

# Obama offers tortured defense of targeted killings

Joseph Kishore  
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In his speech yesterday at the National Defense University in Washington, DC, US President Barack Obama offered a tortured defense of extra-judicial assassinations, for the first time publicly acknowledging the killing of Anwar al-Awlaki, a US citizen, in September 2011.

Obama's remarks were characterized by a basic contradiction. He sought to defend drone assassinations, while at the same time essentially acknowledging their illegality and the illegality of much of what the American government has done over the past decade.

A tone of nervousness and defensiveness pervaded Obama's remarks, reflecting awareness within the ruling class that what they are doing is not only illegal, but also increasingly unpopular. Significantly, the speech was repeatedly interrupted by a woman who denounced the administration's policy on drone assassinations and the detention center at Guantanamo Bay.

Obama's admission that he had ordered the killing of Awlaki is part of an effort by the administration to bring the assassination program "into the open," to institutionalize it and turn it into a permanent feature of US policy.

"America's actions are legal," Obama insisted, referring to extra-judicial assassinations. "We were attacked on 9/11. Within a week, Congress overwhelmingly authorized the use of force. Under domestic and international law, the United States is at war with Al Qaeda, the Taliban, and their associated forces."

Obama is well aware, however, that the assassination program is unconstitutional and illegal, and that, as president, he is guilty of multiple impeachable offenses. As if nervous that he would be held solely responsible

for these actions, he repeatedly reminded his audience that Congressional leaders had been briefed about them on many occasions.

"After I took office," Obama said, "my administration began briefing all strikes outside of Iraq and Afghanistan to the appropriate committees of Congress. Let me repeat that: Not only did Congress authorize the use of force, it is briefed on every strike that America takes, every strike. That includes the one instance when we targeted an American citizen: Anwar Awlaki, the chief of external operations for AQAP [Al Qaeda in the Arabian Peninsula]."

Obama said, "For the record, I do not believe it would be constitutional for the government to target and kill any US citizen—with a drone or with a shotgun—without due process. Nor should any president deploy armed drones over US soil."

Yet this is precisely what the administration has done and now has publicly acknowledged doing: at least four US citizens were killed in violation of the Constitutional requirement of due process, guaranteed in the Fifth Amendment. They were not charged with any crimes. There was no opportunity for them—or anyone else murdered by drones—to challenge the addition of their names to Obama's "kill lists." The government has never provided any evidence of its allegations in a court of law.

In the attempt to fit the defense of these killings with these facts, Obama chooses his words carefully. He did not refer to "due process *of law*," as specified in the Constitution. This is because the administration has resorted to the claim that "due process" is satisfied by the internal deliberations of the executive branch, of the president and his closest advisers, and does not require the intervention of the courts.

Obama's statement about using drones over US soil

to kill US citizens was also deliberately phrased. He did not say that the use of such drones would be unconstitutional, only that, in his opinion, the president *should* not use them. Earlier this year, Holder declared that the use of the military to kill a US citizen in the United States would not be illegal.

Obama went on to say, “But when a US citizen goes abroad to wage war against America and is actively plotting to kill US citizens, and when neither the United States nor our partners are in a position to capture him before he carries out a plot, his citizenship should no more serve as a shield than a sniper shooting down on an innocent crowd should be protected from a SWAT team.”

“That’s who Anwar Awlaki was,” Obama alleged, before making a series of unproven accusations. “He was continuously trying to kill people. He helped oversee the 2010 plot to detonate explosive devices on two US-bound cargo planes. He was involved in planning to blow up an airliner in 2009. When Farouk Abdulmutallab, the Christmas Day bomber, went to Yemen in 2009, Awlaki hosted him, approved his suicide operation, helped him tape a martyrdom video to be shown after the attack, and his last instructions were to blow up the airplane when it was over American soil.”

None of this gets to the essential issue. The Constitution requires that charges of illegal activity be proven in a court of law. No court has ever determined the validity of any of these claims, and therefore the killing of Awlaki was unconstitutional.

In an effort to give his actions greater legal cover, Obama then suggested that Congress might consider establishing some mechanism to oversee the decisions of the president and attempt to legalize what has been done ex post facto. This might involve “a special court to evaluate and authorize lethal action” or an “independent oversight board in the executive branch.” Either would function as nothing more than a rubber stamp on the decisions of the president.

These arguments were combined with a number of revealing statements about the condition of American democracy. “From our use of drones to the detention of terrorist suspects, the decision we are making will define the type of nation and world that we leave to our children,” Obama said. “So America is at a crossroads. We must define the nature and scope of this struggle, or

else it will define us. We have to be mindful of James Madison’s warning that no nation could preserve its freedom in the midst of continual warfare.”

A grave danger to what remains of democracy in the United States, Obama is admitting, comes not from Al Qaeda or international terrorism, but from within the American state apparatus itself. The actions of the state, including those of the Obama administration in particular, have changed American society and called into question the viability of democratic forms of rule.

When speaking of Guantanamo Bay, Obama returned to the same theme. After repeating a call to close the facility, which included a proposal to establish a base to hold military commissions within the United States itself, Obama warned: “History will cast a harsh judgment on this aspect of our fight against terrorism and those of us who fail to end it. Imagine a future 10 years from now or 20 years from now when the United States of America is still holding people who have been charged with no crime on a piece of land that is not part of our country ... Is this who we are?... Is that the America we want to leave our children?”

By its own actions, the answer that the Obama administration gives to these questions is: yes.

Obama’s speech expresses the deep crisis of the American state as it carries out a violent and definitive break with bourgeois democracy. At least within sections of the ruling class, there is a fear that the state as a whole risks losing any legitimacy in the eyes of the population of the United States and of the world. This fear is entirely justified.



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