

Lawyers Detail Case To Impeach Obama

by Edward Spannaus

Nov. 1—President Obama’s policies of waging war and assassinations outside of any legal or constitutional framework, have come under sharp attack from various quarters recently, with two of these being of particular importance. The question is: When will Congress, and other leading political figures, take up their responsibility to act on the clear evidence that President Obama is a clear and present imminent danger to the United States, its citizens, and world peace, and remove him from office.

First, we summarize below an interview with Prof. Francis Boyle of the University of Illinois College of Law, a noted expert on international law and human rights. Boyle, who has offered his services to any member of Congress for drawing up articles of impeachment against Obama, says that not only do the President’s attack on Libya, and the assassination of U.S. citizens, represent subversion of the Constitution, but he adds that, if Obama is not stopped, his next target might be Syria or Iran, which could lead to World War III.

Secondly, we report on a new paper on the Obama Administration’s policy of targeted killings, by New York University Law Prof. Philip Alston, a former UN Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions. Alston describes the Obama policy as a throwback to the Dark Ages, and warns of the extreme danger when one state carries out assassinations on the territory of another, with which it is not at war. “The result,” Alston declares, “is the steady undermining of the international rule of law, and the setting of legal precedents which will inevitably come back to haunt the United States before long when invoked by other states with highly problematic agendas.”

Boyle: Grounds for Obama’s Impeachment

In an Oct. 29 interview with LaRouchePAC TV’s Leandra Bernstein, Professor Boyle emphasized two impeachable offenses committed by President Obama,



International law and human rights expert, Prof. Francis Boyle, has offered to assist members of Congress in drawing up articles of impeachment against Obama, based on his violations of the U.S. Constitution.

among what he considers “a very long list.” The first is the recent murder of U.S. citizens in Yemen, and the second is the waging of “a completely unconstitutional war against Libya.”

Boyle pronounced the killing of Anwar al-Awlaki, his 16-year-old son, and a third U.S. citizen, by drone attacks, to be a “clear-cut violation of the Fifth Amendment to the United States Constitution, requiring due process of law.” He explained that “it subverts the entire basis of the Constitution, that President Obama can basically, effectively set up a murder list with no authorization from anyone—even assuming anyone could give it to him—and in Star Chamber proceedings, kept completely confidential from the American people, order the murder, deliberate murder now, of two United States citizens.

“And I would hope all of our American citizens, whether we’re Democrats, Republicans, Greens, socialists, communists—I’m an independent myself—would agree that no President should have the power to murder a United States citizen for any reason.”

Boyle declared that the two lawyers in Obama’s Office of Legal Counsel (part of the Justice Department), David Barron and Marty Lederman, who wrote a memo allegedly trying to authorize and justify murdering a U.S. citizen, “should be impeached, immedi-

ately,” and that, “They should be prosecuted for murder as well.”

The second basis for impeaching Obama, Boyle stated, “is the completely unconstitutional war against Libya, in violation of the War Powers Clause of the United States Constitution, and the War Powers Resolution of 1973.” And here again, Boyle added the State Department’s Legal Advisor, Harold Koh, as another candidate for immediate impeachment. “He has also publicly justified the drone attacks by the Obama Administration, and other types of reprehensible activities,” Boyle said. “He needs to go right away.”

Boyle added other counts for impeachment, such as Obama’s “sending armed U.S. combat troops to Uganda, and three other Central African states, without any authorization by Congress, once again in violation of the War Powers clause of the United States Constitution, and the War Powers Resolution of 1973.”

Still more impeachable offenses committed by Obama, Boyle added, are the drone attacks in Yemen, Somalia, and Pakistan, and Obama’s massive escalation of the war in Afghanistan, in violation of the War Powers Resolution.

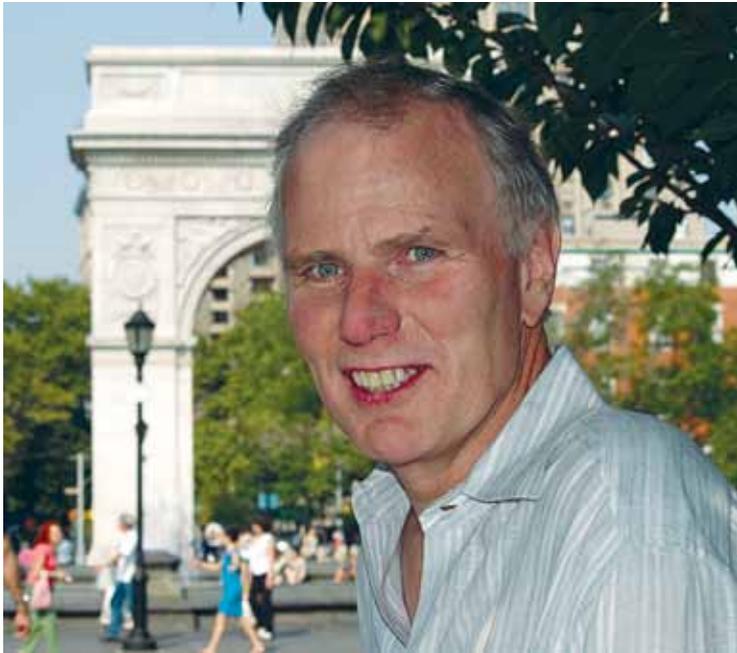
“We could also add in, his continuation of the spying on the American people, in violation of the Fourth Amendment to the U.S. Constitution. Basically, Obama has continued all of the police-state practices instituted by President Bush, starting with the U.S.A. Patriot Act, and continuing on until today, without any modification, or revision whatsoever.”

Dictatorship and War

Asked how he would respond to those who justify these actions as necessary to combat terrorism, Boyle responded:

“Well, we here in the United States of America have a Constitution and a Bill of Rights, that’s far more important than anything else. That’s what makes us a republic and a constitutional democracy. So, violating the Constitution and the Bill of Rights simply turns us into a police-state dictatorship. What’s to distinguish us from them? Why should we allow a gang of two-bit terrorists to destroy our Constitution, our Bill of Rights, and our republic?”

“Look, at the founding of this republic of the United States of America, there was a dire security situation facing us, far more serious than anything today created



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Law Prof. Philip Alston, a former UN Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions, describes the Obama policy of targeted killings as a throwback to the Dark Ages.

by these two-bit terrorists, and with Britain, and soon we have the War of 1812, Spain, France, the Indian nations—and despite that enormous security threat, multiple security threats that existed to our republic, our Founders drew up the Constitution and the Bill of Rights. So, this is simply astounding that a gang of two-bit terrorists have effectively eviscerated our Constitution and our Bill of Rights, at the behest of both President Bush Jr. and President Obama, continuing lockstep in all his illegal and unconstitutional policies.”

President George W. Bush invoked the doctrine of preventive warfare, Boyle pointed out, which doctrine had been rejected at the Nuremberg Tribunal, when the lawyers for the Nazis made that argument.

“But,” Boyle continued, “at least Bush tried to fit his doctrine of aggressive warfare within the context of defense. Obama is even worse. He has not even tried to do that. He’s *worse than Bush*. What he has argued, if you read his speech, is that the United States will go to war whenever it’s in our values and in our interest. He does not even bother to attempt to relate going to war, to the requirements of the United Nations Charter, or the requirements of the U.S. Constitution. And again, compare Bush to Obama. Again, not to justify Bush,

but at least Bush got mistaken authorization from Congress to wage a war of aggression against Iraq. Obama got no authorization from Congress at all, to wage a war of aggression against Libya.

“So, in fact, Obama is just as bad now, if not worse, than Bush. Both, when it comes to the alleged pretext for waging aggressive offensive war, which he has also now executed in Central Africa, and also, murdering U.S. citizens—even Bush didn’t try to do that! So, this is massive, terrible escalation in policy, illegal, unconstitutional policies, both under the United Nations Charter and the U.S. Constitution.”

Boyle then starkly warned of the danger that Obama’s actions could lead to a new world war: “Where it’s going, if Obama is not stopped, is quite clear. We could have war against Syria, and/or Iran, and that type of war, certainly against Iran, could very well result in a Third World War. I kid you not about that. The consequences would be uncontrollable.”

Alston: Back to the Dark Ages

“Assassination, poison and perjury” were all “legitimate principles in the dark ages,” Thomas Jefferson wrote to James Madison on Aug. 28, 1789, “but exploded and held in just horror in the 18th century.”

Professor Alston cites this quotation in his September 2011 report on targeted assassinations, to underscore his point that the now widespread use of targeted killings under the Obama Administration, “represents a fundamental regression in the evolution of both international law and United States domestic law.”

He writes that the attempts to justify targeted killings under international law constitute “a dramatic reversal of history,” explaining: “By the last decades of the twentieth century, the notion that an individual could legally be targeted and killed by one state on the territory of another in circumstances in which the law of armed conflict did not clearly apply had been discredited.”

It is also a regression in terms of U.S. law, Alston says, noting the ban on assassinations and other restrictions that emerged in the 1970s after the widespread assassinations carried out during the Vietnam War, and

the revelations about CIA practices in the 1950s and 1960s.

Alston notes that it would be naive not to acknowledge that intelligence agencies have always carried out such covert operations, but, he says, “I argue that there is a fundamental distinction to be drawn between traditional intelligence activities and operations that involve the drawing up of lengthy lists of individuals to be killed on foreign soil.” In fact, Alston cites at least six such kill lists which are publicly known: these are those maintained by NATO, the CIA, JSOC (Joint Special Operations Command), and three others which were disclosed in the course of the lawsuit brought by the ACLU and the Center for Constitutional Rights on behalf of Anwar al-Awlaki’s father, who was attempting to block the planned killing of his son.

Obama Undermines the Rule of Law

Alston’s analysis is necessarily incomplete because of the secrecy and deception that surround U.S. policies and actions in the realm of targeted killings both by the CIA and the JSOC, whether they be carried out by drones or by so-called “kill/capture” raids. But he is able to cite various accounts documenting that a significant number of civilians are also killed in the course of targeting a suspected terrorist for killing.

Alston’s analysis blows out of the water the claims made by Obama Administration officials that targeted killings by the CIA and DOD are in compliance with international law and human rights norms. First of all, Administration officials provide no data whatsoever to back up those claims. Secondly, these operations appear to be conducted with little or no oversight, either from the internal oversight mechanisms that exist inside the Executive branch or from the U.S. Congress.

“We simply don’t know how many people have been killed in drone strikes and how many of those killed have been civilians,” Alston writes. And, “we have far more information to support claims that the numbers of civilian deaths have been significant and thus legally problematic, than we do to support any of the unsubstantiated claims put forward by CIA officials that such casualties have been minimal.”

Similarly with Special Forces night raids in Afghanistan and Pakistan, on which there is little information on civilian deaths and other details, though we

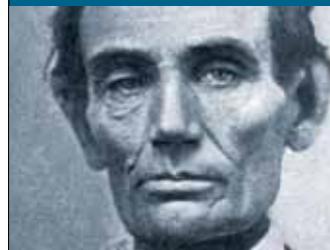
know from statements made by Special Operations officials that a dozen or more such raids occur every night.

Alston’s conclusion is damning: “Assertions by Obama Administration officials, as well as by many scholars, that these operations comply with international standards, are undermined by the total absence of any forms of credible transparency or verifiable accountability... As a result, there is no meaningful domestic accountability for a burgeoning program of international killing. This in turn means that the United States cannot possibly satisfy its obligations under international law to ensure accountability for its use of lethal force, under [international human rights law] or [international humanitarian law.] The result is the steady undermining of the international rule of law, and the setting of legal precedents which will inevitably come back to haunt the United States before long, when invoked by other states with highly problematic agendas.”

Research contributed by Carl Osgood.

An LPAC-TV Video

Life, Liberty, And the Pursuit of Happiness



*In honor of
Abraham Lincoln
on the
150th anniversary
of the beginning of
the Civil War.*

Before the the American Declaration of Independence and the U.S. Constitution, there was the brilliant project of the 15th-Century genius Nicholas of Cusa to found a new world, away from the imperial oppression of the European oligarchy. The result was the founding of the American Republic and its long struggle against British Empire, through the victory in the Civil War under Lincoln, and today’s battle to defeat the Empire and its puppet President Obama.

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