

OBAMA LOOKING FOR STRUCTURES TO ENSURE HE ABIDES BY RULE OF LAW

Noah Shachtman does a good job of fact checking Obama's claims about his drone program in a recent interview with Jessica Yellin.

But I'd like to push further on his comments about Obama's claims to give Anwar al-Awlaki and Samir Khan (to say nothing of Abdulrahman al-Awlaki) due process by pointing to the way he ends this bit:

Our most powerful tool over the long term to reduce the terrorist threat is to live up to our values and to be able to shape public opinion not just here but around the world that senseless violence is not a way to resolve political differences. And so it's very important for the President and for the entire culture of our national security team to continually ask tough questions about, are we doing the right thing? Are we abiding by rule of law? Are we abiding by due process? And then set up structures and institutional checks so that you avoid any kind of slippery slope into a place where we're not being true to who we are.

Having started by saying that drones are just a tool, he ends up by saying that we will vanquish terrorism by upholding our values—rule of law and due process.

And then the Constitution Professor President describes “set[ting] up structures and institutional checks” to make sure that we deliver rule of law and due process.

This, from the guy whose Administration refused to litigate a suit from Anwar al-Awlaki's father to make sure it was upholding the standards Obama claimed in this interview in Awlaki's case.

This, from the guy whose Administration has claimed state secrets to make sure no court can review the claims of people who have been rendered or tortured or illegally wiretapped.

This, from the guy who wouldn't do the politically difficult things to have Khalid Sheikh Mohammed tried—and surely, convicted—before a civilian court in NYC.

He's looking for structures and institutional checks to make sure we don't go down that slippery slope where we forget rule of law. And yet his Administration has repeatedly avoided the one mandated by the Constitution: courts.

Which, according to his own logic, means he's not using the tool that would best work to keep us safe from terrorism.