

FBI Director Checks if Obama has Right to Kill Americans on US Soil

[Washington's Blog](#)

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Yes, Obama Claims Power to Kill Americans on U.S. Soil



Fox News [reports](#):

FBI Director Robert Mueller on Wednesday said he would have to go back and check with the Department of Justice whether Attorney General Eric Holder's "[criteria] for the targeted killing of Americans also applied to Americans inside the U.S.

"I have to go back. Uh, I'm not certain whether that was addressed or not," Mueller said when asked by Rep. Tom Graves, R-Ga., about a distinction between domestic and foreign targeting

Graves followed up asking whether "from a historical perspective," the federal government has "the ability to kill a U.S. citizen on United States soil or just overseas."

"I'm going to defer that to others in the Department of Justice," Mueller replied.

Indeed, Holder's Monday speech at Northwestern University seemed to leave the door open.

Constitutional expert Jonathan Turley [writes](#):

One would hope that the FBI Director would have a handle on a few details guiding his responsibilities, including whether he can kill citizens without a charge or court order.

He appeared unclear whether he had the power under the Obama Kill Doctrine or, in the very least, was unwilling to discuss that power. For civil libertarians, the answer should be easy: “Of course, I do not have that power under the Constitution.”

The claim that they are following self-imposed “limits” which are meaningless — particularly in a system that is premised on the availability of judicial review. The Administration has never said that the [Law Of Armed Conflicts] does not allow the same powers to be used in the United States. It would be an easy thing to state. Holder can affirmatively state that the President’s inherent power to kill citizens exists only outside of the country. He can then explain where those limits are found in the Constitution and why they do not apply equally to a citizen in London or Berlin. Holder was not describing a constitutional process of review. They have dressed up a self-imposed review of a unilateral power as due process. Any authoritarian measure can be dressed up as carefully executed according to balancing tests, but that does not constitute any real constitutional analysis. It is at best a loose analogy to constitutional analysis.

When reporters asked the Justice Department about Mueller’s apparent uncertainty, they responded that the answer is “pretty straightforward.” They then offered an evasive response. They simply said (as we all know) that “[t]he legal framework (Holder) laid out applies to U.S. citizens outside of U.S.” We got that from the use of the word “abroad.” However, the question is how this inherent authority is limited as it has been articulated by Holder and others. What is the limiting principle? If the President cannot order the killing of a citizen in the United States, Holder can simply say so (and inform the FBI Director who would likely be involved in such a killing). In doing so, he can then explain the source of that limitation and why it does not apply with citizens in places like London. What we have is a purely internal review that balances the practicality of arrest and the urgency of the matter in the view of the President. Since the panel is the extension of his authority, he can presumably disregard their recommendations or order a killing without their approval. Since the Administration has emphasized that the “battlefield” in this “war on terror” is not limited to a particular country, the assumption is that the President’s authority is commensurate with that threat or limitless theater of operation. Indeed, the Justice Department has repeatedly stated that the war is being fought in the United States as well as other nations.

Thus, Mueller’s uncertainty is understandable . . . and dangerous. The Framers created a system of objective due process in a system of checks and balances. Obama has introduced an undefined and self-imposed system of review

Before you assume that Mueller's comments are being blown out of proportion, remember that it has been clear for some time that Obama has claimed the power to assassinate U.S. citizens within the U.S. As we [pointed out](#) in December:

I've previously [noted](#) that Obama says that he can assassinate American citizens living on U.S. soil.

This admittedly sounds over-the-top. But one of the nation's top constitutional and military law experts – Jonathan Turley – agrees.

Turley said [on C-Span]:

President Obama has just stated a policy that he can have any American citizen killed without any charge, without any review, except his own. If he's satisfied that you are a terrorist, he says that he can kill you anywhere in the world including in the United States.

Two of his aides just ... reaffirmed they believe that American citizens can be killed on the order of the President anywhere including the United States.

You've now got a president who says that he can kill you on his own discretion. He can jail you indefinitely on his own discretion

I don't think the Framers ever anticipated that [the American people would be so apathetic]. They assumed that people would hold their liberties close, and that they wouldn't relax ...

Indeed, given that virtually any American could be considered a [suspected terrorist](#) these days, no one is safe from an all-powerful president's whims.

As I noted in another context, [circular reasoning](#) provides all the justification needed:

The government's indefinite detention policy – stripped of its spin – is literally insane, and based on circular reasoning. Stripped of p.r., this is the actual policy:

- If you are an enemy combatant or a threat to national security, we will detain you [indefinitely](#) until the war is over

- It is a [perpetual war](#), which will never be over
- [Neither you or your lawyers](#) have a right to see the evidence against you, nor to face your accusers
- But trust us, we know you are an enemy combatant and a threat to national security
- We may torture you (and [try to cover up the fact that you were tortured](#)), because you are an enemy combatant, and so basic rights of a prisoner guaranteed by the Geneva Convention don't apply to you
- Since you admitted that you're a bad guy (while trying to [tell us whatever you think we want to hear](#) to make the torture stop), it proves that we should hold you in indefinite detention

See how that works?

And – given that [U.S. soldiers admit that if they accidentally kill innocent Iraqis and Afghans, they then “drop” automatic weapons near their body so they can pretend they were militants](#) – it is unlikely that the government would ever admit that an American citizen it assassinated was an innocent civilian who has nothing at all to do with terrorism.