



Written by [Joe Wolverton, II, J.D.](#) on September 9, 2012

## Obama Lists His Five Criteria for Death by Drone

President Obama is tearing the shroud of secrecy off his once hush-hush death-by-drone program.

From his [interview with Ben Swann](#), host of Fox 19's *Reality Check*, to his [sit-down with CNN's chief White House correspondent Jessica Yellin](#), the kill-list compiler-in-chief is gradually exposing details of the principles he purportedly follows before targeting someone for assassination.



The president may assume that there is little reason to try hiding something that is being publicized daily — except in the mainstream media. In fairness, the [New York Times](#) has done fine work chronicling the expansion of the use of drones, as well as their involvement in the killing of innocents overseas caught in the blast zone of missiles aimed at alleged militants.

An exception to the official policy of silence on the matter of the death-by-drone program being carried out by the White House and the CIA was made earlier this year. In April the White House's top counterterrorism advisor, John Brennan, [admitted for the first time publicly](#) to the government's significant reliance on drones in prosecuting the War on Terror. Brennan said that the remote control killing of suspects on foreign soil who have been charged with no crime whatsoever, is "in full accordance with the law."

Brennan also said the United States "respects national sovereignty and international law."

[Speaking with Margaret Sanger at the Council on Foreign Relations \(CFR\)](#), Brennan defended the president's drone program. "So long as AQAP [al-Qaeda in the Arabian Peninsula] seeks to implement its murderous agenda, we will be a close partner with Yemen in meeting this common threat," he said.

Later in the interview, Brennan said that the president deploys drones to target only "militants" with designs on attacking the United States or its allies abroad. He admitted that American intelligence agents provide tactical support to Yemeni armed forces battling al-Qaeda on the ground.

When asked about the collateral deaths of innocent civilians during these attacks, Brennan responded that American drone pilots "make every effort" to avoid killing innocents. Said Brennan:

Today I'd simply say that all our CT [counterterrorism] efforts in Yemen are conducted in concert with the Yemeni government. When direct action is taken, every effort is made to avoid any civilian casualty. And contrary to conventional wisdom, we see little evidence that these actions are generating widespread anti-American sentiment or recruits for AQAP. In fact, we see the opposite; our Yemeni partners are more eager to work with us. Yemenese citizens who have been freed from the hellish grip of AQAP are more eager, not less, to work with the Yemeni government. In short, targeted strikes against the most senior and most dangerous AQAP terrorists are not the problem; they are part of the solution.

Describing the disregard for innocent human life as part of a "[solution](#)" is eerily reminiscent of similar statements made by despicable tyrants in the recent past.



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The death toll of innocent people killed by the United States in the Middle East continues to increase. [As \*The New American\* reported on September 6](#), 29 Yemenis were killed by U.S. drones in one week. Many of these had not even tenuous ties to terrorists and were killed simply because they were in the wrong place at the wrong time.

When asked by CNN what process he uses to make the life or death decisions to deploy the drones to kill a “militant,” President Obama listed five criteria:

- First, “It has to be a target that is authorized by our laws.”
- Second, “It has to be a threat that is serious and not speculative.”
- Third, “It has to be a situation in which we can’t capture the individual before they move forward on some sort of operational plot against the United States.”
- Fourth, “We’ve got to make sure that in whatever operations we conduct, we are very careful about avoiding civilian casualties.”
- And fifth, “That while there is a legal justification for us to try and stop [American citizens] from carrying out plots ... they are subject to the protections of the Constitution and due process.”

Examining this list reveals that in none of the deaths authorized by the president has any one of these criteria been met.

Let’s take as a test case the remote-control murder of a young American in Yemen. What law [authorized the murder of 16-year-old Abdulrahman al-Awlaki](#), son of the American cleric Anwar al-Awlaki, who was also killed by Hellfire missiles fired by a Predator drone?

Neither man (both of whom were Americans) was ever charged with a crime or permitted to answer for his alleged crimes before an impartial judge — a violation of the fifth point provided by the president.

What threat did the younger al-Awlaki pose to the United States? The Obama administration has never informed the country of any wrongdoing by this teenager other than being related to a man who posted anti-American videos on the Internet that allegedly influenced others to commit crimes. This violates the president’s first criterion.

Number three above was certainly ignored by the president since no known attempt was ever made to capture this young man and take him into U.S. custody. Of course, that could be because he might actually have ended up in a court of law if he had been apprehended; and President Obama, a former lawyer, knows that trials can be long, messy, and unpredictable. It is much quicker and cleaner just to launch a missile and kill someone without going through the hassle of due process.

Finally, with regard to civilian casualties, not even the White House claims that Abdulrahman al-Awlaki was a member of al-Qaeda or any associated organization. He was quite literally killed for being associated with one who was allegedly associated with those allegedly associated with al-Qaeda.

As [Tom Junod wrote in \*Esquire\*](#):

But Abdulrahman al-Awlaki wasn’t on an American kill list. Nor was he a member of Al-Qaeda in the Arabian Peninsula. Nor was he “an inspiration,” as his father styled himself, for those determined to draw American blood; nor had he gone “operational,” as American authorities said his father had, in drawing up plots against Americans and American interests.

He was a boy who hadn’t seen his father in two years, since his father had gone into hiding. He was



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a boy who knew his father was on an American kill list and who [sneaked] out of his family's home in the early morning hours of September 4, 2011, to try to find him.

Furthermore, the young man was killed while eating dinner on the side of the road in the company of friends and extended family. So much for the limiting of "civilian" collateral damage. Not only was the target of the nighttime drone attack a civilian, but so were all the boys sitting with him when two American missiles lit up the area and killed them all.

Finally, when Yellin asked Obama if he personally approves the targets of the drone strikes, the president answered, "You know, I can't get too deeply into how these things work, but as I said as commander in chief ultimately I'm responsible for the process that we've set up to make sure that folks who are out to kill Americans, that we are able to disable them before they carry out their plans."

If only all advocates of constitutional due process could nonviolently through the electoral process disable those of both parties — whether in office or seeking to be elected- from carrying out their plans to destroy the our constitutionally protected liberty.

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