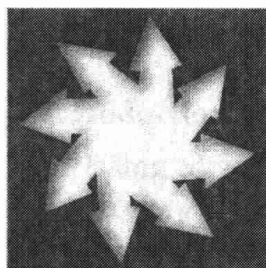


Drones



at  issue

INTERNATIONAL POLITICS



At Issue

I Drones

Louise Gerdes, Book Editor



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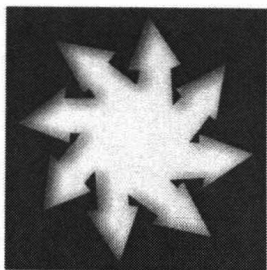
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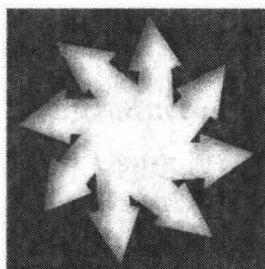
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Introduction

Unmanned aerial vehicles, commonly referred to as drones, serve many roles in domestic, military, and Central Intelligence Agency (CIA) operations. Indeed, the controversies surrounding drones are closely related to how they are used by the government. According to military historians, the original role for drones was to conduct surveillance in hostile territory without risking a pilot's life. When in 1960 Francis Gary Powers and his U-2 spy plane were shot down over the Soviet Union,¹ the United States Air Force (USAF) launched a classified program to develop unmanned surveillance aircraft. Although the US military would not comment on Communist Chinese claims that the United States used drones during the Vietnam conflict, military leaders later officially confirmed their use. USAF General George S. Brown explained in 1972, "The only reason we need [UAVs] is that we don't want to needlessly expend the man in the cockpit."² General John C. Meyer, then commander in chief of the Strategic Air Command, that same year agreed: "We let the drone do the high-risk flying. . . . They save lives!"³

The military continues to use drones for surveillance. In fact, drones provided surveillance video prior to the US Navy SEAL attack that killed Osama bin Laden, on May 2, 2011. Reflecting their ability to see from afar or go unnoticed, surveillance drones are given names such as Wasp, Gnat, Dragon Eye, and Global Hawk. The names of drones that serve a more deadly purpose have equally reflective names. Predator and

1. Francis Gary Powers was convicted of espionage by the Soviet judicial system and sentenced to three years imprisonment and seven years of hard labor. However, he served a little less than two years, when he was traded for the Soviet spy Colonel Rudolf Ivanovich Abel. This incident created a culture of mistrust that some claim culminated in the Cuban Missile Crisis of 1962.

2. As quoted in William Wagner, *Lightning Bugs and Other Reconnaissance Drones*, Fallbrook, CA: Armed Forces Journal, 1982.

3. *Ibid.*

Reaper drones are hunters and killers. The USAF Predator, originally designed to carry cameras and sensors to conduct reconnaissance, was later upgraded to fire Hellfire missiles.⁴ Following the terrorist attacks of September 11, 2001, the Predator became the primary aircraft used during military and CIA operations in Afghanistan and the tribal areas of Pakistan where many terrorists hide. The Reaper, the prototype of which is known by its manufacturer, General Atomics, as Predator B, is larger, faster, and more capable. It can carry more ordnance and has more advanced surveillance sensors. Its use is primarily military but versions of the Reaper have been used by NASA for research and to map the 2007 wildfires in California. The infrared sensors of another version of the Reaper provide the US Customs and Border Protection (CBP) optimal views of activity on the nation's borders. These versions, however, have less deadly names. The CBP version is called Guardian and the NASA version, Ikhana, which in the language of the Native American Choctaw nation means "intelligent."

Although some question the domestic use of surveillance drones, few question their use in the military. However, when drones are used as weapons of war, even some in the military express concern over their impact. Andrew Exum, a former Army Ranger and coauthor of a study on counter-insurgency warfare, maintains, "there's something about pilotless drones that doesn't strike me as an honorable way of warfare."⁵ Although Exum helped design the military's doctrine for using unmanned drones, he suggests, "There's something important about putting your own sons and daughters at risk when you choose to wage war as a nation. We risk losing that flesh-and-

4. The Hellfire missile is a proven air-to-surface tactical missile in use since the mid-1980s. The military developed the missile primarily to defeat armored vehicles. The Hellfire is the primary precision weapon used by the US armed forces and many other nations.

5. As quoted in Jane Mayer, "The Predator War," *New Yorker*, October 26, 2009.

blood investment if we go too far down this road.”⁶ Although military leaders try to balance the lifesaving benefits and ethical challenges of drone warfare, the military use of drones remains controversial.

The most contentious use of drones, however, is the targeted killing of suspected terrorists by the CIA. Those critical of the use of drones to target terrorists oppose their use for several reasons. Some argue that the collateral damage to civilians is too great. Reports vary over the actual numbers, but according to the New America Foundation, a Washington, DC, think tank, as many as a third of the casualties of drone strikes between 2004 and 2008 were civilians. Others argue that such attacks violate the sovereignty of nations not at war with the United States. In truth, Pakistan, the location of a majority of drone strikes, is one of America’s greatest allies in the fight against terrorism. Opponents believe that drone attacks increase anti-Americanism in Pakistan and in turn create future terrorists. Although the Pakistani government generally condones strikes designed to kill the terrorists living in its tribal regions, the collateral damage has led some Pakistani leaders to oppose the US drone policy.

Moreover, some drone opponents claim, CIA drones are piloted by civilians. Since CIA drone pilots are not soldiers, CIA drone strikes are illegal, these commentators claim. Opponents label these strikes extrajudicial killings—executions conducted without the due process of law. Opposition increased when in Yemen, on September 30, 2011, CIA drone strikes killed two al Qaeda commanders who were also Americans. Indeed, following these attacks, US senator Ron Wyden led a campaign to gain access to the decision-making process behind these killings and called for increasing transparency of CIA drone strikes. In fact, Wyden and others in Congress held up the congressional hearings to confirm the new CIA director, John Brennan, in order to pressure the Obama adminis-

6. *Ibid.*

tration to provide access to classified presidential memos on drone strikes and to hold the CIA accountable. According to Wyden, "I think every American has the right to know when their government believes it has the right to kill them."⁷

Drone strike supporters, on the other hand, believe the strikes are both legal and necessary. In truth, a February 2012 *Washington Post*–ABC News poll revealed that 83 percent of Americans approve of the Obama administration's drone policy, and 65 percent approve of using drones to target US citizens abroad. Attorney General Eric Holder, in a March 5, 2012, speech at Northwestern University Law School, maintained, "The unfortunate reality is that our nation will likely continue to face terrorist threats that—at times—originate with our own citizens. When such individuals take up arms against this country—and join Al Qaeda in plotting attacks designed to kill their fellow Americans . . . we must take steps to stop them—in full accordance with the Constitution."⁸ Drone advocates often argue that the modern war on terror requires a broader view of warfare. In a September 16, 2011, speech at Harvard Law School, John O. Brennan asserted, "The United States does not view our authority to use military force against Al Qaeda as being restricted to 'hot' battlefields like Afghanistan."⁹ Attorney General Holder agrees: "In this hour of danger, we simply cannot afford to wait until deadly plans are carried out. This is an indicator of our times—not a departure from our laws and our values."¹⁰

Commentators continue to contest whether the use of drones is a necessary counterterrorism tool or whether targeted drone strikes are instead a form of extrajudicial killing that involves unnecessary collateral damage. The authors of

7. As quoted in Tal Kopan, "Still 'Long Way to Go' Getting Answers on Drone Memos," *Politico*, March 13, 2013. <http://www.politico.com/blogs/under-the-radar/2013/03/wyden-still-long-way-to-go-getting-answers-on-drone-159211.html>.

8. Eric Holder, speech at Northwestern University Law School, March 5, 2012.

9. John O. Brennan, speech at Harvard Law School, September 16, 2011.

10. Holder, *op. cit.*

the viewpoints in *At Issue: Drones* explore these and other issues in the drone debate. Efforts to increase the transparency of US drone policy continue as do requests to further expand the use of drones. According to a 2012 Pentagon report, drones remain a key component of the military's counterterrorism force. The report called for a 30 percent increase in the Department of Defense's drone fleet. In addition, in 2012, the Federal Aviation Administration issued as many as 285 permits to test drone use in American airspace. Some analysts assert that the revolution in unmanned aviation will only increase in scope and sophistication. How policy makers respond to the legal and ethical challenges posed by drones remains to be seen.

Using Strict Standards, Targeting with Drones Is Legal and Effective

Afsheen John Radsan

Afsheen John Radsan, law professor at William Mitchell College of Law, was assistant general counsel at the Central Intelligence Agency from 2002 to 2004.

Terrorists are in essence armed combatants at war with the United States. Thus, using drones to target and kill them is legal according to international laws that govern warfare. However, because US drone pilots do not face the same risks as soldiers in the battlefield, they must meet strict standards of certainty that those targeted are indeed terrorists. In addition, to avoid abuses and ensure accountability, drone strikes should be subject to oversight. Such precautions are necessary so that drone warfare meets the guidelines of armed conflict under international law. In the end, targeted killing with drones is effective if it is proportionate—the impact on the enemy is much greater than any collateral damage.

“... [CIA] sharpshooters killed eight people suspected of being militants of the Taliban and Al Qaeda ... in a compound that was said to be used for terrorist training. Then, the job in North Waziristan [Pakistan] done, the CIA officers could head home from the agency’s Langley, Va., headquarters, facing only the hazards of the area’s famously

Afsheen John Radsan, “Loftier Standards for the CIA’s Remote-Control Killing,” Statement for the House Subcommittee on National Security & Foreign Affairs,” April 28, 2010.