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## **Are Presidents Entitled to Kill Foreigners**

**by James Bovard**

What is the common term for ordering soldiers to kill vast numbers of innocent people?

A war crime.

But not when it is done on the command of the U.S. president.

Killing innocent foreigners seems to be a perk of the modern presidency — akin to the band's playing "Hail to the Chief" when he enters the room.

Bush is revving up the war threats against Iran. Seymour Hersh reported in the current issue of the *New Yorker* that the administration is advancing plans to bomb many targets in Iran. British newspapers have confirmed that the Pentagon has a list of thousands of bombing targets. Hardly anyone claims that Iran poses a threat to the United States.

Yet few people in Washington seem to dispute the president's right to attack Iran. It is as if the presidential whim is sufficient to justify blasting any foreign nation that does not kowtow to the commands of the U.S. government.

Jack Goldsmith, a former top Bush appointee in the Justice Department and now a Harvard Law professor, observes in his new book, *The Terror Presidency*, "The president and the vice president always made clear that a central administration priority was to maintain and expand the president's formal legal powers." And the power to attack foreign nations is one of the most valued prerogatives of today's Republicans.

Bush's top advisors — and especially the vice president — are devoted to a Nixonian view of absolute power for the commander in chief. After he was driven out of office in disgrace, Nixon told interviewer David Frost in 1977, "When the president does it that means that it is not illegal." Frost, somewhat dumbfounded, replied, "By definition?" Nixon answered, "Exactly. Exactly."

This seems to be the attitude of Bush and his war planners towards Tehran. Pentagon Deputy Assistant Secretary Debra Cagan recently told several British Members of

Parliament that “I hate all Iranians.” Perhaps Cagan got her position because of such prejudice towards nations that Bush formally designated as “evil.” At the same time that Congress is considering hate-crime legislation, ethnic hatred may be driving U.S. plans to slaughter Iranians.

For Bush, attacking Iran may simply be a question of checking off another item on his final To Do list — or one more wild swing at making himself a legacy. Bush told a biographer that, after he leaves office, he looks forward to receiving “ridiculous” (in his words) speaking fees of \$75,000 per talk. He is also looking forward to putting in some time on his “fantastic” Freedom Institute.

The fact that thousands or hundreds of thousands of Iranians might die is irrelevant. Bush appears far more concerned about baseball statistics than the body counts compiled by the U.S. military abroad. The fact that many Americans could also die — either during the attack or from Iranian retaliation on U.S. forces in Iraq — doesn’t appear to be costing Bush any sleep.

No American politician has ever been sentenced to death for ordering U.S. soldiers to kill innocent foreigners. Such orders have gone out many times — from the Philippines in the early 1900s, to Haiti in the 1910s, to Vietnam in the 1960s. There have been many other conflicts in which American presidents rubber-stamped U.S. military rules of engagement that guaranteed carnage among foreign women and children.

Americans cannot expect to have good presidents if presidents are permitted to make themselves tsars. The president and his top officials should face the same perils common citizens face when they are accused of breaking the law. Seeing a president answer for his crimes would be public education at its best. Consider how the subsequent course of American foreign policy might have differed if Lyndon Johnson or Richard Nixon had been tried, convicted in federal court, and punished for committing war crimes.

Perhaps Bush thinks that starting another foreign war will help boost demand for his speeches among groups that want to see U.S. forces kill more Muslims. But if he cares about freedom as much as he claims, he will cease acting as though he is above the law. And if Bush refuses to restrain himself, Americans should remember the wisdom of Thomas Jefferson: Sometimes the threat of a noose is the best way to keep the peace.

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