

AN IMPEACHABLE OFFENSE

Obama's Summary Execution Of U.S. Citizen Anwar al-Awlaki

by Jeffrey Steinberg and Edward Spannaus

Oct. 3—As more and more details come out on the unlawful, extra-Constitutional execution of a U.S. citizen, Anwar al-Awlaki, and the death of a second American, Samir Khan, by a CIA drone attack in Yemen on Sept. 30, the urgent issue of President Obama's impeachment is now center stage. Beyond the issue of impeachment, a second question, raised prominently by Lyndon LaRouche in his Sept. 30 Presidential Address (see *Feature*), is also before us: Is the President insane and therefore subject to immediate removal from office under Section 4 of the 25th Amendment? How long can the nation survive as a constitutional republic if a mentally unbalanced President is running around with the self-proclaimed authority to order the military and the CIA to hunt down and assassinate American citizens, without due process and no public accountability?

LaRouche subsequently decried the killings as "Hitler-style operations," and urged a serious review of Obama's mental capacity to serve as President. "There is a pattern of evidence that suggests that President Obama is not mentally fit to serve as President. With the assassinations on Friday in Yemen of at least two American citizens, this issue takes on a degree of deadly urgency. It cannot be ignored for another moment without putting all Americans at risk."

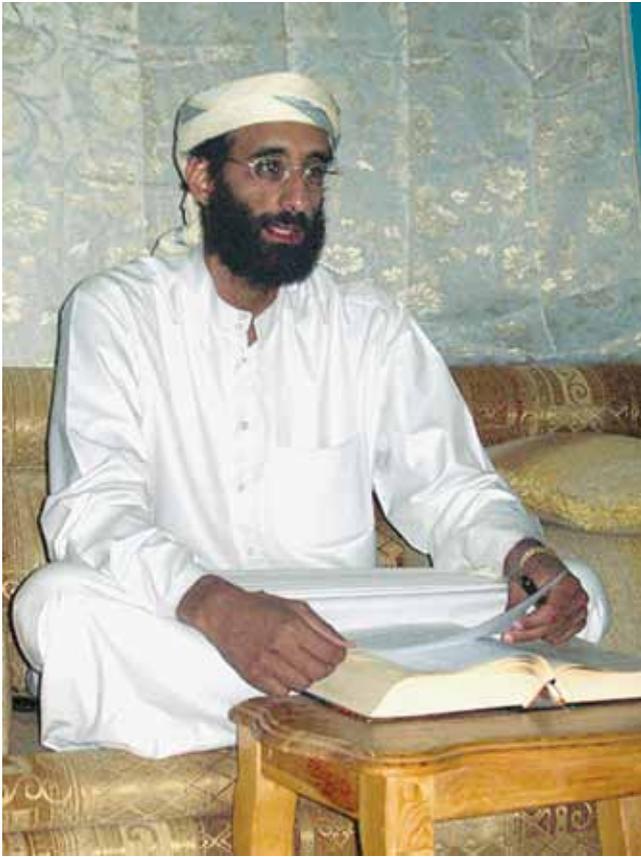
A President, or a King?

"If the President can kill whoever he wants, then he's not a President anymore; he's a King," declared

Fox News commentator and former Judge Andrew Napolitano on Sept. 30, who explained that Obama is now proclaiming that the Executive Branch of the U.S. government now has the explicit right to attack and murder U.S. citizens, without any due process whatsoever.

In his more rational moments—if he has any—Barack Obama certainly knows better. As constitutional lawyer and *Salon* columnist Glenn Greenwald pointed out last year, in 2008, Obama had explicitly rejected the idea that the U.S. President could even *detain* a U.S. citizen without charges. His written answer to this question, posed by the *Boston Globe's* Charlie Savage, was: "No. I reject the Bush Administration's claim that the President has plenary authority under the U.S. Constitution to detain U.S. citizens without charges as unlawful enemy combatants."

The U.S. Supreme Court had agreed with this earlier, in the 2004 *Hamdi* case, when it ruled that at least some due process was required before an American citizen could be imprisoned as an "enemy combatant"; and, as Greenwald noted, the ultra-conservative Justice Antonin Scalia, joined by Justice John Paul Stevens, wrote an opinion "arguing that it was unconstitutional for the U.S. Government merely to *imprison* (let alone kill) American citizens as 'enemy combatants'; instead, they argued, the Constitution required that Americans be charged with crimes (such as treason) and be given a trial before being punished."



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Anwar al-Awlaki, an American citizen, was hunted down and executed on orders from President Obama, in a drone attack in Yemen, in violation of the First and Fifth Amendments of the U.S. Constitution.

But now Obama, making a claim that George W. Bush and Dick Cheney never dared to make publicly, asserts his right to authorize a summary execution of a U.S. citizen, without any evidence being presented and tested in any legal proceeding, in violation of the protections afforded all U.S. citizens by the U.S. Constitution.

If this is not an impeachable offense, what is?

Who Was al-Awlaki?

Anwar al-Awlaki, of a prominent Yemeni family, was born in the U.S. state of New Mexico in 1971. He moved to Yemen with his family at age 7, but then returned to the U.S. at age 19. He was in the United States at the time of the Sept. 11, 2001 attacks, which he publicly denounced. Angry at what he considered FBI harassment of U.S. Muslims, in 2002 he went to London—the incubator for much of the world's terrorism.

According to the British press, he became a jihadist during his two years there.

A statement issued by the Dar Al-Hijrah Islamic Center in Falls Church, Va., said that when al-Awlaki had served as an Imam there, “he was known for his interfaith outreach, civic engagement, and tolerance in the Northern Virginia community.” But the statement went on to say that after al-Awlaki “was arrested by Yemeni authorities and allegedly tortured,” he began “preaching violence ... [and] encouraged impressionable American-Muslims to attack their own country.”

In recent years, he was often portrayed as a leader, or even the top leader, of al-Qaeda in the Arab Peninsula (AQAP), but, as the *New York Times* pointed out less than a year ago, far from being a terrorist kingpin, he was not even one of the top leaders of AQAP. The *Times* described al-Awlaki as a “mid-level religious functionary” and propagandist, who was much better known in the U.S. than in Yemen. In April 2010, *Newsweek* said that within AQAP, al-Awlaki “is a nobody—at best, a midlevel functionary in a local branch.” There were dozens of men in AQAP who could do more harm to the United States, *Newsweek* said, “and killing al-Awlaki would only embolden them and aid in recruitment.”

Nonetheless, al-Awlaki was the first American to be officially placed on the CIA's list of terrorists to be captured or killed; this was approved by the National Security Council, and, by all accounts, was endorsed by President Obama, a covert-operations enthusiast. Obama probably gets the same kind of “high” from covert operations, that he gets from his constant watching of basketball games and other sports event.

According to an unnamed U.S. Defense Department official, Samir Khan, the second American killed in the air strike, lived with his parents in North Carolina until about four years ago, when he went to Yemen, where, it is said, he started al-Qaeda's English-language propaganda magazine *Inspire*.

Observers have pointed out that there are a number of other legal steps that could have been taken, other than summary execution—but which would have required some evidence to be presented in a court of law. Awlaki could have been indicted in a U.S. court on terrorism charges, and even tried *in absentia*. Or, the U.S. government could have sought to strip al-Awlaki of his U.S. citizenship, a process which also would have re-

quired some proof to be presented. How much easier, simply to send a drone to kill him, and anyone with him as well.

Bush-Cheney-Obama

A review of news accounts and source reports reveals that President Obama has been pursuing an extra-judicial assassination of al-Awlaki for more than 18 months, and that the first assassination attempt against him took place on Dec. 24, 2009, when a U.S. drone attack against a compound in Yemen failed to kill him.

In a Jan. 27, 2010 *Washington Post* story, national security correspondent Dana Priest confirmed that Obama had fully embraced the assassination program—and had gone steps beyond the previous administration. Obama Administration officials attributed the program to the Bush-Cheney Administration, as Priest wrote: “After the Sept. 11 attacks, Bush gave the CIA, and later the military, authority to kill U.S. citizens abroad if strong evidence existed that an American was involved in organizing or carrying out terrorist actions against the United States or U.S. interests, military and intelligence officials said. The evidence has to meet a certain, defined threshold. The person, for instance, has to pose ‘a continuing and imminent threat to U.S. persons and interests,’ said one former intelligence official.

“The Obama administration has adopted the same stance. If a U.S. citizen joins al-Qaeda, ‘it doesn’t really change anything from the standpoint of whether we can target them,’ a senior administration official said. ‘They are then part of the enemy.’

“Both the CIA and the JSOC [the military’s Joint Special Operations Command] maintain lists of individuals, called ‘High Value Targets’ and ‘High Value Individuals,’ whom they seek to kill or capture. The JSOC list includes three Americans, including al-Awlaqi, whose name was added late last year. As of several months ago, the CIA list included three U.S. citizens, and an intelligence official said that al-Awlaki’s name has now been added.”

Priest also reported that, even as the CIA and JSOC were being ordered by President Obama to hunt and kill al-Awlaki and at least two other American citizens, in January 2010, the Foreign Minister of Yemen, Abubaker al-Qirbi, was visiting Washington, and telling American officials that the Yemeni government

was actively attempting to persuade al-Awlaki to return to the United States to face charges that he conspired with the alleged Fort Hood killer, Maj. Nidal Malik Hassan. The U.S. ignored this opportunity to capture and try al-Awlaki, preferring the assassination route to due process.

In February 2010, then-Director of National Intelligence Adm. Dennis Blair told a House Permanent Select Committee on Intelligence that, in the event that direct action against terrorists involved killing any Americans, the intelligence community would be sure to first get permission. In April 2010, President Obama approved a “kill on sight” order targeting al-Awlaki, and the effort to hunt down and kill Awlaki was given a code name: “Objective Troy.” A second attempt to kill Awlaki came in May 2010, when an early rocket attack against him failed.

By late in 2010, the Obama Administration’s plans to assassinate the New Mexico-born cleric had become so public that Awlaki’s father, Dr. Nasser al-Awlaki, a former government minister and university chancellor, filed a Federal court suit in Texas seeking an injunction against his son’s assassination. Dr. al-Awlaki strongly disputed the accusations against his son, saying, “He’s not Osama Bin Laden, they want to make something out of him he’s not.” Dr. Awlaki said he wanted time to convince his son to surrender and come back to the United States. “How can the American government kill one of its own citizens?” he asked. “This is a legal issue that needs to be answered.”

In December 2010, Federal Judge John Bates issued an 83-page ruling, dismissing Awlaki’s case on technical grounds, arguing that it was first a matter to be taken up by the Executive and Legislative branches. The ACLU and Center for Constitutional Rights, the organizations representing al-Awlaki’s father, next filed a lawsuit under the Freedom of Information Act, to obtain the secret documents prepared by the Obama Administration to authorize the killing. The Administration’s lawyers, defending the hit order, had invoked “state secrets” in refusing to disclose the basis for the order.

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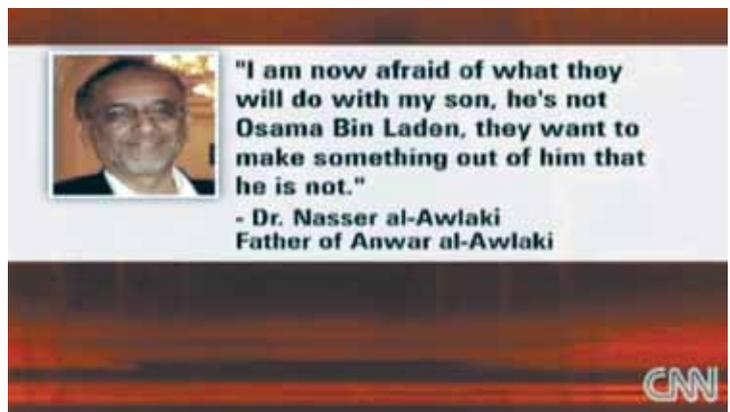
After the execution of Awlaki, an ACLU spokesman said it violated both U.S. and international law, calling the authorization of such targeted assassinations “a program under which American citizens far

from any battlefield can be executed by their own government without judicial process, on the basis of standards and evidence that are kept secret not just from the public but from the courts.”

GOP Presidential candidate Ron Paul, noting that al-Awlaki was an American citizen, said today: “He was never tried or charged for any crimes. No one knows if he killed anybody. We know he might have been associated with the ‘underwear bomber.’ But if the American people accept this blindly and casually, that we now have an accepted practice of the President assassinating people who he thinks are bad guys, I think it’s sad.” Paul told students at the University of New Hampshire that an “impeachment process would be possible.”

Constitutional lawyer Glenn Greenwald, writing in Salon.com on Sept. 30, was blunt in his condemnation of Obama: “It was first reported in January of last year that the Obama administration had compiled a hit list of American citizens whom the President had ordered assassinated without any due process, and one of those Americans was Anwar al-Awlaki. No effort was made to indict him for any crimes (despite a report last October that the Obama administration was ‘considering’ indicting him). Despite substantial doubt among Yemen experts about whether he even had any operational role in al-Qaeda, no evidence (as opposed to unverified government accusations) was presented of his guilt. When al-Awlaki’s father sought a court order barring Obama from killing his son, the DOJ argued, among other things, that such decisions were ‘state secrets’ and thus beyond the scrutiny of the courts. He was simply ordered killed by the President: his judge, jury and executioner.”

Greenwald delivered a powerful warning to the American people as well, holding them co-responsible for this assault on the U.S. Constitution: “What’s most striking about this is not that the U.S. Government has seized and exercised exactly the power the Fifth Amendment was designed to bar (‘No person shall be deprived of life without due process of law’), and did so in a way that almost certainly violates core First Amendment protections (questions that will now never be decided in a court of law). What’s most amazing is that its citizens will not merely refrain from objecting, but will stand and cheer the U.S. Government’s new power to assassinate their fellow



Dr. Nasser al-Awlaki (shown here on CNN Jan. 10, 2010) strongly disputed the accusations against his son, and said he wanted time to convince Anwar to return to the U.S. to face charges. “How can the American government kill one of its own citizens?” he asked.

citizens, far from any battlefield, literally without a shred of due process from the U.S. Government.”

Kevin D. Williamson, writing in the conservative *National Review* online Oct. 2, raised the issue of Obama’s impeachment over the al-Awlaki assassination, but complained that Congressional Republicans would not dare take such action. He wrote: “Awlaki was obviously in the camp (metaphorically and then literally) of our mortal enemies. If propagandizing on behalf of a mortal enemy were enough to justify the assassination of a U.S. citizen, then we would have shot half the faculty of Harvard and 93.8 percent of the Motion Picture Academy a few decades back. But this is wartime, the argument goes. So was Korea, Vietnam and much of the second half of the 20th century, but we managed to get through it without ordering the assassination of I.F. Stone, and his beloved Soviets were a far greater threat to this nation than is al-Qaeda.

“If the Authorization for Use of Military Force does indeed permit all this, then it is only a law legalizing lawlessness... The extrajudicial killing of American citizens—not on a battlefield, mind you, and not in the course of combat—fundamentally changes the relationship between citizen and state. I have my doubts that any sensible person would have let himself freeze to death at Valley Forge to establish such a government.”

No matter how you cut it, LaRouche is absolutely right in calling this a “Hitler-style operation,” and demanding Obama’s removal from office either by impeachment, or by invoking Section 4 of the 25th Amendment.