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Now We Know: War Is Murder

By Anthony Gregory

2/7/2013

The response to the leaked Obama administration document explaining its rationalization for targeted drone killings of American citizens has proven louder than I expected. Obama's kill list was reported very early in his first term. In October 2011 I wrote about his summary execution of Anwar al-Awlaki. A few months ago it was reported that the administration intended this program to be a staple feature of national security policy in the form of its "disposition matrix." I suppose this document has finally woken people up to the fact that the president claims the authority to kill whoever he wants on his own say-so.

The reaction has also been a little more interesting than I expected. Both the left and right are split on the matter. Some of this can be attributed to partisanship. But in their responses, these critics and defenders of the policy have brought to bear some important deeper principles.

Some on the left defend their president with the insistence he has broken no ground. In terms of procedure, I don't agree. On the narrow question of unilaterally executed preemptive targeted killings of U.S. citizens abroad whom the administration deems might pose a threat, Obama has taken things further than Bush did. Yet even if the argument is that Obama has done nothing worse than Bush, I don't see that as a very credible progressive defense of the president, given that the progressives were out in the street calling for Bush's impeachment last decade. Some liberals have gone even further, arguing that targeted drone killings are preferable to sending

American troops to die in a gun fight. If you assume the morality of the war on terror and the propriety of killing these targets, I suppose there is an internal consistency in that position, but it sure does assume more than these folks were willing to assume several years ago.

I find the conservative divisions even more interesting. John Bolton has rigorously defended the drone killings and Senator Lindsey Graham says conservatives must defend Obama's policy against "libertarians and the left." Yesterday Mark Levin went on and on about how Obama's policy is perfectly legitimate, totally consistent with, say, Reagan's approach toward Libya, where the U.S. dropped bombs to kill Qaddafi and Americans properly "didn't give a damn" about any civilians killed in the process.

Mike Huckabee, in sharp contrast, has been arguing for several days now that this policy is tyrannical, pleading conservatives to realize that an even worse president might one day capture these powers and turn them against totally peaceful Americans such as gun owners. Back in 2009, Glenn Beck condemned the targeted killing list before very many other pundits even took notice. We see these concerns echoed today throughout much of the anti-Obama conservative media. Again, I think some of the outrage is partisan. But not all is. There is a genuine concern, apparently, that the president would wield this power over a class of people thought to be more robustly protected by the Constitution.

On the questions of the propriety of this policy, the frightening presidential power grab it represents, the morality and the legal boundaries stretched by Obama, I must agree wholeheartedly with his detractors. But there is another general sense in which his defenders have a point. They argue that Obama's targeted killing of American citizens abroad whom he deems terrorists is not really on that different a plane from a policy of targeting non-citizens in the same way. This is correct, even Constitutionally, since the protections of people's life, liberty, and property rights against violations without due process applies to all people touched by the federal government, not just citizens. They further argue that many of the precedents to this policy were set by Bush—limited targeted killings of terror suspects, the claim of indefinite executive detention powers over American citizens captured anywhere, and the preemptive "Bush doctrine" of hitting people abroad even before the threat has materialized. This is true enough.

But where I think Obama's defenders are most correct is in saying the line between targeted killings of "terrorists," including the acceptance of collateral damage, and war itself is not so clear-cut. This morning Huckabee attempted to argue that the Iraq war was much more legitimate than the killing of al-Awlaki, based on congressional procedure. Yet both Bush and Obama have claimed extraordinary powers by virtue of the AUMF from 2001 and the Constitutional nature of the war presidency. There's a reason Dick Cheney urged Americans to give him credit for Obama's drone killing of Anwar al-Awlaki. The reason is that he deserves some credit for it.

Even more to the point, if you defend the type of devastation Bush unleashed on Iraq in 2003, it seems odd that you would quibble with targeted drone killings. Bush killed thousands in just the first few months, and none of these people were any sort of threat to the United States. Even more important, most of the people killed were just minding their own business before they were

blown to pieces. Morally, they were victims of premeditated presidential murder just as much as Abdulrahman al-Awlaki, the sixteen-year old from Denver whom Obama slaughtered through drone bombing, was. When you bomb a neighborhood into rubble, you know it's going to kill innocent people, and those deaths are on you.

At the same time, Obama directly approving the targeting and summary execution of this teenager, whose biggest crime according to the administration appears to be having a bad father, does indeed deserve special condemnation, and those who claim to dislike broad presidential war powers but who nevertheless support Obama should come to terms with the fact that their favorite emperor will always be remembered for this especially gruesome and bloodthirsty hit. Obama picking John Brennan for CIA director, the Bush-era drone program architect who calls it "consistent with the inherent right of self-defense," should give all Obama supporters more than a bit of pause.

Once you except the basic moral principles of modern war and the broad presidential powers claimed by every president since at least Harry Truman, Obama's move appears to be a frightening pushing of the envelope in terms of pure procedure, but also just par for the course. The imperial presidency claims the authority to drop nuclear weapons on cities. Surely a man who can do this and call the act legal is being no more bold in ordering a hit on anyone, including American citizens, wherever they happen to be.

And this is where we get to the crux of the matter. Obama's detractors are right to call him a tyrant and war criminal. They are right to condemn his actions and power grab. They are right to call his actions murder. Where they are inconsistent is in trying to say what Bush did, or what Clinton did, or what Reagan did, was somehow not murder. All modern U.S. wars are murder. They all involve the predictable slaughter of innocent people, people no less innocent than the thousands butchered on 9/11. They all involve a president claiming the authority to choose who lives or dies on his say so alone. Obama's program is more intimate, more personal, and in that sense a little more dystopian and frightening. But from Nagasaki to Baghdad, the victims of presidential serial killing cry from their graves not to be dismissed as the casualties of mature war policy or "legal" killing.

There is no more awesome power than the power to wipe out scores, hundreds, or thousands of people with a pen stroke, and presidents have that power. If that isn't despotism, nothing else is.

Conservatives genuinely concerned about the moral and procedural implications of Obama's drone killings, and they should be, might want to rethink much of what they have internalized about war in general. Liberals who were outraged about Bush should recognize that if anyone deserved to be impeached and thrown out of office for crimes against decency, traditional legal restraints on presidential power, and war crimes, Obama is one such man.