

The Pentagon's and CIA's Power to Assassinate Americans

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*Pentagon officials are assuring Americans that the Pentagon's recent assassination of Iranian **Major General Qasem Soleimani** will make Americans safer. There is at least one big problem with that formulation, one that, unfortunately, many Americans still don't recognize. That problem is this: the power of assassination wielded by the Pentagon and the CIA extends to American citizens.*

Why is that a problem?

Because there is no way to reconcile a government's power to assassinate its own citizens with the principles of a free society. A free society necessarily is one in which the government lacks the power to assassinate its own citizens.

Our American ancestors clearly understood this aspect of a free society. That's why they demanded the enactment of the Fifth Amendment as a condition for accepting the new limited-government republic that was being proposed by the Constitution. The Fifth Amendment reads in part: "No person shall be ... deprived of life, liberty, or property, without due process of law." That phrase — due process of law, which stretches back to Magna Carta — has come to mean notice and trial, including trial by jury.

Americans had been operating under the Articles of Confederation for some 13 years when the delegates at the Constitutional Convention proposed a limited-government republic type of governmental system. Under the Articles, the federal government hadn't even been given the power to tax, much less the power to assassinate American citizens. Americans were leery about the proposal for a limited-government republic because they feared that it might evolve into a government with totalitarian-like powers, such as the power to assassinate its own citizens.

Americans finally were persuaded to accept the deal but they demanded the enactment of the Bill of Rights to make sure that federal officials got the point. The Bill of Rights essentially says: "You don't have the power to destroy our fundamental, God-given rights, and you also lack the power to kill us without following the principles of due process of law."

The Framers did not bring into existence a government in which federal officials would be entrusted with the power of assassination. Instead, they made certain that the federal government was denied the power of assassination. They understood that freedom isn't a government in which officials are exercising a power of assassination prudently, rarely, and wisely. They understood that freedom is a government in which officials don't have the

power to assassinate at all.

It is impossible to overstate the magnitude of the change that took place after World War II, when the federal government was converted from a limited-government republic to a national-security state form of governmental structure. A national-security state is a totalitarian form of governmental structure, one that wields totalitarian-like powers. North Korea is a national security state. So are China, Russia, Cuba, Egypt, Saudi Arabia, and Pakistan. And post-World War II United States.

The conversion of the federal government to a national-security state automatically brought into existence the power of the federal government to assassinate American citizens. At the moment of the conversion, the freedom of the American people was destroyed because, again, it is impossible to reconcile the totalitarian power of assassination with the principles of a free society.

It doesn't matter how much Americans are convinced that they are a free people. It doesn't matter how many times they thank the troops for defending their freedom. The fact remains: A people whose government wields the power to assassinate its own people are not a free people.

It's no different here in the United States. The power to assassinate, which is reserved to the Pentagon and the CIA, two of the principal components of the national-security establishment (the other is the NSA), is omnipotent and non-reviewable, so long as the Pentagon and the CIA say that the assassination relates to "national security." Once they utter those two words, there isn't a court in the land, including the U.S. Supreme Court, that will interfere with the Pentagon's or CIA's assassination of any American citizen or, for that matter, any other citizen.

An American citizen who learns that he has been targeted for assassination has no recourse to prevent his killing. If he kills the assassin or any other Pentagon or CIA official, they will arrest him, prosecute him, and execute him as a terrorist and murderer. If he seeks an injunction in U.S. District Court, they will assassinate him on his way to court. If a relative sues for an injunction on his behalf, the court will dismiss the suit for "lack of standing." If relatives sue for wrongful death, their suit will be summarily dismissed. If a state grand jury returns an indictment for murder against the Pentagon or the CIA, a federal district court will enjoin the prosecution. If a federal grand jury returns a similar indictment, a federal district judge will summarily dismiss it.

In a national-security state, national security is everything. Once the Pentagon or the CIA utter those two words to justify their assassination of an American citizen, the other three branches of government, including the judiciary, immediately go silent, passive, and deferential.

Can Americans regain their freedom? Of course! But to do so requires a dismantling of the national-security state form of governmental structure and a restoration of a limited-government republic form of governmental structure. Once a critical mass of Americans desire liberty and a limited-government republic over national security and a national-security state, Americans will be on the road toward the restoration of a free society.

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