



Written by [Joe Wolverton, II, J.D.](#) on December 12, 2012

Paul, Kucinich Demand Holder Provide Legal Justification for Drone Deaths

Drone-fired missiles continue winnowing the list of suspected enemies of the United States.

On December 6, a U.S. drone strike in North Waziristan, Pakistan, reportedly [killed suspected al-Qaeda leader Khalid bin Abdul Rahman al-Husainan](#).

According to a U.S. intelligence source [cited by *The Long War Journal*](#), “al Husainan was killed in a recent drone strike in Pakistan’s tribal areas. The US launched a drone strike in the Mir Ali area of North Waziristan on Dec. 6, as well as two strikes in in the Wana area of South Waziristan on Nov. 29 and Dec. 1. One intelligence official said al Husainan may have been moved to Afghanistan after being wounded in a drone strike.”



[NBC News reported](#) that al-Hussainan, aka Abu-Zaid al Kuwaiti, was killed while eating breakfast. Reportedly, the 46-year-old “cleric” was seen as part of the “very top tier” of remaining al-Qaeda leadership.

Three days after killing al-Husainan, the United States killed another al-Qaeda commander in a drone strike in North Waziristan.

A shower of missiles lit up a compound in the village of Tapi near Miramshah in North Waziristan, [according to Reuters](#). The *Express Tribune* reported that an alleged al-Qaeda commander known as Mohammad Ahmed al Mansoor and [three members of his family were killed in the attack](#).

As [described by *The Long War Journal*](#), “Al Mansoor was a midlevel al Qaeda commander and was “one of many Pakistanis who are filling out leadership positions in al Qaeda.”

While there is likely much to despise about the men targeted and summarily executed by the government of the United States, two irrefutable facts should trouble constitutionalists: First, neither man was ever charged with any crime, no attempt was ever made to apprehend them, and neither was afforded the opportunity to answer the accusations made against them. Neither was afforded even the most perfunctory level of due process that the Constitution guarantees to “all persons.”

It is this substantial denial of the right of due process that has prompted libertarian icon and Congressman Ron Paul (R-Texas) to join with his congressional colleagues Dennis Kucinich (D-Ohio) and Rush Holt (D-N.J.) to force Attorney General Eric Holder to provide an acceptable legal justification for the Obama administration’s expansion and execution of the drone war overseas.

“Thus far, the administration has refused to release the memo or any documents, despite multiple



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requests from members of Congress on both sides of the aisle. Intelligence operations that have virtually no transparency, accountability or oversight raise serious legal questions, particularly when such programs may constitute possible violations of international law or the Constitution of the United States,” Kucinich said in [a press statement](#).

The two independent-minded “mavericks” — both of whom are retiring at the end of the year — have co-sponsored [House Resolution 819](#) that, according to applicable House parliamentary rules, must be taken up by the committee of jurisdiction, or by the whole House, within 14 legislative days.

The two-week window opened on November 28 and will close on December 18. That means that before that date the Paul-Kucinich resolution must be addressed by the House before Congress adjourns for the holidays. Should the measure pass, the Obama administration would be forced to provide all documents setting out the legal justification for the death-by-drone program, including, according to the *Houston Chronicle*, “any memos from the Office of Legal Counsel.”

In [a statement released](#) by Representative Paul in June, he explained that the threat to our liberty posed by the president’s proliferation of the drone war was more imminent than the danger to our national security posed by alleged militants:

This dramatic increase in the use of drones and the lowered threshold for their use to kill foreigners has tremendous implications for our national security. At home, some claim the use of drones reduces risk to American service members. But this can be true only in the most shortsighted sense. Internationally the expanded use of drones is wildly unpopular and in fact creates more enemies than it eliminates.

The fatal phenomenon described by Dr. Paul is called “blowback.”

Blowback is defined as violent counter-attacks carried out as revenge for drone strikes that have killed thousands, many of whom were doing nothing more threatening than going to the market or attending a funeral.

After a drone attack killed 13 Yemenis by “[mistake](#)” in September, relatives of those killed in the strike spoke with the clarity and carelessness that comes from the mixture of mourning with rage.

“You want us to stay quiet while our wives and brothers are being killed for no reason. This attack is the real terrorism,” said Mansoor al-Maweri, whom [CNN reports](#) as being “near the scene of the strike.”

Then there was this from “an activist” who lives near the site of the September massacre: “I would not be surprised if a hundred tribesmen joined the lines of al Qaeda as a result of the latest drone mistake,” said Nasr Abdullah. “This part of Yemen takes revenge very seriously.”

[Reuters explains](#) that “Western diplomats in Sanaa say al Qaeda is a threat to Yemen and the rest of the world.” An argument can be made that a bigger threat to the world is the United States’ daily drone attacks that destroy our own dedication to the rule of law and serve as effective recruiting tool for those seeking revenge for the killing.

The former CIA Pakistan station chief agrees. Speaking of the rapid expansion of the drone war in Yemen, [Robert Grenier told the Guardian \(U.K.\)](#):

That brings you to a place where young men, who are typically armed, are in the same area and may hold these militants in a certain form of high regard. If you strike them indiscriminately you are running the risk of creating a terrific amount of popular anger. They have tribes and clans and large families. Now all of a sudden you have a big problem.... I am very concerned about the



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creation of a larger terrorist safe haven in Yemen.

We have gone a long way down the road of creating a situation where we are creating more enemies than we are removing from the battlefield. We are already there with regard to Pakistan and Afghanistan.

Despite this administration's devotion to despotism and remote control assassination, it is encouraging that this small cadre of liberty-minded lawmakers declared that they oppose the drone war "because they increase radicalization among the population of the countries we use them in, violate the U.S. Constitution, kill innocent people and stain our nation's moral consciousness."

According to the [schedule published by House Judiciary Committee](#), the resolution is scheduled for consideration by the full committee on Thursday, December 13.

Joe A. Wolverton, II, J.D. is a correspondent for The New American and travels frequently nationwide speaking on topics of nullification, the NDAA, and the surveillance state. He can be reached at jwolverton@thenewamerican.com.

Photos: Reps. Ron Paul and Dennis Kucinich

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