



Written by [Joe Wolverton, II, J.D.](#) on January 12, 2013

## Drones Are the Weapon of Choice in Obama's Destruction of Due Process

The United States continues the constant pounding of the tribal region of North Waziristan in Pakistan.

On January 10, [AFP reports that six "militants"](#) allegedly working for al-Qaeda were killed in a drone strike.

This is the seventh drone strike this year in the area.

The latest state-sanctioned assassination was carried out when CIA-controlled drones fired four Hellfire missiles at a village and a motorcycle near the town of Mir Ali, according to AFP sources.

In what should come as no surprise to anyone following the unconscionable chronicle of the never-ending drone war, there is no word as to the identity of either the targets or the victims.

Of course, the White House insists that several "leaders" of al-Qaeda have been killed in the attacks.

As [reported by Long War Journal](#):

Four senior and midlevel al Qaeda and Taliban leaders are reported to have been killed in the seven strikes since the beginning of the New Year. [The US killed Mullah Nazir](#), the leader of a Taliban group in South Waziristan who was closely allied with Bahadar, al Qaeda, and the Afghan Taliban, in a strike on Jan. 3. In a second strike on Jan. 3, the US killed Faisal Khan, commander in the Movement of the Taliban in Pakistan commander. In one of two strikes on Jan. 6, the US [killed Wali Mohammed](#), a Taliban commander who is said to have directed suicide operations for the Movement of the Taliban in Pakistan. And in one of [the two strikes on Jan. 8](#), an al Qaeda leader known as [Sheikh Yasin Al Kuwaiti](#) is reported to have been killed.

And the Obama administration is certainly proud to report (although they are notoriously tight-lipped about the death-by-drone program) that in a similar attacks in the same region carried out on January 8, eight other "militants" were assassinated. Again, [from Long War Journal](#):

Just after midnight, the CIA-operated, remotely piloted Predators or the more deadly Reapers first struck a compound in the village of Haider Khel near the town of Mir Ali. Eight missiles were fired at the compound, which was thought to be owned by an "important Taliban leader," [The Nation reported](#); however, it is unclear if he was killed in the strike. Five people are reported to have been killed.

A Pakistani security official [told AFP](#) that four "militants" were killed in the strike. [Reuters reported](#) that one of those killed was a "foreign tactical trainer" from either Somalia or the United Arab Emirates.

The US drones then fired several more missiles at a compound in the nearby village of Eissu Khel.





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Three people were reported killed in the strike, but it is unclear if they were militants or civilians. Unclear, and to the president, unimportant. The president's on-the-record statements regarding the serial drone killings reveal that he considers himself the judge, jury, and executioner — and does not believe he is obliged to provide evidence to the American people.

In fact, it would be very naïve to believe these (allegedly) targeted assassinations only kill innocents due to unfortunate miscalculations. When the judicial and executive powers of government are consolidated and restraints on the exercise of power are cast aside, it can be expected — based both on our knowledge of history and on the nature of man — that power will be abused and no one's rights or life will be safe from elimination by despots.

In [interviews with CNN and Fox](#), the president consistently defended the fact that he orders drone strikes to assassinate people based on nothing more than his suspicion that they threaten U.S. national security. But for all his apparent frankness, there is one aspect of his drone-based assassination program about which the president remains mum.

This silence shrouds the cold and callous manner in which civilian deaths are disregarded by the president when it comes to counting the number of fatalities resulting from his death-by-drone campaign. "Mr. Obama embraced a disputed method for counting civilian casualties," the *New York Times* reported in an article [published May 29, 2012](#). When read in conjunction with the headline from an Associated Press article reading "Iraq to Stop Counting Civilian Dead," a picture of global casualness as to casualties begins to emerge.

The *Times* clarified: "Mr. Obama embraced a disputed method for counting civilian casualties that did little to box him in. It in effect counts all military-age males in a strike zone as combatants, according to several administration officials, *unless there is explicit intelligence posthumously proving them innocent.*" (Emphasis added.)

The highly informative *New York Times* piece illuminates much of the macabre methodology of aggregating the names of enemies of the state to President Obama's proscription list.

Recounting the scene at one of the regularly scheduled Tuesday intelligence briefings at the White House, Jo Becker and Scott Shane wrote, "The mug shots and brief biographies resembled a high school yearbook layout. Several were Americans. Two were teenagers, including a girl who looked even younger than her 17 years."

It cannot be too soberly restated that these seemingly cold-blooded conferences are occurring every week in the Oval Office and are presided over by the president of the United States.

That last fact is essential if one is to understand the era into which our Republic has entered. The president of the United States, in this case Barack Obama, sits in a chair in the White House rifling through dossiers of suspected terrorists. After listening to the advice of his clique of counselors, it is the president himself who designates who of the lineup is to be killed. As the *New York Times* explains: "Mr. Obama has placed himself at the helm of a top secret 'nominations' process to designate terrorists for kill or capture, of which the capture part has become largely theoretical. He had vowed to align the fight against Al Qaeda with American values; the chart, introducing people whose deaths he might soon be asked to order, underscored just what a moral and legal conundrum this could be."

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?



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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.

Finally, one wonders where the pacifist bloc of the coalition that elected Barack Obama in 2008 has gone now that their candidate has become president and not only continued his predecessors program of drone diplomacy, but has accelerated it.

From 2004-2007, President George W. Bush [authorized only 10 drone strikes](#). During Barack Obama's first year in office — 2009 — that number increased by more than 500 percent.

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.

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