

# National Disgrace: The Lack of Opposition to Obama's Kill List Policy

By [Washington's Blog](#)

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Democrats Shamefully Silent on Obama Administration's Assertion of Right to Assassinate Americans on U.S. Soil

Rand Paul carried out a historic [13-hour filibuster](#) of dronemaster-in-chief John Brennan's nomination for CIA chief.

Huffington Post [slammed Democrats for being missing in action](#) and progressive news host Cenk Uygur [called Senator Paul a "constitutional hero"](#).

One of the [top constitutional law experts in the country](#) - Jonathan Turley, a progressive liberal - [writes](#):

What was most striking about this principled stand is the [virtual total absence of Democrats](#) in speaking out against Obama. Just this week, Attorney General Eric Holder admitted that this policy could include killing citizens on U.S. soil with drones. Yet, the Democrats worked to stop not the kill list policy but Paul's filibuster. Obama apologists have attacked Rand for some of his other positions to avoid dealing with the fact that Obama is claiming the powers of an Imperial President. I do not agree with Paul on many things, but I commend him for this stand and condemn those who remained silent, again, in the face of this authoritarian policy of Obama.

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The lack of opposition to Obama's kill list policy is a national disgrace. It shows the triumph of a cult of personality within the Democratic ranks where both members and voters have chosen Obama over long-standing values of civil liberties that once defined their party.

Senator Paul's office sent us a series of unofficial transcripts of Paul's filibuster speech. Below are our favorite excerpts (constitutional experts like Turley have confirmed that Paul's statements are accurate).

No American should be killed by a drone on American soil without first being charged with a crime, without first being found to be guilty by a court. That Americans could be killed in a cafe in San Francisco or in a restaurant in Houston or at their home in bowling green, Kentucky, is an abomination. It is something that should not and cannot be tolerated in our country.

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The principle is one that as Americans we have fought long and hard for and to give up on that principle, to give up on the bill of rights, to give up on the Fifth Amendment protection that says that no person shall be held without due process, that no person shall be held for a capital offense without being indicted. This is a precious American tradition and something we should not give up on easily.

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When I asked the President, can you kill an American on American soil, it should have been an easy answer. It's an easy question. It should have been a resounding and unequivocal, "no." The President's response? He hasn't killed anyone yet. We're supposed to be comforted by that.

The President says, I haven't killed anyone yet. He goes on to say, and I have no intention of killing Americans. But I might. Is that enough? Are we satisfied by that? Are we so complacent with our rights that we would allow a President to say he might kill Americans? But he will judge the circumstances, he will be the sole arbiter, he will be the sole decider, he will be the executioner in chief if he sees fit. Now, some would say he would never do this. Many people give the President the - you know, they give him consideration, they say he's a good man. I'm not arguing he's not. What I'm arguing is that the law is there and set in place for the day when angels don't rule government. Madison said that the restraint on government was because government will not always be run by angels. This has nothing, absolutely nothing to do with whether the President is a Democrat or a Republican. Were this a Republican President, I'd be here saying exactly the same thing. No one person, no one politician should be allowed to judge the guilt, to charge an individual, to judge the guilt of an individual and to execute an individual. It goes against everything that we fundamentally believe in our country.

This isn't even new to our country. There's 800 years of English law that we found our tradition upon. We founded it upon the Magna Carta from 1215. We founded it upon Morgan from Glamorgan and 725 A.D. We founded upon the Greeks and Romans who had juries. It is not enough to charge someone to say that they are guilty.

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If there's a gentleman or a woman with a grenade launcher attacking our buildings or our Capitol, we use lethal force. You don't get due process if you're involved with actively attacking us, our soldiers or our government. You don't get due process if you're overseas in a battle shooting at our soldiers. But that's not what we're talking about. The Wall Street Journal reported and said that the bulk of the drone attacks are signature attacks. They don't even know the name of the person. A line or a caravan is going from a place where we think there are bad people to a place where we think they might commit harm and we kill the caravan, not the person. Is that the standard that we will now use in America? Will we use a standard for killing Americans to be that we thought - killing Americans to be that we thought you were bad, we thought you were coming from a meeting of bad people and you were in a line of traffic and so, therefore, you were fine for the killing? That is the standard we're using overseas. Is that the standard we're going to use here?

I will speak today until the President responds and says no, we won't kill Americans in cafes; no, we won't kill you at home in your bed at night; no, we won't drop bombs on restaurants. Is that so hard? It's amazing that the President will not respond. I've been asking this

question for a month. It's like pulling teeth to get the President to respond to anything. And I get no answer.

The President says he hasn't done it yet and I'm to be comforted, you are to be comforted in your home, you are to be comforted in your restaurant, you are to be comforted on-line communicating in your e-mail that the President hasn't killed an American yet on the homeland. He says he hasn't done it yet. He says he has no intention to do so. Hayek said that nothing distinguishes arbitrary government from a government that is run by the whims of the people than the rule of law. The law's an amazingly important thing, an amazingly important protection. And for us to give up on it so easily really doesn't speak well of what our founding fathers fought for, what generation after generation of American soldiers have fought for, what soldiers are fighting for today when they go overseas to fight wars for us. It doesn't speak well of what we're doing here to protect the freedom at home when our soldiers are abroad fighting for us, that we say that our freedom's not precious enough for one person to come down and say, enough's enough, Mr. President. Come clean, come forward and say you will not kill Americans on American soil. The oath of office of the President says that he will, to the best of his ability, preserve, protect, and defend the Constitution. He raises his hand, his right hand, puts his left hand on the bible, and he says, "I will." The President doesn't say, "I intend to if it's convenient." "I intend to, unless circumstances dictate otherwise."

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If you are sitting in a cafeteria in Dearborn, Mich., if you happen to be an Arab-American who has a relative in the Middle East and you communicate with them by e-mail and somebody says, oh, your relative is someone we suspect of being associated with terrorism, is that enough to kill you? For goodness sakes, wouldn't we try to arrest and come to the truth by having a jury and a presentation of the facts on both sides of the issue? See, the real problem here, one of the things we did a long time ago is we separated the police power from the judicial power. This was an incredibly important first step. We also prevented the military from acting in our country because we didn't want to have a police state.

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I'm not casting any aspersions on the President. I'm not saying he is a bad person at all, but he is not a judge. He's a politician. He was elected by a majority, but the majority doesn't get to decide who we execute. We have a process for deciding this. We have courts for deciding this, to allow one man to accuse you in secret, you never get notified you have been accused. Your notification is the buzz of the propellers on the drone as it flies overhead in the seconds before you're killed. Is that what we really want from our government? Are we so afraid of terrorism, are we so afraid of terrorists that we're willing to just throw out our rights and our freedoms, things that have been fought for and that we have gotten over the centuries.

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Madison wrote in the federalist papers, he said that the Constitution states what history demonstrates, that the executive branch is the branch most prone to war, most likely to go to war, and therefore we - we took that power to declare war and we vested it in the legislature. We broke up the powers. Montesquieu wrote about the checks and balances and

the separation of powers. He was somebody who Jefferson looked towards. They separated the powers because there was a chance for abuse of power when power resides in one person. Montesquieu said there can be no liberty when you combine the executive and the legislative. I would say something similar. There can be no liberty when you combine the executive and the judiciary. That's what we're doing here. We're allowing the President to be the accuser in secret and we're allowing him to be the judge and we're allowing him to be the jury. No man should have that power. We should fear that power. Not because we have to say oh, we fear the current President. It has nothing to do with who the President is. It has nothing to do with whether you're a Republican or Democrat. It has to do with whether or not you fear the consolidation of power, were you - whether you fear power being given to one person, whether they are a Republican or a Democrat. This is not necessarily a right-left issue.

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What's important here is that we're talking about a war without geographic limitations, but we're also talking about a war without temporal limitations. There is no limit, no limit in time to this war. When will this war end? It's a war that has, I think, an infinite timeline. So if you're going to suspend your rights, if there is going to be no geographic limits to killing, which really means we're not at war in Afghanistan, we're at war everywhere and everybody that pops up is called al-Qaida now, whether they have ever heard of al-Qaida or not, whether they have any communication with some kind of network of al-Qaida, everybody is al-Qaida, but there is a new war or an ongoing war everywhere in the world, there is no limitations.

Glenn Greenwald ... says there is a theoretical framework being built that posits that the U.S. Government has unlimited power.

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To think that we were opposed to them listening to your conversations without a warrant but no one's going to stand up and say they can kill you without a warrant, a judge's review or a jury, no one's going to object to that, where is the cacophony that stood up and said how can you tap my phone without going to a judge first? I ask how can you kill someone without going to a judge or a jury?

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Civil libertarians once expected more from the President. In fact, it was one of the things that I liked about the President. I'm a Republican. I didn't vote or support the President either time, but I admired him, particularly in 2007 when he ran. I admired his ability to stand up and say we won't torture people, that's not what America does. How does the President's mind work, though? The President that seemed so honorable, seemed so concerned with our rights, seemed so concerned with the right not to have your phone be tapped now says he's not concerned with whether you can be killed without a trial. The leap of logic is so fantastic as to boggle the mind. Where is the Barack Obama of 2007? Has the presidency so transformed him that he has forgotten his moorings, forgotten what he stood for? Civilian libertarians once expected more from the President. Ask any civil libertarian whether or not the President should have the right to arbitrarily kill Americans on American soil and the answer is easy. Of course, no President should have the right or that power under the Constitution.

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The President a year ago lined up – signed a law that says that you can be detained indefinitely, that you can be sent from America to Guantanamo Bay without a trial, and he wants us to be comforted, he wants us to remember and think good of him because he says I don't intend to do so. It's not enough. I mean, would you tolerate a Republican who stood up and said well, I like the First Amendment, I'm quite fond of the First Amendment, and I don't intend to break the First Amendment but I might.

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So my question is if you're not a civilian, if you're in proximity to bad people, is that the standard we're going to use in the United States? So if we're going to kill Americans on American soil and the standard is going to be signature strikes that you're close to bad people or that you're in the same proximity as bad people, would that be enough? Are we happy with that standard? Are we happy that we have no jury, no trial, no charges, nothing done publicly?

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Many of the drone strikes overseas are done when you're walking – I don't know where you are a walking ... To church, you're walking along the road – they're done when you're in a car driving, they're done when you're in a house eating. They're done when you're at a restaurant eating. They're done when you're in a house sleeping. I am saying that they're not actively involved in something that's an imminent threat and if they were in America, they would be arrested.

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The Bureau of Justice put out a bulletin within the last year describing people who you need to be worried about. These are [terrorists]. Who are these terrorists that live among you?

People who might be missing fingers on one hand, people who might have stains on their clothing, people who might have changed the color of their hair, people who like to pay in cash, people who own more than one gun, people who own weatherized ammunition, people who have seven days of food in their house. These are people that you should be afraid of and that you should report to your government. So says your government. Are they going to be on the drone strike list? I think we need to get an answer from the President.

If you're going to kill people in America, we need rules, and we need to know what your rules are. Because I certainly don't want to have seven days of food in my house if that's on the list to terrorism. Interestingly, on government websites there are some government websites that advise you to have it in your house. If you live in a hurricane-prone area you're supposed to keep some area food around. Who is going to decide when it's okay to have food in your house and when it's not?

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The people on the list from the fusion center in Missouri that you need to be worried about, that policemen should stop, are people that have bumper stick theirs might be pro-life, who have bumper stickers that might be for more border security, people who support third-party candidates ....

You believe in the Constitution so much, you might be a terrorist - you believe in the Constitution so much, you might be a terrorist. We need to be concerned about this. Things are not so black and white. If someone is shooting at us, a canon, a missile, a rocket, a plane, it is pretty easy to know what lethal attacks are. We're talking about people in their homes, at a restaurant, or a cafe that someone is making an accusation. If the accusation is based on how many fingers you have on your hand, I have got a problem with that standard. If the standard to be used for killing Americans is whether you pay in cash, I've got a problem with that. If the standard to be used in America is being close to someone who is bad or the government thinks is bad is enough for you to be killed and not even account you as an accidental kill, to count you as combatant because you were near them [I've got a problem with that].

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But here's the real problem: When the President's spokesman was asked about al-Awlaki's son, you know what his response was? This I find particularly callous and particularly troubling. The President's response to the killing of al-Awlaki's son, he said he should have chosen more a responsible father.

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I cannot sit at my desk quietly and let the President say he will kill Americans on American soil who are not actively attacking the country.

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Should we live in a country where you have to be worried about what you say? Should we live in a country where you have to worry about what you write? What kind of country would that be?

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Officials said the kill list in Pakistan has slipped to fewer than ten al-Qaida targets, down from as many as two dozen, and yet we're killing hundreds of people in Pakistan.

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What if you just happen to live in the neighborhood of somebody who is a suspected terrorist. Is it okay because you were close to them? What if you happened to go to dinner with a guy you didn't know or a woman you didn't know and the government says they're a terrorist? Just because you're having dinner with them and you are a male between the ages of 16 and 50, does that make you a combatant? We also asked the question do you condone the CIA's practice of counting civilians killed by U.S. drone strikes as militants simply because they were of the same age? Like every other question, no answer. We asked him whether al-Awlaki's son was a target. No answer. We asked how many people have been targeted. No answer.

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As this war has dragged on, they take that authorization of use of force to mean pretty much anything. And so they have now said that the war has no geographic limitations, so it's really not a war in Afghanistan, it's a war in Yemen, Somalia, Mali. It's a war in unlimited

places.

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About a year ago, I tried to end the Iraq war. You may say, well, I thought the Iraq war was already over. It is, but we still have an authorization of use of force that says we can go to war in Iraq any time.

And since they think the use of force in Afghanistan means limitless war anywhere, any time in the whole world, for goodness sakes, wouldn't we try to take back a declaration of war, an authorization of force if the war is over? But here's the sad part. I actually got a vote on it and I think I got less than 20 votes. You can't end a war after it's over up here. And it has repercussions, because these authorizations to use force are used for many other things. So the authorization of force says you can go after al-Qaida or associated terrorists. The problem is, is that when you allow the Executive Branch to sort of determine what is al-Qaida, you've got no idea.

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Alarm bells should go off when people tell you that the battlefield's in America. Why? Because when the battlefield's in America, we don't have due process.

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One of them, in fact, said if you - if you - if they ask for a lawyer, you tell them to shut up. Well, if that's the standard we're going to have in America, I'm - I'm quite concerned that the battlefield would be here and that the Constitution wouldn't apply. Because, to tell you the truth, if you are shooting at us in Afghanistan, the Constitution doesn't apply over there. But I certainly want it to apply here. If you're engaged in combat overseas, you don't get due process. But when people say, oh, the battlefield's come to America and the battlefield's everywhere, the war is limitless in time and scope, be worried, because your rights will not exist if you call America a battlefield for all time. We've asked him whether the strikes are exclusively focused on al-Qaida and what is the definition of being part of al-Qaida.

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Now, the President has said, don't worry because he's not going to kill you with a drone unless it's infeasible to catch you.

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Maybe he's not got enough people to go arrest you .... So maybe he's going to ... kill you.

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It is not because we think our military are bad people. I'm proud of our soldiers, I'm proud of our army, I'm proud of what they do for our country. But they operate under different rules. And it's a much more dangerous environment they operate under. And it's different. It's still dangerous in America, but policemen have a different rules of engagement than your soldiers have. And there's - there's more restrictions and restraint on what we do in our country. So that's why we say the military can't operate here. So when we asked the

President, can you kill Americans on American soil with your drone strikes, which is part of the military, it should be an easy answer.

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John Yoo was one of the architects of this, basically just saying hey, if I'm going to protect you, I can do whatever the hell I want. Many on the left objected to that. Some of us on the right also objected to this - this usurpation of power by the Republican President. But the thing is, is it - now the shoe's on the other foot and we're not seeing any of that.

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When we separate out police power from judicial power, it's an important separation. You know, the police can arrest you, they're allowed to do certain things, but the policeman that comes to your door and puts handcuffs on you doesn't decide your guilt.

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I'm not really disputing his motives or not saying he isn't a good person. But I'm disputing someone who's naive enough to think that that's good enough for our republic, that his good intentions are good enough for our republic. It never would have been accepted, it would have been laughed out of the Constitutional Convention. The Founding Fathers would have objected so strenuously that that person probably would never have been elected to office in our country. Someone who doesn't believe that the rules have to be in place and that we can't have our rights guaranteed by the intentions of our politicians. Think about it. Congress has about a 10 percent approval rating. Do you think the American people want to base whether they're going to be killed by a drone on a politician? I certainly don't. Doesn't have anything to do with whether he's a Republican or a Democrat. I would be here today if this were a Republican President.

Because you can't give that much power to one person.

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No one is questioning whether the U.S. can repel an attack. No one is questioning whether your local police can repel an attack. Anybody involved in lethal force, the legal doctrine in our country and has been historically, has always been that the government can repel lethal attacks. The problem is, is that the drone strike program is often not about combatants. It is about people who may or may not be conspiring but they're not in combat.

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Is objecting to your government or the policies of your government - the policy of your government sympathizing with the enemy?

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There is, though, a difference between sympathizing and taking up arms. Most people around here who want to justify no rules, America is a battlefield, no limits to war, they really want to blur it all together. Because it's easier to say, oh, you don't want to stop anybody who is shooting at Americans.



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Certain things rise above partisanship. And I think your right to be secure in your person, the right to be secure in your liberty, the right to be tried by a jury of your peers – these are things that are so important and rise to such a level that we shouldn't give up on them easily.

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And really, the great irony of this is that President Obama's position on this is an extension of George Bush's opinion. It basically is a continuation and an expansion of George Bush's opinion. George Bush was a President who believed in a very expansive power. Virtually, some would say, unlimited. He was accused of running an imperial Presidency. The irony is that this President that we have currently was elected in opposition to that. This President was one elected who when he was in this body was often very vocal at saying that the President's powers were limited.

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One of the President's [i.e. Obama's] writings I found very instructive and I was quite proud of him for having said it, the President said that no President shall unilaterally go to war without the authority of Congress unless there is an imminent threat to the country. I guess we should be a little wary of his unless now since we know imminent doesn't have to be immediate and imminent no longer means what humans once thought imminent meant. But he did say that the President doesn't go to war by himself. I think it would be fair to say that candidate Obama also felt that the President didn't have the authority to imprison you indefinitely without a trial. I think it's also safe to say that Barack Obama of 2007 would be right down here with me arguing against this drone strike program if he were in the Senate.

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Presidents have been getting more and more powerful for over a hundred years, Republican and Democrat. There was at one point in time in our history a pride among the Senate and a pride among the Congress that said these are our powers and we're not giving them up. There were people on both sides of the aisle who would stand firm and say this is not a power I'm willing to relinquish. This is not something that is good for the country. And by relinquishing the power of Congress, we relinquish something very fundamental to our Republic, which is the checks and balances that we should have checks and balances to help and try to prevent one body or one part of the three parts of government from obtaining too much power.

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Guilt or innocence isn't always apparent, and sometimes an accusation is a false accusation. Sometimes accusations are made because people politically don't like your point of view. So the question becomes should we have a process where we try to determine innocence or guilt?

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If inconveniency is our standard for going to war without Congress, inconveniency is our standard for killing Americans on American soil with drones – I mean, I think we've sunk to a

new low. I just can't imagine as a country that that's the standard that you want to have.

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