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## Obama's extra-judicial killers

By Nat Hentoff Newspaper Enterprise

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In “Capture or Kill? Lawyers eye options for terrorists” (National Public Radio, Oct. 11), exceptionally alert investigative reporter Ari Shapiro said: “Many national security experts interviewed for this story agree that it has become so hard for the U.S. to detain people that in many instances, the U.S. government is killing them instead.”

As I reported previously, CIA's secret Predator drone attacks on suspected terrorists in Pakistan are already doing just that. But, wrote Jane Mayer in “The Predator War” (The New Yorker, Oct. 26):

“The embrace of the Predator program has occurred with remarkably little public discussion.

“That's why I'm writing this series. Mayer continued: “(yet) it represents a radically new and geographically unbounded use of state-sanctioned lethal force. And, because of the C.I.A. program's secrecy, there is no visible system of accountability in place, despite the fact that the agency has killed many civilians inside a politically fragile, nuclear-armed country with which the U.S. is not at war.”

I make one essential correction in her powerfully valuable article. These secret official U.S. targeted killings are not new. If history classes ever resume in our public schools, it's important — since global terrorism has no discernible end -- for students to know and debate

whether our history of extra-judicial killings accompanying deaths of innocent civilians, is at war with America's values and our rule of law.

In 1977, an executive order by President Gerald Ford commanded that “no employee of the United States Government shall engage in, or conspire to engage in, political assassination.” In 1981, acting on his own executive order, President Ronald Reagan ordered: “No person employed by or acting on behalf of the United States government shall engage in, or conspire to engage in, assassination.” Before Reagan, President Jimmy Carter had expanded the Gerald Ford order to include all assassinations.

Then, based on a classified legal memorandum that gave President Bill Clinton authority to sidestep the three previous presidential bans on targeted assassinations, President George W. Bush — reported in Bob Woodward's “Bush at War” book — issued a “Memorandum of Notification” on Sept. 17, 2001.

This Bush executive order “authorized the CIA,” Woodward reported, “to operate freely and fully in Afghanistan with its own paramilitary teams” — and to go after Al Qaeda “on a worldwide scale, using lethal covert action to keep the role of the United States hidden.” As he has now continued other Bush-Cheney legacies, President Barack Obama, as I previously reported, has permitted the CIA to operate freely and fully, with its dread pilotless Predator drones in Pakistan and Afghanistan.

With regard to Afghanistan, the Associated Press (Nov. 7) reported that “Although the U.N. says most civilian casualties have been at the hands of militants” — why doesn't the AP say it like it is, terrorists? — “deaths of men, women and children in NATO air strikes have raised tensions between Karzai's government and the U.S.-led coalition.”

Again, say it plain that the United States is very much involved in the NATO air strikes — in addition to drone planes — that murder children, women and men who are not even suspected to be “militants.”

Just as Mayer's “The Predator War” generated little follow-up in the press, so too has the Washington Post's Craig Whitlock's revelations on Obama-authorized extra-judicial killings not of suspected terrorists but of dealers in opium in Afghanistan (“Afghans oppose U.S. hit list of drug traffickers,” Oct. 23).

Without any system of accountability in U.S. courts or Congress, “The U.S. military,” Whitlock writes, “and NATO officials have authorized their forces to kill or capture individuals on the list, which was drafted within the past year as part of NATO's new strategy to combat drug operations that finance the Taliban.”

What's wrong with that — aside from our Constitution's separation of powers? As Whitlock emphasizes, there is “fierce opposition from Afghan officials, who say it could undermine their fragile justice system and trigger a backlash against foreign troops.”

The Afghan family survivors of those inadvertently but terminally killed nonterrorist men, women and children in implementing this hit list are deeply angry at this lethal operation by foreign forces including us.

Afghanistan's deputy foreign minister for counter-narcotics operations, Gen. Mohammad Daud Daud, says that he's grateful for this NATO-U.S. help "in destroying drug labs and stashes of opium," but about those killings, he adds the names on the hit list are not told to Afghan officials.

Says Daud: "They should respect our law, our constitution and our legal codes," Daud said. "We have a commitment to arrest these people on our own." Note: Arrest, not kill instantly.

But these allies of Afghanistan don't respect their own laws and legal codes. On Sept. 12, 2001, George W. Bush assured the world: "We will not allow this enemy to win the war by changing our way of life or restricting our freedoms." But haven't we changed our Constitution? Don't you know there's a war on?

To be continued.

Nat Hentoff is a nationally renowned authority on the First Amendment and the Bill of Rights. He is a member of the Reporters Committee for Freedom of the Press, and the Cato Institute, where he is a senior fellow.