

The creeping loss of our liberties

Mario T. García | Oct. 13, 2011 NCR Today

Over a week ago, the CIA, under orders by President Obama assassinated Anwar Awlaki, a leader of the group Al Qaeda in the Arabian Peninsula, in Yemen. While this would have been newsworthy on its own, the fact is that we have been killing other terrorists in northwestern Pakistan, for example, with the same drone attacks that killed Awlaki. However, what made Awlaki's assassination even bigger news was that he was a U.S. citizen who, for part of his life, was raised in this country.

As I [mentioned in my last blog](#) [1], I am currently teaching a freshman seminar at my campus, UC Santa Barbara, on Contemporary Political Issues in Historical Perspective. I raised the question to my students as to whether they felt that the killing of a U.S. citizen despite the fact that he was accused of being a terrorist was justified legally or whether Awlaki's rights as a U.S. citizen were violated and that he was denied due process of law.

The key issue here is Awlaki's citizenship. Under our Constitution, you are entitled to your day in court if you have been accused of a crime and it is up to the U.S. government, in this case, to prove that Awlaki was guilty of the charges. This obviously did not occur because of his assassination.

My students were of some mixed opinion and I did not offer my take on this until the very end of the discussion. Some felt that Awlaki forfeited his citizenship by becoming a terrorist. Others believed that he should not have been assassinated but should have been captured and brought to trial with his constitutional protections.

At the end, I agreed with the latter opinions. The fact is that the CIA had Awlaki under surveillance and was tracking him when the drone missile was launched, ironically not only killing Awlaki but another U.S. citizen who was his partner. It seems to me that he might have been captured by U.S. Special Forces and brought to trial. Of course, if he resisted with arms then more than likely he would have been killed anyway.

I agree with those critics of this incident who fear that the ordered assassination for the first time of a U.S. citizen opens up a Pandora's box that may only further erode our civil and constitutional liberties that now may include the ordered assassinations of U.S. citizens. As I noted to my students, since 9/11 and through such legislation such as the Patriot Act, we have already suffered the loss of some of our rights by the increased role of the federal government in surveying our personal lives.

The ordering of the assassination of a U.S. citizen irrespective of how reprehensible his actions may be can only further threaten the loss of our liberties. The ordering of assassinations in general by the federal government irrespective of citizenship in my mind also raises both legal and moral concerns. Can assassinations under any circumstances be justified? Here, I would especially raise moral issues of whether our government should engage in such actions that deprive people of their God-given lives. I understand the complexity of national security but I wonder if we are any more secure by systematically ordering the killings of our enemies.

One wonders how many more become our enemies for every Awlaki we kill.

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