



Written by [Joe Wolverton, II, J.D.](#) on April 25, 2015

Obama White House Admits Killing Three Americans in Counterterrorism Ops

On April 23, the [White House admitted](#) to killing two innocents, including one American citizen, as well as two other Americans reportedly tied to al-Qaeda in recent counterterrorism operations.

The two victims acknowledged by the White House as being innocent — Dr. Warren Weinstein, an American held by al-Qaeda since 2011; and Giovanni Lo Porto, an Italian national who had been an al-Qaeda hostage since 2012 — were killed in a drone strike aimed at a supposed “al-Qaida-associated compound” located on the border between Pakistan and Afghanistan.



A second American reportedly killed in that same attack was described by the White House as Ahmed Farouq, “an American who was an al-Qa’ida leader.” Another American allegedly associated with al-Qaeda, Adam Gadahn, was reported in the press statement as having been killed in a separate “counterterrorism operation.”

The statement, issued by President Obama’s press secretary, excused the executions, claiming:

The uniquely tragic nature of the operation that resulted in the deaths of two innocent hostages is something we will do our utmost to ensure is not repeated. To this end, although the operation was lawful and conducted consistent with our counterterrorism policies.

Tragedies of this sort, the president insists, are at times the necessary by-product of “doing all we can to protect the American people.”

With so many Americans killed by fellow Americans, one of whom was admittedly innocent (not that guilt was proven in the cases of the other two Americans similarly summarily executed by the United States), many reasonably would assume that the president would order a temporary stay of the drone assaults. This would seem to be a sound assumption, especially in light of the president’s 2013 policy update that there would have to be “near certainty that the terrorist target was present” before a drone would fire its deadly payload.

But reason does not drive either this president or the claque of hawkish congressmen who constantly clamor for the “terrorists” to be killed.

Consider, for example, the additional fact that in his 2013 policy pronouncement the president — a Nobel Peace Prize winner — assured Americans that he would demand that there be an imminent threat before green lighting deadly drone strikes in the future.

White House spokesman Josh Earnest admitted that in the case of the two attacks mentioned in the memo, “absolutely certainty is just not possible.”



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Absolute certainty is not the issue. The existence of an imminent threat is the issue.

Of course, as far as the war party (members of which come from both the Republican and Democrat parties) is concerned, al-Qaeda's continuing existence represents a permanent and perpetual threat.

The president [did say he's sorry](#), though, so that should appease the families of all those he ordered killed without even the most minuscule amount of due process.

"The White House is setting a dangerous precedent — that if you are western and hit by accident we'll say we are sorry, but we'll put up a stone wall of silence if you are a Yemeni or Pakistani civilian who lost an innocent loved one. Inconsistencies like this are seen around the world as hypocritical, and do the United States' image real harm," said attorney Alka Pradhan as quoted in [a story published in the Guardian](#).

The horror of the drone strikes is documented in a report released earlier this month by the Open Society Justice Initiative (OSJI), titled "Death by Drone: Civilian Harm Caused by U.S. Targeted Killings in Yemen."

President Obama began executing these awful airstrikes in December 2009. In that attack, a cruise missile equipped with cluster bombs destroyed the village of al-Majala in the Abyan province of Yemen. As with the strikes that recently killed two innocent people, the White House claimed the assault was aimed at an al-Qaeda compound.

That operation killed at least 44 civilians, however, including five pregnant women and 21 children.

From that moment until the present the president has authorized at least 121 drone and other air attacks that have resulted in at least 1,100 deaths. President Obama, as one would expect, washes his hands of this carnage, claiming that the victims were "enemy combatants."

It must be noted that to the president an enemy combatant is any man able to hold a gun.

With all these assassinations, one wonders what has happened to the concept of due process and the rule of law in the United States.

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?

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. For instance, 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.

The analysis is one of fundamental importance to the continued existence of this Republic. In [a previous article](#), this writer set out several key considerations in the drone debate.

The constitutional preeminence of due process is found in The Federalist Papers, where Alexander Hamilton warned against its violation in any form: "The creation of crimes after the commission of the fact, or, in other words, the subjecting of men to punishment for things which, when they were done, were breaches of no law, and the practice of arbitrary imprisonments, have been, in all ages, the favorite and most formidable instruments of tyranny."

Due process as a check on monarchical power was included in the Magna Carta of 1215. This list of



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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.

Of course, it would be another matter if those targeted and executed by the president were armed enemy combatants — they were not. Were these suspected "militants" enemy soldiers captured during wartime they would be necessarily afforded certain rights granted to POWs. Those slated for assassination are 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 assumed all power over life and death and created ex nihilo a new category of individual — one deprived of all rights altogether.

In light of this week's admission by the White House of having accidentally killed innocents, a discomfiting question lingers: How many innocent people has the president killed in the undeclared "war on terror?"

Moreover, and no less importantly, how many of the actual "targets" of the attacks were themselves innocent or had no demonstrable ties to terrorist organizations?

The answers to these questions will never be known with certainty because the president alone acts as judge, jury, and executioner — and believes his obligation to the American people is satisfied by a press release and an apology.

Photo of flowers and ribbons outside the Weinstein family home in Maryland, April 23, 2015: AP Images



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