

According to the Fifth Amendment of the US Constitution, Americans are never to be deprived of life, liberty, or property without due process of law. The Constitution is not some aspirational statement of values, allowing exceptions when convenient, but rather, it is the law of the land. It is the basis of our Republic and our principal bulwark against tyranny.

Last week's assassination of two American citizens, Anwar al-Awlaki and Samir Khan, is an outrage and a criminal act carried out by the President and his administration. If the law protecting us against government-sanctioned assassination can be voided when there is a "really bad American", is there any meaning left to the rule of law in the United States? If, as we learned last week, a secret government committee, not subject to congressional oversight or judicial review, can now target certain Americans for assassination, under what moral authority do we presume to lecture the rest of the world about protecting human rights? Didn't we just bomb Libya into oblivion under the auspices of protecting the civilians from being targeted by their government? Timothy McVeigh was certainly a threat, as were Nidal Hassan and Jared Lee Loughner. They killed people in front of many witnesses. They took up arms against their government in a literal way, yet were still afforded trials. These constitutional protections are in place because our Founders realized it is a very serious matter to deprive any individual of life or liberty. Our outrage against even the obviously guilty is not worth the sacrifice of the rule of law. Al-Awlaki has been outspoken against the United States and we are told he encouraged violence against Americans. We do not know that he actually committed any acts of violence. Ironically, he was once invited to the Pentagon as part of an outreach to moderate Muslims after 9/11. As the US attacks against Muslims in the Middle East and Central Asia expanded, it is said that he became more fervent and radical in his opposition to US foreign policy.

Many cheer this killing because they believe that in a time of war, due process is not necessary - not even for citizens, and especially not for those overseas. However, there has been no formal declaration of war and certainly not one against Yemen. The post-9/11 authorization for force would not have covered these two Americans because no one is claiming they had any connection to that attack. Al-Awlaki was on a kill list compiled by a secret panel within President Obama's National Security Council and Justice Department. How many more Americans citizens are on that list? They won't tell us. What are the criteria? They won't tell us. Where is the evidence? They won't tell us.

Al-Awlaki's father tried desperately to get the administration to at least allow his son to have legal representation to challenge the "kill" order. He was denied. Rather than give him his day in court, the administration, behind closed doors, served as prosecutor, judge, jury, and executioner. The most worrisome aspect of this is that any new powers this administration accrues will serve as precedents for future administrations. Even those who completely trust this administration must understand that if this usurpation of power and denial of due process is allowed to stand, these powers will remain to be expanded on by the next administration and

then the next. Will you trust them? History shows that once a population gives up its rights, they are not easily won back. Beware.