

Obama Administration Claims Right to “Lawfully” Assassinate Citizens within the US

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According to the Obama administration, the president has the right to assassinate American citizens within the United States, without charges or any legal process. This claim, contained in a letter from Attorney General Eric Holder, constitutes the most far-reaching abrogation of constitutional rights and is aimed at establishing the pseudo-legal framework for military rule.

Holder’s letter, the first explicit assertion of a power to extrajudicially kill Americans in their homes, was in response to a question delivered to the Obama administration from Republican Senator Rand Paul. In testimony before the Senate Judiciary Committee on Wednesday, Holder reiterated and expanded on this position, declaring that the authorization to use military force in the “war on terror” extends to the United States.

In the [letter](#) to Paul, Holder responds to a question as to whether “the President has the power to authorize lethal force, such as a drone strike, against a US citizen on US soil, and without trial.”

Holder’s answers are a series of evasions and absurd rationalizations. He repeats the statement made repeatedly by the administration before, that the “US government has not carried out drone strikes in the United States and has no intention to do so.” He adds that “as a matter of policy”—that is, not as a matter of legality—“we reject the use of military force where well-established law enforcement authorities in this country provide the best means for incapacitating a terrorist threat.”

In other words, under circumstances where the executive branch and military decide that police action is not the “best means” of responding to an undefined threat, the military will be deployed to kill people at will.

Holder then declares that under undefined “extraordinary circumstances,” the president could “authorize the military to use lethal force within the territory of the United States.”

As two “examples” of such circumstances, Holder cites the attack on Pearl Harbor in 1941 and the attacks of September 11, 2001.

The comparisons are absurd. Pearl Harbor involved a full-scale attack by the Japanese military on Hawaii. At issue, however, is not a response to a military invasion, but the claim that the administration has the right to assassinate American citizens in the United States who are not engaged in any hostile actions. The administration has already killed at least three US citizens abroad, including Anwar al-Awlaki and his 16-year-old son.

As for September 11, the circumstances behind these attacks have yet to be explained, but involved a number of individuals who were being followed by US intelligence agencies.

Holder's letter is a sweeping declaration of the ability to deploy the military in the United States in response to an "emergency" connected to some past or allegedly future attack. Under such conditions, the military would be given unrestricted powers and the Bill of Rights rendered a dead letter.

Holder expanded his remarks in the course of testimony before the Senate Judiciary Committee on Wednesday, in which the bipartisan support for the assault on democratic rights was on display.

In the course of the testimony, senators from both parties largely avoided the issue or praised Holder and the administration. Democratic Senator Dianne Feinstein, who is also the chair of the Senate Intelligence Committee, declared that the legal opinions prepared by the administration on assassinating US citizens were "very thoughtful, very impressive" and urged that all of them be made available to the judiciary committee. She added that deploying military force within the United States against US citizens was "something we have to grapple with."

The greatest praise for Holder came from Senator Lindsey Graham, Republican from South Carolina, who is close to the military and intelligence apparatus. Graham lauded the administration's efforts to "defend the homeland," singling out the drone assassination program in particular. Then the following exchange took place:

Graham: It is a longstanding proposition in American law that an American citizen who joins forces with our enemies can be considered an enemy combatant, do you agree with that?

Holder: Yes.

Graham: Hypothetically, if there are Patriot missile batteries around this capitol and other key government infrastructure, to protect the capitol from an attack, it would be lawful for those batteries to launch, is that correct?

Holder: Yes...

Graham: When we say that Congress gave every administration the authorization to use military force against Al Qaeda, we didn't exempt the homeland, did we?

Holder: No, I don't think we did...

The conclusion: Anyone declared by the president to be an "enemy combatant," including American citizens in the United States, can be summarily executed without any judicial review.

In referring to American citizens who have "joined forces" with the enemy, Graham cited individuals who supported Germany in the Second World War, with which Holder readily agreed. Again, the historical comparison is absurd. Even so, the traditional response of the state under such conditions is to try individuals for treason, in which their alleged crimes must be proven. Now the government asserts the right to act as judge, jury and executioner.

Graham's introduction of the hypothetical deployment of Patriot missiles by the military around the capitol and other critical institutions makes clear that what is being contemplated is the full militarization of American society.

There were a number of other significant exchanges. Texas Senator Ted Cruz, who like Paul is a right-wing libertarian and Tea Party-backed Republican, asked Holder whether the president had the constitutional authority to assassinate an American citizen in the United States with a drone while that person was "sitting quietly in a cafe."

On four occasions, Holder said such action would not be "appropriate," deliberately avoiding a statement that it would not be legal. In response to repeated questioning from Cruz, Holder finally indicated that his reference to such action not being appropriate should be translated as a "no"—apparently suggesting that it would not be constitutional.

This statement, however, was conditioned on the premise that the person involved did not pose an "imminent" threat. The requirement of "imminence" is also included in the administration's white paper on assassinating US citizens abroad; however, this is essentially meaningless. The document states that imminence "does not require the United States to have clear evidence that a specific attack on US persons and interests will take place in the immediate future."

Senator Chuck Grassley, a Republican from Iowa, asked Holder, "Do you believe Congress has the constitutional authority to pass a law prohibiting the president from using US drones against US citizens?"

Holder replied that in his view such a law "would not be constitutional" as it would "run contrary to the Article II powers" of the executive branch—that is to say, the section relating to the president's authority as commander-in-chief of the military.

Politicians of both parties are participating in a conspiracy against the most basic democratic rights. Earlier this week, the Senate Intelligence Committee voted 12 to 3 in favor of the nomination of John Brennan—the individual most closely associated with the assassination program—to head the CIA. All Democrats voted in favor.

Holder's comments aroused almost no comment from the American media. On the evening news Wednesday, the story was almost entirely buried, with only brief reference to a filibuster stunt carried out by Paul, a right-wing libertarian Republican, against the nomination of Brennan. The abrogation of the Bill of Rights provokes little more than a few raised eyebrows.

The essential target of these measures is the emergence of domestic opposition within the United States to the policies of the financial aristocracy that controls both big-business parties. Under conditions of deepening polarization, and as the ruling class is implementing measures that are overwhelmingly opposed by the vast majority of the population, the government is actively preparing dictatorial forms of rule.

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