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Obama: a GOP president should have rules limiting the kill list

Glen Greenwald

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For the last four years, Barack Obama has not only asserted, but aggressively exercised, the power to target for execution anyone he wants, including US citizens, anywhere in the world. He has vigorously resisted not only legal limits on this assassination power, but even efforts to bring some minimal transparency to the execution orders he issues.

This claimed power has resulted in four straight years of air bombings in multiple Muslim countries in which no war has been declared – using drones, cruise missiles and cluster bombs – ending the lives of more than 2,500 people, almost always far away from any actual battlefield. They are typically targeted while riding in cars, at work, at home, and while even rescuing or attending funerals for others whom Obama has targeted. A substantial portion of those whom he has killed – at the very least – have been civilians, including dozens of children.

Worse still, his administration has worked to ensure that this power is subject to the fewest constraints possible. This was accomplished first by advocating the vague, sweeping Bush/Cheney interpretation of the 2001 Authorization to Use Military Force (AUMF) - whereby the President can target not only the groups which perpetrated the 9/11 attack (as the AUMF provides) but also those he claims are "associated" which such groups, and can target not only members of such groups (as the AUMF states) but also individuals he claims provide

"substantial support" to those groups. Obama then entrenched these broad theories by signing into law the 2011 National Defense Authorization Act, which permanently codified those Bush/Cheney interpretation of these war powers.

From the start, Obama officials have also ensured that these powers have no physical limits, as they unequivocally embraced what was once the core and highly controversial precept of Bush/Cheney radicalism: that the US is fighting a "global war" in which the "whole world is a battlefield", which means there are no geographical constraints to the president's war powers. In sum, we have had four straight years of a president who has wielded what is literally the most extreme and tyrannical power a government can claim – to execute anyone the leader wants, even his own citizens, in total secrecy and without a whiff of due process – and who has resisted all efforts to impose a framework of limits or even transparency.

But finally, according to a new article on Sunday by The New York Times' Scott Shane, President Obama was recently convinced that some limits and a real legal framework might be needed to govern the exercise of this assassination power. What was it that prompted Obama finally to reach this conclusion? It was the fear that he might lose the election, which meant that a Big, Bad Republican would wield these powers, rather than a benevolent, trustworthy, noble Democrat - i.e., himself [emphasis added]:

"Facing the possibility that President Obama might not win a second term, his administration accelerated work in the weeks before the election to develop explicit rules for the targeted killing of terrorists by unmanned drones, so that **a new president would inherit clear standards and procedures, according to two administration officials.** . . .

"The matter may have lost some urgency after Nov. 6. But . . . Mr. Obama and his advisers are still debating whether remote-control killing should be a measure of last resort against imminent threats to the United States, or a more flexible tool, available to help allied governments attack their enemies or to prevent militants from controlling territory. . . .

"For years before the Sept. 11, 2001, attacks, the United States routinely condemned targeted killings of suspected terrorists by Israel, and most countries still object to such measures.

"But since the first targeted killing by the United States in 2002, two administrations have taken the position that the United States is at war with Al Qaeda and its allies and can legally defend itself by striking its enemies wherever they are found.

"Partly because United Nations officials know that the United States is setting a legal and ethical precedent for other countries developing armed drones, the U.N. plans to open a unit in Geneva early next year to investigate American drone strikes. . . .

"The attempt to write a formal rule book for targeted killing began last summer after news reports on the drone program, started under President George W. Bush and expanded by Mr. Obama, revealed some details of the president's role in the shifting procedures for compiling 'kill lists' and approving strikes. Though national security officials insist that the process is

meticulous and lawful, the president and top aides believe it should be institutionalized, a course of action that seemed particularly urgent when it appeared that Mitt Romney might win the presidency.

'''There was concern that the levers might no longer be in our hands,' said one official, speaking on condition of anonymity. With a continuing debate about the proper limits of drone strikes, Mr. Obama did not want to leave an 'amorphous' program to his successor, the official said. The effort, which would have been rushed to completion by January had Mr. Romney won, will now be finished at a more leisurely pace, the official said."

Now that Obama rather than Romney won, such rules will be developed "at a more leisurely pace". Despite Obama's suggestion that it might be good if even he had some legal framework in which to operate, he's been in no rush to subject himself to any such rules in four full years of killing thousands of people. This makes it safe to assume that by "a more leisurely pace", this anonymous Obama official means: "never".

There are many important points raised by this report: Kevin Gosztola and Marcy Wheeler, among others, have done their typically excellent job of discussing some of them, while this Guardian article from Sunday reports on the reaction of the ACLU and others to the typical Obama manipulation of secrecy powers on display here (as usual, these matters are too secret to permit any FOIA disclosure or judicial scrutiny, but Obama officials are free to selectively leak what they want us to know to the front page of the New York Times). I want to focus on one key point highlighted by all of this:

Democratic Party benevolence

The hubris and self-regard driving this is stunning – but also quite typical of Democratic thinking generally in the Obama era. The premise here is as self-evident as it is repellent:

I'm a Good Democrat and a benevolent leader; therefore, no limits, oversight, checks and balances, legal or Constitutional constraints, transparency or due process are necessary for me to exercise even the most awesome powers, such as ordering people executed. Because of my inherent Goodness and proven progressive wisdom, I can be trusted to wield these unlimited powers unilaterally and in the dark.

Things like checks, oversight and due process are desperately needed only for Republicans, because – unlike me – those people are malevolent and therefore might abuse these powers and thus shouldn't be trusted with absolute, unchecked authority. They – but not I – urgently need restrictions on their powers.

This mentality is not only the animating belief of President Obama, but also the sizable portion of American Democrats which adores him.

There are many reasons why so many self-identified progressives in the US have so radically changed their posture on these issues when Barack Obama replaced George W. Bush. Those

include (a) the subordination of all ostensible beliefs to their hunger for partisan power; (b) they never actually believed these claimed principles in the first place but only advocated them for partisan opportunism, i.e., as a way to discredit the GOP President; and (c) they are now convinced that these abuses will only be used against Muslims and, consumed by self-interest, they concluded that these abuses are not worth caring about because it only affects Others (this is the non-Muslim privilege enjoyed by most US progressives, which shields them from ever being targeted, so they simply do not care; the more honest ones of this type even admit this motivation).

But the primary reason for this fundamental change in posture is that they genuinely share the self-glorifying worldview driving Obama here. The core premise is that the political world is shaped by a clean battle of Good v. Evil. The side of Good is the Democratic Party; the side of Evil is the GOP. All political truths are ascertainable through this Manichean prism.

This is the simplistic, self-flattering morality narrative that gets reinforced for them over and over as they sit for hours every day having their assumptions flattered and validated (and never questioned or challenged) by watching MSNBC, reading pro-Obama blogs that regularly churn out paeans to his greatness, and drinking up the hundreds of millions of dollars of expertly crafted election-year propaganda from the Party that peddles this Justice League cartoon.

The result is that, for so many, it is genuinely inconceivable that a leader as noble, kind and wise as Barack Obama would abuse his assassination and detention powers. It isn't just rank partisan opportunism or privilege that leads them not to object to Obama's embrace of these radical powers and the dangerous theories that shield those powers from checks or scrutiny. It's that they sincerely admire him as a leader and a man so much that they believe in their heart (like Obama himself obviously believes) that due process, checks and transparency are not necessary when he wields these powers. Unlike when a GOP villain is empowered, Obama's Goodness and his wisdom are the only safeguards we need.

Thus, when Obama orders someone killed, no due process is necessary and we don't need to see any evidence of their guilt; we can (and do) just assume that the targeted person is a Terrorist and deserves death because Obama has decreed this to be so. When Obama orders a person to remain indefinitely in a cage without any charges or any opportunity to contest the validity of the imprisonment, that's unobjectionable because the person must be a Terrorist or otherwise dangerous - or else Obama wouldn't order him imprisoned. We don't need proof, or disclosed evidence, or due process to determine the validity of these accusations; that it is Obama making these decisions is all the assurance we need because we trust him.

Similar sentiments shaping the Bush era

This mindset is so recognizable because it is also what drove Bush followers for years as they defended his seizures of unchecked authority and secrecy powers. Those who spent years arguing against the Bush/Cheney seizure of extremist powers always confronted this mentality at bottom, once the pseudo-intellectual justifications were debunked: *George Bush is a Good man and a noble leader who can be trusted to exercise these powers in secret and with no checks, because he only wants to keep us safe and will only target the Terrorists.*

Molded by exactly the same species of drooling presidential hagiography now so prevalent in progressive circles - compare this from the Bush era to things like this and this - conservatives believed that Bush was a good man and a great leader and thus needed no safeguards or transparency. If Bush wanted to eavesdrop on someone, or wanted to imprison someone, then - solely by virtue of his decree - we could and should assume the person was a Terrorist, or at least there was ample evidence to believe he was.

We were graced with a leader we could trust to exercise unlimited war powers in the dark. This is precisely the same mentality applied by Democrats (and by Obama himself) to the current President, except it not only justifies due-process-free eavesdropping and detention but also execution.

Faith v. reason and evidence

It is, for several reasons, extraordinary that so many citizens have been successfully trained to so venerate their Party's leaders that they literally believe no checks or transparency are necessary, even as those leaders wield the most extremist powers: executing people, bombing multiple countries, imprisoning people with no charges, mass monitoring and surveilling of entire communities.

For one, there is ample evidence that virtually every leader of both major parties over the last century systematically abused these powers because they were able to exercise them in the dark. It was this discovery by the Church Committee that led to the reforms of the mid-1970s - reforms grounded in the premise that virtually all leaders, by virtue of human nature, will **inevitably** abuse these powers, exercise them for ignoble ends, if they operate without serious restraints and oversight. One has to ignore all of this historic evidence in order to place trust in any particular leader to exercise these powers without checks.

Then there is all the specific evidence of all the post-9/11 abuses. Over the last decade, the US government - under both parties - has repeatedly accused people of being Terrorists and punished them as Terrorists who were nothing of the sort. Whether due to gross error or more corrupt motives, the Executive Branch and its various intelligence and military agencies have proven beyond any reasonable doubt that their mere accusation that someone is a Terrorist - unproven with evidence and untested by any independent tribunal - is definitively unreliable.

Even beyond that, it is well-documented that the US government, under Obama, often targets people for death when they don't even know the identity of the person they're trying to kill. From the Sunday New York Times article:

"Then there is the matter of **strikes against people whose identities are unknown**. In an online video chat in January, Mr. Obama spoke of the strikes in Pakistan as 'a targeted, focused effort at people who are on a list of active terrorists.' But for several years, first in Pakistan and later in Yemen, in addition to 'personality strikes' against named terrorists, the CIA and the military have carried out 'signature strikes' against groups of suspected, unknown militants.

"Originally that term was used to suggest the specific 'signature' of a known high-level terrorist, such as his vehicle parked at a meeting place. But the word evolved to mean the 'signature' of militants in general - for instance, young men toting arms in an area controlled by extremist groups. Such strikes have prompted the greatest conflict inside the Obama administration, with some officials questioning whether killing unidentified fighters is legally justified or worth the local backlash."

It is truly staggering to watch citizens assert that their government is killing "Terrorists" when those citizens have no clue who is being killed. But that becomes even more astounding when one realizes that not even the US government knows who they're killing: they're just killing anyone whose behavior they think generally tracks the profile of a Terrorist ("young men toting arms in an area controlled by extremist groups"). And, of course, the Obama administration has re-defined "militant" to mean "all military-age males in a strike zone" - reflecting their propagandistic sloganeering that they are killing Terrorists even when they, in fact, have no idea who they are killing.

In light of all this evidence, to continue to blindly assume that unproven government **accusations** of "Terrorist" are tantamount to **proof** of those accusations is to embrace the type of faith-based trust that lies at the core of religious allegiance and faith in a god, not rational citizenship. Yet over and over, one encounters some form of this dialogue whenever this issue arises:

***ARGUMENT:** The US government shouldn't imprison/kill/surveil people without providing evidence of their guilt.*

***GOVERNMENT-DEFENDING RESPONSE:** But these are Terrorists, and they have to be stopped.*

***OBVIOUS QUESTION:** How do you know they're Terrorists if no evidence of their guilt has been presented and no due process accorded?*

Ultimately, the only possible answer to that question - the only explanation for why this definitively authoritarian mentality persists - is because people have been so indoctrinated with the core Goodness of their particular party leader that they disregard all empirical evidence, and their own rational faculties, in order to place their blind faith in the leader they have grown to love and admire (*if my leader says someone is a Terrorist, then I believe they are, and I don't need to see evidence of that*).

One can reasonably debate the extent to which democracy requires that some degree of trust be vested in the capabilities and judgment of whichever political leaders one supports. But however far that trust should extend, surely it must stop well before the vesting of the power to imprison and kill in total secrecy, far from any battlefield and without any checks or due process.

Core principles disregarded in lieu of leader-love

The Times article describes the view of Obama that some "drone rules" would be needed to be developed in light of the possibility of Romney's victory. But at least some such rules already

exist: they're found in these things called "the Constitution" and "the Bill of Rights", the Fifth Amendment to which provides:

"No person shall be . . . deprived of life, liberty, or property, without due process of law;"

Yet all of that has been tossed aside in lieu of a deeply disturbing and unhealthy faith-based belief that our leader can make these determinations without the need for any such bothersome impediments.

To me, this comment, left in response to a Gawker post from Sunday on the new NYT article, perfectly conveys the sentiment I heard for years in right-wing circles to justify everything Bush did in secret, and is now just as miserably common in progressive circles to justify Obama's wielding of the same and even greater powers:

"The fact of the matter is that the complexities of security and war go far beyond what those interested in appearing morally superior are willing to concede. It just so happens that a lot of liberals are most interested in the appearance of moral superiority. . . .

"I used to be the exact same way, but then I actually genuinely considered how I would feel if I held the weight of the presidency and these decisions. I have no doubt that most liberals, when presented with that, would act just as Obama has. . . .

"I'm liberal, I'm no fan of war, I'm no fan of Republican fanaticism and thumping America-is-the-best nonsense across the globe. But I can understand why drone strikes might be the most expedient option in a war. Or, perhaps more precisely, **can understand just how incapable I am of understanding. And instead of supposing myself worthy of understanding the complexity and therefore offering criticism, I trust those more intelligent than myself.** But a lot of my fellow liberals don't believe there are people more intelligent than themselves. I have no self-loathing of liberals. Its just like a moderate Republican finding the right wing of their party crazy even if they believe in most of the same stuff."

That's the Platonic form of authoritarian leader-faith:

I don't need to know anything; my leader doesn't need to prove the truth of his accusations; he should punish whomever he wants in total secrecy and without safeguards, and I will assume that he is right to do so (as long as I and others like me are not the ones targeted) because he is superior to me and I place my faith in Him.

Anyone who thinks the leader (when he's of my party) should have to show proof before killing someone, or allow them due process, is being a childish purist. I used to be like that - until Obama got in office, and now I see how vital it is to trust him and not bother him with all this "due process" fanaticism. That's what being an adult citizen means: trusting one's leader the way children trust their parent.

This is the only sentiment that can explain the comfort with allowing Obama (and, before him, Bush) to exercise these extreme powers without checks or transparency. This is exactly the

sentiment any Obama critic confronts constantly, even if expressed a bit more subtly and with a bit more dignity.

Ultimately, what is most extraordinary about all of this - most confounding to me - is how violently contrary this mentality is to the ethos with which all Americans are instilled: namely, that the first and most inviolable rule of government is that leaders must not be trusted to exercise powers without constant restraints - without what we're all taught in elementary school are called "checks and balances". Here is how Thomas Jefferson expressed this warning in the Kentucky Resolutions of 1798:

"In questions of power...let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."

And here is what John Adams said in his 1772 Journal:

"There is danger from all men. The only maxim of a free government ought to be to trust no man living with power to endanger the public liberty".

It is literally impossible to conceive of any mindset more at odds with these basic principles than the one that urges that Barack Obama - unlike George Bush or Mitt Romney or whoever the scary GOP villain of the day is - can be trusted to unilaterally and secretly kill or imprison or surveil anyone he wants because he is a Good man and a trustworthy leader and therefore his unproven accusations should be assumed true. But this is, overwhelmingly, the warped and authoritarian sentiment that now prevails in the bulk of the Democratic Party and its self-identified "progressive" faction, just as it did in the GOP and its conservative wing for eight years.

Ultimately, this unhealthy and dangerous trust in one's own leader - beyond just the normal human desire to follow - is the by-product of over-identifying with the brand-marketed personality of politicians. Many East and West Coast progressives (which is overwhelmingly what Democratic Party opinion leaders are) have been trained to see themselves and the personality traits to which they aspire in Obama (the urbane, sophisticated, erudite Harvard-educated lawyer and devoted father and husband), just as religious conservatives and other types of Republicans were trained to see Bush in that way (the devout evangelical Christian, the brush-clearing, patriotic swaggering cowboy, and devoted father and husband).

Politicians are thus perceived like contestants in a reality TV show: viewers decide who they like personally and who they dislike - but the difference is that these images are bolstered with hundreds of millions of dollars of relentless, sophisticated, highly manipulative propaganda campaigns (there's a reason the Obama 2008 campaign won multiple branding awards from the advertising and marketing industry). When one is taught to relate to a politician based on a fictitious personal relationship, one comes to place excessive trust in those with whom one identifies (the way one comes to trust, say, a close family member or loved one), and to harbor excessive contempt for those one is trained to see as the villain character. In sum, citizens are

being trained to view politicians exactly the way Jefferson warned was so dangerous: "In questions of power...let no more be heard of confidence in man."

There's one final irony worth noting in all of this. Political leaders and political movements convinced of their own Goodness are usually those who need greater, not fewer, constraints in the exercise of power. That's because - like religious True Believers - those who are convinced of their inherent moral superiority can find all manner to justify even the most corrupted acts on the ground that they are justified by the noble ends to which they are put, or are cleansed by the nobility of those perpetrating those acts.

Political factions driven by self-flattering convictions of their own moral superiority - along with their leaders - are the ones most likely to abuse power. Anyone who ever listened to Bush era conservatives knows that this conviction drove them at their core ("you are with us or with the Terrorists"), and it is just as true of Obama-era progressives who genuinely see the political landscape as an overarching battle between forces of Good (Democrats: i.e., themselves) and forces of Evil (Republicans).

Thus should it be completely unsurprising that Obama (and his most ardent followers) genuinely believe that rules are urgently necessary to constrain Republicans from killing whoever they want, but that such urgency ceases to exist when that power rests in the hands of the current benevolent leader. Such a dangerous and perverse mindset is incredibly pervasive in the citizenry, and goes a long way toward explaining why and how the US government has been able to seize the powers it has wielded over the last decade with so little resistance, and with no end in sight.