



# ROSSMOOR NEWS

WALNUT CREEK, CALIFORNIA

The newspaper serving the senior adult community of Rossmoor. For more information, go to the Web site at [www.rossmoor.com](http://www.rossmoor.com)

---

## Republican Perspective

*By John Littig*

### The Drone Killings

NBC recently revealed a previously secret Justice Department memorandum. The lengthy title of the memorandum begins: "Lawfulness of a Lethal Operation Directed Against a U.S. Citizen." Its purpose is to provide legal justification for killing Americans who have joined up and are playing a significant role within Al Qaeda or similar hostile forces.

These killings have been accomplished by predator drones, and apparently only when capture is infeasible. After NBC's revelation, the ACLU, the press, and a bipartisan group of senators have raised questions. Presidential spokesman Jay Carney has said: "These strikes are legal, they are ethical and they are wise."

Carney is right. Americans who join enemy forces and participate in warfare against the United States are legitimate targets and may be killed on the battlefield. President Lincoln faced that question and settled it. In the current environment, the battlefield has expanded because of the nature of this war. The combatants include those who are plotting or directing operations; building bombs; training, financing and facilitating suicide bombers; or otherwise participating in the jihad against us.

What about the Constitutional right to due process for these Americans? They could exercise that right if they would hop a flight to the United States and present themselves for trial. But they aren't about to do that, and they remain beyond the reach of our judicial system. So they are put to death without due process.

I strongly support the Obama administration's targeted killings of American jihadists abroad. Even so, I must point out the blatant (but unsurprising) hypocrisy that accompanies this worthy program.

That hypocrisy involves President Obama's embrace of the program to kill Americans who join the enemy, versus his rejection of harsh interrogation methods employed by the Bush administration. Those methods included clothing and sleep deprivation, stress positions, uncomfortable temperatures, and waterboarding.

Obama has said “Waterboarding is torture, it's contrary to America's traditions, it's contrary to our ideals, that's not who we are, that's not how we operate.” And “I have unequivocally prohibited the use of torture by the United States.”

As if to emphasize the president's position, Attorney General Eric Holder reopened a previously closed Justice Department investigation of CIA agents who had carried out the harsh interrogations. Seven former CIA directors signed a joint letter to Obama asking that he direct Holder to stop, but Obama refused and Holder persisted. Eventually Holder closed this ill-advised and misguided investigation without action.

Without re-litigating whether the harsh methods were useful or whether they were actually torture, how can Obama take two such opposed positions? On the one hand it's a-OK to kill Americans who have joined Al Qaeda. On the other hand, waterboarding is reprehensible, “contrary to our ideals,” and worthy of prosecuting those who did it.

Waterboarding or a death sentence without due process - which action is more “contrary to our ideals?” Denouncing waterboarding and then killing Americans without due process - isn't this the ultimate in hypocrisy?

Agreeing with Jay Carney that these killings are legal, ethical and wise, and setting aside the shameless hypocrisy, let's turn to a troubling aspect of this program. Specifically, as articulated by Senator Angus King, this program positions the Executive Branch as “prosecutor, judge, jury, and executioner.” There are no checks and balances, no involvement by either the Legislative or Judicial Branches.

The American Civil Liberties Union has called the newly discovered document profoundly disturbing. “It's hard to believe that it was produced in a democracy built on a system of checks and balancesŠ.a stunning overreach of executive authorityŠ.without any judicial involvement before or after the fact.”

A bipartisan group of senators led by Democrat Ron Wyden wrote in a letter to the president: “It is vitally importantŠ to have a full understanding of how the executive branch interprets the limits and boundaries of this authorityŠ.so that Congress and the public can decide whether this authority has been properly defined, and whether the President's power to deliberately kill American citizens is subject to appropriate limitations and safeguards.”

Then there's the slippery slope question. So far, the administration has gone after only overseas targets. Could they do it here, too? And how might an American qualify to be targeted?

In April 2009 the Department of Homeland Security (DHS) issued a threat assessment report titled “Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment.” The threat assessment states that its authors have no information that “domestic right-wing terrorists” are planning acts of violence. Nevertheless, they warned that terrorist acts could come from unnamed “rightwing extremists” concerned about illegal immigration, abortion, increasing federal power, and firearms restrictions. The report singled out returning war veterans as susceptible to recruitment.

When veterans groups complained, DHS Secretary Janet Napolitano publicly apologized (well, sort of) to veterans. The chairman of the Vets for Freedom said, “It wasn’t an apologyŠ It was one of those non-apology apologies. She was sorry that veterans were offended.” Napolitano refused to disavow or change the report.

So there clearly is a problem of who gets to decide which Americans to kill, and where. Checks and balances are missing, and the potential for abuse is obvious. What to do? Senator Diane Feinstein offers a solution.

During John Brennan's hearing for his appointment as CIA director, Feinstein floated the idea of creating secret assassination courts similar to the Federal Intelligence Surveillance Act court that reviews requests for electronic surveillance of foreign operatives. Brennan said the concept is “worthy of discussion.”

Surely, if a judicial safeguard is necessary for a wiretap, then it must be at least as necessary for killing an American without due process. And clearly, the Executive Branch must not, as Senator King said, be “prosecutor, judge, jury, and executioner” of those Americans it deems a threat.

John Littig can be emailed at [jslittig@aol.com](mailto:jslittig@aol.com).