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Provenance:

Category: **Uncategorized**

Person:

Date:

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Abraham Lincoln, in an unprecedented emergency, claimed unprecedented power based on the need to preserve the nation:

not been introduced into hostilities or situations pursuant to the provisions of the War Powers Resolution." This definition makes it clear that, absent a declaration of war or the introduction of United States Armed Forces pursuant to the War Powers Resolution, the killing of foreign officials is a criminal offense.

[insert discussion of paramilitary aspect]

...my oath to preserve the Constitution to the best of my ability, imposed upon me the duty of preserving, by every indispensable means, that government -- that nation -- of which that Constitution was the organic law. Was it possible to lose the nation, and yet preserve the Constitution? By general law life and limb must be protected; yet often a limb must be amputated to save a life; but a life is never wisely given to save a limb. I felt that measures, otherwise unconstitutional, might become lawful, by becoming indispensable to the preservation of the Constitution, through the preservation of the nation The Complete Works of Abraham Lincoln, Vol. X, pp. 65-66 (Nicolay and Hay, Eds. 1894).

In the course of our hearings, some witnesses, while strongly condemning assassination, asked whether, as a matter of theory, assassination should absolutely be ruled out in a time of truly unusual national emergency. Adolf Hitler was cited as an example. Of course, the cases with which we were concerned were not of that character.*/ In a grave emergency, the President has a limited power to act, not in violation of the law, but in accord with his own responsibilities under the Constitution to defend the Nation. As the Supreme Court has declared, the Constitution "is not a suicide pact." Kennedy v. Mendoza-Martinez, 372 U.S. 144; 160 (1963).

*/Indeed, in the only situation of true national crisis -- the Cuban missile crisis -- assassination was not even considered.