



Written by [Joe Wolverton, II, J.D.](#) on December 7, 2012

## Thousands Dead by U.S. Drone Strikes: Is There Method to the Madness?

On December 3, National Public Radio's (NPR) "On Point" program featured [a discussion on the rules followed \(or violated\)](#) by the Obama administration in the execution of the drone war.

Three guests discussed the issue: former George W. Bush administration attorney John Bellinger; Jameel Jaffer, director of the Americans for Civil Liberties (ACLU) Center for Democracy; and the Wall Street Journal Pentagon correspondent, Julian Barnes. The trio explored the question of the legality of the deaths caused by U.S. drone strikes overseas, as well as the possible reason for the shroud of secrecy that covers so much of the policy.



"The most open secret in Washington is the CIA drone program. Although technically classified, it's something the President has discussed, the administration has discussed," Barnes said. One writer commenting on the program described the hush-hush policy as "fake secrecy." Jaffer called it "absurd." He continued:

It is preposterous. The assertion that this program is a secret is nothing short of absurd. For more than two years, senior officials have been making claims about the program both on the record and off. They've claimed that the program is effective, lawful and closely supervised. If they can make these claims, there is no reason why they should not be required to respond to [Freedom of Information Act] requests.

There is evidence of the truth of that assertion.

President Obama himself has spoken on the record recently about various aspects of the parameters he imposes on himself before ordering the summary execution of a "suspected militant."

From his [interview with Ben Swann](#), host of *Reality Check* on Cincinnati's Fox affiliate, to his [sit-down with CNN's chief White House correspondent Jessica Yellin](#), the kill-list compiler-in-chief is gradually exposing details of the principles he purportedly follows before targeting someone for assassination.

When asked by CNN what process he uses to make the life-or-death decisions to deploy the drones to kill a "militant," President Obama listed five criteria:

- First, "It has to be a target that is authorized by our laws."
- Second, "It has to be a threat that is serious and not speculative."
- Third, "It has to be a situation in which we can't capture the individual before they move forward on some sort of operational plot against the United States."



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- Fourth, “We’ve got to make sure that in whatever operations we conduct, we are very careful about avoiding civilian casualties.”
- And fifth, “That while there is a legal justification for us to try and stop [American citizens] from carrying out plots ... they are subject to the protections of the Constitution and due process.”

It appears that none of the deaths authorized by the president meets these criteria. In these interviews, the president consistently defends the fact that he orders drone strikes to assassinate people based on nothing more than his suspicion that they threaten U.S. national security.

The threat to U.S. national security reportedly increases proportionately with the increase in the number of Hellfire missiles fired indiscriminately at suspects and bystanders in Yemen and Pakistan. The panel discussed this deadly relationship and the Obama administration’s disregard of the danger of blowback.

Blowback is defined as violent counter-attacks carried out as revenge for drone strikes that have killed thousands, many of whom were doing nothing more threatening than going to the market or attending a funeral.

After a drone attack killed 13 Yemenis by “[mistake](#)” in September, relatives of those killed in the strike spoke with the clarity and carelessness that comes from the mixture of mourning with rage.

“You want us to stay quiet while our wives and brothers are being killed for no reason. This attack is the real terrorism,” said Mansoor al-Maweri, whom [CNN reports](#) as being “near the scene of the strike.”

Then there was this from “an activist” who lives near the site of the September massacre: “I would not be surprised if a hundred tribesmen joined the lines of al Qaeda as a result of the latest drone mistake,” said Nasr Abdullah. “This part of Yemen takes revenge very seriously.”

[Reuters explains](#) that “Western diplomats in Sanaa say al Qaeda is a threat to Yemen and the rest of the world.” An argument can be made that a bigger threat to the world is the United States’ daily drone attacks that destroy our own dedication to the rule of law and serve as effective recruiting tool for those seeking revenge for the killing.

The former CIA Pakistan station chief agrees. Speaking of the rapid expansion of the drone war in Yemen, [Robert Grenier told the Guardian \(U.K.\)](#):

That brings you to a place where young men, who are typically armed, are in the same area and may hold these militants in a certain form of high regard. If you strike them indiscriminately you are running the risk of creating a terrific amount of popular anger. They have tribes and clans and large families. Now all of a sudden you have a big problem.... I am very concerned about the creation of a larger terrorist safe haven in Yemen.

We have gone a long way down the road of creating a situation where we are creating more enemies than we are removing from the battlefield. We are already there with regards to Pakistan and Afghanistan.

As part of their discussion, the panel featured on the NPR program wondered whether the appreciation of this very real threat — a threat made more imminent with every new drone strike — is what prompted the president to start work on a rule book for the drone war.

Julian Barnes suggests that the rule book is less of a guide to be followed by the president and the CIA in their winnowing of the kill list, and more of a justification of that mission should another country



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initiate a similar scheme aimed at Americans.

“What the US does with its drone program will establish the rules, the customary international rules, over time, for the rest of the world.... If you want to stop the Chinese or the Pakistanis ... from having a targeted killing campaign that is not terribly precise ... you need to establish clear rules” for when civilians can be killed, Barnes said.

Barnes’s point is important. There is little room to defend U.S. drone strikes based on an appeal to international law. There is no due process and the number of innocent men, women, and children killed “collaterally” in the firestorm of missiles delivered by these drones is shocking. Given that the execution of this murderous plan already exists outside of the law, what is to stop another country — China, for example — from searching for threats to its national security living in the United States and sending its own drones to track and kill them? Philosophically, there would be no difference in the Chinese program and that currently carried out daily by the government of the United States in Afghanistan, Pakistan, Yemen, and elsewhere.

As [reported by the New York Times](#), however, President Barack Obama prepared for a potential election night defeat by working on a death-by-drone rulebook.

According to the article, the book would provide guidelines for the targeting of “terrorists” by the White House aimed at justifying the summary execution of those identified as threats to national security. “There was concern that the levers might no longer be in our hands,” said one official, speaking on condition of anonymity and quoted in the *New York Times* story.

Although seemingly unconcerned about setting limits on the extraordinary power to order the death by remote control of anyone — an [unarmed American teenager](#), for example — when it is exercised by himself, President Obama didn’t want his would-be successor to inherit such boundless authority.

What was once an eleventh-hour electoral priority is now little more than a long-range goal that will be “finished at a more leisurely pace,” writes Scott Shane.

Jaffer of the ACLU addressed this story during the NPR appearance: “The Obama administration is right to worry about how the power will be used by the next administration, but I think Americans ought to be worried about how the power is being used by this administration as well.”

A [writer at PrivacySOS](#) agrees:

At the very least, the Obama administration should come clean and tell us how it chooses its targets, and clearly spell out how it justifies the program under domestic and international law — not in leaked anonymous quotes to the *New York Times*, but in legal memos and government documents disclosed under the Freedom of Information Act.

Will Americans be more engaged in the fight to force the president to “come clean” about the method to his drone war madness when the first missile is fired killing a target inside the United States?

*Photo of MQ-9 Reaper Unmanned Aerial Vehicle*

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