

Drone Warfare—What Do We Make of It?

By

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In August, 2009, as Jane Mayer described in “The Predator War” (*The New Yorker*, October 26, 2009), Baitullah Mehsud, the leader of the Taliban in Pakistan and one of the most-wanted terrorists in Pakistan, lay reclining on a rooftop in the South Waziristan region. He was joined by his wife and his uncle, who was a medic. Unbeknownst to him, others were watching: officials at the CIA in Langley, Virginia observed him on a live video feed relaying closeup footage captured by the infrared camera of a Predator drone, a remotely controlled plane that had been hovering two miles or so above the house. The image remained stable when the CIA remotely launched two Hellfire missiles from the Predator. After the dust cleared, all that remained of Mehsud was a detached torso. Eleven others died: his wife, his father-in-law, his mother-in-law, a lieutenant and seven bodyguards.

Pakistan’s government considered Mehsud its top enemy, holding him responsible for the vast majority of recent terrorist attacks inside the country, including the assassination of former Prime Minister Benazir Bhutto, and the bombing of the Marriott Hotel in Islamabad, which killed more than fifty people. Mehsud also was thought to have helped his Afghan confederates attack American and coalition troops across the border. The Pakistani press was jubilant. “Good Riddance, Killer Baitullah,” trumpeted the Pakistani newspaper *Dawn*.

The U.S. military runs America’s drone program in the recognized war zones of Afghanistan and Iraq, targeting enemies of our troops stationed there. The CIA’s program is aimed at terrorism suspects around the world, including in Pakistan and other countries where U.S. troops are not based. Civilians in the safety of a room thousands of miles away direct the attacks, using joysticks resembling video-game controls as they watch live video feeds on large, flat-screen monitors. “A virtueless war,” Sir Brian Burridge, a former British Air Chief Marshal in Iraq, has dubbed this form of combat, since it requires neither courage nor heroism.

Killings with missiles fired from unmanned aerial vehicles (often called UAVs or drones) have been labeled targeted assassinations and extrajudicial killings. Gary Solis, an eminent Georgetown scholar on the laws of war, has claimed that CIA agents and CIA contractors who arm and pilot UAVs over combat zones in Afghanistan and Pakistan are themselves unlawful combatants and hence legitimate targets for the enemy.

People who have witnessed an air strike live on a monitor describe it as both awe-inspiring and horrifying. “You could see these little figures scurrying, and the explosion going off, and when the smoke cleared there was just rubble and charred stuff,” a former CIA officer explained to Mayer. Human beings running for cover are such a common sight that they have inspired a slang term: “squirters.”

Yet drone attacks have become official policy. In an address at West Point in late 2009, President Obama, referring to the border region of Pakistan, said “that we cannot tolerate a safe haven for terrorists whose location is known and whose intentions are clear.” CIA director Leon Panetta described the Predator program as America’s single most effective weapon against Al Qaeda, “the only game in town.” According to Bruce Riedel, an active participant in these debates, “the only pressure currently being put on Pakistan and Afghanistan is the drones. It’s really all we’ve got to disrupt Al Qaeda. The reason the Administration continues to use (UAVs) is obvious; it doesn’t really have anything else.” Drone supporters argue that strikes are precise, limited in collateral damage compared to conventional bombing or artillery attacks and they save the lives of U.S. soldiers. Kenneth Anderson, a leading advocate of drone attacks, says: “The technology represents a step forward in discrimination in targeting that should be understood as a major humanitarian advance.”

According to Thomas J. Billitteri in “Drone Warfare: Are strikes by unmanned aircraft ethical?” (*CQ Researcher*, August 6, 2010), by August, 2010, the Obama administration had carried out at least 101 drone strikes in Pakistan alone, more than twice the total executed by the Bush administration from 2004 through 2008. The U.S. also has targeted suspected militants in other remote trouble spots where it is not engaged in open hostilities, such as Yemen and Somalia. In its 2011 budget, the Air Force has requested more drones than piloted combat aircraft.

Allegations of high civilian casualty rates have heightened the drone controversy. Estimates in the media vary widely, indeed wildly. An oft-cited study by the New American Foundation of drone strikes in Pakistan, however, puts the non-militant fatality rate since 2004 at about 28 per cent, and in 2010 more like eight per cent.

The CIA’s involvement adds complexity, as does the secrecy that cloaks these attacks. Michael Walzer, a legal philosopher, has described feeling unsettled by the notion of an intelligence agency wielding such lethal power in secret. “People are being killed, and we generally require some public justification when we go about killing people.” That targeted killings in Pakistan also have been coordinated by the notorious private security firm Blackwater (now called Xe) further clouds the picture.

As Jane Mayer stated in her article, this “embrace of the Predator program has occurred with remarkably little public discussion, given that it represents a radically new and geographically unbounded use of state-sanctioned lethal force. And, because of the CIA program’s secrecy, there is no visible system of accountability in place, despite the fact that the agency has killed many civilians inside a politically fragile, nuclear-armed country with which the U.S. is not at war.”

Last March, in apparent response to such criticisms, Harold Koh, the State Department’s Legal Advisor in a speech to the American Society of International Law, offered for the first time the administration’s rationale for the legality of the drone strikes. While noting the obvious limits to what he could say publicly, he claimed that “U.S. targeting

practices, including lethal operations conducted with the use of (UAVs), comply with all applicable law, including the laws of war.” Our nation is in “armed conflict with al Qaeda, the Taliban and associated forces in response to the horrific 9/11 attacks, and may use force consistent with its inherent right to self-defense under international law...As recent events have shown, al Qaeda has not abandoned its intent to attack the (U.S.), and indeed continues to attack us. Thus, in this ongoing armed conflict, the (U.S.) has the authority under international law, and the responsibility to its citizens, to use force, including lethal force, to defend itself, including by targeting persons such as high-level al Qaeda leaders who are planning attacks.” Great care is taken to adhere to principles requiring that attacks be limited to military objectives, and prohibiting attacks that may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, that would be excessive in relation to the military advantage anticipated. Lastly, “our procedures and practices for identifying lawful targets are extremely robust, and advanced technologies have helped to make our targeting even more precise.”

Even as we recognize the obvious constraints imposed by legitimate needs for secrecy, however, somehow we would like to know more than what these legalistic and conclusory statements reveal. Whatever our opinion of the Obama administration, we understand the potential for excessive concealment by our nation’s enormous national security apparatus, and remember too well occasions in the past when our government has misled us.

Drone attacks are serious business. Even those who accept the need for them want to be sure that an exceptional degree of care has been employed in identifying targets and assessing the potential extent of collateral damage, and that political and strategic ramifications have been assessed expertly. To ensure all this and given human frailty, the system must be hedged about with safeguards. Finally, we need to feel certain that, over time, those who conduct these killings will not become desensitized, so that these strict standards are relaxed and the safeguards get to be annoying hindrances.

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