits in Yemen two weeks later; and Jude Kenan Mohammed, who was killed in a drone strike in Pakistan.

The Obama administration claims that only al-Awlaki was specifically targeted, while the other three were part of the “collateral damage” of the US drone war program which has claimed the lives of thousands of people from Pakistan and Afghanistan to Yemen, Somalia and beyond.

The American Civil Liberties Union, which has gone to court seeking public disclosure of secret Justice Department memoranda used to justify the drone assassination of al-Awlaki and other American citizens, denounced the plans revealed Monday for yet another state murder.

“The government’s killing program has gone far beyond what the law permits, and it is based on secret evidence and legal interpretations,” said Hina Shamsi, director of the ACLU National Security Project. “The targeted killing of an American being considered right now shows the inherent danger of a killing program based on vague and shifting legal standards, which has made it disturbingly easy for the government to operate outside the law. The fact that the government is relying so heavily on limited and apparently unreliable intelligence only heightens our concerns about a disastrous program in which people have been wrongly killed and injured.”

In its report the AP offered no identification of the latest proposed victim and said that it was withholding the name of the country in which he was located at the request of US authorities.

In its report, however, the *Washington Post* suggested the possible identity of the individual who is being targeted. It stated that “Al-Qaeda’s core group in Pakistan,” which has ties to organizations carrying out attacks on US military forces in Afghanistan includes one known American, Adam Gadahn. The paper adds, however, that Gadahn, best known for making YouTube videos, “is widely considered a spokesman and media figure for al-Qaeda, not an operative whom US officials have placed on the target list.”

Meanwhile, documents leaked by former National Security Agency contractor Edward Snowden along with the testimony of current and former drone operatives establish that the NSA is playing a central role in the assassination program, which overwhelmingly selects targets by cellphone metadata rather than definite human intelligence.

This practice, reported in [an article](#) by Glen Greenwald and Jeremy Scahill posted on Greenwald's new online news site the *Intercept*, involves "an unreliable tactic that results in the deaths of innocent or unidentified people."

The article quotes an unnamed former JSOC drone operator as saying that the use of metadata analysis and cellphone tracking technologies has resulted in the killing of innocent people, since the target is a cellphone SIM card, which may or may not be in the possession of the person targeted.

"Once the bomb lands or a night raid happens, you know that phone is there," said the operator. "But we don't know who's behind it, who's holding it. It's of course assumed that the phone belongs to a human being who is nefarious and considered an 'unlawful enemy combatant.' This is where it gets very shady."

The report also cites a top-secret NSA document made available by Snowden that confirms the NSA "played a key supporting role" in the September 2011 drone strike used to assassinate the first two US citizens in Yemen: Anwar al-Awlaki and Samir Khan.

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Articles by: [Bill Van Auken](#)

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