

The Obama Drone Murder Memo

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The long-suppressed Justice Department memo released Monday establishes that the president of the United States, Barack Obama, in the most calculated and criminal manner, authorized the murder of an American citizen, Anwar al-Awlaki.

Reading this document, with its crude arguments supporting the targeting and drone killing of a man far from any battlefield, who was never charged with a crime, is itself a chilling experience. The tortured pseudo-legalisms of its author only underscore the premeditated character of the act.

The drone attack that killed Awlaki and three others in Yemen on September 30, 2011, including a second US citizen, Samir Khan, was not carried out in the heat of battle. Neither was the drone attack one month later that obliterated Awlaki's teenage son.

Obama's secret decision to place Awlaki on his "kill list" was leaked to the press in April of 2010. The memo by the then-head of the Justice Department's Office of Legal Counsel, David Barron, claiming that the Constitution and US laws gave the president the power to kill a US citizen, without charge or trial, was sent to Attorney General Eric Holder in July of 2010. Awlaki's father filed a suit in federal court to remove his son from the kill list, but the case was thrown out in December of 2010.

Thus the murder of Awlaki was organized over a protracted period of time. It was a cold-blooded extra-judicial killing by the state.

Awlaki had not been indicted prior to his killing. In fact, it has not been established to this day that he had committed a criminal act. None of the assertions by the government of his role as an "operational leader" of an Al Qaeda group or his alleged involvement in terror plots against the US were ever substantiated, although Barron in his memo treats them all as indisputable fact.

It may be the case—and not even this is clear—that he engaged in propaganda hostile to the policies of the US government. But even if this is so, such behavior is not necessarily criminal, let alone grounds for execution without trial.

Awlaki's background raises a host of questions. He was, in fact, well known to the Pentagon and the FBI, having collaborated with them a decade before.

It seems that Awlaki was selected for an extra-judicial state killing because he had acquired a public persona that—and here the media played a vital role—would make him an "acceptable" target. In this sense, Awlaki was a guinea pig. His murder was calculated to establish a precedent for virtually unlimited executive power—and it has.

There is no precedent for such an act in American history. With the state murder of Awlaki, the United States entered into uncharted territory. The lack of any significant response from any section of the political establishment has demonstrated that so-called American democracy is rotting from within.

If the deliberate murder of a US citizen is not an impeachable act, a “high crime and misdemeanor,” then nothing is. But there has been no congressional investigation into the killing of Awlaki. There have been no public hearings. There has been no move to impeach Obama or prosecute him and his CIA and Pentagon accomplices. This is because the entire state is complicit.

It is instructive to compare the killing of Awlaki to other presidential acts that led to impeachment proceedings or, at least, congressional hearings. In 1868, President Andrew Johnson was impeached by the House of Representatives for having violated the Tenure of Office Act. He avoided conviction by the Senate and removal from office by a single vote. The underlying cause of the impeachment crisis involved conflicts with Congress over policy toward the defeated South.

Richard Nixon resigned under duress in August 1974 after the House Judiciary Committee passed three articles of impeachment relating to the Watergate burglary and the bombing of Cambodia. Many of his subordinates resigned and were later sent to prison.

In the 1980s, President Ronald Reagan became mired in the Iran-Contra affair that should have led to impeachment proceedings but did not. There were, however, public congressional hearings into the secret sale of weapons to Iran in exchange for the release of US hostages, and the use of the proceeds from the sales to fund the Nicaraguan contras, in violation of the Boland Amendment. Later, there were trials and convictions.

Bill Clinton was impeached by the House in 1998 and tried in the Senate for lying to a grand jury about private sexual relations.

None of these cases involved the killing of an American citizen. Yet today, Obama publicly acknowledges having ordered the assassination of Awlaki, and there are no legal consequences. In the aftermath of Awlaki’s killing, the violations of the Constitution and democratic rights become more and more grotesque: military aggression launched without even the pretense of congressional approval, pervasive government spying on the American people, de facto martial law in Boston, etc.

The attitude of the political establishment is summed up by the fact that Obama nominated Barron—the author of the memo that sanctioned Awlaki’s killing—to join the federal Court of Appeals. His promotion was confirmed by the Senate, with all but two Democrats voting in favor.

The absence of broad public protest reflects not agreement with Obama’s crime, but the deep alienation of the great mass of the people from the political system. They know by now that what they think or feel counts for nothing. There is, in fact, no mechanism within the political or even the legal system through which their opposition can find expression.

What has produced this malignant crisis? It is the product of a fatal combination of imperialist militarism, the extreme concentration of wealth at the very top, and the unrestrained exercise of corporate power.

Vast and ominous changes have taken place in America. The entire official political set-up is in an advanced stage of putrefaction. History teaches that, "in the course of human events," there comes a point when a critical mass of people concludes that the existing system has become so intolerable that it must be radically changed. Such a point is fast approaching in the United States.

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