



Written by [Joe Wolverton, II, J.D.](#) on December 19, 2012

Paul, Kucinich Drone Resolution Rejected by House Judiciary Committee

A resolution [sponsored by retiring Representatives Ron Paul \(R-Texas\) and Dennis Kucinich \(D-Ohio\)](#) requiring Attorney General Eric Holder to release all information related to President Obama's death-by-drone program has failed to pass committee.

By voice vote on December 13, [the House Judiciary Committee failed to approve H. Res. 819](#). The measure would have directed Holder to provide the House of Representatives "any documents and legal memoranda in the Attorney General's possession relating to the practice of targeted killing of United States citizens and targets abroad."

Prior to the Judiciary Committee hearing, Congressman Kucinich [explained the purpose of the resolution](#):

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

On December 4, three members of the House Judiciary Committee sent [a letter to AG Holder](#) requesting specifically "any memoranda setting forth the legal and factual justifications for the targeted killing of Anwar al-Awlaki," as well as for the use of drones generally in the administration's "War on Terror."

Awlaki was killed by a drone attack on the command of President Obama on September 30, 2011.

Awlaki was placed on the president's infamous kill list after he was suspected of influencing the Ft. Hood shooter, Major Nidal Hassan, as well as the so-called Underwear Bomber, Umar Abdulmutallab. No official charges were ever filed against the American-born cleric. The government never attempted to apprehend him and try him for his alleged atrocities. He was placed on a proscription list and murdered.

The hit reportedly went down like this: On September 30, 2011, while Anwar al-Awlaki had stopped to eat breakfast, two unmanned Predator drones fired Hellfire missiles killing him.

The letter signed by Representatives John Conyers (D-Mich.), Jerrold Nadler (D-N.Y.), and Bobby Scott (D-Virginia), asks the AG for greater "transparency" in the execution of the drone program, including a description of the factors considered before carrying out so-called signature strikes.

Signature strikes are attacks on targets based on nothing more than "patterns of suspicious behavior."





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The CIA reports that the missile-attracting activities include “militants gathering at known al-Qaeda compounds or unloading explosives.” Given that roughly 60 percent of the U.S. Senate and 37 percent of the House of Representatives are lawyers, one would think that they would hold the intelligence agency petitioners to a higher standard of specificity. Who, one would rightly ask, is to determine “militant” status, much less how many of them together constitutes a “gathering?”

It is this crucial data that Paul, Kucinich, Conyers, et al believed the people’s representatives had a right to receive.

President Obama disagrees.

The Obama administration consistently refuses to enunciate a legal justification for the killing of either Awlaki (or his 16-year-old son), both of whom were American citizens.

Obama administration officials reportedly drafted a secret memo outlining the process that must be followed prior to ordering the summary execution of a target.

The [New York Times](#) reported, “The secret document provided the justification for acting despite an executive order banning assassinations, a federal law against murder, protections in the Bill of Rights and various strictures of the international laws of war, according to people familiar with the analysis.”

“President Obama’s decision to order the killing of an American citizen is among the most significant of his tenure as President and the American people have a right to know the facts behind this decision,” said Judicial Watch President Tom Fitton. “Anytime an American citizen is killed per the orders of the President of the United States, the process that led to the decision must be made transparent.”

Put another way, the president of the United States believes that he is solely responsible for the position of the United States in the world. By now, Americans are aware that the president’s view is the only view that matters. He is, as President Bush once proclaimed, “the decider,” and none shall oppose (unless they fancy being pursued by Hellfire missiles).

What is perhaps more frightening than the president’s assumption of the right to decide who lives and who dies, is the apparent coldness he displays in the process of compiling the proscription list.

The *Times* story says that the president “approves lethal action without hand-wringing.” In fact, when it comes to ordering an airborne drone to deliver its deadly payload — whether the target is an alleged al-Qaeda recruiter, an American teenager eating dinner with his family, or any other unidentified target — President Obama reportedly commented that the decision to pull the trigger is “an easy one.”

There have been occasional statements from Obama administration officials offering incomplete pretexts and legal justification for the compiling and culling of a kill list.

In March, for example, [Attorney General Eric Holder spoke at Northwestern Law School](#) regarding the source of the president’s authority to order the targeted killing of Americans living abroad whom he suspects of posing an extraordinary threat to the security of the homeland. Holder said:

Any decision to use lethal force against a United States citizen — even one intent on murdering Americans and who has become an operational leader of al-Qaeda in a foreign land — is among the gravest that government leaders can face. The American people can be — and deserve to be — assured that actions taken in their defense are consistent with their values and their laws.

It would seem, then, that President Obama does not consider due process a part of those values and laws, as these assassinations are carried out without affording those obliterated by drone-fired missiles



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even the lowest, most perfunctory level of due process protection.

In every case without exception, if the president or a designated member of his national security team determines that it's time for someone's name to be put on a kill list, then that person is assassinated by agents of the U.S. government without being charged with any crime, without being afforded an opportunity to answer those charges, and without a hearing on the legitimacy of those actions which are suspected of being dangerous to U.S. national security.

It is ironic, therefore, that Holder specifically cited the [Due Process Clause of the Fifth Amendment](#) as the constitutional authority for the killing of American citizens. He argued:

The Supreme Court has made clear that the Due Process Clause does not impose one-size-fits-all requirements, but instead mandates procedural safeguards that depend on specific circumstances. In cases arising under the Due Process Clause — including in a case involving a U.S. citizen captured in the conflict against al Qaeda — the Court has applied a balancing approach, weighing the private interest that will be affected against the interest the government is trying to protect, and the burdens the government would face in providing additional process. Where national security operations are at stake, due process takes into account the realities of combat.

The attorney general's reasoning presupposes the "right" of innocent Americans to be protected by their government from those of their fellow citizens who would commit lethal crimes against them.

This position demands an answer to the question of whether those "suspected" of these heinous crimes should not be protected likewise from a government that would kill them without their being charged with any crime, without being permitted the opportunity to consult with counsel, and without the opportunity to appear in front of an impartial judge in order to provide an answer for those accusations.

Photos: Reps. Ron Paul and Dennis Kucinich



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