

US Government Targeted Second American Citizen for Assassination

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A lead article in Monday's New York Times describing a debate within the US government over whether to assassinate another American citizen brings into relief one basic fact: the United States is run by criminals.

The *Times* article revealed the name of an American citizen who had been placed on the so-called "kill list" for drone assassination. Due to a number of contingencies, the life of Texas-born Mohanad Mahmoud Al Farekh was ultimately spared. He was captured in a raid in Pakistan last year and was taken to the United States to face trial in Brooklyn, New York.

It has been known since 2010 that the Obama administration had decided to place at least one US citizen on its "kill list" of targets for drone assassination. This was Anwar al-Awlaki, who was assassinated in Yemen on September 30, 2011, many months later. The killing was a premeditated and unconstitutional act, targeting an individual who had not been charged, let alone convicted for any crime.

In a May 2013 speech at the National Defense University, President Barack Obama formally acknowledged the killing al-Awlaki, while also admitting that three other Americans had been killed as part of the "collateral damage" of other drone strikes. This included Awlaki's teenage son one month after the killing of his father.

In February 2014, the Associated Press, citing "senior US officials," reported that the White House was "wrestling with whether to kill [another US citizen] with a drone strike." That man, unnamed at the time, was evidently Farekh.

Monday's *New York Times* article makes clear that the life of Farekh was spared not because of any fundamental constitutional or democratic concerns, but rather as a result of tactical disagreements and jurisdictional conflicts among the agencies responsible for drone killings, including the Central Intelligence Agency, the Pentagon and the Justice Department.

According to the *Times*,

"The Pentagon nominated Mr. Farekh to be placed on a so-called kill list for terrorism suspects; CIA officials also pushed for the White House to authorize his killing. But the Justice Department, particularly Attorney General Eric H. Holder Jr., was skeptical of the intelligence dossier on Mr. Farekh."

In other words, the decision against murdering Farekh was entirely a matter of expediency, based, according to the *Times*, on the belief by the Justice Department that his capture

would better serve the purposes of American imperialism than his extrajudicial killing.

According to the *Times* piece, a major reason for not killing Farekh was the fact that he fell through the jurisdictional cracks between the Pentagon and the CIA in their operations inside Pakistan.

The *Times* writes that in 2013,

“The White House directed that the Pentagon, rather than the CIA, should conduct lethal strikes against American citizens suspected of terrorism ... But the Pentagon has long been banned from conducting drone strikes in Pakistan, part of a 2004 deal with Pakistan that all such attacks be carried out by the CIA under its authority to take covert action—allowing Pakistan to publicly deny any knowledge of the strikes and American officials to remain silent.”

Between 2004 and 2015, the US killed as many as 3,949 people through drone strikes in Pakistan alone, according to the Bureau of Investigative Journalism.

Top administration officials are well aware that what they are doing is illegal and unconstitutional, particularly in relation to US citizens. One unnamed “former senior official” told the *Times* that “Post-Awlaki, there was a lot of nervousness” about killing American citizens, reflecting the very real awareness in the Obama administration that its actions could leave it open for prosecution in the future.

Whatever these concerns, however, the Obama administration, along with the entire political establishment, has vigorously defended the right of the president to assassinate US citizens without due process.

Tellingly, the *Times* reported that congressional leaders functioned not as a restraint and a check on the criminal actions of the White House and CIA, but rather sought to goad the White House to murder Farekh. The article states, “During a closed-door hearing of the House Intelligence Committee in July 2013, lawmakers grilled military and intelligence officials about why Mr. Farekh had not been killed.”

In February 2013, Attorney General Holder made clear that the administration claims its right to extrajudicially assassinate US citizens, even within the borders of the United States.

Holder wrote in a letter to Senator Rand Paul:

“It is possible, I suppose, to imagine an extraordinary circumstance in which it would be necessary and appropriate under the Constitution and applicable laws of the United States for the President to authorize the military to use lethal force within the territory of the United States.”

In his May 2013 speech, Obama reinforced his commitment to the drone murder program, declaring, “America’s actions are legal ... We were attacked on 9/11. Within a week, Congress overwhelmingly authorized the use of force.”

Obama then declared, seemingly contradicting himself, “For the record, I do not believe it would be constitutional for the government to target and kill any US citizen—with a drone or

with a shotgun—without due process.”

This statement revolves around a crude verbal sophistry. In 2012, Attorney General Holder argued that the Constitution’s declaration that no person shall “be deprived of life ... without due process of law” did not specify judicial process, but rather could apply to the internal deliberations within the executive branch.

As a result, the administration argued, the types of negotiations between cabinet officials, intelligence agencies and allied governments chronicled in Monday’s *Times* piece qualify as “due process.”

The *Times* article on Farekh was certainly cleared with the Obama administration and US intelligence agencies before being published. This may indicate that the turf battles described in it continue, and the article is part of ongoing maneuvers between the military and intelligence agencies of the US state apparatus.

The article is also part of a process of legitimizing and normalizing the clearly illegal and impeachable offenses described. In June of last year, the Obama administration released the drone murder memo outlining its pseudo-legal rationale for killing US citizens. Neither the memo nor the crimes it outlined produced any significant objection from within the state or media establishment, the representatives and spokesmen of the corporate and financial aristocracy in America.

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