



Written by [Joe Wolverton, II, J.D.](#) on March 12, 2016

U.S. Air Strike Kills Over 150 in Somalia; Pentagon Claims “Self-Defense”

On March 7, the government of the United States of America ordered the military to fire missiles from drones and jets in Somalia, a strike that left at least 150 people dead.

Within hours, the Obama administration released a statement [justifying the attack as an act of “self-defense.”](#)

Peter Cook, spokesman for the Department of Defense, said the target was an “al-Shabaab training camp.” Al-Shabaab, the statement claims, is “a terrorist group affiliated with al-Qaeda.”



“The removal of these fighters degrades al-Shabaab’s ability to meet the group’s objectives in Somalia, including recruiting new members, establishing bases and planning attacks on U.S. and AMISOM [African Union Mission in Somalia] forces,” Cook writes in the press release.

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In other words, we got them before they could get us.

Self-defense.

To constitutionalists, there is a big problem with this rationalization. It violates our most sacred principles as a people to permit our government to summarily execute over 150 people without due process and without the consent of the representatives of the people.

Granted, there are many who believe the Pentagon’s claim that “the fighters who were scheduled to depart the camp posed an imminent threat to U.S. and AMISOM forces.”

Apart from the denial of due process, that statement should stir up the ire of friends of liberty, prompting them to ask why the United States has “forces” deployed in Africa. There is no provision in the Constitution granting to the president — or any part of the executive branch — the power to send the U.S. military into foreign countries for the purpose of protecting the citizens of that country, particularly when Congress has issued no declaration of war, the only constitutional means whereby the military might of the republic can be exercised.

At the conclusion of the press release, the Pentagon promises to provide evidence of its claims “when appropriate, as it is available.”

The Constitution, the rule of law, and [the Judeo-Christian morality upon which our republic was built](#) require such evidence be demonstrated before human beings are executed by the government, not after.

Murtaza Hussain, a reporter for *The Intercept*, took to Twitter to express his take on the killings: “Military killed 150 people in one of the many countries it was bombing yesterday, we don’t know who they are but luckily they were all bad,” he tweeted.



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Sarcastic though it may be, Hussain is right. The government of the United States of America ordered the military to kill over 150 people without submitting a syllable of evidence that these people had committed crimes for which they merited capital punishment.

Instead, many Americans approve of this sort of “self-defense,” arguing that it is better to be safe than sorry, so certainty has to be sacrificed in the name of fighting “terrorism.”

What is certain, however, is that this republic entered many years ago an era of rule by men (or one man — the president), leaving behind in the rubble the rule of law that we once counted on to protect those who could least protect themselves.

President Obama insists — and has insisted for nearly a decade — that those killed in drone strikes are “militants,” “terrorists,” and “extremists.”

The problem with that premise is that there is no way to tell who is a “militant” and who isn’t.

More to the point, when did militancy become a crime? If it is a crime, where is it defined? How can anyone know if he is guilty of militancy if such a crime is not defined?

Could one hypothetically be a militant without knowing it, given that the crime is nowhere defined?

Those “conservatives” inclined to side with the sanctioned executions would do well to remember the message sent out just weeks ago by the Department of Homeland Security regarding “domestic terrorists.”

As this reporter noted [on February 8](#), in advance of the funeral services for Lavoy Finicum, the Arizona rancher killed by federal agents at a traffic checkpoint near the Malheur Wildlife Refuge in Oregon he was occupying along with several other protesters, the Utah Statewide Information and Analysis Center — a federal/local fusion center — [issued a bulletin](#) preparing law enforcement officials for potential “armed extremists” that could be traveling through the Beehive State on their way to show their final respects to Finicum and his family.

These “visual indicators” of domestic extremists included the Gadsden Flag and the logo of the Oathkeepers, an organization composed of veterans and active-duty military members committed to upholding the Constitution.

The memo issued by the DHS fusion center informed officers that people displaying such images on their vehicles likely “are “associated with their extremism.”

An alleged association with extremism is exactly what got those 150 people killed in Somalia.

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.

As this reporter noted in 2013 after a drone strike [“accidentally” killed 15 guests at a wedding in Yemen](#):

When any president usurps the power to create a kill list, add names to that kill list, keep that kill list secret, and assassinate people on that kill list, he places our Republic on a trajectory toward tyranny and unbounded, unaccountable, unending government-sponsored terrorism.

Of course, it would be another matter if those targeted and executed by the United States military were armed enemy combatants. The fact is, we don’t know who they were.



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Were these suspected “militants” enemy soldiers captured during wartime they would be necessarily afforded certain rights granted to POWs.

Those 150 people in Somalia were not allowed any rights — neither the due process rights given to those accused of crimes nor the rights of fair treatment given to enemies captured on the battlefield.

The White House has consolidated in the hands of one man all power over life and death — at home and abroad — and has created a brand-new category of individual — one who can be indiscriminately deprived of all rights altogether.

On March 7 (and hundreds of other times) that power was exercised overseas. But, in light of the fact that we have allowed our government to break free of the fetters of the rule of law and the fundamental right of all men to have due process prior to be executed, will there come a day when that same awesome arsenal is deployed domestically?

To a lesser degree, of course, it already has. The shooting death of Lavoy Finicum by state law enforcement and the Federal Bureau of Investigation (FBI) is under investigation as one of the federal agents is suspected of lying about firing twice at Finicum and there is evidence that he may have been assisted by four other FBI agents in covering up his actions after Finicum was dead.

In this way, then, we don’t need to imagine a time when the federal arsenal is turned on American citizens in America.

Two successive presidents have prosecuted the so-called “War on Terror” for nearly 15 years.

A study published in March 2015 by Physicians for Social Responsibility found that [“at least 1.3 million people have died as a result of war since Sept.11, 2001.”](#)

Not a single one of those people was ever afforded the right to defend themselves, to defend their life and liberty, against charges that they were “extremists” who posed “an imminent threat” to the United States or its citizens.

In his report on the deadly attack, *The Intercept’s* Glen Greenwald posed pertinent and timely questions that all Americans should ask, as it is in our name that President Obama and his predecessor have carried out these kill orders. Greenwald writes:

Given what’s at stake — namely, the conclusion that Obama’s killing of 150 people yesterday was illegal — shouldn’t we be demanding to see evidence that the assertions of his government are actually true? Were these really all al Shabaab fighters and terrorists who were killed? Were they really about to carry out some sort of imminent, dangerous attack on U.S. personnel? Why would anyone be content to blindly believe the self-serving assertions of the U.S. government on these questions without seeing evidence? If you are willing to make excuses for why you don’t want to see any evidence, why would you possibly think you know what happened here — who was killed and under what circumstances — if all you have are conclusory, evidence-free assertions from those who carried out the killings?

As of March 11, the Pentagon has yet to offer any of the “additional information” it promised to provide.

Photo of U.S. Predator drone: AP Images



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