



Written by [Joe Wolverton, II, J.D.](#) on October 26, 2015

## After Drone Document Leak, Rep. Calls for Congressional Oversight of Strikes

A liberal Democratic congressman is calling for greater oversight of President Obama's drone war in light of shocking details about the program that were released recently, *The Intercept* reports.

"The Pentagon documents obtained by *The Intercept* echo what the Congressional Progressive Caucus has been saying for years. America's drone program needs transparency and oversight," said Representative Keith Ellison (D-Minn.; shown) in a statement e-mailed to the blog.



"Extrajudicial killings via drones are highly inaccurate and result in significant civilian casualties. The drone program breeds resentment and erodes our credibility with international partners," the congressman said in the e-mail.

On October 16, *The New American's* Alex Newman [reported on the content of the information](#) obtained by the Intercept:

The leaked materials, which cover 2011 to 2013, offer unprecedented insight into what is, at its core, an unconstitutional and murderous crime spree of epic proportions led by the Obama administration. The documents also shed new light into how a person ends up on Obama's secret "kill list" — no charges, no trial, no jury, no due process of law, no innocent until proven guilty, no nothing — and what happens after that. All it takes is Obama's word, and it's off with your head — powers that even the world's most murderous dictators have not been so open and nonchalant about usurping.

Newman's report also included details provided by the papers:

Almost 90 percent of those executed during a five-month period in the Obama administration's mass-murder-via-drone machinations were not even specific targets selected by the White House for extrajudicial assassination, according to reports surrounding a massive leak of classified official U.S. documents unveiled this week by [The Intercept](#). In fact, it appears that despite his purported concerns over the death of innocents, Obama has killed far more innocent civilians, some of them U.S. citizens, than all of the mass-shooters in the United States throughout his term in office — combined.

To add insult to injury, the administration's assassination squads — essentially operating under the Central Intelligence Agency (CIA) and the Pentagon's Joint Special Operations Command (JSOC) — routinely label the unintended and unidentified victims of its deadly schemes as "enemy killed in action," even when there is little or no evidence of that being the case. "Anyone caught in the vicinity is guilty by association," the whistleblower was quoted as saying. But as more information emerges, the outcry is growing louder.



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Representative Ellison's message to The Intercept calls into question the legitimacy of the legal justification relied on by President Obama and his predecessor for the execution of the deadly drone policy.

"Attempts to hide civilian casualties by naming any person within the vicinity of an airstrike an 'enemy combatant' is wrong," Ellison said. "The report makes it clear: the U.S. drone program operates on highly questionable legal ground and offends our principles of justice."

Every time a U.S. drone fires a Hellfire missile at a "compound" and kills "militants," every one of those uncounted, unnamed, unindicted victims — regardless of guilt or innocence — was assassinated, not executed. Execution implies justice and American justice requires due process

Ellison is right to question the president's commitment to the rule of law and the timeless principles of individual liberty upon which our Constitution was founded. As this reporter [wrote in 2013](#):

There is a salient question that the president would likely laugh at were it to be posed to him: Where is the constitutional authority for creating and issuing kill orders?

The presidential presumption of guilt by association followed by the autocratic order of a lethal drone strike rightly worries many constitutionalists and friends of liberty. In fact, many questions prompted by the president's drone program remain unanswered. Why can't these alleged "terrorists" be tried in our federal court system? For decades those accused of terroristic crimes have been formally charged with those crimes, had those charges heard before an impartial federal judge, and been permitted to mount a defense to those crimes.

Due process as a check on monarchical power was included in the Magna Carta of 1215. This list of grievances and demands codified the king's obligation to obey written laws or be punished by his subjects. Article 39 of the Magna Carta says: "No freemen shall be taken or imprisoned or disseised [dispossessed] or exiled or in any way destroyed, nor will we go upon him nor send upon him, except by the lawful judgment of his peers or by the law of the land."

Over the years, the Magna Carta was occasionally revised and amended. In 1354, the phrase "due process of law" appeared for the first time. The Magna Carta as amended in 1354 says: "No man of what state or condition he be, shall be put out of his lands or tenements nor taken, nor disinherited, nor put to death, without he be brought to answer by due process of law."

This fundamental restraint on the royal presumption of the power to lop off heads on command was incorporated by our Founders in the Bill of Rights, particularly in the Fifth Amendment that says in relevant part: "No person shall ... be deprived of life, liberty, or property, without due process of law."

President Obama's nearly daily approval of drone-delivered assassinations is an effrontery to over 650 years of our Anglo-American law's protection from autocratic decrees of death without due process of law. When any president usurps the power to place names on a kill list and then have those people summarily executed without due process, he places our Republic on a trajectory toward tyranny and government-sponsored terrorism.

That same year, Ellison wrote a *Washington Post* op-ed suggesting that the federal courts exercise some sort of judicial check on the carrying out of the White House's drone war summary assassination program.

The winnowing of the president's "kill list" is not making the United States safer. In fact, the evidence



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suggests that it is creating new enemies, rather than reducing the threat.

Blowback is a very real consequence of the way consecutive presidential administrations have executed the “War on Terror.”

As [The New American has chronicled](#), the methods to the mayhem that is the drone war have bred far more enemies than they have eliminated. In fact, the thirst for vengeance created by the viciousness of the use of this deadly remote control force not only poses a clear and present danger, but will likely prove to be a self-perpetuating, multi-generational menace to the safety of many liberty-seeking people worldwide.

Since 2006, drone strikes have resulted in the death of nearly 3,000 Pakistanis. How many of these people would have been found guilty by a court of law had they had the opportunity to defend themselves against the charges of Islamic militancy?

From “double-tap” strikes (that kill not only the target, but also anyone trying to retrieve the body) to the “signature strikes” (that target groups displaying “militant behavior” rather than individual suspects believed to be planning attacks on the United States), this indiscriminate assassination of those not charged with any crime or suspected of any ill will is creating more enemies than it is eliminating.

Remarkably, though not surprisingly, comment from the rest of Congress on the leaked cache of drone war documents — and the wholesale disregard the drone war demonstrates for our Constitution, our principles, and the rule of law — has been nearly nil.

*Photo of Rep. Keith Ellison: AP Images*



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