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3-10-2013

March 10, 2013: The Executioner in Chief

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Repository Citation

Ledewitz, B. (2013). March 10, 2013: The Executioner in Chief. Retrieved from <https://dsc.duq.edu/ledewitz-hallowedsecularism/729>

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Title: The Executioner in Chief

Date: 2013-03-10T09:33:00.002-04:00

3/10/2013 – – The hypocrisy of the Democratic Party, and the left generally, was spectacularly on display over the issue of drone attacks on American citizens on American soil. I saw this hypocrisy before, during the Clinton administration. Then the hypocrisy was the refusal to condemn a Democratic Party president over his sexual harassment of an intern. This time, of course, the hypocrisy is in service to a much more serious violation of American traditions, norms and law.

It should be an embarrassment that it took a Republican Party senator, Rand Paul, to confront the Obama administration over its unwillingness to renounce the right to kill American citizens by drone attacks on American soil, without arrest and without trial. And I would like to make it clear that I have always felt this way. I referred in class, before the Paul filibuster, to Pres. Obama as the executioner in chief.

The justifications offered for this “right” to execute Americans by drone are not at all convincing. Specifically, there is already authority for something like the necessity of shooting down a pirated airplane that is heading into an occupied area, as was the case on 9/11. Similarly, there is already authority in criminal law to shoot to kill and escaping criminal suspect under certain limited circumstances. There is no reason this could not be done by drone as well as by gun. But the authority to shoot and escaping suspect comes after the attempt to arrest the suspect, not instead of an attempt to arrest the suspect. A drone attack, conversely, is not a failed arrest but an assassination.

The larger lesson in the drone controversy, however, is a reminder that the suspicions of the right about government are by and large justified. This is not shocking. The ACLU exists after all because the left knows perfectly well that government is a dangerous enterprise. Nor is this a condemnation of government regulation or government redistribution of income. It is a reminder, however, that even in these endeavors government is not inherently trustworthy.

This is one reason why a basically private economy is preferable to one of government owned resources. Today in the New York Times, David Segal, in his column entitled the Haggler, savagely criticized the customer service actions of the Whirlpool Corporation. Segal could do this, and Whirlpool must really respond, because Whirlpool has competitors. And Whirlpool cannot respond by investigating Segal or by harassing him, at least not in any obvious way.

But what if Segal had been criticizing a government service instead? In part it would have been somewhat the same. But not entirely so. Charles G. Koch, who is so wrong on so much, likes to say corporations don't have power. Only government has power because power means the power to coerce. It is a lesson worth remembering even though it does not mean everything that the Koch brothers believe it to mean.