

"THE PRESIDENT HIMSELF DOES NOT HAVE TO SIGN OFF ON KILL ORDERS."

That's the most striking line from the most recent post from Mark Hosenball, in which he tries to understand the process by which US citizens are placed on a list to be assassinated. Here's Hosenball's fuller explanation.

...strikes specifically targeting Americans must first be approved by a secret committee made up of senior intel officials and members of the president's cabinet (it's not known which ones). The president himself does not have to sign off on kill orders.

It's handy, isn't it, the way the President gets to retain plausible deniability for the killing of a US citizen? And the way Obama has conveniently wrapped himself in the same plausible deniability that Bush (or, more likely, Cheney) created? That way you can kill US citizens without ever worrying about the President going to jail for it. And if you're really good at hiding the identities of those who do sign off on the killings, then no one can sue!

Also note that Hosenball seems to be looking closely at the same loophole that I have been thinking about: the ability to knowingly kill Americans so long as the purported target of that assassination is the guy sitting next to the American in the car that's about to blow up.

The sources say that committee approval is required only if the specific target of the assassination is an American—not if an American happens to be in the vicinity of a foreign target at the time

of the strike. At least once, U.S. forces have killed an American this way. In November 2002 a missile attack targeting a Yemeni terrorist also killed Kamal Derwish, an American citizen associated with an alleged terrorist cell in Lackawanna, N.Y. U.S. forces almost did it again last Christmas Eve, with an airstrike against another Yemeni terrorist; he was believed to be hiding with Anwar al-Awlaki, the U.S.-born radical cleric who advised both the suspected Fort Hood shooter and the alleged Christmas Day bomber. Al-Awlaki is believed to have escaped.

It would add another convenient level of plausible deniability, of course. "Oh, we weren't actually targeting Kamal Derwish! We were targeting Harithi, even at precisely the time we targeted him, we had the guy who did what we claim he did in custody."

I can't wait until this gets to the courts.