

ACLU sues White House over drone “kill list”

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The American Civil Liberties Union (ACLU) filed a lawsuit in New York federal court Monday seeking to force the Obama administration to release records related to its “targeted killing” drone assassination program.

The complaint notes that the Obama administration has refused to publish records of the program, which “has resulted in the deaths of hundreds of foreign nationals, many of them children.”

Included amongst the material sought are documents related to “the legal basis in domestic, foreign, and international law” upon which the government may kill with drones, “the process by which the government designates individuals or groups for targeted killing,” and the number and names of people killed in drone attacks.

An initial lawsuit that sought to compel the release of documents was filed by the ACLU in October 2013, and Monday’s complaint notes that despite the passage of 18 months, “none of the defendant agencies has released any record in response to the request.”

The Obama administration’s excuse for ignoring the ACLU request has varied but its failure to release any documents has been consistent.

The Departments of Justice and Defense told the ACLU in 2013 that “unusual circumstances” had delayed any release, while the Department of State wrote that the ACLU had not shown a “compelling need” for information relating to the drone killings to be made public.

The Central Intelligence Agency, for its part, told the ACLU it had “completed a thorough review” of the ACLU’s request and had cynically determined “that if any records existed, the volume or nature of those records would be currently and properly classified.”

The Obama administration has stonewalled the ACLU’s request because compliance would mean releasing damning evidence of American war crimes. Under the drone assassination campaign, President Obama has assumed an unlimited right to kill people—including American citizens—without even so much as a warrant or trial.

A report published last year by the watchdog group Reprieve shows that in the course of hunting down just 41 alleged terrorists through November 2014, the US killed 1,147 people.

Seventy-six children and 29 adults were killed in the course of two strikes aimed at al-Qaeda leader Ayman Zawahiri, thought to be hiding in Pakistan. An additional thirteen Pakistani children and 115 adults were killed in a series of drone strikes aimed at mid-level al-Qaeda figure Qari Hussain. All told, 874 Pakistanis have been killed as the US targeted just 24 men.

In Yemen, 273 people were killed as the government tracked down 17 targets, four of whom are still alive.

In total, a conservative estimate from the Council on Foreign Relations shows that 3,674 people have been killed in American drone strikes outside of Iraq and Afghanistan. In recent months, the Obama administration has continued its drone campaign, launching strikes in Iraq, Afghanistan, Pakistan, Syria, Yemen and Somalia.

The Obama administration has asserted that its license to kill without due process extends to US citizens, despite the Fifth Amendment’s provision stating that, “no person...shall be deprived of life...without due process of law.”

This unprecedented step was taken in 2011, when US citizens Anwar al-Awlaki and his 16 year-old son, Abdulrahman, were killed in separate drone strikes in Yemen. In the former victim’s case, the Obama administration had presented no evidence that the radical cleric had committed any specific crime. In the latter case, the teenager was killed while attempting to track down his missing father.

The ACLU lawsuit comes almost two years after the US Court of Appeals for the Second Circuit forced the Obama administration to release a 41-page Justice Department memo detailing the administration’s justification for presidential assassinations without warrant, charges or trial.

The Justice Department memo—released to the public as a result of an ACLU lawsuit—laid forth the unprecedented

legal position that the “due process” standard in weighing whether to kill someone could be satisfied outside of the courts by the president and the top military and intelligence brass. In effect, this legal rationale is an argument for dictatorship.

In a blog post announcing the lawsuit, the ACLU’s Matthew Spurlock pointed to the Obama administration’s hypocritical paeans to transparency. Quoting Obama, Spurlock wrote, “President Obama pledged to make lethal targeting ‘more transparent to the American people and the world,’” but that “the administration has failed to follow through on these commitments to openness, and it is continuing to withhold basic information.

“When it has released anything—or been compelled to by lawsuits—discussion of crucial aspects of the program have been omitted or redacted. This lack of transparency makes the public reliant on the government’s self-serving and sometimes false representations about the targeted-killing program.”

Spurlock’s reference to the Obama administration’s falsehoods underscores an additional reason for the administration’s refusal to publish information on the drone killings: to do so would catch leading administration officials in a network of lies.

For example, John Brennan—then Obama’s chief counter-terrorism adviser, said in June 2011 that “there hasn’t been a single collateral [civilian] death” in Pakistan since August 2010. This statement was quickly disproven by the Bureau of Investigative Journalism, which found that just ten drone strikes carried out during that period had killed 45 civilians, including six children.

If the ACLU lawsuit compels the release of any material related to the drone campaign, the information will be additional evidence of the criminal character of the Obama presidency.



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