

THE POLITICAL EFFECTIVENESS, LEGALITIES  
AND IMPLICATIONS OF  
DRONE USE

THESIS

Presented to the Graduate Council of  
Texas State University-San Marcos  
in Partial Fulfillment  
of the Requirements

for the Degree

Master of ARTS

by

Lena N. Brewster, B.A.

San Marcos, Texas  
August 2013

**COPYRIGHT**

by

Lena Noel Brewster

2013

## **FAIR USE AND AUTHOR'S PERMISSION STATEMENT**

### **Fair Use**

This work is protected by the Copyright Laws of the United States (Public Law 94-553, section 107). Consistent with fair use as defined in the Copyright Laws, brief quotations from this material are allowed with proper acknowledgement. Use of this material for financial gain without the author's express written permission is not allowed.

### **Duplication Permission**

As the copyright holder of this work I, Lena Brewster, authorize duplication of this work, in whole or in part for educational or scholarly purposes only.

## **ACKNOWLEDGEMENTS**

This thesis was made possible through the tireless efforts of my chair, Dr. William Ruger. Dr. Ruger taught me in many courses encouraging me how to analyze and parse difficult security texts. Dr. Ruger was instrumental in my choice to write a thesis as I believed the option would perhaps be useful in application for Ph.D. programs. Dr. Ruger made learning fascinating. The classroom discussions were lively. Dr. Ruger consistently took time for his students and surrounded them with opportunities to learn from other specialists in the International Studies field as well.

Dr. Gorman gave me an introduction to International Law. His guidance provided a framework to understand the drone issue. Dr. Gorman graciously showed me how to strengthen my approach to the legalities inherent in the drone issue, presenting them in a coherent fashion. Dr. DeHart had brilliant recommendations for all further writing I do on the drone issue and was an invaluable sounding board for my recommendations for policy. Harry McIntyre gave me much support throughout my graduate career. His technological assistance and rereading of the text was of great assistance. My mother, Sheree McIntyre, should not be left out of these acknowledgments as she helped me with formatting requirements. She provided great support and always encouraged me.

This manuscript was submitted on April 22, 2013.

## TABLE OF CONTENTS

	Page
ACKNOWLEDGEMENTS.....	v
CHAPTER	
I. INTRODUCTION.....	1
Counterinsurgency.....	3
II. POLITICAL EFFECTIVENESS OF DRONE WARFARE.....	6
Why drones are favored.....	9
Reason 1: Drones save American service members lives.....	9
Reason 2: Targeted killing is believed to be a precise and effective means of warfare.....	11
Reason 3: The use of drones left unchecked is serving to expand the American Presidents power.....	12
Why drones fall into political disfavor.....	17
Drones collateral damage may result in blowback and militant recruitment.....	17
Drones are counterproductive to counterinsurgency strategy.....	26

	Drones do not provide for precision killing as administrations have claimed.....	29
	Global opinion is low which makes using drones a political liability.....	32
	The U.S. is undermining its global promotion of democracy through using drones.....	36
	The U.S. is setting a poor international precedent.....	39
III.	LEGALITIES SURROUNDING U.A.V.'s .....	41
	The scholarly arguments for drones.....	43
	The scholarly arguments against drones.....	47
	The power to declare war: when launching an armed u.a.v. is constitutional.....	57
	The main legal documents for a framework on the domestic and international legalities of deploying drones.....	63
	National Defense Authorization Act of 2012.....	66
	The views on the International Custom of Self-Defense as expressed through Article 51 of the U.N. Charter.....	67
	Administration's rhetorical posturing to promote drones.....	68
	A small amount of government transparency leads to an unclassified Justice Department white paper.....	72

	Ramifications.....	75
	Current policy recommendations.....	77
IV.	THE FUTURE OF DRONE WARFARE.....	81
	Iran.....	81
	China.....	84
	Drones can increase the possibility of war.....	87
	U.S. drone research and development.....	87
	Terrorism and drones.....	88
	Cyber warfare and drones .....	91
	The power and reputation of the U.S. President.....	92
	Conclusion.....	94
	BIBLIOGRAPHY.....	97

## **CHAPTER I**

### **INTRODUCTION**

The United States has witnessed with each passing presidency an expansion in the executive's power; this is especially true of the power to wage war. The United States hasn't had a formal declaration of war given by Congress since the United States entered WWII in 1941 (Singer 2009, 319). Since then the United States has engaged in many military operations including, but not limited to, the Vietnam War, the Persian Gulf War, and the Global War on Terrorism including Operation Enduring Freedom and Operation Iraqi Freedom (Fischer 2005). In the past two administrations the United States has used armed drones to carry out military missions. This paper will address what is known regarding the framework of the U.S. foreign policy of unmanned aerial vehicles. Key sections to be examined include the political effectiveness of drones in warfare and the legalities surrounding drone warfare. This thesis will offer some policy recommendations as the future possibilities of drone warfare are examined. This will be accomplished through a review of previous expansions of presidential power, an examination of the political and military wisdom in the current policy, as well as the possible future of warfare through drone's utilization both domestically and abroad by the United States. An examination will also be conducted of the international community's legalities regarding such warfare. The global reaction to the American use of drones will be looked



at in this paper as well. Scholarly viewpoints of the United States reliance on the technology and lack of transparency regarding the targeted killing process will be examined.

This recent heavy reliance on the technology has implications for the American Presidency and American foreign policy. The United States must ask what level of authority the President is given as Commander-in-Chief. To carry on military incursions in states that have not been given a declaration of war by the U.S. Congress over a long period of time lacks transparency. Such continued military operations also raise the vital question of who declares war the United States Congress or the President. Drones have been used by the American President to expand his power in ways that previously were unheard of. In former years the president may have decided to conduct a short mission without informing congress or asking for a declaration of war. Today, the engagement in Pakistan marks the first time that the United States has ever continually sent bombs into another state that was considered our ally with questionable permission from the Pakistani government. The drone offensive against terrorism has not been confined to Pakistan, but has also been used in other states such as Yemen and Somalia to a far lesser extent. There are geopolitical ramifications that have yet to be brought to the full fruition of their impact as a result of continuing the present drone policy. There are strategic implications to using drones in terms of how war is conducted. For example, a strategy of mainly relying on drones and to a far lesser extent Special Operations Forces in an allied state like Pakistan without having Congressional approval for war with them is enough to cause a backlash in Pakistan (Sanger 2012, 244). Pakistan be angered to the point of

retaliation, but there may be international ramifications as the U.S. is seen throwing around its weight without publicly declaring war. This policy of drone strikes certainly isn't good for the Pakistani people and it may not be good for the U.S. as well. From a strategic vantage point, experts agree the United States loses valuable intelligence when employing a strategy of killing instead of capturing terrorists (LaFranchi, Drone Strikes: Should the US capture, and not kill, Al Qaeda leaders? 2012). President Obama's detractors have suggested he relies on drone strikes so as to avoid the political fallout of capturing and detaining terrorists (LaFranchi, Drone Strikes: Should the U.S. capture, and not kill Al-Qaeda leaders? 2012).

#### Counterinsurgency

President George W. Bush and President Obama both used drones without making their logic transparent to the American people, both decided to utilize counterinsurgency tactics on the wars they waged. The accountability for their foreign policy can only come from the American people. The problem with the counterinsurgency tactics is that they have been implemented in a half hearted fashion. Over a decade has been spent in Afghanistan. The U.S. began with a premise of nation building, backed off and then in a limited fashion reinstituted the policy (D. Sanger 2012, 46). This half hearted approach in Afghanistan coupled with the alienation of the people in Pakistan from the United States due to the drone strikes in the part of Pakistan known as Waziristan has undercut what would be a more decisive use of drone technology. Drone technology is used more precisely when employed as part of a greater counterinsurgency strategy. While the Pakistanis were not known for affection for the

United States prior to the institution of the drone program, the drone program has not been one of endearing Pakistanis to the U.S. either. The study Living under Drones conducted by Stanford University's law clinic and New York University's law clinic revealed that there is considerable fear instilled in the people who live in the areas of Pakistan where drone strikes are occurring that in turn causes deep psychological problems for the residents (International Human Rights and Conflict Resolution Clinic at Stanford Law School and Global Justice Clinic at New York University School of Law, Living Under Drones: Death, Injury and Trauma to Civilians From U.S. Drone Practices in Pakistan 2012). Pakistan's government is seen as being less legitimate since the advent of drone strikes in that state for two reasons. First, because Parliament's sentiments on drone strikes are being ignored, the sovereignty of that state's government is undermined (Woods 2012). Secondly, Pakistani sovereignty is being undermined because the U.S. is giving military aide to the government in Pakistan but conducting the strikes without the joint cooperation of the Pakistani government (M. Boyle, The Costs and Consequences of Drone Warfare 2013, 3).

The split personality use of the lighter force footprint with half hearted counter insurgency tactics is a recipe for minimum short term benefits and the possibility of disastrous long term results as "everyone of these dead non-combatants represents an alienated family, a new desire for revenge and more recruits for a militant movement that has grown exponentially even as drone strikes have increased (M. Boyle, The Costs and Consequences of Drone Warfare 2013, 10)." The war in Afghanistan may not result in a strong enough democracy to rule itself without the support of the strong arm of the

American military. This thesis will offer recommendations on the changing of the drone policy. This includes a better public legal rationalization by the government, further transparency, a commitment to congressional oversight of the drone program. This thesis will make the case that counter insurgency is a positive way of addressing terrorism. The backlash that is coming from using drones without a military doctrine for them and apart from a greater foreign policy grand strategy is detrimental to the president's international political standing. The power being gained by the president to conduct such a military mission without congressional oversight is not something that will benefit the executive branch as the current approach may diminish the United States international standing and hinder promotion of democracy abroad. Left alone the current drone policy does not strongly help the United States gain long term safety and undermines her international projection as a standard of liberty. The present use of drones complicates the already tense relationship with states like Iran. China's gaining of drones will probably deeply concern many Americans, as many see the state as a rising superpower. The U.S. must rethink its current approach to the utilization of drones to retain the military and political edge in the world.

## **CHAPTER II**

### **POLITICAL EFFECTIVENESS OF DRONE WARFARE**

The United States Unmanned Aerial Vehicle Program enjoys a sixty two- percent approval rating in the United States (Pew Global Attitudes Project 2012). There are many reasons for the high domestic approval of this policy. The first reason is that a president does not have to send in ground troops invading a state to root out terrorists if he is able to use an alternative targeting method instead such as drone warfare. The second reason is that targeted killing through drone strikes is believed to be a precise form of killing with extremely limited collateral damage (International Human Rights and Conflict Resolution Clinic (Stanford Law School) and the Global Justice Clinic (NYU school of Law) 2012). The third reason is perhaps unspoken, but nonetheless just as valid. The use of drone warfare allows the American President an expansion of his military power within the U.S. structure of government. This third reason is a point that should be closely evaluated. If the president has some accountability other than the immediate domestic political ramifications of his actions such as having congressional oversight of the drone program or even a greater transparency of the decision making process to the American public on how individuals are targeted it could transform the current policy on the practice of drone strikes today. Congressional oversight mechanisms could possibly

increase the accuracy of targeting which has crucial strategic implications as Admiral Mike Mullen has warned (International Human Rights and Conflict Resolution Clinic (Stanford Law School) and the Global Justice Clinic (NYU school of Law) 2012, Strategic Considerations).

Each time an errant bomb or a bomb accurately aimed but against the wrong target kills or hurts civilians, we risk setting out strategy back months, if not years. Despite the fact that the Taliban kill and maim far more than we do, civilian casualty incidents such as those we've recently seen in Afghanistan will hurt us more in the long run than any tactical success we may achieve against the enemy (International Human Rights and Conflict Resolution Clinic (Stanford Law School) and the Global Justice Clinic (NYU school of Law) 2012, Strategic Considerations).

One option other than allowing for congressional oversight would be to have Congress declare war on Pakistan and a full counterinsurgency and nation building attempt to take place. The drawback to this approach is that a full on counter insurgency campaign could cause a great amount of blowback. This option is costly in blood and treasure and is by no means the best option available to the president. Robert Pape wrote an article called The Moral and Strategic Logic of Suicide Terrorism in which he argued that one of the aims of suicide bombers is to get occupying states to withdraw from the terrorist's homeland territories (Pape 2003, 344). A counterinsurgency may result in more terrorist strikes than the lower impact targeted killing through drones. The question that must be answered then is if the drone program is America's least bad option for combating international terrorism as many have suggested (Ingersoll 2013). This question is answered through reviewing multiple aspects of the pros and cons to conducting drone strikes.

While the American public approval rating for the drone warfare program is high, the international approval for Obama's choice method of counterterrorism is low; this is especially true of states in the Middle East (Pew Global Attitudes Project 2012). The use of drones is counterproductive to the United States previously supported counterterrorism strategy of counter insurgency, as it alienates those in the Middle East rather than seeking to win their "hearts and minds." One program used to win "hearts and minds" is conducted through the U.S. Dept. of State across fifty countries is called "Access" and teaches the English language to young students who hail from poor families (Slackman 2009). Such an education allows for a young person to begin appreciating the differences between cultures versus adapting to the strict homogeneity that is valued in their host state (Slackman 2009). Seeing as how only fifty six percent of the populous in Pakistan are literate and sixty two percent in Yemen, teaching English is an excellent tool to encourage inter-cultural dialogue (UN Data 2012).

The United States may see an undermining of its reputation of promoting democracy as the democratically elected Pakistani government has requested the drone strikes to stop and yet the United States perpetuates these attacks. This perpetuation of strikes without the full support of the Pakistani government calls into question whether or not the United States is respecting the Pakistani states' sovereignty. While the short term benefit of not losing blood and treasure by invading states with boots on the ground is a strong incentive to use drones, the United States is likely to face the problem of "blowback" in the long term with disaffected individuals being recruited towards terrorism and carrying out more future attacks on the United States (Shane 2013). The

drone program faces a problem of not killing the top level of leadership with the drone strikes a majority of the time nor is it truly precise in not causing great collateral damage (International Human Rights and Conflict Resolution Clinic (Stanford Law School) and the Global Justice Clinic (NYU school of Law) 2012). Furthermore, the drone program could set a poor international precedent for the use of drones as other states gain the technology. These points will be explicated in this thesis.

Why drones are favored

Drones are politically effective for the U.S. president for the following three reasons:

Reason 1: Drones save American service members lives

Two key costs are taken into consideration when a war may commence: blood and treasure. The American Congress rather than the President was given the authority under the Constitution to declare war so as to be different from the European monarchies that went to war for purposes of prestige at great cost to both lives and the national treasury today known as the economy (Webb 2013). It has been postulated by some political scientists that long wars affect the president's popularity more for a financial cost than the number of lives lost (Keating 2010). In addition the toll of the economy being at war has on reducing a president's popularity; loss of service members lives can also contribute to political pressure to maintain presidential power. For example, when the American media started demonstrating caskets coming home in Vietnam it had a great political backlash. As a result of this effect, as recently as the Iraq War in 2004 the Pentagon was encouraged to maintain a ban on showing coffins on television (Associated



Press 2004). Drones are effective financially; without having to invade a state the dollars spent on warfare are greatly reduced. Drones also offer a slightly less hardware cost than using other air power (Boyle 2012, 3). In terms of lives saved, the argument for drones is that because they are unmanned aerial vehicles they save service members from the risks of operating an aircraft while inside of it. The United States Army declares "Unmanned platforms are the emerging lethal and non-lethal weapons of choice that will continue to transform how the army prosecutes future operations and ultimately save lives (Bruno 2013)." If American military officials see the value in drone use, then they will argue for more funding for the research and development of those drones. American military officials certainly influence the civilian controllers of the military in every way from budget requests for items it considers necessary to statements of belief as to the best military strategies to implement in conflicts and crisis.

All of the military lobbying will mean little if civilian leadership are not politically and strategically astute about the best way to accomplish the objective of national security. The "lighter footprint" strategy is one that was designed to save blood and treasure. The idea of having "a lighter footprint" as David Sanger calls the reliance on the use of unmanned aerial vehicles and cyber weapons is to lessen the financial burden and number of lives lost when the United States is going into combat (D. Sanger 2012, 243). Drones have changed how the United States utilizes air power, and making it into a more accessible tool than a land invasion. Drones have changed how the U.S. uses air power; like air power has changed so has the way the U.S. puts "boots on the ground."

When generals strategized how best to use their ground troops, a ratio of 3-1 was seen as essential for an invading force to have success (Boot 2003, 44). It was considered a major success in the second Iraq war that American troops were able to win in spite of being outnumbered at a 3-1 or perhaps even 4-1 disadvantage (Boot 2003, 44). In WWII, the German military took three states, in the process losing 27,000 men in a matter of 44 days (Boot 2003, 44). At the time, this was considered a military feat, so for the U.S. to invade Iraq successfully in less than 30 days losing less than 30 men is an extraordinary military feat (Boot 2003, 44). This historical snapshot makes it easier to see that the obvious trend of militaries is to attempt to lose fewer men with taking more territory in a shorter amount of time. For generals and politicians alike the ability to use unmanned aerial vehicles is an apparent dream come true. Without having to send in troops, the days of the loss of robots instead of men is tantalizing in appeal.

Reason 2: Targeted killing is believed to be a precise and effective means of warfare

The United States is using drone strikes in response to states allowing terrorists to use their territory to be a platform for planning terror strikes. Drones are the chosen tool in response to these illegal safe havens because drones are believed to be a more humanitarian way of killing. President Obama stated:

I want to make sure the people understand, actually, drones have not caused a huge number of civilian casualties. For the most part they have been very precise precision strikes against al-Qaeda and their affiliates.... It is important for everybody to understand that this thing is kept on a very tight leash. It's not a bunch of folks in a room somewhere just making decisions (Inside Story Americas 2012).

The point Obama is making is one staunchly held by his administration. John Brennan was President Obama's right hand man on counterterrorism policy. Brennan has stated that the drone program operates with surgical precision (The Economist 2013). It's not only administration officials who have made the argument that drones are precise, some academics have as well. The Yemeni President helped Obama make his case for using drones. After the Arab Spring, the new President of Yemen elected in 2012, declared of drones that "They pinpoint the target and have zero margin of error, if you know what target you're aiming at (S. Shane, Yemen's leader praises drone strikes 2012)."

Reason 3: The use of drones unchecked is serving to expand the American President's power

President George W. Bush received a world that was status quo as usual until the terrorist events of 9/11 changed the way international warfare was perceived. While in the past states had dealt with terrorism, it was not on such a grand scale. For twenty years prior to September 11, 2001, terrorism when organized well claimed in sum around 1200 lives, in contrast to the approximate 3,000 deaths of 9/11/01 (Hardin 2003, 79). President George W. Bush was heavily criticized domestically for his counterterrorism measures. Allegations with merit abounded from George W. Bush's political opposition that the President was encroaching upon American's civil liberties through creating the "enemy combatant" phrase which enabled Americans to lose their constitutional rights and be subject to indefinite detention when under suspicion of terrorist activities (G. H. Lynch 2006 ).

The sweeping changes that President George W. Bush made were not that different from the extreme changes that President Franklin Delano Roosevelt made (Skowronek 2008, 9). F.D.R. faced opposition from Republicans who insisted that his New Deal was riddled with business regulations (Moore 2007, 384). It wasn't just economic regulations and the massive political overhaul that the New Deal brought that was troublesome. In the name of "military necessity," F.D.R. decided to lock up close to 120,000 American Japanese on the suggestion of his Lt. General John Dewitt (Ewers 2008 ). Dewitt, like many of the statesmen of his day, believed that the United States would be attacked from within by those of Japanese heritage in acts of sabotage (Ewers 2008 ). No such preemptive attack occurred within the United States from Americans, but tensions were still high after the attack upon Pearl Harbor (Ewers 2008 ). George W. Bush faced opposition from Democrats that his policies to encourage homeland security robbed the American people of their civil liberties. A key piece of legislation passed in the wake of 9/11 in the United States was the Patriot Act later in 2001 (FinCEN n.d.). In Britain the UK Anti-Terrorism, Crime and Security Act was passed also in 2001 as both the United States and the United Kingdom tried to brace for the future of the changing landscape of homeland safety threats (Neocleous 2006, 132).

In both the case of F.D.R. and George W. Bush, the adage of Benjamin Franklin is applicable to the governed populous: "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety (Neocleous 2006)." The weight of this responsibility weighs heavily upon presidents. President's promise "to the best of my ability, preserve, protect and defend the Constitution of the United States

(Library of Congress 2009).” Out of office, it is easy for statesmen to critique a sitting president. In office, balancing safety and liberty becomes a more arduous task.

The Presidency has an institutional retrenchment involved with it, meaning that successive Presidents find it easier to continue previous presidents’ policies than they do to change them (Skowronek 2008, 11). This could help explain why, when President Barak Obama assumed the White House, many of the predictions he made as to what he would change from his predecessor he did not keep. Chief among his campaign promises in 2008 was to close Guantanamo Bay (Negrin 2012). George W. Bush had begun the detention policies, and while President Obama wished to turn the tide on their treatment, as of his reelection in November of 2012 for another four years of the presidency, the detention facility remains open.

The presence of Guantanamo Bay irks some scholars. Professor Yoo, a former counsel to George W. Bush and current professor at the University of California at Berkeley wrote about Guantanamo Bay being left open.

Al-Libi’s death, however, may represent tactical success in the drone war at the expense of broader strategy. Recent stories in major newspapers portray a White House war room where Mr. Obama studies the files of potential targets, compiles a “kill list,” and makes the final decision on strikes—at last count, 269 in Pakistan, 38 in Yemen...The administration has made little secret of its near-total reliance on drone operations to fight the war on terror. The ironies abound. Candidate Obama campaigned on narrowing presidential wartime power, closing Guantanamo Bay, trying terrorists in civilian courts, ending enhanced interrogation, and moving away from a wartime approach to terrorism toward a criminal-justice approach. Mr. Obama has avoided these vexing detention issues simply by depriving terrorists of all of their rights—by killing them (Yoo, John Yoo: Obama, Drones, and Thomas Aquinas 2012).

It is true that there is less public outcry over the drones in Pakistan and other states than the deprivation of civil liberties of terrorists in Guantanamo. Strategy matters

when it comes to defeating terrorism, both militarily and politically. Scholar Kenneth Anderson would argue that due to all of the controversy over the treatment of detainees, it is less politically troublesome to kill terrorists than it is to put them in detention despite the loss of intelligence such a strategy costs (Anderson, *Targeted Killing in US Counterterrorism and Law* 2009). One former C.I.A. agent went on record to lament drone strikes because they result in the deprivation to counterterrorist operative's intelligence gathering that may be instrumental in stopping terror attacks (Thiessen 2010).

In the wake of 9/11, [the CIA] put forward a program that had a lethal component to strike back at the people who did this. But the other component was to prevent this kind of catastrophe from happening again. And for that, killing people -- especially killing senior al Qaeda leaders -- is potentially counterproductive in that we can't know or learn of future attacks. You can't kill them all, and you don't want to kill them all from an intelligence standpoint. We needed to know what they knew (Thiessen 2010).

While it is less politically detrimental to kill terrorists than to lock them away, human rights advocates must take a stand on deprivations of liberty or politicians will continue their policies unabated. Strategy is left to politicians who are likely to make a more politically expedient choice rather than one that takes into account the long term costs such as the loss of intelligence through killing rather than capturing suspected terrorists. Terrorist experts have a consensus that valuable intelligence is forfeited when the strikes are conducted but argue that the main alternative to conducting the strikes would be a land invasion, something that is far more politically reprehensible in the wake of Afghanistan and Iraq campaigns (LaFranchi 2012).

The president's expansion of power through drone warfare has gone beyond how often drones are deployed. Besides expanding the use of drones, President Obama has now become the judge, jury and for all practical purposes the executioner of those designated to be killed in the drone program. According to the New York Times, kill lists that are presented to the President allow him to pick out those who will be killed and those who will live when there is an expectation that there could be significant collateral damage accumulated in a drone attack (B. J. Shane 2012). This is not a point that should be minimized, this possibility that the president himself is giving greater attention to those missions that are estimated to have a greater amount of collateral damage. This argument is confirmed by similar research done on targeted killing conducted by Gregory S. McNeal. McNeal discusses a very strict administrative process that the U.S. government has of overseeing military missions where targeted killing is taking place (McNeal 2011, 331). He goes back further that the Obama Administration to the George W. Bush Administration and mentions a precedent Bush set (McNeal 2011, 331). In the 2003 war in Iraq Presidential oversight was required of any targeted killing mission where thirty people or more may be killed because it was seen to create an international political impact that should be approved by the Executive Branch of the United States government (McNeal 2011, 331).

Charles Krauthammer, writing for Fox News argues that Obama's kill lists are not something for the American people to be upset over and makes the generalization that this is a normal use of presidential power (Krauthammer 2013). To make his point, he uses the example of L.B.J. picking military strike targets in Vietnam personally

(Krauthammer 2013). U.C. Berkeley Professor John Yoo, another neo-conservative, offers a different perspective. Yoo states that L.B.J. made military strategic errors in his personally choosing targets and says President Obama is making the same mistake (Yoo, John Yoo: Obama, Drones, and Thomas Aquinas 2012). Whether overseeing the drones personally is a mistake or not, the expansion of the president's power through the use of drones in states we are not declared to be legally at war with is undeniable.

Why drones may fall into political disfavor

The reasons that the American presidents may not want to continue using drones are as follows:

Drones collateral damage may result in blowback and militant recruitment

Over a decade ago the United States first used a drone to target a suspected terrorist in Yemen. Estimates off the record since then give a count of approximately 400 people who have been killed by drone attacks (Editorial Board Washington Post 2012). John Brennan, when in the role of counterterrorism advisor to President Obama, stated specifically in response to drone strikes in Yemen that there isn't any evidence of a link between drone strikes and people joining militant organizations (Dilanian 2012 ). The New America Foundation has stated that there is no lack of precision when it comes to drone strikes, "going from a 9% to 10% civilian death rate in 2008 to a 0% civilian death rate in 2012 (Holland 2012)."



News outlets have contradicted the claim made by the New America Foundation, stating reports of civilians getting killed when drones completely miss their intended targets. For example, September 3, 2012, C.N.N. reported a strike in Yemen where the Al-Qaeda targets were completely missed according to the Yemeni government (Almasmari 2012). Yemeni women and a child were killed when a drone fired not one but two missiles in the strike that took out a minibus leaving 14 dead (AFP 2012). It was reported to journalists that the victims' families tried in vain to lay the dead bodies at the recently elected President Abdurabu Hadi's residence but could not do so because police forces prevented them from doing so (Almasmari 2012). Such continued attacks cannot be well received by a populous.

To cite another and more powerful example, the testimony of Farea al-Muslimi in April of 2013 before the U.S. Congress should be closely evaluated. Al-Muslimi is a twenty two year old Yemeni citizen who benefited from U.S. State Department programs to learn English both in Beirut and in the U.S. (Friedersdorf 2013). Farea al- Muslimi liked telling fellow villagers about how much he enjoyed his time in America and acted as an unofficial ambassador for the United States in conversations with his countrymen (Friedersdorf 2013). Al-Muslimi distasted Al-Qaeda and tirelessly tried to promote a positive image of the United States that he says was undermined by the U.S. drone policy in his homeland (Friedersorf 2012). He stated before Congress the difficulty he was encountering when trying to reach his countrymen with a positive message about the United States and how Al-Qaeda was able to reach those countrymen due to U.S. drone strikes (C. Savage, Drone Strikes Turn Allies Into Enemies 2013).

Now, however, when they think of America, they think the fear they feel at the drones over their heads. What the violent militants failed to achieve one drone strike accomplished in an instant (C. Savage, Drone Strikes Turn Allies Into Enemies 2013).

The instance of the Yemenis being outraged enough to place bodies at the president's residence steps is not an isolated event. While how often the outrage is channeled into undermining the Yemeni government through such visible protests isn't documented, it is known that the Yemeni people don't always meet individuals like Farea al-Muslimi, but they do know about the devastation that drones cause and that devastation gets associated with the United States (Friedersdorf 2013).

While the Yemeni populous may become angered over deaths due to drone strikes, there are fewer drones that are deployed in Yemen than there are in Pakistan. The Pakistanis have reason to be quite angered as well. In 2012, the drone strikes have more than doubled from 2011 to 2012 (S. Shane, Yemen's leader praises drone strikes 2012). In 2012 there were a reported 33 drone strikes in Yemen, but only 10 in that state in 2011 (S. Shane, Yemen's leader praises drone strikes 2012). In total according to the Long War Journal on October 4 after reporting a drone strike that killed 5 militants stated that "Since December 2009, the CIA and the US military's Joint Special Operations Command are known to have conducted at least 47 air and missile strikes inside Yemen, including today's strike (Roggio 2012)." Just because the current administration in Yemen is open to allowing drone strikes to be conducted in that state does not mean that the people of Yemen are amenable to the occurrence of these strikes. In May, 2012 the

Washington Post had interviews conducted with multiple tribal leaders in Yemen (Roghawan 2012). These men were abhorred at the fact their sons were dying in the attacks against militants (Roghawan 2012). They stated that the Yemeni people were bearing the price of losing their sons in the war against the militants, but the American people were not losing their sons (Roghawan 2012). This argument may not go over well with Washington or the American people, but it does serve to underscore the point that David Kilcullen made in regards to Pakistan. In the tribal cultures, unmanned aerial vehicles are a coward's weapon and the use of them results in greater hostility of toward the government deploying them.

A tribal culture still exists in Yemen as well. The public opinion in Yemen, according to Human Rights Watch a humanitarian organization is very negative toward the use of drones (Tayler 2012). While human rights groups have their own bias, listening to the statements that people have given them provides more of an on the ground view of the situation. Human Rights Watch reported one woman as stating "These drone strikes are a stupid policy...Every time they kill Yemeni civilians they create more hatred of America (Tayler 2012)." Resorting to social media to get his voice heard internationally, one Yemeni attorney tweeted "DEAR OBAMA, when a U.S. drone missile kills a child in Yemen, the father will go to war with you, guaranteed. Nothing to do with Al Qaeda (Sana 2012)." A Washington Post article's title alone stated as fact the link between the U.S. Drone Strikes and recruitment for Al-Qaeda entitling the article In Yemen, U.S. airstrikes breed anger and sympathy for Al-Qaeda (Raghavan 2012)." Robert Grenier, a former C.I.A. operative writing for Al-Jazeera, speculates that the same disaffection seen

in Pakistan could occur in Yemen due to the drone strikes, inciting Yemenis to join the militants (Grenier 2012).

Pakistanis are also in a position of being disgruntled enough so as to be easy targets for terrorist organizations to recruit. The United States government and people do not fully grasp the cultural ramifications that the drone policy has in Pakistan as well as in Yemen. The Pashtu culture is what rules in the Federally Administered Tribal Areas (F.A.T.A.) that are seven sections governed largely by tribal leaders in the region that crosses the Afghanistan and Pakistan borderline (Rashid, *Descent into Chaos* 2009, xxv). This area has proven fertile for terrorism to flourish as plots to bomb various international cities such as London and Madrid were hatched (Rashid, *Descent into Chaos* 2009, 265). A cultural sensitivity is necessary to comprehending the best course of action in utilizing drones in states the U.S. is not legally at war with. If the United States was to send men to fight in conventional combat, the style of fighting would not be as offensive to the Pashtu culture as the use of drones are (McManus 2009). Mr. Kilcullen, the former right hand man to General Petraeus who was the architect of America's counterinsurgency strategy, suggests that the fact that the U.S. is using robots instead of men to do the dirty work of killing is seen as a cultural affront to the Pashtu's, stating "using robots from the air...looks both cowardly and weak (McManus 2009)."

Such a reaction to unmanned style of warfare should not be sneezed at. It's postulated that the riot that resulted in the slaying of the American Ambassador to Libya was not incited by the trailer to a low budget film called Innocence of Muslims, but was perhaps incited by Al-Qaeda affiliates who wanted revenge for the killing of Abu Yaya

al-Libi (Chivvis 2012). Abu Yaya al-Libi was stated to be second in the Al-Qaeda hierarchy and was reported to be annihilated by a drone strike in Pakistan by Ayman al-Zawahiri (Crilly 2012). In Pakistan, there has been a great amount of hostility from the people to their government's program of conducting drone strikes (BBC 2012). Seventy four percent of the Pakistani people view Americans negatively (Pew Global Attitudes Project 2012). Washington's attitude toward the drone strikes is that the program is effective and the slaying of Abu Yaya al-Libi is only proof of it working in spite the Pakistani government's protests that the strikes are "unlawful (BBC 2012)."

David Kilcullen warns that such irritation of the populous due to the civilian death toll in the strikes provides a recruiting tool towards Al-Qaeda and its affiliated groups (McManus 2009). Kilcullen in coordination with Andrew Excum stated in an opinion article for the New York Times how the drone strikes lead to outrage that recruits and activates more militants.

First, the drone war has created a siege mentality among Pakistani civilians. This is similar to what happened in Somalia in 2005 and 2006, when similar strikes were employed against the forces of the Union of Islamic Courts. While the strikes did kill individual militants who were the targets, public anger over the American show of force solidified the power of extremists. The Islamists' popularity rose and the group became more extreme, leading eventually to a messy Ethiopian military intervention, the rise of a new regional insurgency and an increase in offshore piracy (Exum 2009).

To better explain his understanding of counterinsurgency, David Kilcullen wrote a book called The Accidental Guerrilla: Fighting Small Wars in the Midst of a Big One. The premise of The Accidental Guerilla book is that the development of the accidental guerilla is broken into four parts (Leila Hudson 2011). Kilcullen describes the development of the same way a professor of medicine would describe how a disease

prosper (Giovanni 2009). The first part is infection, where a territory is not underneath a firm political authority, which creates a breeding ground for extremism (Leila Hudson 2011). In the case of Pakistan, Taliban tribal leaders came in and began intermarrying with the local women and establishing themselves as business leaders in the community (Giovanni 2009). The Taliban preys upon the fact that the local community lacks a strong immunity because it is in such great need of security (Giovanni 2009). Terrorist leadership wish to become the communal leadership establishing the point that they are the ones who will keep their relationship with the community over the long term (Giovanni 2009). The second phase is contagion in which the ideology spreads (Leila Hudson 2011). Now that the terrorist organization has a launching pad for its operations, a place of security from which to operate, it uses that shelter to perpetuate violent attacks (Giovanni 2009). The third phase is intervention when occurs when outside authorities either by nearby governments or international ones attempt to stop the spread of the movement (Leila Hudson 2011). At this point the local community rallies around the Taliban or other terrorist group in support are it to gain excitement in their lives or to take part in the bigger battle (Giovanni 2009). The final phase is called rejection in which those surrounding the targeted community respond to the attempts to halt the movement and the recruitment to the movement tends to increase (Leila Hudson 2011). Because the United States is not employing a greater counter insurgency strategy in the F.A.T.A. territory and is relying solely upon drones to root out terrorism the probability of creating “accidental guerillas” is very high (Leila Hudson 2011).

The female Pakistani ambassador to the United States, Sherry Rehman, is likely not to use Kilcullen's terminology regarding the development of guerillas, but she believes the blowback from drone use is coming nonetheless (Lakshmanan 2013). Sherry Rehman, says that drone strikes are counterproductive in that they feed extremism; producing more of the militants Washington sends drones to kill (Lakshmanan 2013). In the United States government, a ranking four star Marine General, General Cartwright, has also postulated that "blowback" will be a long term strategic effect of the drone strikes (Dreyfuss 2013). General Cartwright had a good relationship with President Obama, but was turned down for the Joint Chiefs of Staff position after having been offered it three times by President Obama vocally but not formally (Whitlock 2011). General Cartwright was told that others said he should not be tapped for the Joint Chiefs position, including Secretary of Defense Robert Gates who disagreed with Cartwright's military thinking such as his opposition to expanding the engagement in Afghanistan (Whitlock 2011). Cartwright once again two years later disagreed with the conventional military wisdom. He stated publicly his view on how drones were harming more than helping the diminishing of terrorism.

We're seeing that blowback. If you're trying to kill your way to a solution, no matter how precise you are, you're going to upset people even if they're not targeted (Dreyfuss 2013).

General Cartwright is not the only general to make public statements about the danger of blowback to the United States from drone strikes. General Stanley McChrystal shared with the media that the level of wrath generated by the American drone strikes is "much greater than the average American appreciates (The Economist 2013)."

America has already witnessed some revenge terrorist attacks or attempted attacks attributed directly to the drone strikes. In 2009, a physician recruited by the United States government detonated a suicide vest inside a C.I.A. base in Khost, Afghanistan (Leila Hudson 2011). There was a breakdown in the C.I.A.'s internal communication and rejection of intelligence that came from Jordan (Chick 2010). Seven members of the C.I.A. were killed in the attack and a member of the Jordanian intelligence community (Leila Hudson 2011). Humam Khalil Abu-Mulal al-Balawi was an asset of both the American and Jordanian intelligence communities, but his background check was not conducted in all thoroughness (Chick 2010). In his post mortem video released, al-Balawi stated that he was taking revenge for the death of Beitullah Mehsud who was killed in an American drone strike in Pakistan and threatens that his death will only be the first of many such attacks (Leila Hudson 2011).

The Pakistani outrage has also resulted in an attempted attack on U.S. soil. The New York Times reported that Faisal Shazad blamed his attempt to detonate a car explosive in New York City because American drones collateral damage includes Pakistani children (B. J. Shane 2012). An New York Times article stating that "Drones have replaced Guantánamo as the recruiting tool of choice for militants," was confirmed by the Obama Administration (B. J. Shane 2012). Attorney General Eric Holder testified before Congress that the United States had intelligence that the continuance of Guantanamo Bay did serve as a tool for Al-Qaeda (Serrano 2011). Sadly, drones may create a false sense of security for the American people as they are said by American's



political leadership to be highly effective in damaging the Al-Qaeda terrorist network and yet drones disrupt but do not effectively dismantle Al-Qaeda operations (Boyle 2012, 7).

Drones are counterproductive to counterinsurgency strategy

In 2007 the U.S. published the Counterinsurgency Manual which was a guide to winning the hearts and minds of the populous' of states that the U.S. entered in order to win the "war on terror." Winning hearts and minds means that the population must see the benefit to themselves to work with the American government and coalition forces. Mao Tsetung in his book On Guerilla Warfare referenced the population as the sea that the insurgents or guerillas swim in (Tse-Tung 2005, 8). Without the support of the local population, the theory has it; a war involving terrorists is not winnable. The manual is clear that collateral damage should be kept to a minimum, for the sake of winning the populations favor.

Former General Stanley McChrystal was the architect behind the counter insurgency operations in Afghanistan. He details in his memoir My Share of the Task that his soldiers were utilizing computer generated mathematical algorithms to attempt to be precise and not kill innocent civilians and was careful not to use the term "collateral damage," to refer to the lives lost in trying to eliminate a suspected terrorist (Gen. Stanley McChrystal U.S. Army 2013, 142). In Gen. McChrystal's view, drones should be reviewed to see if they are the proper tool to use against Al-Qaeda and only if they are one tool used as part of an overall strategy (Alexander 2013). In a declared war zone where there are boots on the ground, drones can be used in such a fashion. Peter W.

Singer laments in his book Wired for War that the military lacks a doctrine for the use of drones even in declared war zones, such as Iraq was for the U.S. in 2009 (Singer 2009, 210). The United States has used with some success the doctrine of counter insurgency, which relies on population centric methodology for the intervening force to have a chance at creating peace and good governance (Collins 2013, 16-19; 32). At present the Obama Administration is letting “tactics dictate strategy,” by continuing to use drones as the sole tool for killing terrorists in states the U.S. has no declaration of war in (Kramer 2013). What the U.S. is experiencing is a War on Terror, a term Obama prefers not to use (Burkeman 2009).

In addition to David Kilcullen’s extensive scholarship on counterinsurgency, fellow Australian Peter Matulich has argued in the Small Wars Journal that the U.S drone attacks are undermining the U.S. policy to counter insurgency and may in fact be counterproductive to that strategy (Matulich 2012). The U.S. Army and Marine Corps Counterinsurgency Field Manual written by Gen. David H. Petraeus, and Lt. General James F. Amos and by Lt. Colonel John Nagl explains a scenario of how the local population can join forces with the insurgents or terrorists to fight the international force for peace (Nagl 2007).

Civilian casualties tangibly undermine the counterinsurgent’s goals. Countless accounts illustrate the point. Consider this example from Iraq: “Salihee’s widow, Raghad al Wazzan, said she accepted the American soldiers’ presence when they first arrived in Iraq because ‘they came and liberated us.’ She sometimes helped them at the hospital where she works as a doctor. But not anymore. ‘Now, after they killed my husband, I hate them,’ she said. ‘I want to blow them all up.’” The fact or perception of civilian deaths at the hands of their nominal protectors can change popular attitudes from neutrality to anger and active opposition. Civilian deaths create an extended family of enemies-new insurgent recruits or informants- and erode support for the host nation (Nagl 2007, xxv).

The warning contained in the U.S. Counterinsurgency Manual regarding casualties undermining the objectives of the counterinsurgents goals of winning hearts and minds has come to pass in reality in Pakistan. Pakistan has seen a rapid increase in violence since drones have been sent there to eliminate militants and the insurgent leadership, “from only 150 terrorist incidents in 2004, to a peak of 1,916 in 2009 (according to the U.S. National Counterterrorism Center), although the increase first ticked up in 2007, a year before the frequency of the drone strikes began to pick up (Tiedemann, Washington's Phantom War: The Effects of the U.S. Drone Program in Pakistan 2011, 14).” The policy of using drones in Pakistan is not serving to decrease the violence in that state. While the U.S. may be cutting down of the efficiency of the organizational structure of the terrorists, the escalation of violence on the whole is a poor reflection on the policy of increasing drone use in that state.

What needs to be examined is what happens on a grander scale in the future if the United States loses the hearts and minds across the Middle East. If the drone program has already incited an increase in violence, the continuance and increasing reliance on the technology may lead to future full scale wars in the region or against the United States. The past provides an indication that drone warfare has already increased in Pakistan a lack of affection for the United States. The Pew Research Group shows that Pakistani public opinion has decreased in many areas over the years in regards to that state's relationship with the United States. Seventy four percent, an approximation of three out of any four individuals of the Pakistani population, would label the United States an

enemy (Pew Global Attitudes Project 2012). In 2011 and in 2009 this number was less, from 69% in 2011 and 64% in 2009 (Pew Global Attitudes Project 2012). The Pakistani people reported a greater affinity for the Taliban in Afghanistan after the September 11, 2001 attacks against the United States; prior to the attacks the U.S. Department of State reported that in June 2001 the Pakistani population supported the Afghani Taliban by 38%, and that number became 46% after the September 11, 2001 attacks supported by Mullah Omer (Akbar 2011, 156). The Pew Research Center did not note any substantive change in Pakistani public opinion toward America after Osama Bin Laden's death (Pew Research Global Attitudes Project 2011). Public opinion in Pakistan didn't find Osama Bin Laden's death to be seen in a positive light, but his death did not sink the opinion of America any lower (Pew Research Global Attitudes Project 2011).

Drones do not provide for precision killing as administrations have claimed

The Brookings Institution has postulated that “no more than one- in seven to one-in-ten people who have been killed in drone strikes to date has been civilians (Murray 2013).” These numbers are deceiving. The number of “militants” killed is not necessarily the best standard for judging the success of the drone program (International Human Rights and Conflict Resolution Clinic at Stanford Law School and Global Justice Clinic at New York University School of Law, *Living Under Drones: Death, Injury and Trauma to Civilians From U.S. Drone Practices in Pakistan* 2012, *Living Under Drones*). Scholars at Stanford and New York University have stated that there has been a high loss of life to those who have been in the cross hairs of the unmanned aerial vehicles targeting which

results in significant impacts on local communities (International Human Rights and Conflict Resolution Clinic (Stanford Law School) and the Global Justice Clinic (NYU school of Law) 2012, *Living Under Drones*).

The best currently available public aggregate data on drone strikes are provided by *The Bureau of Investigative Journalism (TBIJ)*, an independent journalist organization. *TBIJ* reports that from June 2004 through mid-September 2012, available data indicate that drone strikes killed 2,562-3,325 people in Pakistan, of whom 474-881 were civilians, including 176 children. *TBIJ* reports that these strikes also injured an additional 1,228-1,362 individuals (International Human Rights and Conflict Resolution Clinic (Stanford Law School) and the Global Justice Clinic (NYU school of Law) 2012, Executive Summary and Recommendations).

The U.S. suffered a loss with 9/11 of roughly three thousand lives. Therefore, more Pakistani lives have been lost or injured during drone strikes than the initial attacks on 9/11 caused in a loss of American lives.

Some analysts have estimated that only two percent of terrorist leadership is eliminated through drone attacks (Tiedemann, *Foreign Affairs* 2011, 12). This two percent figure is also cited by David Kilcullen and Andrew Exum in an opinion piece for *The New York Times* (Exum 2009). Kilcullen and Exum add another controversial statistic; fifty civilians are killed for every potential terrorist eliminated (Exum 2009). Kilcullen reported that from 2006 to 2009 fourteen key Al Qaeda leaders were eliminated through drone strikes yet 700 civilians were also killed in those attacks (McManus 2009). Daniel Byman arguing in *Foreign Policy* magazine suggested that the numbers demonstrate that for every one key target eliminated, ten non combatants are killed (Byman 2009).

Kenneth Anderson, a professor from Washington University laments that those opposed to the use of drones for the purpose of targeted killing are really opposed to the use of force rather than the methodology of using unmanned aerial vehicles to handle the terrorism threat (Anderson, U.S. Counterterrorism Policy and 'Institutional Settlement' 2012). In Anderson's view, targeted killing is best conducted by drones because they are the most precise tool the military possesses (Anderson, U.S. Counterterrorism Policy and 'Institutional Settlement' 2012). This notion that drones are precise, and that their utilization will result in the lowest number of civilians possible is a controversial idea, not one that is shared by all scholars and the research they have conducted.

The determination of who is a combatant versus who is a civilian is not easy to judge when insurgents do not differ in dress in tribal regions and make their home among civilians (Teidemann 2011, 13). President Obama acknowledges collateral damage as consisting of young men who aren't of militant age, meaning that all young men are thought to be militants unless evidence is presented suggesting the young men's innocence (B. J. Shane 2012). Arguments over data will continue, but the "Living under Drones" study done by the Stanford and the New York University legal clinic is definitive, giving weight to the claims made by Exum and Kilcullen. The "Living Under Drones" Executive Summary reports that in Pakistan alone, 2,562-3,325 people were eliminated by drone attacks between June of 2004 and 2012 (International Human Rights and Conflict Resolution Clinic (Stanford Law School) and the Global Justice Clinic (NYU school of Law) 2012). These numbers do not make clear the damage done to communities socio-economic capabilities, or the severe psychological trauma involved

for those living in the regions where drones strike (International Human Rights and Conflict Resolution Clinic (Stanford Law School) and the Global Justice Clinic (NYU school of Law) 2012).

Examining the results of targeted killing through unmanned aerial vehicles and special force operation teams is important, yet an examination of the means employed to achieve the ends of mitigating terrorism is crucial. Targeted killing in and of itself is a controversial method as a counterterrorism tactic. Like trying to define “terrorism” the language surrounding “targeted killing” often is blurry, with synonyms such as “extrajudicial killing” or “assassinations.” The idea behind the targeted killing of terrorists is the principle of “decapitation,” the idea that if you eliminate the leader of a terrorist organization, the organization will crumble or fall into disarray. The problem with the idea of decapitation is that it is not the best counterterrorism method for dismantling the destructive organization (Jordan 2009, 720).”

Global opinion is low which makes using drones a political liability

On June 4, 2009, shortly after he assumed the presidency, Obama spoke to the Muslim world from Cairo, Egypt (The New York Times 2009). In his speech he stated:

I have come here to seek a new beginning between the United States and Muslims around the world; one based upon mutual interest and mutual respect; and one based upon the truth that America and Islam are not exclusive, and need not be in competition. Instead, they overlap, and share common principles – principles of justice and progress; tolerance and the dignity of all human beings (The New York Times 2009).

The drone program in states like Pakistan and Yemen begs to differ with President Obama’s speech on the dignity of all human beings. His ratings of favorability

have fallen since his election according to the Pew Research Center (Pew Global Attitudes Project 2012). In 2009, President Obama had a rating of 33% of those who would say they were confident in his presidency within Muslim states (Pew Global Attitudes Project 2012). By 2012 that rating had slipped to 24% a nine percent decline (Pew Global Attitudes Project 2012). In 2009, 34% of those in Muslim states approved of his international policies (Pew Global Attitudes Project 2012). Unfortunately, that number had declined to 15% by 2012, a 19% drop in approval (Pew Global Attitudes Project 2012). When the Pew Research Center looked directly at the use of drones, the numbers were even less in America's favor with large disapproval in the Muslim world (Pew Global Attitudes Project 2012). Reviewing this data, Fareed Zakaria of CNN stated,

This may be one of those times where we just have to live with that. We are the global superpower, we have this technology that we can use to take on these terrorist groups and it's one that has been a very effective (nobody would dispute that (Zakaria, Why the World is Growing Jaded with Obama 2012).

Mr. Zakaria's view is representative of the majority of Americans. Despite a lack of strong international support from the states in the East or even in the West, only 28% of Americans disapprove of President Obama's use of drones abroad (Pew Global Attitudes Project 2012). This means that 62% of Americans are in support of the President's current policy of drone use in states like Pakistan and Yemen (Pew Global Attitudes Project 2012).

This strong domestic support for the policy is in spite of efforts by human rights groups such as the ACLU pressuring the administration for transparency in its drone



program. The ACLU has brought legal suit against the federal government which was heard by Washington DC appellate court due to the fact the CIA has not been forthcoming about its drone program (Kaufman 2012). For 62% of Americans to support the drone program means that a majority consensus is being reached. President Obama received 52.93% of the popular vote in November of 2008 (FEC n.d.). For a policy to have ten percentage points of approval above the rate he was elected to the presidency at four years on is political gold. Such a high approval rating means that the president has struck a bipartisan cord which appeared to bolster his national security record going into an election in November of 2012.

The American drone program may be efficient for the purposes of domestic politics, but internationally the program faces diplomatic hurdles. It appears to be diplomatic double speak for President Obama to be conducting drone strikes in Pakistan and other states while the United States retains a policy dating back to President Gerald Ford that mandates the U.S. not conduct assassinations (D. Sanger 2012, 253; 255). Western European States such as Germany, Poland, France and the Czech Republic all have populations that are less in favor of conducting drone strikes than those who support President Obama's policy (Pew Global Attitudes Project 2012). Britain has been a strong ally of the United States since WWII. Former Prime Minister Tony Blair's relationship of strong allegiance to the foreign policy aims of the United States in fighting President George W. Bush's "War on Terror" is well documented. During Tony Blair's time at 10 Downing Street he passionately supported the United States foreign policy to the point where he met with multiple international leaders to try to strengthen their ties with the

U.S. vision for international politics (McHugh 2010). Tony Blair no longer occupies 10 Downing Street, and George W. Bush no longer occupies 2700 Pennsylvania Ave. Even though Bush and Blair no longer are in power, the drone policy continues with great vigor. The drones were part of Bush's multi-layered War on Terror but underneath an Obama administration the love for the "lighter footprint" that the United States is leaving through the drones is waning in Britain. In Britain, in 2012 less than half the state approves of the current heavy use of drones (Pew Global Attitudes Project 2012). Forty seven percent of Britons disapprove of the policy, and forty-four percent support their current usage (Pew Global Attitudes Project 2012).

In 2012, there was still more popular support in the Middle East for President Obama than there was under President George W. Bush (Wike 2012). In Tunisia, public opinion of the Obama Administration is split fifty-fifty with forty five percent of the populous favoring the American President and forty five percent of the populous wishing for an alternative (Wike 2012). The majority of Lebanese actually like President Obama and his ratings in his former childhood stomping grounds of Indonesia are not poor either (Wike 2012).

International opinion doesn't favor drone strikes, but with a poor international economy and the fact that the drones aren't causing all out war and financial crisis, drones are currently internationally acceptable enough to continue in use. Strategically, it is questionable that decapitation is the best military strategy, but it has worked as a present band-aid on the terrorist problem in states like Pakistan and Yemen. The question is if the band-aid will be able to stop the bleeding of the number of people joining the

terrorist's ranks. While drone use may cause a predisposition of an individual to join a terrorist organization, it may not be the monolithic factor in a person choosing to join an extremist group. Usually an entire ideology is adopted, not just a need for retribution being fulfilled. The Obama Administration must continue to seek comprehensive solutions in Pakistan and Yemen and demonstrate through partnership with the Pakistan and Yemeni authorities that Americans are seeking to help build the future of these Middle Eastern states and not simply eliminate their sons.

The U.S. is undermining its global promotion of democracy through using drones

Sadly, it is not just an affinity for Al-Qaeda that is coming out of Yemen, but a dispirited belief that the United States cares far more about its strategic interest in killing Al-Qaeda leaders in a quick political fix than it does in seeing a long term solution to the issue of governance in Yemen by promoting democracy (Kramer 2013). John Brennan, the counter terrorism advisor to President Obama and now the current head of the C.I.A., defended the Administration recently before the Council on Foreign Relations, arguing that the United States presently gives \$337 million dollars in assistance funding to the Yemeni government, with half of that funding going towards humanitarian aid rather than the military (Brennan 2012).

Undermining democracy in Pakistan goes against America's military interest. The United States has been very active in trying to make sure that nuclear weapons do not land in the hands of terrorists in the Pakistani state. President Obama called upon Bruce Riedel to examine the U.S. policy in Afghanistan and Iraq (D. Sanger 2012, 16). Obama

has been clear that he wishes to define the war in Afghanistan by approaching it in an opposite way from the Rumsfeld ideas of the Bush administration (Sanger 2012, 18). President Obama would employ a counterinsurgency strategy instead (D. Sanger 2012, 18). Riedel has no problems being blunt. He wrote in “The Daily Beast,” regarding the difficulties of waging war in Afghanistan that the problem of the border state of Pakistan is great.

Pakistan, as always, remains the hardest part of this problem. With the world’s fastest-growing nuclear arsenal and home to more terrorist groups than any other country, Pakistan’s fragile civilian government has hung on to power longer than most of its civilian predecessors. A new U.S.-Pakistan dialogue has begun. But Pakistan faces a growing civil war with parts of the jihadist Frankenstein it helped create like the Pakistani Taliban, and the army remains unwilling to shut down other parts like the Quetta shura and Lashkar-e-Taiba (Riedel 2012).

Pakistan is of the two states, the greater threat to American security, in Bruce Riedel’s view (D. Sanger 2012). Riedel told journalist David Sanger of the New York Times “If we were honest with ourselves, we would call this problem ‘Pak/Af,’ not ‘Af/Pak,’ with key players in the Administration agreeing with Riedel’s view (D. Sanger 2012, 20). Christopher Dell, a high level diplomat in Kabul, Afghanistan for the United States, stated three reasons the United States should be more concerned with Pakistan: “Pakistan is a bigger place, has a larger population, its nuclear-armed (AFP 2009).” President’s foreign policy decisions in a state like Pakistan have to take into account the rest of the geo-political region. How using drones affects the stability of Pakistan matters to whether or not the United States is able to wage a successful counterinsurgency campaign in Afghanistan.

In the recent foreign policy debate prior to his re-election in the 2012 presidential elections, Barak Obama stated that he is fighting terrorism and seeing Al-Qaeda grow smaller during his administration (Jackson 2012). His Republican rival, Mitt Romney agreed that the Obama Administration should continue drone strikes (Jackson 2012). No mention during this debate was made of intelligence gathering as the key to stopping terrorism, or tighter financial controls in relations with Middle Eastern governments. Drones were the foreign policy stated as acceptable by both the Republican and Democratic presidential candidates.

In the same presidential debate Romney stated that we needed to keep Pakistan as an ally because they are a possessor of nuclear weapons, although he did not state how this would happen as the United States continued to use drones with the people of Pakistan being opposed to the policy (Jackson 2012). The years since 2001 have not brought more sympathy from the Pakistanis toward the United States despite the aid money that the U.S. has given to the Pakistanis. Pakistan is second only to Afghanistan in terms of how much aid the United States gives internationally (Leiby 2012). A recent Congressional Research report stated:

Since 1948, the United States has pledged more than \$30 billion in direct aid, about half for military assistance. Two-thirds of this total was appropriated in the post-9/11 era from FY2002 to FY2011. Many observers question the gains accrued to date, viewing a lack of accountability and reform by the Pakistani government as major obstacles. Moreover, any goodwill generated by U.S. aid is offset by widespread and intense anti-American sentiment among the Pakistani people (Kronstadt 2012, summary).

President George W. Bush had changed the way America related to Pakistan by dropping sanctions against the state after September 11, 2001 and declaring Pakistan a Non-NATO

ally three years later in 2004 (Akbar 2011, 156). Despite all of the foreign aid given, Pakistani's see President Obama as no better than they saw President George W. Bush during 2008 in popularity (Pew Global Attitudes Project 2012).

This is likely due to the drone policy that President Obama has increased substantially from the younger Bush era. Graham Fuller, a former C.I.A. Station Chief in Kabul, has stated that President Obama is following in President George W. Bush's "same path of failure in Pakistan (Fuller 2012)." Fuller postulates that the connection between the Pakistani's supporting the Taliban in Afghanistan is unbreakable because the Pakistani's are more influenced by the tribal customs of being Pashtun and less by Islamism than the U.S. government surmises (Fuller 2012). Furthermore, the tribal values demonstrated by the Pashtuns are not unique to them alone; many states have groups that value clan ties (Kimberley Marten 2008-2009, 181-182).

The U.S. is setting a poor international precedent

The United States current policy of drone use is setting an international precedent. It's not only over seventy states that are seeking to acquire drone technology, but now various rebel organizations are as well (Rowland, A dangerous New World of Drones 2012). While the U.S. Dept. of State does keep track of the military's drone use, it has failed to spearhead an international discussion on the use of drones amongst states (Rowland, A dangerous New World of Drones 2012). While at present drones appear to be the best way to keep the number of terrorists proliferating in check the problem with their use is that there is not a clear political or legal framework regulating their

deployment. Right now the U.S. acts as a hegemonic power, but it will not be able to balk when China decides to deal with its Islamic extremists by deploying drones to eliminate them after it has been America's counterterrorism tool of choice. Special Operations Forces will need to be used in conjunction with the drones because they do not represent as great of a cultural affront in states such as Pakistan and Yemen. Their legal deployment may be as thorny as the use of drones, but it is more politically forgivable. Both Israel and the United States have not faced serious international consternation for its practice of targeted killing. Both Israel and the United States receive verbal "wrist slaps" spoken in public, while their method of targeting terrorists goes unchecked by the international community regardless of whether or not such methods are effective.

## CHAPTER III

### LEGALITIES SURROUNDING U.A.V.'S

Richard K. Betts of the Brookings Institution asserts that governments are motivated more by the strategic wisdom behind preemptive or preventive war rather than by whether such an attack is legal underneath the international legal regime (Betts 2003, 17-18). U.S. Presidents do attempt to stay within domestic legal boundaries so as to not face the possibility of impeachment (Betts 2003, 17). Presidents often seek the most latitude they can find within the law. The White House Counsel under both President George W. Bush and under Barak Obama has had to find justification for the drone program to present to the presidents, even if that rationale has not fully been made public. Some argue that whatever legal arguments the Administration makes they will not be able to win the political support of the humanitarians within the American populous, suggesting that the American president is using the drones as a means to expanding his military might. David Sanger, in his work Confront and Conceal: Obama's Secret Wars and Surprising use of American Power wrote,



The legal arguments for pursuing terrorists around the globe with Predators will never satisfy critics who see this all as a bizarre, typically American justification for a huge expansion of American power- essentially the power to order executions. But the bigger risk of the current drone strategy is a geopolitical one...much of the collateral damage from overusing drones comes in the form of political backlash against the United States. Every strike creates more and more public anger. (D. Sanger 2012, 260).

The American presidency over a period of years has expanded dramatically its use of power. There hasn't been a declaration of war since WWII other than when the United States went to war with Iraq, and before that when the United States went to war with Korea in 1950. The use of U.A.V.'s still constitutes an act of hostility, with or without a congressional declaration of war. The president using this means of targeted killing must be scrutinized under American domestic law. Even though sixty- two percent of Americans support the drone program, drones must be acceptably deployed underneath the law or their domestic political expediency of their use is irrelevant (Pew Global Attitudes Project 2012).

There are two main views when exploring the legality surrounding the use of unmanned aerial vehicles. The first view holds that the use of drones is in line with current domestic and international law. The second view, predictably, holds that the current use of drones is illegal under both national and international law. The law is not immovable but rather able to change as time marches on (Ruys 2010, 6). Neither view is fully accepted within the legal community; there is not a legal consensus on this matter to date. This chapter examines the legality of the use of unmanned aerial vehicles under U.S. domestic law and international law. In order to understand the arguments by scholars for and against whether or not the use of unmanned aerial vehicles are

considered legal, it is important to have an understanding of the framework of applicable law.

The U.S Constitution is the lynchpin of all domestic law, so a discussion regarding the Commander in Chief's permissibility of using drones must begin there. What the Constitution has to say about who can declare war is very pertinent to a discussion about unmanned aerial vehicles, a primary tool in modern asymmetric warfare. Other pertinent laws to the use of drones include the War Powers Act, the Authorization of the use of Military Force (A.U.M.F.), the National Defense Authorization Act of 2012 (Masters 2012), the Geneva Conventions, and the international custom of self-defense, especially as interpreted through its codification in the U.N. Charter. This chapter will examine those applicable laws, in addition to discussing ramifications of current drone policy and offer some policy recommendations.

The scholarly arguments for drones

Jonathan Foust is the Asymmetric Operations Fellow for the American Security Project, a contributor for the Atlantic Monthly and a former Senior Intelligence Analyst for Northrop Grumman Informational Systems (Foust 2013). Jonathan Foust's viewpoint is common amongst those promoting drones in the International Studies community of scholars. Jonathan has stated that the United States setting an international precedent for the use of drones isn't as simple as the fact that the United States is choosing to employ the drones (Sarachan 2012). Foust argues for the custom of self defense seen in Article 51 of the U.N. Charter as providing the international legal basis for the use of drones in

Pakistan and Yemen because individuals from both of those states have launched attacks against the United States (Sarachan 2012). The argument for drones is that the principle of self defense is enshrined and indisputable in international law. Self defense is an inherent right of states springing not from positive law but from natural law.

Furthermore, Foust sees that the Pakistani and Yemeni governments have been amenable to the strikes, thus creating a legal shield for the United States to conduct them under current international law (Sarachan 2012). Foust doesn't see a problem with the U.S. setting a poor international precedent because states such as China and Russia may speak ill of the use of drones but they also are rapidly developing their own drone projects (Sarachan 2012).

Kenneth Anderson, a law professor from American University is perhaps the most vocal defender of the legality of drones using the Self-Defense argument. Kenneth testified before Congress in 2010 that those protesting the use of drones were using this technological sticking point to mask their points of view on other issues (Anderson, Hearing Before the Subcommittee on National Security and Foreign Affairs of the Committee on Oversight and Government Reform 2010). These issues included points such as who may enter into war and what conditions must be met for war to be acceptable (Anderson, Hearing Before the Subcommittee on National Security and Foreign Affairs of the Committee on Oversight and Government Reform 2010). Other issues Anderson believes protestors to the use of drones raise include whether or not other methods of law enforcement have been ruled out and drones are the only option left available to the U.S. government and if the C.I.A is legally permitted to be the operators of the drone program

(Anderson, Hearing Before the Subcommittee on National Security and Foreign Affairs of the Committee on Oversight and Government Reform 2010). Kenneth Anderson attempts to provide a legal justification for states to respond to the terrorist threat within the current law available. Perhaps the reason that his legal justification falls somewhat short is because terrorism is transnational and the current laws do not fit the present threat. Kenneth Anderson points to the statement of President Obama's legal advisor Harold Koh's defense of the drone program in a speech made in March of 2010 (Anderson, Hearing Before the Subcommittee on National Security and Foreign Affairs of the Committee on Oversight and Government Reform 2010). In that speech, Harold Koh argued that the United States was operating under all of the applicable laws of war when conducting targeted killing operations (Harold Koh 2010). In Mr. Koh's understanding of the law, Congress' passing of the Authorization of the Use of Military Force (A.U.M.F.) made it legally acceptable within U.S. law to conduct targeted killing actions abroad. Article 51 of the U.N. Charter provided a legal basis for the use of force under international law (Harold Koh 2010). The Obama Administration has argued that the drones are within the rules of the Law of Armed Conflict (L.O.A.C.), because the government doesn't change the rules it wages war by when they switch to using a different weapon (Kels 2012).

Kenneth Anderson holds the view that drones are not subject to the law of armed conflict, but rather are legal under international law due to the custom of self defense (Anderson, Hearing Before the Subcommittee on National Security and Foreign Affairs of the Committee on Oversight and Government Reform 2010, 22). It is under this view

that Anderson charges the L.O.A.C. to be “narrow” in scope, and calls for the Obama Administration to defend the use of the C.I.A. in deploying drones on the basis of the customary international law of self defense (Anderson, Hearing Before the Subcommittee on National Security and Foreign Affairs of the Committee on Oversight and Government Reform 2010, 22).

The view of Kenneth Anderson is best choice for the Obama Administration to take. Under the L.O.A.C., if an individual appears to be a civilian, they must be treated as such and not targeted (Hampson 2010, 47). By operating underneath the law of armed conflict, the Obama Administration should not target individuals without a declaration of war against the state the individuals are residing in. It’s problematic underneath the law for the Administration to try to make the argument that they are complying with the law of armed conflict and the customary international law of self defense. The first legal interpretation is backed by scholars such as Law Professor Kenneth Anderson of the American University of Washington D.C. When examining international law Mr. Anderson supports the legal rationale for the use of drones and covert operations in states does not fall under the category of armed conflict, but rather falls underneath the category of the international custom of self defense (Anderson, Hearing Before the Subcommittee on National Security and Foreign Affairs of the Committee on Oversight and Government Reform 2010).

Anderson’s argument is backed by the historical view in the United States regarding self defense (Dinstein 2005, 182). Previously in the United States the standard

was that the U.S. had to fear that an attack was “imminent (Dinstein 2005, 182).” The United States comprehension of an “imminent” attack was in line with the customary international law standard that an attack must consist of an immediate threat (Rockefeller, Denver Journal of International Law & Policy 2004). One classic example for when self defense is considered the imminent option is the former Secretary of State Daniel Webster’s take on the famous Caroline incident (Rockefeller, Denver Journal of International Law & Policy 2004, 133). The British in the Canadian colony sunk the Caroline ship while it was in U.S waters, presuming it to be in use by groups in opposition to British governance (Rockefeller, Denver Journal of International Law & Policy 2004, 133). Secretary of State Daniel Webster stated a standard that is still effective today saying that a state must have “necessity of self-defense, instant, overwhelming, leaving no choice of means, and no moment of deliberation (Rockefeller, Denver Journal of International Law & Policy 2004, 133).” This is the presently accepted standard for an imminent threat that a state must wait until the last possible time before they strike a foe. The question then becomes how this standard is practically applicable when it comes to terrorism.

#### The scholarly arguments against drones

Where Anderson’s argument is not fruitful for the advocacy of special forces and drones being able to legally conduct their operations in the international arena is his interpretation of Article 51 of the U.N. Charter as providing for an international legal custom of self defense that enables a state to launch preemptive attacks on perceived

militants in whatever state they may be found in. An article entitled Responding to attacks by non-state actors: the attribution requirement of self-defense, published in the Australian International Law Journal, the factors necessary for the “self defense” mechanism that the UN Charter’s Article 51 is more clearly addressed (Michael 2009). First of all, it must be concluded that “an armed attack” has occurred, and secondly, it must be determined if the attack was committed by a non-state actor or whether there was government sponsorship of that armed attack (Michael, 2009, 3). The Obama administration is using drones to enact “preventive war” that may happen much later in the future rather than “preemptive war,” which would be acting on intelligence that something is going to happen soon (Gray 2007, v,vi). Preemptive war is legal under international law; preventive war is usually a result of a state believing it is in danger of attack (Gray 2007, vii). The Obama Administration needs to prove that an armed attack has occurred and if the Pakistani government participated in facilitating that attack. There is more to the international law than the custom of self defense that apply to war and those principles, such as that of discrimination and proportionality should be closely evaluated as well.

Mary Ellen O’Connell writes about drones from an international law perspective as well; she holds a position as a professor of law at Notre Dame. Mary Ellen O’Connell has publicly compared the Obama Administration’s use of drones as an “excessive use of force” in the same way the Syrian dictator Al-Assad oppresses his people inciting the U.S. to vocalize condemnation of his acts against his population (Bowcott, The legal dilemma over drone strikes 2012). Mary Ellen O’Connell was interviewed by NPR’s

Weekend Edition on July 17, 2010 (Weekend Edition Saturday 2012). She noted that drones deliver the same kind of payload that a bomb can (Weekend Edition Saturday 2012). Typically such weapons are only utilized in armed conflict situations and in her view, cannot be justified by an argument of self defense under international law (Weekend Edition Saturday 2012).

The negation of Anderson's argument by some scholars does not mean the spirit of his argument is void. The United States has means of using drones and U.S. Special Forces under international law in ways that are considered legal. Much of it is how a conflict is framed. The United States is the beneficiary of the tacit readiness of Pakistan and Yemen to allow drone strikes on targeted militants within those states' territory. Due to this readiness, there is not a problem of the international system turning a blind eye while a war without geographic boundaries is stated to be occurring. Rather, the states yielding permission for the United States to provide military police action allows for a perfectly legal form of international cooperation between states to deal with acts of terror which are not a permissible action by terrorist organizations (Abi-Saab 2004, xvii). There is a distinct need for a new set of laws internationally that fit the terrorist threat. States need to have recourse of action that does not rely on the muddiness of other states tacitly approving of police actions to disrupt terrorist groups within their territories. Perhaps it is time for states to come together and discuss how and when drones can be used as part of talks on the issue of counterterrorism practice worldwide.



If Pakistan was more adamant about not cooperating with the United States, the United States could consider Pakistan a hostile state rather than an ally. That wouldn't be a great stretch, seeing that Pakistan was under economic sanction by the U.S. following their testing of nuclear weapons until the 9/11 attacks in the United States occurred. Pakistan is also the state where the architect of those attacks, Osama Bin Laden was found to be harbored. If Pakistan was considered a hostile state, an action of self defense can be claimed as militants within the state of Pakistan are believed to be planning an attack on the United States in the future. The United States could purport that the militants in Pakistan were branches of the same tree of terrorists that conducted the attacks of September 11, 2001, and are also aiding the Taliban in Afghanistan against NATO forces. The United States does not have to rely on pointing the finger simply at militants within Pakistan. The New York Times reported July 25, 2010 that Pakistan's intelligence was directly aiding the Taliban despite aid money being delivered from the United States (Mark Mazetti 2012).

When the United States killed Osama Bin Laden, we did not have permission from the Pakistani government to put boots on the ground in their territory to kill the enemy of the United States. Yet, had the United States gone to the International Criminal Court and requested a warrant for the arrest of Osama Bin Laden similar to the arrest warrant issued for Muammar Gaddafi of Libya issued by the Pre-trial Chamber of the International Criminal Court (Pretrial Chamber ICC 2011). The United States would have had a case to request permission from the Pakistani authorities to capture Osama Bin-Laden and perhaps built in forgiveness had they killed him should he have resisted arrest.

Another way that the United States could have ensured a legal shield for their actions is to spearhead an international treaty on terrorism and call for all signatories to allow permission for special operations forces to both share intelligence on militants and eliminate them when found. There is a need to see how old law of war standards apply in the new threat environment of terrorism where non state actors have taken root in territories of states that are unable to remove them.

Certainly, such information should be kept in a tight circle for the sake of not tipping off the terrorists and seeing them flee. Nevertheless, international cooperation is crucial if non state actors are not to cause excessive terror and destabilize the societies of states. The United States could also conduct bilateral treaties with Pakistan and Yemen respectively, allowing for special operations forces to be placed on the ground or drone attacks to occur when needed to eliminate high value targets. Mary Ellen O'Connell notes that it is not likely that relying on arguments about how the Pakistani people are incensed over the UAV attacks will persuade the United States government to take a different approach because the Pakistani government seems to lame to efficiently handle the terrorists within their borders (O'Connell, *Unlawful Killing with Combat Drones: A Case Study Pakistan, 2004-2009* 2010).

Mary Ellen O'Connell discusses in her paper Unlawful Killing with Combat Drones: A Case Study of Pakistan, 2004-2009, a drone strike that occurred in August of 2009 that targeted Baitulla Mehsud who was a high valued Taliban leader (O'Connell, *Unlawful Killing with Combat Drones: A Case Study of Pakistan, 2004-2009* 2009, 10).

Eleven other people died in the strike with Mehsud, three of which were family members (O'Connell, Unlawful Killing with Combat Drones: A Case Study of Pakistan, 2004-2009 2009, 10). The Taliban in little time compensated for the loss of Mehsud, by replacing him with not just one but two men (O'Connell, Unlawful Killing with Combat Drones: A Case Study of Pakistan, 2004-2009 2009, 11). Ms. O'Connell states "This outcome recalls the hydra- one head is cut-off and several more take its place (O'Connell, Unlawful Killing with Combat Drones: A Case Study of Pakistan, 2004-2009 2009, 11). Similarly, a Washington Post article stated an opinion from Bruce Riedel, a counterterrorism specialist, put the Administration's relationship with drones rather crudely when he stated,

The problem with drones is it's like your lawn mower... You've got to mow the lawn all the time. The minute you stop mowing, the grass is going to grow back (Miller 2012).

The point that both Mary Ellen O'Connell and Bruce Riedel are making is that taking out the terrorist leadership by targeted killing is not the best way to rid the international community of terrorism. The community may slow down the growth of terrorism, but it will not eliminate terror through drones used for targeted killing. Yet, not killing through drone strikes may allow terror to foster in certain areas, allowing the grass to grow tall.

Whether or not the strategy is effective, someone must be back at a base pulling the remote controlled trigger. Who in the government can do the targeting has been a question that is getting more attention in recent years. Officials from both the State Department and the Department of Defense have made the argument that Guantanamo

detainees are considered “illegal combatants” underneath the laws of war laid out in the Geneva Conventions because they do not wear uniforms identifying themselves as part of a particular military, carry weapons openly and obey the laws of war (Savage 2010).

When it comes to the war on terror there must be a legal classification applied to those who are fighting for Al-Qaeda and other terrorist affiliate organizations (Glazier 2009, 6). The reason it is important to distinguish who is an “unlawful combatant” and who is not is because this defines almost absolutely “who can be killed, detained, and tried and under what conditions (Glazier 2009, 6).” The British have seen all people through only two classifications: combatant or civilian (Hampson 2010, 46). Civilians can under the traditional British view, lose the protections allocated to civilians due to their actions (Hampson 2010, 46). Certainly, an example of the United States carrying out this concept would be the killing of Anwar- Al Awlaki. Underneath President Obama, those civilians whose actions are considered dangerous by the government can be classified as a combatant (Hampson 2010, 47).

The Obama Administration attempts to argue through the Justice Department’s legal justification for the use of drones memorandum that the Administration can attack an American citizen as long as three stipulations are met: “The citizen must pose an imminent threat of violent attack” against the country, capturing the citizen must not be feasible, and it all has to be done within “law of war principles (McClam 2013).”

The idea that terrorists can be pursued without states sovereignty being acknowledged, in other words “without geographic limitation,” as General Counsel for

the Department of Defense put it has caused international consternation. The United Nations has appointed Christof Heyns their Special Rapporteur on Extrajudicial Killings. In an article for the United Kingdom paper the Guardian, Mr. Heyns balked at the idea that there is an international legal right for the United States to employ UAV's to seek and destroy terrorists in retaliation for the attacks on the U.S. over a decade ago on September 11, 2001 (Bowcott 2012). Mr. Heyns stated that "Some states seem to want invent new laws to justify new practices (Bowcott 2012)." The opinion of the U.N. Special Rapporteur is mainly symbolic and declaratory in nature than binding because it is the legal opinion of an appointed official of the United Nations (Savage 2010). It is not innovative of states however to wish to defend themselves and the law needs to reflect this. States are acting in a way they are designed to by seeking new laws to protect their inhabitants. Despite the binding legal language not in existence, the Special Rapporteur is still making a succinct legal point. Mary Ellen O'Connell, a law professor at the University Notre Dame, has expressed a similar judicial opinion and notes that as different strands of militant Islam continue to splinter rather than unite cohesively as an enemy, it will be very difficult to cast all of these groups underneath an umbrella law and label them all illegal combatants (Mary Ellen O'Connell 2010, 4).

The killing of An-War Al-Awlaki in Yemen made the United States targeted killings even more politically complicated. For the first time, Americans had targeted and killed a United States citizen without trial (Mark Mazzetti, Two Year Manhunt Led to Killing of Awlaki in Yemen 2011). Texas Congressman Ron Paul went against the Republican establishment in his opposition to the Obama Administration's killing of

Anwar Al-Awlaki (Hirschhorn 2011). Congressman Paul, backing a view of the Constitution expressed by many civil libertarians, wished for an investigation into the way that the law was circumvented through the targeted killing of an American citizen before members of Congress could determine whether an impeachment was warranted (Hirschhorn 2011).

Professor John Yoo of the University of California at Berkeley is the former architect of some of George W. Bush's policies on enhanced interrogation methods. He too questioned the successor President's decision to target and kill Mr. Al-Awlaki. Professor Yoo suggests that Anwar Al-Awlaki was a legitimate target of war just as Admiral Yamamoto was when the U.S. government targeted him during the Second World War (Yoo 2011). Yoo argues that the U.S. Supreme Court has a historical precedent of not suffering lightly those American citizens who betray their state (Yoo 2011). The problem with the Obama Administration arguing that it was an unreasonable expectation upon them to capture the traitor American and try him before execution is that Al-Qaeda, its affiliates and similar terrorist organizations will seek to entice citizens into its ranks so that it can make it more difficult for the American government to thwart its plans (Yoo 2011). The problem with this analysis is that it ignores that trying an American citizen is not an inconvenience; it's a right under the Bill of Rights in the U.S. Constitution that was not afforded to Mr. Al-Awlaki. Al-Qaeda and other terrorist affiliates will already seek to recruit American citizens for their knowledge and expertise of their home state. Furthermore, recruiting American citizens serves these terrorist groups because a common assumption is that someone of Middle Eastern decent is more

likely to be the perpetrator of a terrorist attack. An American could possibly fall under less suspicion and be able to penetrate American defenses easier than someone who is foreign born.

The U.S. Justice Department had a memo that authorized the killing of Mr. Al-Awlaki (Finn 2011). Mr. Al-Awlaki, according to the Washington Post promoted a magazine that supported terrorism. Now, like yelling “fire” in a crowded theater is not a right of free speech supported under American law; neither is supporting terrorism through the written word. The Supreme Court has ruled in June of 2010 that it is criminal for an American to give to a terrorist group what it defined as “material support” which could be interpreted as financial aid or dissemination of expertise. So while Mr. Al-Awlaki could be seen as having been a lawbreaker for his work in producing Inspire an Al-Qaeda publication promoting terrorism, he still maintained a constitutional right of a trial by a jury of American peers in the United States prior to U.S. government inflicted execution (Mohamed 2011). The Fifth Amendment to the Constitution, part of the Bill of Rights, states “No person shall . . . be deprived of life, liberty, or property, without due process of law (Findlaw 2012).” The Obama Administration stated that the U.S. Government has a right under the principle of self defense in international law to conduct a terrorist strike (Finn 2011). This is an odd justification, the invocation of international law to justify the killing of an American citizen in a military strike. Granted, a capture campaign may have been nearly impossible and Mr. Al-Awlaki may have very well been as guilty as sin. Nevertheless, as a citizen he had a right to receive a trial a right that was deprived, alongside his right to life.

The power to declare war: when launching an armed u.a.v. is constitutional

When it comes to domestic law, The U.S. Constitution stands as the cornerstone document of American government. In Article 1, Section 8, Clause 11 says of the U.S. Congress has the power “To declare War, grant letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water.” A plain text reading of the Constitution may imply that it is not the responsibility of the Executive, the Judiciary or the military to decide when and where to wage war. This view would suggest that a full scale war under the action and that Congress only has to declare war in the case of the United States engaging in a major conflict (Li 2009, 375). As part of the U.S. checks and balances upon federal government, we see that the founding fathers gave the authority to Congress to declare war, not the Executive Branch. However, the Executive Branch has multiple times engaged in incursions of force abroad without seeking Congressional approval. This has not happened just with small military engagements such as the U.S. intervention in Libya in July of 2011, but rather this has been a trend that has occurred for years with major wars that occurred without a Declaration of War from Congress such as the Korean War and Vietnam War (S.PUB.103-21 Prepared by the Office of the Secretary of the Senate with the assistance of Johnny H. Killian of the Library of Congress. n.d.).

One notable exception would be when President George W. Bush requested Congress pass the Iraq War Resolution, which the House passed first followed by the Senate in October of 2002 (CNN 2002). Similar to the War Powers Act that requires Congress to be notified of hostilities in a sixty day period after they began, the Iraq War



Resolution required Congress to be notified of the status of hostilities between the U.S. and the Iraqi state every sixty days (CNN 2002). The Iraq War Resolution didn't prevent the President from receiving political criticism, as he endured much. How President George W. Bush conducted his international interventions is important because he was the first President to use the drone technology. As well documented, under President George W. Bush an expansion of Presidential powers ensued that set up precedents for future Presidents such as President Obama that are difficult to return from. Presidents examine what their predecessors did in office, take note of the current political events that brought them into power and then they make decisions about how to proceed using their power (Skowronek 2008, 18). An understanding of how President Obama can expand the use of power to use drones in states we have no declaration of war with can only be comprehended with an examination of how President George W. Bush began to use this technology first in Pakistan. The Iraq War Resolution was written so that President George W. Bush had to commit that his war efforts would not impede the seeking to find the Al-Qaeda network (CNN 2002). Many legal questions were in play regarding domestic and presidential law that the occasional use of drones did not create a political uproar. The expansion of this power was therefore easier for the American people to accept and even promote after President Obama succeeded President George W. Bush.

The legal rationale that Congress gets to decide when the United States can commit to engaging in hostilities was tested yet again when Barak Obama decided to "lead from behind" in a mission to remove the Libyan Dictator Mommar Al-Qaddafi

from power. The phrase used to describe Obama's choice to commit resources but not actually is the military power calling the shots in the assistance of the rebels who were looking to overthrow their dictator (R. Cohen 2012). In this engagement, no boots were put on the ground and Obama had other states bear the weight of the military excursion not taking the lead because the danger level of the enemy was not viewed as high (Lizza 2011). The idea was one utilized by Nelson Mandela's view of leadership, cited in his memoirs that a leader is like a shepherd guiding his flock (Lizza 2011). While that view of leadership rises more pastoral than warrior imagery it was effective for the purposes of liberating Tripoli, the capital of Libya, from those loyal to Al-Qaddafi.

It was this seemingly innocent commitment of American resources to the Libyan rebel's effort to remove Mommar Al-Qaddafi generated headlines in the American press such as "Libya Effort is called a Violation of War Act (C. Savage 2011)." Both Republicans and Democratic lawmakers voiced disapproval that the sixty day mark for Congress to approve of hostilities the President had began came and went without the President withdrawing the military from the mission (C. Savage 2011). While the military operations in Libya were not approved by the U.S. Congress, Resolution 1973 by the U.N. gave the incursion an international legal sense of merit. In Libya the United States provided active support for those conducting the military operations as the U.S. Navy fired missiles providing air cover for the European forces that were attacking the Libyan government (David Kirkpatrick 2011). Air support or air raids are considered hostilities and an act of aggression. Mommar Al-Qaddafi said he saw any American attack in that way in a letter he penned to President Obama requesting he leave the internal affairs of

Libya alone (David Kirkpatrick 2011). This was an effective political move in the Middle East, in that Al-Qaddafi's words reiterated the often heard sentiment across Middle Eastern states that the United States interferes with other states operations, therefore violating the internationally accepted law of respecting state sovereignty. For the Obama administration or any future administration to launch unmanned aerial vehicles into states that Congress hasn't given a Declaration of War also violates the War Powers Act (Boyle 2013). Hostilities are still acts of war, whether it is active support for those dropping air missiles, the actual launching of those missiles using a human pilot or a robotic unmanned aerial vehicle.

The War Powers Resolution was created to ensure that the Executive worked with Congress in bringing the state into war, by informing Congress of hostilities and receiving a declaration of war from Congress (50 USC § 1541 - Purpose and Policy n.d.). The War Powers Resolution must be examined because it is part of the current laws governing war in the United States. Since 9/11 and the growth of the commonality of international terrorism it is questionable if the War Powers Act should be abided by in a world of asymmetric threats. The War Powers Resolution was meant to cut down on the President sending troops into combat without having the explicit approval of Congress and required the President to do a number of things including consult and notifies Congress in regards to pending hostilities that were not in response to attacks on the troops or the U.S. interests (Corn 2010, 688). The War Powers Resolution didn't prohibit the tradition of Presidents of committing troops for minor missions or incursions without Congressional approval or oversight. The War Powers Resolution did seek to limit this

tendency by introducing procedures that made sure that when troops are deployed abroad both Congress and the Executive is in agreement about the risk of conflict breaking out (Library of Congress 2012). The War Powers Act is limited to where American troops are committed to hostilities.

The use of American soldiers has now extended beyond the “boots on the ground” traditional definition of committing troops to hostilities. In the Gulf War, the United States did put boots on the ground and the use of UAV was limited to only a singular unmanned aerial vehicle (P. Singer, *Wired for War* 2009, 56). By the time the United States was at war with Iraq again three years after the start of 2003’s Operation Iraqi Freedom, the United States was operating almost five thousand unmanned aerial vehicles by the close of 2006 (P. Singer, *Wired for War* 2009, 61). These U.A.V.’s do not have to be operated by troops in theater; it is well known that an operator could be a soccer mom who works for the U.S. Air Force at a base in Nevada. Clearly no American troops are facing an immediate threat to their life when they are operating drones from half a world away from their target. Targeted killing can be viewed as “asymmetric warfare” as it is often used as a counterterrorism technique (Hunter, 41). While U.A.V. warfare isn’t the equivalent of sending troops into combat, drones are still a weapon of warfare that should be overseen by Congress insofar as it does not cause undue risks to the intelligence gathering of the U.S. government (Hobson 2012).

It can be argued that asymmetric warfare falls underneath what Article 1, Section 8, clause 11 of the Constitution labels as granting “letters of Marque and Reprisal.” The

last time Congress issued such a letter was in the War of 1812, essentially allowing private citizens to go after pirates for a bounty (Lovely 2009). It's an idea that former Congressman Ron Paul would like to see restored to towards fighting the current pirates of the high seas, not very dissimilar to the United States government handling the contracting of the Blackwater organization to hire private troops to serve in Iraq (Lovely 2009). Congress has more power than it has been exercising when it comes to how drones are utilized. Congress holds the "power of the purse" which means if it doesn't like a military engagement the President has incurred, Congress can cease the engagement by cutting off funding (S.PUB.103-21 Prepared by the Office of the Secretary of the Senate with the assistance of Johnny H. Killian of the Library of Congress. n.d.). Mainly, Congress chooses not to do this for political reasons. Congress and the Judiciary could choose to act as a greater check on the President's powers if it chose to do so. It's rather hypocritical of the U.S. Congress when leadership and members accuse the President of warmongering while denying their own capabilities to stop what they are deeming atrocities. The Executive Branch's expanse of powers has extended from major wars without Congressional approval to consistent hostilities without committing troops through unmanned aerial vehicle warfare, again without Congressional consent. This bypassing of Congress allows the president's power to grow without the check's the framers intended to maintain a democratic republic.

The main legal documents for a framework on the domestic and international legalities of deploying drones

There are domestic and international legal documents that are pertinent to a discussion of the legalities that are quite relevant and providing the legal underpinnings to the discussion of unmanned aerial vehicles. These documents include the Authorization for the Use of Military Force (A.U.M.F.), the Geneva Conventions, and Article 51 of the U.N. Charter. UAV's are permissible under U.S. law due to blanket pieces of legislation passed such as the Authorization for the Use of Military Force (A.U.M.F.). The Authorization of the use of Military Force (A.U.M.F.) is a document passed within a week after the September 11, 2001 attacks against the United States on September 18, 2001 (Public Law 107-40 [S. J. RES. 23] 107th Congress 2001). The AUMF gives authority to the president to wage war against those organizations, states and also individuals who organized the September 11, 2001 attacks, and against any future organizations, states and individuals who would attempt to launch attacks against the United States (Public Law 107-40 [S. J. RES. 23] 107th Congress 2001). The A.U.M.F. is clear in its language that this law passed does not override the War Powers Act that was created in the wake of the Vietnam War (Public Law 107-40 [S. J. RES. 23] 107th Congress 2001).

There is nothing in the language of the A.U.M.F. that provides for an expiration date for this law, no sunset clause is issued for the law to be renewed by Congress (Public Law 107-40 [S. J. RES. 23] 107th Congress 2001). Therefore, this law stands unless it is

repealed by Congress or the United States Supreme Court rules the law unconstitutional. The A.U.M.F. is different than other wartime authorizations that Congress has issued such as the Gulf of Tonkin Resolution, which had a method of expiration. The Gulf of Tonkin Resolution stated in Section 3 that “This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress (Eighty-eighth Congress of the United States of America at the Second Session 1964).” While this was a rather weak clause, leaving expiration for at the perception of the President or the repealing of Congress, it was an expiration clause to the document nonetheless. The A.U.M.F. has no such clause.

The A.U.M.F. has been widely utilized in the arguments promoting the U.A.V. strikes. The General Counsel for the Department of Defense has declared the A.U.M.F. to be foundational to the legal reasoning of the Obama Administration, labeling it “the bedrock of the military's domestic legal authority (Johnson 2012).” The Obama Administration’s nominee for C.I.A. Director in 2013 is John Brennan, who wrote a statement to Congress saying that the Obama Administration didn’t need to provide any legislation beyond the A.U.M.F. for the use of unmanned aerial vehicles at any geographic location (Boyle 2013). A “white paper” released to NBC reporters stated that the administration could use drones when it perceived an attack to be “imminent (Kravets 2013).” In order for an organization to be targeted by the Obama administration underneath the A.U.M.F. the group must go further than the acceptance of Al-Qaeda’s

hostile ideology towards the United States and its allies; the organization must actually enjoin the U.S. and other coalition forces in conflict (Johnson 2012). Furthermore, Mr. Johnson stated that “Afghanistan was plainly the focus when the authorization was enacted in September 2001, but the AUMF authorized the use of necessary and appropriate force against the organizations and persons connected to the September 11<sup>th</sup> attacks – al Qaeda and the Taliban — without a geographic limitation (Johnson 2012).”

Mr. Johnson’s legal rationale is in line with President Obama’s language that is eerily reminiscent of his predecessor George W. Bush in regards to taking the fight to the enemy and not providing safe haven for terrorists. In his September 20, 2011 speech only two days after the A.U.M.F was passed President George W. Bush stated “Our war on terror begins with al Qaeda, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped and defeated (Bush 2001).” Echoing these views, President Obama told soldiers at the West Point Academy roughly only a year after he had assumed office that the United States “cannot tolerate a safe-haven for terrorists whose location is known, and whose intentions are clear (Anderson, Hearing Before the Subcommittee on National Security and Foreign Affairs of the Committee on Oversight and Government Reform 2010, 24).” Mr. Johnson is finally admitting the extent of the language used by two Presidents in 2012 what George W. Bush said in fall of 2001 and Barak Obama said in fall of 2009. The United States is not concerned with state sovereignty and whose land terrorists are finding safe haven. The United States will take military action to eliminate that threat. Some experts, such as the Council on Foreign



Relations U.S. domestic security specialist John B. Bellinger suggest that the A.U.M.F. needs to be reauthorized and the language transformed to make clear that the current actions of the Administration are legally permissible (Masters 2012).

The 2001 AUMF is ten years old now and getting a little long in the tooth--still tied to the use of force against the people who planned, committed, and or aided those involved in 9/11," he says. "The farther we get from [targeting] al-Qaeda [e.g., al-Shabaab in Somalia], the harder it is to squeeze [those operations] into the AUMF (Masters 2012).

The House of Representatives did through its power of the purse in a way reaffirm the necessity of using the AUMF by financing military operations in the National Defense Authorization Act of 2012 (Masters 2012).

#### National Defense Authorization Act of 2012

The National Defense Authorization Act expressly states that the Executive has the authority "to use all necessary and appropriate force" in eliminating those who have committed terrorist acts against the United States (Masters 2012). The National Defense Authorization Act of 2012 has been used as the document in coordination with the A.U.M.F. to provide for the detention of terrorist suspects internationally without geographic limit (A.C.L.U. 2013). The Huffington Post reported that the Act largely expanded the U.S. ability to detain anywhere.

Section 1021, which declares that the government has the right to detain any "person who was a part of or substantially supported al-Qaeda, the Taliban, or associated forces," has prompted outrage and eventually led to a federal lawsuit, which is still mired in the court system (Wing 2012).

The N.D.A.A. is not spoken of regularly but it is a key part of the American government's justification of the use of drones in other states underneath U.S. law.

## The views on the International Custom of Self-Defense as expressed through Article 51 of the U.N. Charter

If one seeks to destroy enemies within another states territory that are out of the control of that government's officials, the victim state seeking to eradicate its enemies will encounter two principles of international law as obstacles to accomplishing this aim (Michael, 2009, 134). The first principle is that of territorial sovereignty, and the second is what is made clear in article 2, section 4 of the UN Charter, that "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations (Michael 2009, 134)." In other words the United States must seek to not infringe on the state sovereignty of Pakistan or any other state when it uses unmanned aerial vehicles to kill alleged terrorists in those state(s). The state that has terrorists operating within its borders has a legal obligation to not allow non-state actors within its borders to create a threat to other states. The United States must honor the rules of engagement as they are spelled out in the United Nations Charter, because the United States is a member state of the U.N.

Article 51 of the United Nations Charter states the United Nations position upon states having the right to defend their selves against an armed attack:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security (Charter n.d.).

Article 51 of the UN Charter was written to reinforce the international recognition of customary law when it came to a states' right of self-defense (Ruys 2010, 8). Yoram Dinstein explains in his work "War, Aggression and Self Defense," that the architects of the UN Charter quite deliberately chose the phrase "armed attack" because it was more clear than simply using the term aggression for when it is appropriate for a state to use force in self defense (Dinstein 2005, 166). The question then becomes whether the Charter would allow the definition of "self defense" to include preemptive action.

#### Administration's rhetorical posturing to promote drones

Obama Administration officials have sung the praises of drones, probably in large part due to their political efficiency. Drones are seen as an easy way of combating terrorism. According to former CIA Director Leon Panetta, the drones leave little collateral damage while being "very effective" and "precise (CNN 2009)." Panetta demonstrated the Obama Administration's overreliance on UAV's when he stated "Very frankly, it's the only game in town in terms of confronting or trying to disrupt the al Qaeda leadership (CNN 2009)." On April 13, 2010 the Washington Post reported what the Attorney for the U.S. Department of State had to say regarding the drone program.

"The United States is engaged in an "armed conflict" with al-Qaeda and its affiliates, Mr. Koh asserted, and "individuals who are part of such an armed group are belligerents and, therefore, lawful targets under international law (The Washington Post 2010)." Mr. Koh went on to elaborate, saying "A state that is engaged in an armed conflict or in legitimate self-defense is not required to provide targets with legal process before the state may use lethal force (The Washington Post 2010)." The targets Mr. Koh spoke of in this instance are terrorists.

A month after Mr. Koh made his claim, in May of 2010; proponent of the drone program Kenneth Anderson remained unconvinced that the Obama Administration's lawyers were doing a fine job of presenting a legal defense of the program (Anderson, Hearing Before the Subcommittee on National Security and Foreign Affairs of the Committee on Oversight and Government Reform 2010). Before the U.S. House of Representatives Anderson stated that there was an ambiguity given to President Obama by his lawyers on the subject of the availability to deploy drones under the current legal framework (Anderson, Hearing Before the Subcommittee on National Security and Foreign Affairs of the Committee on Oversight and Government Reform 2010, 19).

Anderson is unfortunately understating how dire the lack of transparency is from the White House on the subject of drone strikes. It is easier to comprehend the secrecy behind when special operations forces are utilized in states. By nature such acts are covert. However, when hellfire missiles being launched from Predator drones with the engravings "Made in the U.S.A." are found in the rubble of homes in Pakistan, the lack of

forthrightness from the current Administration seems humiliating to the American people (Shah 2012). Perhaps where this lack of transparency is most seen is from the White House on the subject of the death of U.S. citizen Anwar Al-Alwaki. Armed only with the Freedom of Information Act, the New York Times and the American Civil Liberties Union have both requested that the CIA produce documentation regarding the drone program (Currier 2012). Located on page ten of the legal brief that invoked the name of national security to avoid transparency, the Obama Administration stated: "Whether or not the United States government conducted the particular operations that led to the deaths of Anwar al-Awlaki and the other individuals named in the F.O.I.A. requests remains classified (Friedersorf 2012)." This is almost ludicrous of a response from the government, when Obama spoke about the death of Al-Awlaki publicly, even if he didn't directly attribute the strike to the United States (Condon 2012). Rather, he publicly praised the Yemeni government for aligning themselves against the war on terror, citing that the death of Al-Awlaki is a "major blow to Al-Qaeda (Condon 2012)." CBS news specifically accredited the strike to the CIA even when Obama did not, calling it the most major advancement against Al-Qaeda since the death of Osama Bin Laden (Condon 2012). United States government officials did state that the missile strike in Yemen on September 30, 2011 in addition killed American Samir Khan, who edited a website that delineated how to conduct terrorist acts (Mark Mazzetti, Two Year Manhunt Led to Killing of Awlaki in Yemen 2011). This was an inadvertent admission of also killing Anwar Al-Awlaki by top U.S. officials (Friedersorf 2012). The Obama Administration is therefore doing there selves a disservice by presenting a double minded public image in

regards to the drone strikes. On one hand it is abundantly clear there is an operation being conducted by the CIA and by the U.S. military and on the other hand a public denial as to the existence of such a program. Anderson states in his testimony before the Subcommittee on National Security and the Foreign Affairs of the Committee on Oversight and Government Reform of the House of Representatives his views regarding the Administrations motives.

I think the Administration, for very understandable political reasons of many kinds, would prefer not to have that discussion directly. I also believe that it is going to happen, whether one likes it or not, and that it would be better if Congress helped move that ball forward and move it in directions that I think would be favorable (Anderson, Hearing Before the Subcommittee on National Security and Foreign Affairs of the Committee on Oversight and Government Reform 2010, 20).

Political jockeying must give way to clear legal interpretations on the subject of drones and covert actions taken by the United States Government so that the United States offers a clear standard to the international community and to its domestic populous. David Glazier, in the William and Mary Law review stated the importance of the United States providing a clear legal argument for its actions (Glazier 2009, 5). He noted that providing an argument for how the US is presently operating within current international law is a crucial part in getting other states to join the fight against terror (Glazier 2009, 5). He wrote “To succeed, the United States must be seen as a just party battling an unprincipled enemy, as President Bush implicitly recognized when promising to provide a clear choice “between good and evil (Glazier 2009, 5).” It is simply smart politics to end the duplicity, lead through transparency and allow the United States to fulfill its role in being an example for other states.

Mr. Koh posited that the United States was working to defend innocent civilians because Al-Qeada and its affiliates are plotting against them while hiding amongst citizens. It's unclear whose citizens, Afghans or Americans, Mr. Koh believes the United States is protecting. The Pakistanis are losing more lives due to the drone strikes than if the United States was not conducting such a program.

A small amount of government transparency leads to an unclassified Justice Department white paper

The cries for transparency have not completely fallen on deaf ears inside the Obama Administration. At present, the Obama Administration has attorneys formulating a legal framework that will serve as an international standard on the use of unmanned aerial vehicles (Adam Entous, U.S. Unease Over Drone Strikes: Obama Administration Charts a Delicate Legal Path Defending Controversial Weapons 2012 ). This is specifically so that other important states such as Russia and China may be influenced by the U.S. legal rationale on the matter (Adam Entous, US Unease Over Drone Strikes: Obama Administration Charts a Delicate Legal Path Defending Controversial Weapons 2012). In February 2013, the Obama Administration finally agreed to show intelligence committee members in the House and Senate the legal memorandum memo that spells out the government's logic for targeting and eliminating terrorists abroad under domestic and international law (Mariani 2013). The paper's aim is to demonstrate that under three conditions the government believes that an American can be lawfully targeted and killed without trial (Department of Justice 2013, 1). These conditions are:

(1) An informed; high level senior official of the U.S. government has determined that the targeted individual poses an imminent threat of violent attack against the United States; (2) capture is infeasible, and the United States continues to monitor whether capture becomes feasible; and (3) the operation would be conducted in a manner consistent with applicable law of war principles (Department of Justice 2013, 1).

The definition of a threat that is considered “imminent,” according to the document was not clear which gave ample leeway for the American Civil Liberties Union to suggest that the White House was redefining the term “imminent” and being “elastic” in the use of the word (Mariani, White paper on legalities of using drones against citizens draws concerns from pundits, politicians 2013). While that portion of the document is not very concise, other portions of the document are more disturbing. Very few people would likely contest the government stopping a terrorist attack that is in motion, but the definition of at what point the government can truly ascertain the threat level of an individual is left out of the document. What remains is an “informed high level official of the U.S. government” left to act as the sole arbitrator of the American’s fate with Americans not questioning how a Justice Department memo trumps the U.S. Constitution’s Bill of Rights?

The President has the authority to respond to the imminent threat posed by Al-Qaida and its associated forces, arising from his constitutional responsibility to protect the country, the inherent right of the United States to national self defense under international law, Congress’ authorization of the use of all necessary and appropriate use of military force against this enemy, and the existence of an armed conflict against Al-Qaida under international law (Department of Justice 2013, 1).

The idea that the President can determine who is considered a political dissident and kill them citing the cause of national security should be a troubling thought to defenders of liberty. While the document suggests that Congress has oversight of such engagements, this is not the case. On January 4, 2013 eleven senators wrote a letter to



President Obama requesting that he make clear the Justice Department's legal reasoning in using counterterrorism operations against U.S. citizens (Fox News 2013). The Obama Administration has agreed to allow members of the House and Senate intelligence committees only to examine these documents, without making the legal rationale public for the American people or at a minimum their congressional representatives on the whole (Mariani, Obama will release memo on drone attacks against Americans 2013).

Until the United States makes the rationale wholly available to the public, the use of drones without igniting hostilities between states remains a matter of limitedly using the drones and keeping control of the political conversation on the matter. In the 2012 reelection campaigns the use of drones was considered a non-contested point between the President and then rival, Republican candidate Mitt Romney that has become considered a needed part of the U.S. counterterrorism strategy (Anderson, U.S. Counterterrorism Policy and 'Institutional Settlement' 2012). While some of the American politicians do not contest the idea of going to war with terrorists, Kenneth Anderson maintains that the faction of scholars and pundits that doesn't want the United States to use drones is those who do not recognize the imperative of fighting with terrorists to maintain homeland security (Anderson, U.S. Counterterrorism Policy and 'Institutional Settlement' 2012). Kenneth Anderson laments that the punditry likes to "express anxiety" over the targeted killing policies without picking alternative solutions that they bless implementing (Anderson, Targeted Killing in US Counterterrorism and Law 2009). The view Anderson expresses makes a supposition that those who decline to support the drone policy are not acknowledging the war with terrorists.

Despite such disputes among scholars, the United States government is presently winning the battle of perception regarding drone attacks. The populous is hearing more about the strikes, albeit from the slant that they are a great weapon to eliminate terrorist targets. The United States has seen a large jump in media articles regarding the drone strikes (McKelvey 2011). The Columbia Journalism Review looked at the number of stories that got published in two different three month periods in 2009 (McKelvey 2011). In early 2009 in the Months of January through April only eighty stories were written about the strikes, whereas in July through October of the same year one hundred thirty six stories were written (McKelvey 2011). The Columbia Journalism Review accounted the difference to the latter month's stories being written after a high valued target was eliminated, and the lower stories on UAV's months being attributed to the fact that no higher value targets were being eliminated although many civilians perished (McKelvey 2011). There is almost a sense that propaganda favoring the strikes versus a more honest conversation about their pros and cons is being disseminated in the media.

#### Ramifications

If this tool of targeted killing is deemed illegal under domestic or international law, it could be eliminated from the Administration's tool box, leaving fewer options in combating terrorism available to future. The Obama Administration has been far clearer than its Predecessor's Administration in its affection for the drone program and intent on its continued use. In a pop culture article in Esquire Magazine, Charles P. Pierce makes an important point:

There is absolutely nothing in the Constitution that allows the president to make private war on individuals. Any historical precedent you can cite is rooted not in that document, but in the steady historical draining of the war powers from the Congress, where the Founders anchored them, to the Executive branch, all the way back to Thomas Jefferson and the Barbary Pirates, when Jefferson circumvented the requirements by sending a fleet off to Africa and not telling Congress until it was too late to recall it (Pierce 2012).

A key problem with the drone program is that it has not been legally blessed by Congress. The Constitution allows for the power to declare war to be in the hands of Congress. Article 1 Section 8 of the U.S. Constitution reads that Congress has the power “To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water.” Congress was given this power under the assumption that it would not as easily as the President waste American blood and treasure, wanting to create a legacy or name for itself like a monarch would. The United States military is to make war when Congress has issued a declaration of war.

Every question of political and military authority must be held against the standard of the Constitution. The Bill of Rights cannot be eliminated through the drafting of a Justice Department memo and the idea that the President can make national security decisions that deprive citizens of their due process of law. The United States is purposefully a nation under the rule of law, rather than one ruled by arbitrary decrees from a despot. Other states have copied the U.S. Constitution for years. It is only fitting that the United States not water down the rights of her people but instead be an international example to other states of democracy and the rule of law. When the United States ignores the requests of the Pakistani Parliament to cease the deployment of drones in their state, it is delegitimizing the only democratic body in that state (Bowcott, U.S.

drone strikes in Pakistan 'carried out without government consent' 2013). This undermines the United States promotion of democracy abroad. If the United States does not want Muslim states to elect fundamentalist regimes, she would be wise not to ignore the requests of a peaceable governing body such as the Pakistani Parliament.

The United States cannot hide behind the view that international law permits an ongoing conflict against an enemy that is trans-national and non-uniformed without a time limit for the conflict. The reason this view does not hold under international law is two- fold: First, that there has not been an international body that recognizes such a conflict and secondly, that there has been no attack from the militants in Pakistan or the other states outside of Afghanistan that permit the United States to retaliate upon such a belligerent group without a declaration of war from the United States Congress against the state those individuals are being harbored in (O'Connell, When are Drone Strikes Illegal? 2012). It is clear that the old legal regime is insufficient to handle the modern terror threat that is asymmetric in nature. States must adapt and collectively tackle this problem through talks, binding treaties and an entire reworking of the laws surrounding the conduct of warfare.

#### Current policy recommendations

Two policy recommendations should be put immediately into effect. The United States should halt drone strikes in the Waziristan region, and the United States should cease financing the military in Pakistan. One Yemeni activist in Yemen, Ibrahim Mothana, has stated the detriments of drone strikes are pervasive.

Drone striking militants to eradicate terrorism is like machine- gunning mosquitoes to cure malaria. Rather than tackling the real drivers of extremism, drone strikes create an ideal extremism, drone strike create an ideal environment for Al-Qaeda to grow and propagate. Winning hearts and minds of people is key in such unconventional warfare, yet the U.S. alienates Yemeni civilians many of whom have lost relatives or friends in drone strikes (Mothana 2012).

Mr. Mothana has a point that the U.S. government would take well to heed. Despite the very great potential for blowback, the drone program are often still labeled as the best option over sending in ground troops to the region (Fair, For Now, drone Strikes are the Best Option 2013). The U.S. needs to consider ending the financing of the Pakistani military and the I.S.I. The I.S.I. has been allegedly harming the U.S. in Afghanistan, conducting terrorist strikes and manipulating elections (Landay 2013). While the current plan is to give money to the Pakistani military to protect the nuclear weapons from falling into the hands of Al-Qaeda, this has largely ignored the schools that need funding along with other infrastructure that would help the Pakistani people.

An idea of “joint strikes” has been postulated by Admiral Dennis Blair, but this is not the best idea because the Pakistanis have been known to tell Al-Qaeda members when to flee (D. Sanger 2012, 260). Joint strikes are a political impossibility in the Pakistani state which is a democracy. When seventy four percent of the Pakistani people view Americans negatively, the time to continue strikes at all in the region has past (Pew Global Attitudes Project 2012). That disaffection with the United States will spread like a disease to other areas in the Middle East region (International Human Rights and Conflict Resolution Clinic (Stanford Law School) and the Global Justice Clinic (NYU school of Law) 2012, report-strategy). The strikes right now have been based on the “imminence”

of the threat according to the White Paper released by the Justice Department and Harold Koh's legal opinion in his March Speech in 2010. However, it is known that American intelligence is often inaccurate. In the Living Under Drones Report by the Law School at Stanford University and New York University the intelligence leading to drone executions was questioned.

An anonymous US official cited by Tom Junod in his August 2012 *Esquire* article admitted that "[y]ou get information from intelligence channels and you don't know how reliable it is or who the source was. The intelligence services have criteria, but most of the time the people making the decision have no idea what those criteria are (International Human Rights and Conflict Resolution Clinic (Stanford Law School) and the Global Justice Clinic (NYU school of Law) 2012, report-strategy)."

In order for America not to appear hypocritical in the Middle East region, stating that she supports democracy, but then ignoring the wishes of the Pakistani people and undermining it, America must halt the drone strikes.

Simple calls for greater transparency will not be what aides the Obama Administration or the American people's safety. The Obama Administration has sought to transfer the power of drone strikes from the C.I.A. to the military, amid growing criticism that the Administration is shirking international law through operating drones in states the U.S. is not declared to be at war with (C. L. Starr 2013). While a greater bid for transparency is admirable, it too comes with drawbacks. General Cartwright, the same four stars marine who voiced publicly his concern that drone strikes would result in blowback has stated his lack of enthusiasm for bringing drones to the military because he sees a "blurring of the line" as the military has not received a declaration of war. Internationally, a transfer of power between agencies is not likely to win any favor, as the

program and resulting impact on the socio-economic status of people living in Pakistan and Yemen continue to be affected. The policy prescription is not grandiose. Stopping the bleeding is the first step before these regions can begin to heal and a campaign to win hearts and minds, the putting into effect of a type of Marshall-plan in the region to raise the socio-economic status of those lives lost may be the slim chance the United States has of tempering the growing hatred of America in the middle east region.

## **CHAPTER IV**

### **THE FUTURE OF DRONE WARFARE**

This chapter will develop and discuss some key aspects regarding the future of drone warfare. These include how drones will impact the U.S.' relationship with key states that are potential adversaries such as Iran and China, how drones can increase the possibility of war, U.S. drone research and development, terrorism and drones, cyber warfare and drones, and the power and reputation of the U.S. and its president.

#### **Iran**

Pakistan is the state that has absorbed most of the drone policy's impact. Drone warfare is becoming an integral part of conflicts that occur in the Middle East. There have been skirmishes in the Middle East over drones being present in the region. On November 3, 2012, CNN reported that Iran had attempted but failed to shoot down an American drone. The "exclusive report" from CNN, says "that raised fresh concerns within the Obama administration about Iranian military aggression in crucial Gulf oil shipping lanes (Starr 2012)." These concerns may be fresh, but they have precedent. Nearly one year ago, in December of 2011, Reuters reported that NATO's ISAF issued a response to Iranian news outlets claiming that Iran had successfully downed a U.S. drone.



The U.A.V. (unmanned aerial vehicle) to which the Iranians are referring may be a U.S. reconnaissance aircraft that had been flying a mission over western Afghanistan late last week... The operators of the U.A.V. lost control of the aircraft and had been working to determine its status (Hafezi 2011).

Iran was already in a tense situation with multiple states in the EU, and had declared that if the U.S. or Israel had tried to attack, that it would hit key interests of both states in the region (Hafezi 2011). Iranians already feel cornered by the United States. It's a well known fact that Iran is surrounded by missile bases on every side and has seen U.S. ground troops in Afghanistan, a border state to Iran (Richman 2011). So when almost a year later, the Iranians once again shot at a U.A.V., it put the United States in a position of concern regarding the price of oil. The Iranians however, had every reason to be concerned about the United States. From the United States supporting the overthrow of their Shah in collusion with the British in 1953, to the United States support of Saddam Hussein's invasion of Iran in 1980, the United States has rarely shown itself kind to Iran (Richman 2011).

In regards to the November 8, 2012 CNN report, the U.K. Guardian newspaper countered that CNN was acting as a microphone for U.S. government propaganda, and that the reporting was biased because the exclusive author, Barbara Starr, made no effort to reach out to the government in Iran for comment according to the CNN article (Greenwald, CNN claims Iran shot at a U.S. drone, revealing news network's mindset 2012). This incident reveals how drones are in fact a key aspect of warfare and interaction between states. The United States doesn't appreciate having other states fire at its drones, which it claims were hovering over international waters (Greenwald, CNN

claims Iran shot at a U.S. drone, revealing news network's mindset 2012). While the United States is painting the Iranians as hostile for shooting at our U.A.V, the fact that the U.S. has drones in the region is not well accepted by the Iranian state. By having drones in the area, similar to putting actual troops in a state or near a state, the United States is painting a target for Iranians to attack.

Iran has also developed the unmanned aerial vehicle and weaponized it for military use. In August of 2010, President Ahmadinejad unveiled an unmanned aerial vehicle called “Karrar,” translated into English as “Striker” although the President of Iran chose to describe the drone as an ‘Ambassador of Death,’ having a capability of traveling 620 miles to deter the enemies of Iran (Karimi 2010). The announcement was made by President Ahmadinejad, was followed by commentary from the Christian Science Monitor who reported on it reminded the public that Iran has a habit of making statements about its military capabilities that others cannot authenticate (Karimi 2010). Iran was not bluffing. Two years later, in October, 2012 sent drones into the Israeli airspace to penetrate the U.S. funded Iron Dome system that was designed to defend against small rocket attacks into the state from neighbors (J.Post.com staff 2012 ). Israel and other states must take note that Iran is capable of launching a drone outfitted with missiles (Jafarov 2012). An editorial in the Jerusalem Post noted that this drone didn’t come weaponized, however something the Israeli’s must prepare to defend against is many drones bombarding Israeli airspace simultaneously in a wartime situation (J. Post editorial 2012).

The United States under George W. Bush considered Iran part of an “axis of evil.” It has been the United States policy to attempt to keep Iran from getting a nuclear bomb, but the complications between the U.S. and Iran go far deeper (Harvey M. Sapolsky 2009, 17). The U.S. President must ask himself if the drone policy as it stands, with drones antagonizing Iran and infuriating Pakistan is the optimal strategy for the U.S. foreign policy. Using drones over international waters is legally acceptable, but people in the region may find it to be a further misuse of American power. The implications of using drones near Iran may be to further flame hostilities between the two states. While drones will proliferate no matter what example the U.S. sets using them, the U.S. may do well to consider trying to regulate drone proliferation through a multi-lateral treaty. The U.S. believed a treaty was necessary in regards to the spread of nuclear weapons. Drones have the possibility of revolutionizing warfare and as such they should be subject to international agreements.

## China

All of the drone activity will not be limited to the Middle East by any means. The United Kingdom paper, *The Independent*, reported on September 24, 2012 that China was planning to utilize drones to monitor the seas surrounding the East China Sea Islands, territories that China is in dispute with Japan with (Associated Press 2012). The East China Sea Islands are not inhabited by people, but still are causing quite the dispute among three states (Rowland, *A Dangerous New World of Drones* 2012). Both China and Taiwan believe they have a credible claim to the territories, but due to the Japanese

purchase of the territories in early September 2012 the Chinese responded with anger and planned to make the drones over the islands operational by 2015 (Associated Press 2012). China may ignite a crisis with neighboring states using their drones which could result in international intervention.

The greater concern for Americans should be that the Chinese are developing advanced technologies with their drones. In 2010, at the Zhuhai Air Show in China over twenty five variations of unmanned aerial vehicles were unveiled (Page 2010). Demand in China for the technology is rising. “Based on the methodology described above, the latent demand for unmanned aerial vehicles (UAV) and systems in Greater China is estimated to be \$777.1 million in 2011 (Philip M. Parker 2011).” The Chinese, who are very skilled at taking American and other states products and producing a generic and effective version for lesser cost, has done so yet again with the latest drone it released for public viewing. The “Li Yong,” is an U.A.V. that is equivocated to the MQ-9 Reaper (Sky News Staff 2012). The Reaper is the unmanned aerial vehicle that the United States military mainly uses because it can carry a heavier payload than the Predator U.A.V. is capable of (Soncan 2012). The Chinese have plans to use drones not to root out those individuals or groups deemed to be a threat to their security but rather as part of conventional warfare (Koebler, Expert: ability to disable drones needed before they become terrorist weapons 2012).

China is seen to be the main forthcoming power in Asia, and the Japanese and South Korean robotics industries are two other states whose robotics industries much be

watched for the United States to continue its military edge on robotics (P. Singer, *Wired for War* 2009, 242-243). The Chinese are presently rumored to have their drones armed with the ability to swarm and join together to attack their target (Koebler, Report: Chinese Drone 'Swarms' Designed to Attack American Aircraft Carriers 2013). Peter Singer describes the concept of swarming in his book Wired for War (P. Singer, *Wired for War* 2009, 229-236, 430). He writes of swarming as something seen in nature, with the drones having the ability to hunt and work in coordination as a team together (P. Singer, *Wired for War* 2009, 230). When Peter Singer's book was published in 2009 the United States had not figured out how to have drones swarm although it was a projected goal. The Chinese may be taking their cues from the American military's research and development via cyber hacking, but the fact that they have implemented such technology is indicative they have the capability of matching if not surpassing the U.S. capabilities in drone warfare technology (Koebler, Report: Chinese Drone 'Swarms' Designed to Attack American Aircraft Carriers 2013).

Like when nuclear weapons are acquired by one state often sets off a desire within other states to obtain the most lethal technology, the same principle is true of drones. As China creates more models of unmanned aerial vehicles and heavily invests in developing the technology, nearby states such as Japan and India is likely to become eager to acquire the same weapons for their own military purposes (Page 2010). India, of course is a neighbor to Pakistan which is a hotbed for terrorism at present. Iran, as has previously been discussed already has drones and borders both Afghanistan where the U.S. and N.A.T.O. remain in conflict with Taliban and terrorist forces. All this is evidence that the

U.S. must seek to spearhead an international revision on the laws of war and monitor drones use so that they are not widely abused.

Drones can increase the possibility of war

It's important to note that a series of minor events between states can raise the levels of tension leading to full-scale warfare. This has been what has happened many times between the Israelis and the Palestinians. On November 16, 2012 CBS News reported that Israel had eliminated the Hamas drone program in the middle of a conflict started by Hamas launching multiple rockets into the Israeli territory (CBS News 2012). An aerial drone also played a surveillance role by capturing footage of the Israelis eliminating the Hamas headquarters as the Israeli Defense Forces contemplated a possible ground invasion into the Palestinian territories (Marquardt 2012).

U.S. drone research and development

The U.S. will strive to keep an edge on the technology as it does with other new military weapons that arrive on the international scene. The U.S. spends almost half of the international amount allocated to research and defense funding (P. Singer, *Wired for War* 2009, 247). Back in 2003, when the Pentagon had about \$310 billion dollars in a defense budget to play with the USAF was looking at spending "hundreds of millions of dollars developing long-range unmanned aerial vehicles (E. Cohen 2002, 37-38)." In a report for the Congressional Research Service on U.S. Unmanned Aerial Systems, it is reported that "DOD spending on UAS has increased from \$284 million in FY2000 to \$3.3 billion in FY2010 (Gertler 2012, Summary)."

Even when austerity is valued the United States is placing a premium on the use of drone technology. Analysts are making the argument that unmanned aerial vehicles could replace the fighter jet entirely (Page 2010). The United States has sought to purchase even more MQ-9 Reapers despite the Air Force being subject to 34 billion dollars in cuts for fiscal year 2012 (Tirpak 2012, 8,10). Each Reaper cost the U.S. government 28.4 million dollars and each Predator drone cost the government 5 million dollars in production costs (Brooks 2012). Some drones are reported to be very small similar to bumblebees for the purpose of both surveillance and attacking, although the pricing for such James Bond spy toys was not available (US Military Surveillance Future: Drones Now come in Swarms? 2012). At the beginning of the 2012 year the Defense Department could boast that it has a combined 9,500 unmanned aerial vehicles for the various branches of the U.S. military (Turse 2012 ). Yet, as more states get the technology, the more the United States will see their dominance of the technology recede.

#### Terrorism and drones

The possibility of terrorists developing drones is a contingency the United States and other Western states must now plan against. This has become a matter of homeland security and not just American foreign policy. The U.S. for many years has relied upon the geographical blessing of having the Pacific, Atlantic and Gulf oceans separating her from potentially hostile states as the neighbors north and south, Canada and Mexico have been friendly. Unmanned Aerial Vehicles have been controlled by pilots in Nevada that are operating drones in overseas war zones. Because drones can be operated by those

overseas, it would be prudent for the U.S. government to work on jamming the GPS signals that allow drones to operate (Koebler 2012). One method that terrorists may choose to employ in the future would be to use drones to attack specific buildings, such as government holdings (Koebler 2012). Professor Todd Humphreys of the University of Texas at Austin warned of terrorists hijacking drones and using them as missiles similar to how the terrorists hijacked planes on 9/11 (Roberts 2012). Spoofing the GPS in the drones is the theory behind how the Iranians took down an American drone in December of 2011 (Roberts 2012). Mexican police were responsible for a drone that crossed over the border of Mexico into the United States, crash landing the non-weaponized U.A.V. in El Paso, Texas in December of 2010 (S. Shane, Coming Soon: the Drones Arms Race 2011). John Villasenor, an expert from the esteemed Brookings Institution that also employs Peter Singer, wrote

Before the crash, U.S. officials had not even been aware that drones were operating in the area. Had the incursion been purposeful, targeted, and malicious as opposed to accidental, it appears highly unlikely that it would have been detected in advance of reaching its target...As drones become smaller and quieter, they become easier to move and launch, and harder to detect in operation (Koebler 2012).

John Villasenor elaborates on such thoughts when speaking at an event put on by the Brookings Institution called “The Coming Proliferation of Domestic Drones: What will be the Impact on privacy, safety, and national security? (Ben Wittes 2012)” Mr. Villasenor notes that the Institute for Defense Analyses has already stated that terrorists utilizing a drone would have a high probability for success (Ben Wittes 2012). Proliferation of weaponry is one reason the United States needs to concern itself with is not relying so much on the technology of using unmanned aerial vehicles. Like every



other threat, this is one the government must consider and prepare for. Any weapon we form is a weapon our enemies may eventually develop and attempt to utilize against us.

Proliferation of drones and their possible use by terrorists are only two reasons that the U.S. needs to beware of the danger of being over reliant on the technology. Peter Singer in “Wired for War” has made it clear that robots as a whole lot have a long way to go in being able to think as humans do (P. Singer, *Wired for War* 2009, 76-77). Combat zones are very complex places where multiple things are happening at once. Drones don’t process information as quickly as a human pilot would, so the problem of “latency,” the time it takes the drone to realize it needs to evade a threat is longer than it would be with a human warming the cockpit (The Economist 2011). Singer pointed out that it is difficult for a computer to decipher what a two year old immediately can, the difference between a tomato and an apple (P. Singer, *Wired for War* 2009, 76). Singer asks rhetorically “Likewise, how can the robot tell the difference between humans and mannequin decoys made to look like them (P. Singer, *Wired for War* 2009, 80)?” The Economist Magazine begs to differ with this assessment. In an article produced October 8, 2011 the question of the efficiency of drones is addressed.

Some question whether artificial intelligence, which always seems just a few years away, will ever work well enough. But if the Air Force's Flight Plan is right, it should be possible to overcome the technical problems. In 30 years it should be technically feasible to imbue drones with all the capabilities of manned aircraft as well as some extra powers of their own (The Economist 2011).

U.A.V.'s have yet to reach a high level of sophistication. These are not the robots featured in cinema where robots are so intelligent that people fear they may have

personalities and feelings as humans do. Rather, these robots are still less intelligent than infants and therefore should not be the tool that the U.S. uses over diplomacy or over the principles of winning hearts and minds that have proven successful in counter-insurgency military campaigns.

#### Cyber warfare and drones

Another way that drones may be used against American forces is through the possibility of cyber terrorism. The Obama Administration is not eager to talk about drones and even more reticent to discuss the vulnerabilities to cyber terrorism that the government faces (D. Sanger 2012, 265). Other states economies permit more engineers for the salary of one paid in the United States; in India six engineers are paid what one engineer in the United States earns (P. Singer, Wired for War 2009, 249). So, while the United States spends half of the planet's Research and Defense Funding, most of the factories producing the drones are in other states making it easier for those states to hijack the systems the United States is having built (P. Singer, Wired for War 2009, 247,249). President Obama is aware that he sets a precedent when it comes to the use of cyber warfare, which was his rationale to those surrounding him for why he would not publicly speak about the U.S.' development of cyber warfare activities as he didn't want to give terrorists a rhetorical excuse for employing the same methodology (D. Sanger 2012, 265).

## The power and reputation of the U.S. President

These less- intelligent- than- infants robots are still lethal, due to the fact they are operated remotely by humans. There are implications for U.S. citizens when drones began to be used abroad as well as at home. The government invasion of privacy and civil liberties ramifications has yet to be fully understood in the United States. It is well known internationally that in the United Kingdom government surveillance of their population has reached an extreme, with Prime Minister David Cameron providing justification for the monitoring of everyone's phone calls, emails, and website usage (The Independent 2012). While the American government has not advocated such big-brother policies, quite a few Republican U.S. Congressmen have expressed consternation over the possibility of drones being used for surveillance purposes on the American people (USA Today 2012 ). In an article in the United Kingdom's Daily Mail Reporter, the current Secretary of the U.S.A.F. underneath President Obama, Michael Donley has released a document stating that the U.S. Government may start using drones domestically to watch persons of interest to the United States government (Daily Mail Reporter 2012). The document stated that the U.S. government wanted to practice with the drones 'balancing...Obtaining intelligence information...and protecting individual rights guaranteed by the U.S. Constitution (Daily Mail Reporter 2012).' On a local level drones are being considered for purchase by police agencies. The Daily Californian has reported that the Alameda County Sheriff's office, an office that covers cities such as Berkeley and Oakland in California, is considering the purchase of unmanned aerial

vehicles “only for emergency use and proactive policing,” according to statements made by Sheriff Gregory Ahern of Alameda County (Rainey 2012).

The United States has sought to be a leader in international human rights. The war in Iraq in 2003 was justified by the George W. Bush Administration as being due to Sadaam Hussein being a brutal dictator; a similar justification was given for the Obama Administration to help topple the Qadaffi regime in Libya. It can be perceived as hypocrisy for the United States to claim that in the name of “self defense” and fighting terrorism they can justify airstrikes that if carried out through a fighter jet could be seen as acts of war. Strengthening democracy does not occur through skirting international and domestic law on this matter.

The United States could see an influx of law suits against them. CNN reports that many Pakistanis are suing in a “loss of blood” suit due to the drone attacks in Pakistan (Shahzad 2012). This is yet another reason why the United States needs to follow Kenneth Anderson’s recommendations to have the Executive Branch be more transparent with the American people. The expansion of the use of power by the administrations of George W. Bush and Barak Obama have set a precedent for future presidents of what is commonly done, but it does not stop humanitarian groups from challenging the presidency.

What America needs to ask itself is whether the long term strategy of employing drones in tandem with special operations is really the best way to reduce terrorism. Yes costly wars are lessened by this approach of attacking without declaring a war or putting

troops on the ground. The controversy surrounding the precision of U.A.V.'s has made it clear that they are not yet guaranteed to be precise. The fact that the United States is going against the wisdom of the political sage Machiavelli, who was considered one of the more cruel political guides in history is troublesome.

The prince should nonetheless make himself feared in such a mode that if he does not acquire love, he escapes hatred, because of being feared and not being hated can go together very well. This he will always do if he abstains from the property of his citizens and his subjects and from their women; and if he also needs to proceed against someone's life he must do it when there is suitable justification and manifest cause for it (Machiavelli 1985, 67).

Machiavelli in the above passage was talking about the ruler of his own citizens not being excessively cruel, but the principle extends to a ruler's foreign policy as well. When the President has kill lists that allow for the elimination of young men if they are of militant age, the collateral damage is more likely to be extensive because the targeted method is not as precise as government officials might like to claim that it is.

## Conclusion

The U.S. is not confined to using drones as its main strategy to decrease the terrorism that is growing in Pakistan. The U.S. would do better to try and win 'hearts and minds,' in that state. The promotion of democracy internationally, the president's legacy and power abroad are all undermined by the continued use of the current drone policy. President Obama would do better to listen to Generals like Cartwright and Retired General McChrystal who do not see this policy as decreasing terror but rather as a recruitment tool for militants. Alternatives to the drone strikes would be spending more

funding on national security and increasing humanitarian aid to the Pakistani state. The populous in states receiving drone strikes will not want democracy or American styled laws when what they know of America is that their missiles kill their families and loved ones. While an international legal argument may be provided for drone use and domestic support of the program remains high in the U.S., the long term probability of blowback is not one the U.S. can afford.

The drone program is not proven to have a “zero” amount of collateral damage, and with nearly as many lives lost in Pakistan to drones as were American lives lost in 9/11, it is easy to see where a population may be incensed to respond with more violence against the U.S. If the United States government is more transparent with its policies and is willing to demonstrate to the public the attacks that have been thwarted specifically through the strikes the balance of the cost and effectiveness of the strikes may change. At present the cost of potential blowback is too high to continue the drone policy. If that cost can be justified through a more transparent government argument promoting drones as Kenneth Anderson as suggested the international community may hold the U.S. drone program in higher esteem. The international community should come together and jointly decide how this new technology will be used, much in the same way that talks have been conducted on how nuclear weapons are used internationally. Drones can and are changing the face of warfare. The United States is in a unique position to set the standard for drone use. Through greater transparency or the ending of the use of drones in states the United States is not congressionally declared to be at war with, the U.S. can set a standard for this new technology that makes the world understand why the U.S. is the

international leader. The most important thing the U.S. could do in regards to drones is to realize that the old laws are no longer relevant for today's rapidly varying threats. A new legal regime must be created to properly address the use of drones and other counterterrorism methods utilized in warfare. Such a new legal regime will be far more effective than trying to fit old laws into present asymmetric warfare scenarios. The U.S. has a great opportunity here in history to set the international standard on drones and counterterrorism tactics. To improve both the international opinion toward the U.S. and save the most innocent lives possible internationally that might otherwise be lost through the collateral damage incurred in the misuse of drones, the U.S. should seize this moment in history to help the international community rewrite the laws of warfare to fit the present threat against states.

## BIBLIOGRAPHY

50 USC § 1541 - Purpose and Policy. "Legal Information Institute Cornell University Law School."  
<http://www.law.cornell.edu/uscode/text/50/1541>.  
<http://www.law.cornell.edu/uscode/text/50/1541> (accessed march 3, 2012).

A.C.L.U. "Blog of Rights N.D.A.A." *American Civil Liberties Union*. 2013.  
<http://www.aclu.org/blog/tag/ndaa> (accessed April 19, 2013).

Abi-Saab, Georges. "The Proper Role of International Law in Combating Terrorism." In *Enforcing International Law Norms Against Terrorism*, by Andrea Bianchi, xiii-xxii. Oxford and Portland Oregon: Hart Publishing, 2004.

Adam Entous, Siobhan Gorman and Evan Perez. "U.S. Unease Over Drone Strikes: Obama Administration Charts a Delicate Legal Path Defending Controversial Weapons." *The Wall Street Journal*. September 26, 2012.  
<http://online.wsj.com/article/SB10000872396390444100404577641520858011452.htm>  
 I (accessed December 08, 2012).

—. "US Unease Over Drone Strikes: Obama Administration Charts a Delicate Legal Path Defending Controversial Weapons." *The Wall Street Journal*. September 26, 2012.  
<http://online.wsj.com/article/SB10000872396390444100404577641520858011452.htm>  
 I?KEYWORDS=US+unease+over+drone+strikes (accessed September 29, 2012).

AFP. "Pakistan 'Bigger Problem' than Afghanistan: US Diplomat." *Google AFP*. March 5, 2009.  
<http://www.google.com/hostednews/afp/article/ALeqM5jz8pXqDLie3leDiFrMAQGvmofXQw> (accessed December 29, 2012).

—. "Yemen probes civilian deaths in apparent U.S. drone strike." *Google News AFP*. September 4, 2012. <http://www.google.com/hostednews/afp/article/ALeqM5g-lcy97e1q00-ocw0WVO2B1-J2AQ?docId=CNG.addf2dcbfe9b931ff7fc97a6c01cf101.6d1> (accessed November 10, 2012).

Akbar, Muqarrab. "Pakistan at Crossroads: War Against Terrorism." *International Journal of Interdisciplinary Social Sciences*. July 1, 2011.  
<http://ehis.ebscohost.com.libproxy.txstate.edu/eds/pdfviewer/pdfviewer?sid=cbb90560-ed85-43ce-a8e6-c5bb66451e90%40sessionmgr14&vid=3&hid=117> (accessed November 18, 2012).



- Alexander, David. "Retired general cautions against overuse of "hated" drones." *Reuters*. January 7, 2013. <http://www.reuters.com/article/2013/01/07/us-usa-afghanistan-mcchrystal-idUSBRE90608O20130107> (accessed April 3, 2013).
- Almasmari, Hakim. "Suspected U.S. Drone Strike Kills Civilians in Yemen, Officials Say." *CNN*. September 3, 2012. [http://www.cnn.com/2012/09/03/world/meast/yemen-drone-strike/?hpt=hp\\_t3](http://www.cnn.com/2012/09/03/world/meast/yemen-drone-strike/?hpt=hp_t3) (accessed November 10, 2012).
- Anderson, Kenneth. "Drones II Kenneth Anderson Testimony Submitted to U.S. House of Representatives Committee on Oversight and Government Reform, Subcommittee on National Security and Foreign Affairs, Second Hearing on Drone Warfare April 28, 2010." *Social Science Research Network*. 28 2010, April . [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1619819](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1619819) (accessed April 16, 2013).
- . "Hearing Before the Subcommittee on National Security and Foreign Affairs of the Committee on Oversight and Government Reform." *U.S. House of Representatives One Hundred and Eleventh Congress Second Session*. March 23, 2010. <http://permanent.access.gpo.gov/gpo9194/pt1.pdf> (accessed October 13, 2012).
- . "Targeted Killing in US Counterterrorism and Law ." *Social Science Research Network: Tomorrow's Research Today*. May 11, 2009. [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1415070](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1415070) (accessed September 23, 2012).
- . "U.S. Counterterrorism Policy and 'Institutional Settlement'." *The Volokh Conspiracy*. October 27, 2012. <http://www.volokh.com/2012/10/27/us-counterterrorism-policy-and-institutional-settlement/> (accessed December 08, 2012).
- Associated Press. "Bush Backs Pentagon on Barring Coffin Photos: Many Pictures Misidentified." *NBC News*. April 23, 2004. <http://www.nbcnews.com/id/4807865/> (accessed March 31, 2013).
- . "China to use drones in islands row." *The Independent*. September 24, 2012. <http://www.independent.co.uk/news/world/asia/china-to-use-drones-in-islands-row-8167420.html> (accessed December 15, 2012).
- BBC. "Pakistan Summons US Envoy Over Drone Strikes." *BBC*. June 5, 2012. <http://www.bbc.co.uk/news/world-asia-18331827> (accessed September 23, 2012).

- Ben Wittes, John Villasenor, Paul Rosenzweig, Catherine Crump and Kenneth Anderson. *The Coming Proliferation of Domestic Drones: What Will be Impact on Privacy, Safety and National Security?* Conference , Waashington D.C. : Anderson Court Reporting , 2012.
- Betts, Richard K. "Striking First: A History of Thankfully Lost Opportunities ." *EBSCOhost*. Volume 17 Issue 1, 2003.  
<http://ehis.ebscohost.com.libproxy.txstate.edu/eds/detail?sid=365bc08b-2704-4218-9709-9bfa661b5e64%40sessionmgr110&vid=4&hid=23&bdata=JnNpdGU9ZWRzLWxpdmU%3d#db=a9h&AN=9448517> (accessed October 23, 2012).
- Boot, Max. "The New American Way of War ." *Foreign Affairs*, 2003: 41-58.
- Bowcott, Owen. "Drone Strikes Threaten 50 years of International Law says UN Rapporteur: US Policy of using Drone Strikes 'May Encourage Other States to Flout International Law'." *The Guardian*. June 21, 2012. <http://www.guardian.co.uk/world/2012/jun/21/drone-strikes-international-law-un> (accessed October 21, 2012).
- . "The legal dilemma over drone strikes." *The Guardian*. August 2, 2012.  
<http://www.guardian.co.uk/world/2012/aug/02/drone-strikes-thorny-legal-questions> (accessed April 17, 2013).
- . "U.S. drone strikes in Pakistan 'carried out without government consent'." *The Guardian*. March 15, 2013. <http://www.guardian.co.uk/world/2013/mar/15/us-drone-strikes-pakistan> (accessed April 21, 2013).
- Boyle, Michael. "The Costs and Consequences of Drone Warfare." *International Affairs*. January 2013.  
[http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\\_1/89\\_1Boyle.pdf](http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89_1/89_1Boyle.pdf) (accessed April 2013).
- . "What John Brennan Really Said: I'm Keeping Drones in the Dark." *The Guardian*. February 8, 2013. <http://www.guardian.co.uk/commentisfree/2013/feb/08/john-brennan-drones-in-the-dark> (accessed February 8, 2013).
- Brennan, John O. "U.S. Policy Toward Yemen." *Council on Foreign Relations*. August 8, 2012.  
<http://www.cfr.org/united-states/us-policy-toward-yemen/p28794> (accessed April 3, 2013).
- Brooks, Rosa. "Take Two Drones and Call me in the Morning." *Foreign Policy*. September 12, 2012.

[http://www.foreignpolicy.com/articles/2012/09/12/take\\_two\\_drones\\_and\\_call\\_me\\_in\\_the\\_morning](http://www.foreignpolicy.com/articles/2012/09/12/take_two_drones_and_call_me_in_the_morning) (accessed November 14, 2012).

- Bruno, Greg. "U.S. Drone Activities in Pakistan." *Council Foreign Relations*. July 19, 2013. <http://www.cfr.org/pakistan/us-drone-activities-pakistan/p22659> (accessed March 31, 2013).
- Burkeman, Oliver. "Obama administration says goodbye to 'war on terror'." *Guardian*. March 25, 2009. <http://www.guardian.co.uk/world/2009/mar/25/obama-war-terror-overseas-contingency-operations> (accessed March 25, 2013).
- Bush, President George W. "Transcript of President Bush's Address." *CCN.com/ U.S.* September 21, 2001. <http://edition.cnn.com/2001/US/09/20/gen.bush.transcript/> (accessed October 14, 2012).
- Byman, Daniel. "Do Targeted Killings Work?" *Foreign Policy*. July 14, 2009. [http://www.foreignpolicy.com/articles/2009/07/14/do\\_targeted\\_killings\\_work](http://www.foreignpolicy.com/articles/2009/07/14/do_targeted_killings_work) (accessed September 23, 2012).
- CBS News. "Israel says it knocked out Hamas drone program." *CBS News*. November 16, 2012. [http://www.cbsnews.com/8301-202\\_162-57551216/israel-says-it-knocked-out-hamas-drone-program/](http://www.cbsnews.com/8301-202_162-57551216/israel-says-it-knocked-out-hamas-drone-program/) (accessed December 01, 2012).
- Charter, The United Nations. *CHAPTER VII: ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION*. <http://www.un.org/en/documents/charter/chapter7.shtml> (accessed February 29, 2012).
- Chick, Kristen. "C.I.A. Ignored Jordanian Intelligence Before Suicide Bombing in Khost, Afghanistan." *Christian Science Monitor*. October 20, 2010. <http://www.csmonitor.com/World/terrorism-security/2010/1020/CIA-ignored-Jordanian-intelligence-before-suicide-bombing-in-Khost-Afghanistan> (accessed April 1, 2013).
- Chivvis, Christopher S. "Libya's Downward Spiral." *Foreign Policy*. September 13, 2012. [http://www.foreignpolicy.com/articles/2012/09/13/libyas\\_dowanward\\_spiral](http://www.foreignpolicy.com/articles/2012/09/13/libyas_dowanward_spiral) (accessed September 23, 2012).
- Chris Lawrence and Barabara Starr. "Military takeover of lethal drone operations under consideration ." *CNN*. March 21, 2013. <http://www.cnn.com/2013/03/20/politics/drones-operations> (accessed March 24, 2013).

- CNN. "Senate Approves Iraq War Resolution." *CNN Politics*. October 11, 2002.  
[http://articles.cnn.com/2002-10-11/politics/iraq.us\\_1\\_biological-weapons-weapons-inspectors-iraq?\\_s=PM:ALLPOLITICS](http://articles.cnn.com/2002-10-11/politics/iraq.us_1_biological-weapons-weapons-inspectors-iraq?_s=PM:ALLPOLITICS) (accessed February 24, 2013).
- . "U.S. airstrikes in Pakistan called 'very effective'." *CNN*. May 18, 2009.  
<http://www.cnn.com/2009/POLITICS/05/18/cia.pakistan.airstrikes/> (accessed October 13, 2012).
- Cobain, Ian. "Terror Asset- Freezing Laws "intrusive and Humiliating." *The Guardian*. December 15, 2011. <http://www.guardian.co.uk/uk/2011/dec/15/uksecurity-human-rights> (accessed December 22, 2012).
- Cohen, Elliot. "A Tale of Two Secretaries." *Foreign Affairs*. May-June 2002.  
<http://www.jstor.org.libproxy.txstate.edu/stable/i20033156> (accessed December 4, 2012q).
- Cohen, Robert. "The Price of Obama's Leading From Behind." *The Washington Post*. September 17, 2012. [http://articles.washingtonpost.com/2012-09-17/opinions/35494473\\_1\\_benghazi-obama-administration-mitt-romney](http://articles.washingtonpost.com/2012-09-17/opinions/35494473_1_benghazi-obama-administration-mitt-romney) (accessed February 08, 2012).
- Collins, Joesph J. "Counterinsurgency and common sense: preparing a smaller U.S. force for a more diverse set of tasks." *The Armed Forces Journal*. January/February 2013.  
<http://www.armedforcesjournal.com/2013/01/12842318> (accessed April 2013, 2013).
- Condon, Stephanie. "Obama: Anwar Al-Awlaki's death a "major blow" to Al Qaeda and affiliates." *CBS News*. September 30, 2012.  
<http://www.theatlantic.com/politics/archive/2012/06/the-increasingly-absurd-conceit-that-drone-strikes-are-secret/258842/> (accessed October 22, 2012).
- Corn, Geoffery. "Triggering Congressional War Powers Notification: A Proposal to Reconcile Constitutional Practice with Operational Reality." *Lewis & Clark Law Review*. 2010.  
<http://ehis.ebscohost.com.libproxy.txstate.edu/eds/pdfviewer/pdfviewer?sid=c91971ea-a685-402e-aab2-a7d1a9954ff2%40sessionmgr110&vid=6&hid=102> (accessed December 9, 2012).
- Crilly, Rob. "9/11 Anniversary: Ayman al-Zawahiri confirms June death of Abu Yahya al-Libi ." *Telegraph*. September 11, 2012.  
<http://www.telegraph.co.uk/news/worldnews/september-11-attacks/9534938/911-anniversary-Ayman-al-Zawahiri-confirms-June-death-of-Abu-Yahya-al-Libi.html>

- Crook, John R., Editor. "Contemporary Practice of the United States as it Relates to International Law: Contemporary Practice of the United States Relating to International Law." *American Society of International Law* . April 2010.  
<http://www.jstor.org.libproxy.txstate.edu/stable/pdfplus/10.5305/amerjintelaw.104.2.0271.pdf?acceptTC=true> (accessed March 24, 2013).
- Currier, Cora. "Drone Warfare: How the Government Talks about a Drone Program it Won't Acknowledge Exists." *The Huffington Post*. September 13, 2012.  
[http://www.huffingtonpost.com/2012/09/13/us-government-drone-program-wont-acknowledge\\_n\\_1881492.html](http://www.huffingtonpost.com/2012/09/13/us-government-drone-program-wont-acknowledge_n_1881492.html) (accessed October 20, 2012).
- Daily Mail Reporter. "U.S. government to use 'drones the size of GOLF BALLS to spy on American citizens'." *Daily Mail Reporter*. June 8, 2012. <http://www.dailymail.co.uk/news/article-2156720/Eye-sky-U-S-government-use-drones-size-GOLF-BALLS-spy-citizens.html> (accessed December 9, 2012).
- Dayna Greenfield and David J. Kramer. "Drone Policy Hurt's the U.S. 's Image in Yemen." *The Washington Post*. April 1, 2013. [http://www.washingtonpost.com/opinions/drone-policy-hurts-us-image-in-yemen/2013/04/01/b12d2550-9af5-11e2-9a79-eb5280c81c63\\_story.html](http://www.washingtonpost.com/opinions/drone-policy-hurts-us-image-in-yemen/2013/04/01/b12d2550-9af5-11e2-9a79-eb5280c81c63_story.html) (accessed April 3, 2013).
- David Kilcullen and Andrew McDonald Exum. "Death From Above, Outrage Down Below." *The New York Times*. May 16, 2009.  
[http://www.nytimes.com/2009/05/17/opinion/17exum.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2009/05/17/opinion/17exum.html?pagewanted=all&_r=0) (accessed November 25, 2012).
- David Kirkpatrick, Steven Erlanger and Elisabeth Bumiller. "Allies Open Assault on Qadaffi's Forces in Libya." *The New York Times*. March 19, 2011.  
[http://www.nytimes.com/2011/03/20/world/africa/20libya.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2011/03/20/world/africa/20libya.html?pagewanted=all&_r=0) (accessed February 09, 2013).
- Department of Justice. "White Paper." *MSNBC News*. February 2013.  
[http://msnbcmedia.msn.com/i/msnbc/sections/news/020413\\_DOJ\\_White\\_Paper.pdf](http://msnbcmedia.msn.com/i/msnbc/sections/news/020413_DOJ_White_Paper.pdf) (accessed February 10, 2013).
- Dilanian, Ken. "U.S. Drone Strikes in Yemen Defended." *The Los Angeles Times*. August 8, 2012 .  
<http://articles.latimes.com/2012/aug/08/world/la-fg-us-yemen-20120809> (accessed November 11, 2012).
- Dinstein, Yoram. *War, Agression and Self-Defence*. New York : Cambridge University Press, 2005.

- Dreyfuss, Robert. "General Cartwright." *General Cartwright Warns of Drone 'Blowback'*. March 22, 2013. <http://www.thenation.com/blog/173486/general-cartwright-warns-drone-blowback#> (accessed March 24, 2013).
- . "General Cartwright Warns of Drone 'Blowback'." *The Nation*. March 22, 2013. <http://www.thenation.com/blog/173486/general-cartwright-warns-drone-blowback> (accessed March 31, 2013).
- Editorial Board Washington Post . "Pulling the U.S. Drone War Out of the Shadows." *Yemen times* . November 8, 2012. <http://www.yementimes.com/en/1623/opinion/1595/Pulling-the-US-drone-war-out-of-the-shadows.htm> (accessed November 10, 2012).
- Eighty-eighth Congress of the United States of America at the Second Session. "Transcript of the Gulf of Tonkin Resolution." *Our Documents*. January 7, 1964. <http://www.ourdocuments.gov/doc.php?flash=true&doc=98&page=transcript> (accessed October 14, 2012).
- Ewers, Justin. "Why FDR Did What He Did ." *US News & World Report*. May 19, 2008 . <http://ehis.ebscohost.com.libproxy.txstate.edu/eds/detail?vid=3&hid=1&sid=3026ae47-799c-485c-a211-6208a30618bc%40sessionmgr113&bdata=JnNpdGU9ZWRzLWxpdmU%3d#db=a9h&AN=31996961> (accessed October 7, 2012).
- Executive Order 13224. "Executive Order 13224." *U.S. Department of the Treasury*. September 25, 2001. <http://www.treasury.gov/resource-center/sanctions/Documents/13224.pdf> (accessed December 22, 2012).
- Fair, C. Christine. "For Now, drone Strikes are the Best Option." *The New York Times*. January 29, 2013. <http://www.nytimes.com/roomfordebate/2012/09/25/do-drone-attacks-do-more-harm-than-good/for-now-drones-are-the-best-option> (accessed March 24, 2013).
- FEC. "2008 Presidential Popular Vote Summary." *Federal Election Commission*. <http://www.fec.gov/pubrec/fe2008/tables2008.pdf> (accessed September 25, 2012).
- FinCEN . "Financial Crimes Enforcement Network." *United States Department of the Treasury*. [http://www.fincen.gov/statutes\\_regs/patriot/](http://www.fincen.gov/statutes_regs/patriot/) (accessed April 27, 2013).
- Findlaw. "U.S. Constitution: Fifth Amendment." *Findlaw*. 2012. <http://caselaw.lp.findlaw.com/data/constitution/amendment05/> (accessed October 6, 2012).

- Finn, Holly. "Friendly Skies: Drones To the Rescue ." *The Wall Street Journal* , December 29-30, 2012 : C12.
- Finn, Peter. "Secret U.S. Memo Sanctioned Killing of Aulaqi ." *The Washington Post* . September 30, 2011. [http://www.washingtonpost.com/world/national-security/aulaqi-killing-reignites-debate-on-limits-of-executive-power/2011/09/30/gIQAx1bUAL\\_story.html](http://www.washingtonpost.com/world/national-security/aulaqi-killing-reignites-debate-on-limits-of-executive-power/2011/09/30/gIQAx1bUAL_story.html) (accessed 06 2012, October).
- Fischer, Hannah. "American War and Military Operations Casualties: Lists and Statistics." *The Navy Department Library*. July 15, 2005.  
<http://www.history.navy.mil/library/online/american%20war%20casualty.htm> (accessed April 14, 2013).
- Foust, Jonathan. "Jonathan Foust Curriculum Vitae." *Joshua Foust, Writer in International Affairs*. 2013. <http://joshuafooust.com/joshua-foust-bio/joshua-foust-curriculum-vitae/> (accessed April 16, 2013).
- Fox News. "Letter from senators on drone authority." *Fox News*. January 4, 2013.  
<http://www.foxnews.com/politics/interactive/2013/02/05/letter-from-senators-on-drone-authority/> (accessed February 10, 2013).
- Friedersdorf, Conor. "This Yemeni Man Loves America, Hates Al-Qaeda, and Says Drone Strikes Make Them Stronger." *The Atlantic*. April 24, 2013.  
<http://www.theatlantic.com/politics/archive/2013/04/this-yemeni-man-loves-america-hates-al-qaeda-and-says-drone-strikes-make-them-stronger/275248/> (accessed April 28, 2013).
- Friedersorf, Conor. "The Increasingly Absurd Conceit That Drone Strikes are Secret." *The Atlantic*. June 22, 2012. <http://www.theatlantic.com/politics/archive/2012/06/the-increasingly-absurd-conceit-that-drone-strikes-are-secret/258842/> (accessed October 22, 2012).
- Fuller, Graham E. "Obama's Policies Making Situation Worse in Afghanistan and Pakistan." *The Huffington Post*. May 10, 2012. [http://www.huffingtonpost.com/graham-e-fuller/global-viewpoint-obamas-p\\_b\\_201355.html](http://www.huffingtonpost.com/graham-e-fuller/global-viewpoint-obamas-p_b_201355.html) (accessed November 18, 2012).
- Gene Healy and Tim Lynch. "White Paper Power Surge: The Constitutional Record of George W. Bush ." Cato Institute. May 1, 2006 . <http://www.cato.org/publications/white-paper/power-surge-constitutional-record-george-w-bush> (accessed April 27, 2013).
- Gene Healy and Timothy Lynch. "Power Surge: The Constitutional Record of George W. Bush ." The Cato Institute. May 1, 2006.

[http://www.cato.org/sites/cato.org/files/pubs/pdf/powersurge\\_healy\\_lynch.pdf](http://www.cato.org/sites/cato.org/files/pubs/pdf/powersurge_healy_lynch.pdf)  
(accessed March 17, 2013).

Gertler, Jeremiah. "U.S. Unmanned Aerial Systems." *Congressional Research Service*. January 12, 2012. <http://fpc.state.gov/documents/organization/180677.pdf> (accessed December 15, 2012).

Giovanni, Janine di. "Sunday Book Review, *The Accidental Guerilla* by David Kilcullen." *The New York Times*. April 24, 2009.  
[http://www.nytimes.com/2009/04/26/books/review/DiGiovanni-t.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2009/04/26/books/review/DiGiovanni-t.html?pagewanted=all&_r=0) (accessed April 1, 2013).

Glazier, David. "Legal Trac-William and Mary Law Review." *Playing by the Rules: combating Al-Qaeda within the law of war*. December 2009.  
<http://go.galegroup.com/ps/i.do?&id=GALE%7CA217362439&u=txshracd2599&it=r&p=LT&sw=w> (accessed October 11, 2011).

Gray, Colin S. "The Implications of Preemptive and Preventive War Doctrines: A Reconsideration." *Strategic Studies Institute, U.S. Army*. July 2007.  
<http://www.strategicstudiesinstitute.army.mil/pdffiles/pub789.pdf> (accessed April 28, 2013).

Greenwald, Glenn. "CNN claims Iran shot at a U.S. drone, revealing news network's mindset." *The Guardian*. November 8, 2012.  
<http://www.guardian.co.uk/commentisfree/2012/nov/08/cnn-iran-drones-gulf>  
(accessed November 12, 2012).

Grenier, Robert. "Yemen and the U.S. down a familiar path." *Al-Jazeera*. May 10, 2012.  
[http://www.aljazeera.com/indepth/opinion/2012/05/201251071458557719.html?utm\\_source=Press+mailing+list&utm\\_campaign=f6f7c603ab-2012\\_05\\_11\\_drones\\_Munter\\_CIA&utm\\_medium=email](http://www.aljazeera.com/indepth/opinion/2012/05/201251071458557719.html?utm_source=Press+mailing+list&utm_campaign=f6f7c603ab-2012_05_11_drones_Munter_CIA&utm_medium=email) (accessed November 11, 2012).

Hafezi, Parisa. "U.S. official says no sign Iran shot down drone." *Reuters*. December 4, 2011.  
<http://www.reuters.com/article/2011/12/04/us-iran-usa-drone-idUSTRE7B30CQ20111204> (accessed November 12, 2012).

Hampson, Françoise. "The Principle of Proportionality in the Law of Armed Conflict." In *The Geneva Conventions Under Assault*, by Sarah Perrigo & Jim Whitman, 42-73. New York: Pluto Press, 2010.



Hardin, Russell. "Civil Liberties in the Era of Mass Terrorism." *The Journal of Ethics*. 22 July, 2003.  
<http://www.nyu.edu/gsas/dept/politics/faculty/hardin/research/CivLiberties.pdf>  
 (accessed October 7, 2012).

Harvey M. Sapolsky, Eugene Gholz and Caitlin Talmadge. *U.S. Defense Politics*. New York: Routledge, 2009.

Hirschhorn, Dan. "Obama Impeachment a Possibility, Says Ron Paul." *Politico*. October 3, 2011.  
<http://www.politico.com/news/stories/1011/65035.html> (accessed October 06, 2012).

Hobson, Anne. "Global Security Monitor: The Blog of the Center for Advanced Defense Studies." *US CENTCOM: The Secret War in Yemen*. October 15, 2012.  
<http://c4ads.org/latest/?p=883> (accessed February 05, 2013).

Holland, Jenny. "Drone Strikes: A Scandal...or just a sideshow? ." *The Guardian*. October 18, 2012. <http://www.guardian.co.uk/commentisfree/2012/oct/18/drone-strikes-sideshow-pakistan-yemen> (accessed November 11, 2012).

Ingersoll, Geoffrey. "Drone Strikes in Mali." *Business Insider*. January 1, 2013.  
<http://www.businessinsider.com/drone-strikes-in-mali-2013-1> (accessed April 27, 2013).

Inside Story Americas. "How effective are U.S. drone strikes? ." *Al Jazeera*. Jun 6, 2012.  
<http://www.aljazeera.com/programmes/insidestoryamericas/2012/06/2012668456229408.html> (accessed November 9, 2012).

International Human Rights and Conflict Resolution Clinic (Stanford Law School) and the Global Justice Clinic (NYU school of Law). "Living Under Drones: Death, Injury and Trauma to Civilians from U.S. Drone Practices in Pakistan." September 2012.  
[http://livingunderdrones.org/wp-content/uploads/2012/09/Stanford\\_NYU\\_LIVING\\_UNDER\\_DRONES.pdf](http://livingunderdrones.org/wp-content/uploads/2012/09/Stanford_NYU_LIVING_UNDER_DRONES.pdf) (accessed September 25, 2012).

International Human Rights and Conflict Resolution Clinic at Stanford Law School and Global Justice Clinic at New York University School of Law, Living Under Drones: Death, Injury and Trauma to Civilians From U.S. Drone Practices in Pakistan. *Living Under Drones*. 2012. <http://www.livingunderdrones.org/living-under-drones/> (accessed March 24, 2013).

J. Post editorial. "The UAV lesson." *J Post Editorial*. October 13, 2012.  
<http://www.jpost.com/Opinion/Editorials/Article.aspx?id=287684> (accessed November 13, 2012).

- J.Post.com staff. "Iran: Israel can expect 100's more UAV infiltrations." *The Jerusalem Post*. October 19, 2012 . <http://www.jpost.com/Defense/Article.aspx?id=288536> (accessed November 13, 2012 ).
- Jackson, David. "Live blog: Obama vs. Romney on Foreign Policy." *USA Today*. October 22, 2012. <http://www.usatoday.com/story/onpolitics/2012/10/22/obama-romney-live-blog-foreign-affairs-debate-boca-raton/1650581/> (accessed December 24, 2012).
- Jafarov, Isayev S. "Brief: Iran to start selling hovercrafts soon." *Trend News Agency*. October 24, 2012. <http://ehis.ebscohost.com.libproxy.txstate.edu/eds/detail?vid=3&hid=20&sid=bbac602e-26b9-4ba1-ae42-ec1621d39a71%40sessionmgr12&bdata=JnNpdGU9ZWRzLWxpdmU%3d#db=pwh&AN=>
- Jo Becker and Scott Shane. "The New York Times." A Measure of Change: Secret 'Kill List' proves a Test of Obama's Principles and Will. May 29, 2012. [http://www.nytimes.com/2012/05/29/world/obamas-leadership-in-war-on-al-qaeda.html?\\_r=1&ref=unmannedaerialvehicles](http://www.nytimes.com/2012/05/29/world/obamas-leadership-in-war-on-al-qaeda.html?_r=1&ref=unmannedaerialvehicles) (accessed August 25, 2012).
- Joshua Foust and Ashley S. Boyle. "The Strategic Context of Lethal Drones: A Framework for Discussion ." American Security Project. August 16, 2012. <http://www.scribd.com/doc/102744195/The-Strategic-Context-of-Lethal-Drones> (accessed March 31, 2013).
- Johnson, Jeh. "National Security Law, Lawyers and Lawyering in the Obama Administration." *The Council on Foreign Relations: Essential Documents*. February 22, 2012. <http://www.cfr.org/national-security-and-defense/jeh-johnsons-speech-national-security-law-lawyers-lawyering-obama-administration/p27448> (accessed October 14, 2012).
- Jordan, Jenna. "When Heads Roll: Assessing the Effectiveness of Leadership Decapitation." *Security Studies*, 2009: 719-755.
- Karimi, Nasser. "Bomber drone unveiled by Iran called Ambassador of Death." *CS Monitor*. August 23, 2010. <http://www.csmonitor.com/From-the-news-wires/2010/0823/Bomber-drone-unveiled-by-Iran-called-ambassador-of-death> (accessed December 15, 2012).
- Kaufman, Brett. "NYU-Stanford Report Documents U.S Government's False Narrative on Drone Strikes." *ACLU Blog of Rights*. September 25, 2012. <http://www.aclu.org/blog/national-security/nyu-stanford-report-documents-us-governments-false-narrative-drone-strikes> (accessed September 25, 2012).

- Keating, Joshua E. "Blood or Treasure? For a President, the real costs is dollars not deaths." *Foreign Policy*. Sept./Oct. 2010.  
[http://www.foreignpolicy.com/articles/2010/08/16/blood\\_or\\_treasure](http://www.foreignpolicy.com/articles/2010/08/16/blood_or_treasure) (accessed March 31, 2013).
- Kels, Maj. Charles G. "Mixed messages on drone strikes." *Armed Forces Journal*. June 2012.  
<http://www.armedforcesjournal.com/2012/07/10344682> (accessed April 16, 2013).
- Kimberley Marten, Thomas H. Johnson and M. Chris Mason. "Misunderstanding Pakistan's Federally Administered Tribal Area?" *International Security* . 2008-2009.  
[http://muse.jhu.edu.libproxy.txstate.edu/journals/international\\_security/v033/33.3.marten.html](http://muse.jhu.edu.libproxy.txstate.edu/journals/international_security/v033/33.3.marten.html) (accessed December 01, 2012).
- Koebler, Jason. "Expert: ability to disable drones needed before they become terrorist weapons." *U.S. News and World Report*. April 5, 2012.  
<http://www.usnews.com/news/articles/2012/04/05/expert-ability-to-disable-drones-needed-before-they-become-terrorist-weapons> (accessed December 15, 2012).
- . "Report: Chinese Drone 'Swarms' Designed to Attack American Aircraft Carriers." *U.S. News*. March 14, 2013. <http://www.usnews.com/news/articles/2013/03/14/report-chinese-drone-swarms-designed-to-attack-american-aircraft-carriers> (accessed April 10, 2013).
- Koh, Harold Kongju Legal Advisor, U.S. Dept. of State. "Annual Meeting of the American Society of International Law, Washington D.C." U.S. Dept. of State. March 16, 2010.  
<http://www.state.gov/s/l/releases/remarks/139119.htm> (accessed April 16, 2013).
- Krauthammer, Charles. "In Defense of Obama's Drone War." *Fox News*. February 15, 2013.  
<http://www.foxnews.com/opinion/2013/02/15/in-defense-obama-drone-war/#ixzz2L4uPvTRU> (accessed February 17, 2013).
- Kravets, David. "Obama's Memo on Targeted Killing is a Drone Strike on the Law ." *Wired*. February 5, 2013. <http://www.wired.com/threatlevel/2013/02/legal-basis-killing-americans/> (accessed February 8, 2013).
- . "Threat Level: Obama's Memo on Targeted Killings is a Drone Strike on the Law." *Wired*. February 05, 2013. <http://www.wired.com/threatlevel/2013/02/legal-basis-killing-americans/> (accessed March 28, 2013).
- LaFranchi, Howard. "Drone Strikes: Should the U.S. capture, and not kill Al-Qaeda leaders?" *C.S. Monitor*. February 6, 2012. <http://www.csmonitor.com/USA/Foreign-Policy/2012/0606/Drone-strikes-Should-US-capture-and-not-kill-Al-Qaeda-leaders> (accessed February 17, 2013).

- . "Drone Strikes: Should the US capture, and not kill, Al Qaeda leaders? ." *Christian Science Monitor*. June 6, 2012. <http://www.csmonitor.com/USA/Foreign-Policy/2012/0606/Drone-strikes-Should-US-capture-and-not-kill-Al-Qaeda-leaders> (accessed April 27, 2013).
- Lakshmanan, Indira A.R. "Pakistan Ambassador Says Drone Hits Violate Sovereignty." *Bloomberg News*. February 6, 2013. <http://www.businessweek.com/news/2013-02-05/pakistan-ambassador-says-drone-strikes-counterproductive> (accessed March 31, 2013).
- Landay, Jonathan S. "U.S. secret: C.I.A. collaborated with Pakistan spy agency in drone war." *The Wichita Eagle*. April 9, 2013. <http://www.kansas.com/2013/04/09/2754171/us-secret-cia-collaborated-with.html> (accessed April 29, 2013).
- Leiby, Michele Langevine. "U.S. assistance to Pakistan buys little goodwill." *The Washington Post*. April 17, 2012. [http://www.washingtonpost.com/world/asia\\_pacific/us-assistance-to-pakistan-buys-little-goodwill/2012/04/17/gIQA7L8yOT\\_story.html](http://www.washingtonpost.com/world/asia_pacific/us-assistance-to-pakistan-buys-little-goodwill/2012/04/17/gIQA7L8yOT_story.html) (accessed November 18, 2012).
- Leila Hudson, Colin S. Owens and Matt Flannes. "Drone Warfare: Blowback from the New American Way of War." *The Middle East Policy Council* . September 15, 2011. <http://www.mepec.org/journal/middle-east-policy-archives/drone-warfare-blowback-new-american-way-war> (accessed April 1, 2013).
- Levs, Josh. "CNN Explains: U.S. drones." *CNN*. February 8, 2013. <http://www.cnn.com/2013/02/07/politics/drones-cnn-explains> (accessed April 2, 2013).
- Li, Zheyao. "War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare." *Georgetown Journal of Law and Public Policy* . 2009. [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1868346](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1868346) (accessed December 9, 2012).
- Library of Congress. "Library of Congress." *"I Do Solemnly Swear..." Presidential Inaugurations*. June 8, 2009. <http://memory.loc.gov/ammem/pihtml/pihome.html> (accessed October 7, 2012).
- . "War Powers." *Library of Congress*. April 30, 2012. <http://www.loc.gov/law/help/war-powers.php> (accessed February 5, 2013).
- Lizza, Ryan. "Leading From Behind." *The New Yorker*. April 27, 2011. <http://www.newyorker.com/online/blogs/newsdesk/2011/04/leading-from-behind-obama-clinton.html> (accessed February 08, 2013).

- Lovely, Erika. "Ron Paul's plan to fend off pirates." *The Politico* . April 15, 2009.  
<http://www.politico.com/news/stories/0409/21245.html> (accessed December 09, 2012).
- Machiavelli, Niccolo. *The Prince*. Chicago: The University of Chicago Press, 1985.
- Mariani, John. "Obama will release memo on drone attacks against Americans." *syracuse.com*. February 07, 2013.  
[http://www.syracuse.com/news/index.ssf/2013/02/obama\\_will\\_give\\_congressional\\_committ.html](http://www.syracuse.com/news/index.ssf/2013/02/obama_will_give_congressional_committ.html) (accessed February 13, 2013).
- . "White paper on legalities of using drones against citizens draws concerns from pundits, politicians." *syracuse.com*. February 5, 2013.  
[http://www.syracuse.com/news/index.ssf/2013/02/white\\_paper\\_on\\_legalities\\_of\\_u.html](http://www.syracuse.com/news/index.ssf/2013/02/white_paper_on_legalities_of_u.html) (accessed February 10, 2013).
- Mark Mazzetti, Eric Schmitt and Robert F. Worth. "Two Year Manhunt Led to Killing of Awlaki in Yemen ." *The New York Times* . September 30, 2011.  
<http://www.nytimes.com/2011/10/01/world/middleeast/anwar-al-awlaki-is-killed-in-yemen.html?pagewanted=all> (accessed October 4, 2012).
- Mark Mazetti, Jane Perlez, Eric Schmitt and Andrew W. Lehren. "The New York Times." *Pakistan Aids Insurgency in Afghanistan, Reports Assert*. July 25, 2012.  
<http://www.nytimes.com/2010/07/26/world/asia/26isi.html?pagewanted=all> (accessed September 2, 2012).
- Mark Mazzetti and Scott Shane. "As New Drone Policy is Weighed, Few Practical Effects are Seen." *The New York Times*. March 21, 2013.  
[http://www.nytimes.com/2013/03/22/us/influential-ex-aide-to-obama-voices-concern-on-drone-strikes.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2013/03/22/us/influential-ex-aide-to-obama-voices-concern-on-drone-strikes.html?pagewanted=all&_r=0) (accessed March 31, 2013).
- . "Two Year Manhunt Led to Killing of Awlaki in Yemen." *The New York Times*. September 30, 2011. [http://www.nytimes.com/2011/10/01/world/middleeast/anwar-al-awlaki-is-killed-in-yemen.html?ref=anwaralawlaki&\\_r=0](http://www.nytimes.com/2011/10/01/world/middleeast/anwar-al-awlaki-is-killed-in-yemen.html?ref=anwaralawlaki&_r=0) (accessed October 22, 2011).
- Marquardt, Alexander. "Israel Targets Hamas Headquarters." *ABC News*. November 17, 2012.  
<http://abcnews.go.com/International/israel-targets-hamas-headquarters/story?id=17746272#.ULqZ1uQzO8A> (accessed December 1, 2012).
- Mary Ellen O'Connell, Robert and Marion Short. *Unlawful Killing with Combat Drones: A Case Study of Pakistan, 2204-2009*. Legal Studies Research Paper No.09-43, Notre Dame : University of Notre Dame Law School, 2010.

Masters, Jonathan. *Council on Foreign Relations: Backgrounder Targeted Killings*. April 30, 2012. <http://www.cfr.org/counterterrorism/targeted-killings/p9627> (accessed September 22, 2012).

Matulich, Peter. "Why COIN Principles Don't Fly with Drones." *Small Wars Journal* . February 24, 2012. <http://smallwarsjournal.com/jrnl/art/why-coin-principles-dont-fly-with-drones> (accessed April 2, 2013).

McChrystal, Gen. Stanley, U.S. Army, Retired. *My Share of the Task: A Memoir*. New York: Portfolio/Penguin, 2013.

McClam, Erin. "4 Key Questions About the Justice Department Drone Memo." *MSNBC News*. February 09, 2013. [http://usnews.nbcnews.com/\\_news/2013/02/06/16870230-4-key-questions-about-controversial-justice-department-drone-memo?lite](http://usnews.nbcnews.com/_news/2013/02/06/16870230-4-key-questions-about-controversial-justice-department-drone-memo?lite) (accessed February 9, 2013).

McHugh, Kelly. "Bush, Blair and the War in Iraq: Alliance Politics and the Limits of Influence." *Political Science Quarterly*, Fall Vol. 125, Issue 3, 2010: 465-491.

McKelvey, Tara. "Covering Obama's Secret War: When drone's strike, key questions go unasked and unanswered." *Columbia Journalism Review*. May/June 2011. [http://www.cjr.org/feature/covering\\_obamas\\_secret\\_war.php?page=all](http://www.cjr.org/feature/covering_obamas_secret_war.php?page=all) (accessed October 22, 2012).

McManus, Doyle. "US drone attacks in Pakistan 'backfiring,' Congress told." *The LA Times* . May 03 , 2009. <http://articles.latimes.com/2009/may/03/opinion/oe-mcmanus3> (accessed September 23, 2012).

McNeal, Gregory S. "Are Targeted Killings Unlawful? A Case Study in Empirical Claims Without Empirical Evidence." *Social Science Research Network*. November 4, 2011. [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1954795](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1954795) (accessed November 27, 2012).

Michael, Brent. "Responding to attacks by non-state actors: the attribution requirement of self-defense." *Australian Journal of International Law*, Annual 2009: 1-36.

Miller, Greg. "Plan for hunting terrorists signals U.S. intends to keep adding names to kill lists ." *The Washington Post*. October 23, 2012. [http://www.washingtonpost.com/world/national-security/plan-for-hunting-terrorists-signals-us-intends-to-keep-adding-names-to-kill-lists/2012/10/23/4789b2ae-18b3-11e2-a55c-39408f6e6a4b\\_story.html](http://www.washingtonpost.com/world/national-security/plan-for-hunting-terrorists-signals-us-intends-to-keep-adding-names-to-kill-lists/2012/10/23/4789b2ae-18b3-11e2-a55c-39408f6e6a4b_story.html) (accessed November 24, 2012).

- Mohamed, Faisal G. "A Farewell to Due Process: The Assassination of Anwar Al-Awlaki ." *Huffington Post*. October 03, 2011. [http://www.huffingtonpost.com/feisal-g-mohamed/anwar-al-awlaki-killed\\_b\\_989485.html](http://www.huffingtonpost.com/feisal-g-mohamed/anwar-al-awlaki-killed_b_989485.html) (accessed October 06, 2012).
- Moore, Kathryn. *The American Presidency*. New York: Fall River Press, 2007.
- Mothana, Ibrahim. "The New York Times ." *More Diplomacy, Fewer Drones* . September 26, 2012. <http://www.nytimes.com/roomfordebate/2012/09/25/do-drone-attacks-do-more-harm-than-good/more-diplomacy-less-drones> (accessed March 24, 2013).
- Murray, Douglas. "Drones Save Lives: Humanitarians should congratulate President Obama on his counter-terror tactics." *The Wall Street Journal*. March 07, 2013. <http://online.wsj.com/article/SB10001424127887323628804578346183175781810.html> (accessed March 24, 2013).
- Negrin, Matt. "Guantanamo Bay, Still Open Despite Promises." *ABC News*. July 3, 2012. <http://abcnews.go.com/Politics/OTUS/guantanamo-bay-open-promises/story?id=16698768> (accessed October 7, 2012).
- Neocleous, Mark. "Security, Liberty and the Myth of Balance: Towards a Critique of Security Politics." *Contemporary Political Theory*. April 9 , 2006. <http://www.palgrave-journals.com/cpt/journal/v6/n2/full/9300301a.html> (accessed October 7, 2012).
- O'Connell, Mary Ellen. *Unlawful Killing with Combat Drones: A Case Study of Pakistan, 2004-2009*. Legal Studies Research Paper No. 09-43, Notre Dame: Notre Dame Law School , 2009.
- O'Connell, Mary Ellen. *Unlawful Killing with Combat Drones: A Case Study Pakistan, 2004-2009*. Legal Studies Research Paper No. 09-43, Notre Dame: Notre Dame Law School, 2010.
- . "When are Drone Strikes Illegal?" *CNN*. August 16, 2012. <http://www.cnn.com/2012/08/15/opinion/oconnell-targeted-killing> (accessed February 9, 2013).
- Page, Jeremy. "China's New Drones Raise Eyebrows." *The Wall Street Journal*. November 18, 2010. <http://online.wsj.com/article/SB10001424052748703374304575622350604500556.html> (accessed December 15, 2012).
- Pape, Robert. "Strategic Logic of Suicide Terrorism." *American Political Science Review*, 2003: 343-361.

- Peter Bergen and Jennifer Rowland. "A dangerous New World of Drones." CNN. October 8, 2012. <http://www.cnn.com/2012/10/01/opinion/bergen-world-of-drones/index.html> (accessed October 8, 2012).
- Peter Berge and Katherine Tiedemann. "Foreign Affairs." *Washington's Phantom War: the Effects of the U.S. Drone Program in Pakistan*, July/August 2011: 12-18.
- Peter Berge and Katherine Tiedemann. "Washington's Phantom War: The Effects of the U.S. Drone Program in Pakistan ." *Foreign Affairs*, 2011.
- Petraeus, General David H., Lt. General James F. Amos and Lt. Col. John A. Nagl. *The U.S. Army Marine Corps Counterinsurgency Field Manual*. Chicago: The University of Chicago Press, 2007.
- Pew Global Attitudes Project. "Drone Strikes Widely Opposed: Global Opinion of Obama Slips, International Policies Faulted." *Pew Research Center*. June 13, 2012. <http://www.pewglobal.org/2012/06/13/global-opinion-of-obama-slips-international-policies-faulted/> (accessed September 24, 2012 ).
- . "Pakistani Public Opinion Even More Critical of U.S.: 74% Call America an Enemy." *Pew Research Center Publications*. June 27, 2012. <http://pewresearch.org/pubs/2297/pakistan-united-states-extremist-groups-barack-obama-economic-aid-military-aid-taliban-haqqani-kashmir-khyber-pakhtunkhwa-asi-ali-zardari-yousaf-raza-gilani-imran-khan-tehreek-e-insaf-india> (accessed November 18, 2012).
- Pew Research Global Attitudes Project. "U.S. Image in Pakistan Falls No Further Following bin Laden Killing." *Pew Research Global Attitudes Project*. June 21, 2011. <http://www.pewglobal.org/2011/06/21/u-s-image-in-pakistan-falls-no-further-following-bin-laden-killing/> (accessed April 28, 2013).
- Pfanner, Toni. "Military Uniforms and the Law of War." *International Review of the Red Cross* Vol. 86. 2004. [http://www.icrc.org/eng/assets/files/other/irrc\\_853\\_pfanner.pdf](http://www.icrc.org/eng/assets/files/other/irrc_853_pfanner.pdf) (accessed February 10, 2013).
- Philip M. Parker, Ph.D. "The 2011-2016 Outlook for Unmanned Aerial Vehicles (UAV) and Systems in Greater China." *Country Outlook Reports*. February 13, 2011. <http://ehis.ebscohost.com.libproxy.txstate.edu/eds/pdfviewer/pdfviewer?vid=4&hid=120&sid=bbac602e-26b9-4ba1-ae42-ec1621d39a71%40sessionmgr12> (accessed November 13, 2012).



- Pierce, Charles P. "Obama's Kill List and the End of the Post-9/11 World." *Esquire Magazine*. May 29, 2012. <http://www.esquire.com/blogs/politics/obama-kill-list-9257224> (accessed October 2012, 2012).
- Pillar, Paul R. *Terrorism and U.S. Foreign Policy*. Washington D.C.: Brookings Institution Press, 2001.
- Pretrial Chamber ICC. "International Criminal Court." *Pre-Trial Chamber I issues three warrants of arrest for Muammar Gaddafi, Saif Al-Islam Gaddafi and Abdualla Al-Senussi*. June 27, 2011. <http://www.icc-cpi.int/NR/exeres/D07229DE-4E3D-45BC-8CB1-F5DAF8370218.htm> (accessed September 1, 2012).
- Proceedings of the Annual Meeting-American Society of International Law. "Legal Trac-Afghanistan, Pakistan, and the modern challenges to use of force law." *Law Annual 2010: 161+*. March 2010. <http://go.galegroup.com/ps/i.do?&it+GALE%7CA268961683&v2.1&u=txshracd2599&it=r&p=LT&sw=w> (accessed October 16, 2011).
- Public Law 107-40 [S. J. RES. 23] 107th Congress. "Authorization for Use of Military Force." *Findlaw*. September 18, 2001. <http://news.findlaw.com/hdocs/docs/terrorism/sjres23.es.html> (accessed October 14, 2012).
- Raghavan, Sudarsan. "In Yemen, U.S. airstrikes breed anger, sympathy for Al-Qaeda." *The Washington Post*. May 29, 2012. [http://www.washingtonpost.com/world/middle\\_east/in-yemen-us-airstrikes-breed-anger-and-sympathy-for-al-qaeda/2012/05/29/gJQAUmKIOU\\_story.html](http://www.washingtonpost.com/world/middle_east/in-yemen-us-airstrikes-breed-anger-and-sympathy-for-al-qaeda/2012/05/29/gJQAUmKIOU_story.html) (accessed November 11, 2012).
- Rainey, Libby. "Alameda county sheriff's office considers purchasing drones." *The Daily Californian*. October 12, 2012. <http://www.dailycal.org/2012/10/18/civilians-and-civil-rights-groups-speak-out-against-potential-drone-use-in-alameda-county/> (accessed December 15, 2012).
- Rashid, Ahmed. *Descent into Chaos*. New York: Penguin Books, 2009.
- Reinold, Theresa. "State Weakness, Irregular Warfare and the Right to Self Defense Post 9/11." *The American Journal of International Law*, 2011: 244-286.
- Richman, Sheldon. "Is America Waging a Covert War on Iran?" *Points of View Reference Center*. December 11, 2011. <http://ehis.ebscohost.com.libproxy.txstate.edu/eds/detail?sid=bbac602e-26b9-4ba1->

ae42-  
ec1621d39a71%40sessionmgr12&vid=4&hid=1&bdata=JnNpdGU9ZWRzLWxpdmU%3d#  
db=pwh&AN=75041978 (accessed November 13, 2012).

Riedel, Bruce. "The Afghan Strategy is Working." *The Daily Beast*. 16 December, 2012.  
<http://www.thedailybeast.com/articles/2010/12/16/obamas-afghan-war-review-bruce-riedel-on-what-the-president-is-doing-right.html> (accessed December 29, 2012).

Robert F. Worth, Mark Mazzetti and Scott Shane. "Drone Strikes' Risks to Get Rare Moment in the Public Eye ." *The New York Times*. February 5, 2013.  
[http://www.nytimes.com/2013/02/06/world/middleeast/with-brennan-pick-a-light-on-drone-strikes-hazards.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2013/02/06/world/middleeast/with-brennan-pick-a-light-on-drone-strikes-hazards.html?pagewanted=all&_r=0) (accessed April 3, 2013).

Roberts, John. "EXCLUSIVE: Drones are vulnerable to terrorist attack, researchers say." *Fox News*. June 25, 2012. <http://www.foxnews.com/tech/2012/06/25/drones-vulnerable-to-terrorist-hijacking-researchers-say/> (accessed December 02, 2012).

Rockefeller, Mark. "Denver Journal of International Law & Policy." *EBSCO Host*. Winter Volume 33, Issue 1, 2004.  
<http://ehis.ebscohost.com.libproxy.txstate.edu/eds/detail?vid=6&hid=4&sid=2d528dd4-6f1e-4e9e-8994-9cce20c59c51%40sessionmgr11&bdata=JnNpdGU9ZWRzLWxpdmU%3d#db=a9h&AN=17300228> (accessed October 18, 2012).

Roggio, Bill. "US Drone Strike Kills 4 Al Qaeda 'Militants' in Southern Yemen ." *The Long War Journal* . October 4, 2012.  
[http://www.longwarjournal.org/archives/2012/10/us\\_drone\\_strike\\_four.php#ixzz28OR4D0li](http://www.longwarjournal.org/archives/2012/10/us_drone_strike_four.php#ixzz28OR4D0li) (accessed October 4 , 2012).

Roghawan, Sudarsan. "In Yemen, U.S. Airstrikes Breed Anger and Sympathy for Al-Qaeda." *The Washington Post*. May 29, 2012.  
[http://www.washingtonpost.com/world/middle\\_east/in-yemen-us-airstrikes-breed-anger-and-sympathy-for-al-qaeda/2012/05/29/gJQAUmKIOU\\_story.html](http://www.washingtonpost.com/world/middle_east/in-yemen-us-airstrikes-breed-anger-and-sympathy-for-al-qaeda/2012/05/29/gJQAUmKIOU_story.html) (accessed 7 2012, October ).

—. "A Dangerous New World of Drones." *CNN Opinion*. October 8, 2012.  
<http://www.cnn.com/2012/10/01/opinion/bergen-world-of-drones/index.html> (accessed December 15, 2012).

Ruys, Tom. *'Armed Attack' and Article 51 of the UN Charter*. Cambridge: Cambridge University Press, 2010.

- S.PUB.103-21 Prepared by the Office of the Secretary of the Senate with the assistance of Johnny H. Killian of the Library of Congress. "Reference Home Constitution of The United States." *The United States Senate*.  
[http://www.senate.gov/civics/constitution\\_item/constitution.htm](http://www.senate.gov/civics/constitution_item/constitution.htm) (accessed December 9, 2012).
- Sana, Yemen. "How drones help Al-Qaeda." *The New York Times*. June 13, 2012.  
[http://www.nytimes.com/2012/06/14/opinion/how-drones-help-al-qaeda.html?\\_r=0](http://www.nytimes.com/2012/06/14/opinion/how-drones-help-al-qaeda.html?_r=0) (accessed November 11, 2012).
- Sanger, David. *Confront and Conceal: Obama's Secret War's and Surprising Use of American Power*. New York: Crown Publishers, 2012.
- Sarachan, Sydney. "Need to Know Ask the Experts: Drones." *PBS*. September 14, 2012.  
<http://www.pbs.org/wnet/need-to-know/uncategorized/ask-the-experts-drones/14813/> (accessed April 16, 2013).
- Savage, Charles. "Libya Effort is Called Violation of WarAct." *The New York Times*. May 25, 2011.  
[http://www.nytimes.com/2011/05/26/world/middleeast/26powers.html?\\_r=0](http://www.nytimes.com/2011/05/26/world/middleeast/26powers.html?_r=0) (accessed February 08, 2013).
- Savage, Charlie. "Drone Strikes Turn Allies Into Enemies." *The New York Times*. April 23, 2013.  
[http://www.nytimes.com/2013/04/24/world/middleeast/judiciary-panel-hears-testimony-on-use-of-drones.html?\\_r=0](http://www.nytimes.com/2013/04/24/world/middleeast/judiciary-panel-hears-testimony-on-use-of-drones.html?_r=0) (accessed April 28, 2013).
- . "U.N. Official to Ask to End C.I.A. Drone Strikes." *The New York Times*. May 27, 2010.  
<http://www.nytimes.com/2010/05/28/world/asia/28drones.html> (accessed October 14, 2012).
- Serrano, Richard A. "Obama to resume military trials for Guantanamo detainees." *The Los Angeles Times*. March 8, 2011. <http://articles.latimes.com/2011/mar/08/nation/la-na-obama-guantanamo-20110308> (accessed October 7, 2012).
- Shah, Pir Zubair. "My Drone War." *Foreign Policy Magazine*, March/April 2012: 56-63.
- Shahzad, Mirza. "The Folly of Drone Attacks and U.S. Strategy." *CNN*. October 4, 2012.  
<http://www.forbes.com/sites/kashmirhill/2011/12/13/the-future-of-drones-in-america/> (accessed December 02, 2012).
- Shane, Scott. "Coming Soon: the Drones Arms Race." *The New York Times*. October 8, 2011.  
[http://www.nytimes.com/2011/10/09/sunday-review/coming-soon-the-drone-arms-race.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2011/10/09/sunday-review/coming-soon-the-drone-arms-race.html?pagewanted=all&_r=0) (accessed December 15, 2012).

- . "Yemen's leader praises drone strikes." *The New York Times*. September 29, 2012.  
<http://www.nytimes.com/2012/09/29/world/middleeast/yemens-leader-president-hadi-praises-us-drone-strikes.html> (accessed October 4, 2012).
- Singer, Peter. *Wired for War*. New York: The Penguin Press, 2009.
- Skowronek, Stephen. *Presidential Leadership in Political Time*. Lawrence: University of Kansas Press, 2008.
- Sky News Staff. "China Airshow: Drone and Fighter Jet Unveiled." *Sky News*. November 13, 2012.  
<http://news.sky.com/story/1010961/china-airshow-drone-and-fighter-jet-unveiled>  
 (accessed November 13, 2012).
- Slackman, Michael. "Beni Suef Journal- A New Tongue to Win Hearts and Minds." *The New York Times*. February 5, 2009.  
[http://www.nytimes.com/2009/02/06/world/middleeast/06cairo.html?\\_r=0](http://www.nytimes.com/2009/02/06/world/middleeast/06cairo.html?_r=0) (accessed April 27, 2013).
- Soncan, Emre. "Turkey to manufacture armed version of national drone ." *Sunday's Zaman*. July 18, 2012. <http://www.todayszaman.com/news-286926-turkey-to-manufacture-armed-version-of-national-drone.html> (accessed December 15, 2012).
- Starr, Barbara. "First on CNN: Iranian Jets Fire on U.S. Drone." *CNN*. November 8, 2012.  
<http://security.blogs.cnn.com/2012/11/08/first-on-cnn-iranian-jets-fire-on-u-s-drone/>  
 (accessed November 12, 2012).
- Steve Holland and Susan Heavy. "Memo justifies drone kills even with patchy intelligence." *NBC News/Reuters*. February 05, 2013. [http://www.nbcnews.com/id/50711252/ns/business-stocks\\_and\\_economy/t/memo-justifies-drone-kills-even-patchy-intelligence/#.UVsbYDezSSo](http://www.nbcnews.com/id/50711252/ns/business-stocks_and_economy/t/memo-justifies-drone-kills-even-patchy-intelligence/#.UVsbYDezSSo) (accessed April 2, 2013).
- Susan B. Epstein and K. Alan Kronstadt. *Pakistan: U.S. Foreign Assistance. Government Report: Congressional Research , Washington D.C. : www.crs.gov*, 2012.
- Tayler, Letta. "Losing Yemeni Hearts and Minds." *Human Rights Watch*. May 31, 2012.  
<http://www.hrw.org/news/2012/05/31/losing-yemeni-hearts-and-minds> (accessed November 11, 2012).
- The Economist. "Fight of the drones: Why the future of air power belongs to unmanned systems." *The Economist*. October 8, 2011. <http://www.economist.com/node/21531433>  
 (accessed December 28, 2012).

- . "Lexington's Notebook American Politics: John Brennan The Debate Over Drones." *The Economist*. February 7, 2013.  
<http://www.economist.com/blogs/lexington/2013/02/john-brennan> (accessed April 2, 2013).
- The Independent. "David Cameron defends Government surveillance plans." *The Independent*. April 04, 2012. <http://www.independent.co.uk/news/uk/politics/david-cameron-defends-government-surveillance-plans-7618435.html> (accessed December 24, 2012).
- The New York Times. "The New York Times ." *Obama Speech in Cairo*. June 4, 2009.  
<http://www.nytimes.com/2009/06/04/us/politics/04obama.text.html?pagewanted=all>  
 (accessed September 23 , 2012).
- . "World: Afghanistan." *The New York Times*. December 9, 2012.  
<http://topics.nytimes.com/top/news/international/countriesandterritories/afghanistan/index.html> (accessed December 29, 2012).
- The Washington Post Company. "Overview, Pt. 4: Soft Money- a look at the loopholes." *The Washington Post*. 1998. <http://www.washingtonpost.com/wp-srv/politics/special/campfin/intro4.htm> (accessed March 17, 2013).
- The Washington Post. "Defending drones: The laws of war and the right to self-defense." *The Washington Post*. April 13, 2010. <http://www.washingtonpost.com/wp-dyn/content/article/2010/04/12/AR2010041204086.html> (accessed October 13, 2012).
- Thiessen, Marc A. "Dead Terrorists Tell No Tales." *Foreign Policy*. February 8, 2010.  
[http://www.foreignpolicy.com/articles/2010/02/08/dead\\_terrorists\\_tell\\_no\\_tales](http://www.foreignpolicy.com/articles/2010/02/08/dead_terrorists_tell_no_tales)  
 (accessed April 28, 2013).
- Tirpak, John A. "Washington Watch." *Air Force Magazine*. February 2012. <http://www.airforce-magazine.com/MagazineArchive/Documents/2011/February%202011/0211watch.pdf>  
 (accessed November 13, 2012).
- Tse-Tung, Mao. *On Guerilla Warfare* . Mineola: Dover, 2005.
- Turse, Nick. "Drone wars: Pentagon's future with robots, troops." *CBS News* . June 1, 2012 .  
[http://www.cbsnews.com/8301-215\\_162-57445801/drone-wars-pentagons-future-with-robots-troops/](http://www.cbsnews.com/8301-215_162-57445801/drone-wars-pentagons-future-with-robots-troops/) (accessed December 1, 2012).
- UN Data. "UN Data: A World of Information." *UN*. April 9, 2012.  
<http://data.un.org/Data.aspx?d=SOWC&f=inID%3A74> (accessed April 27, 2013).

- "US Military Surveillance Future: Drones Now come in Swarms?" *RT News*. June 20, 2012.  
<http://rt.com/news/us-drones-swarms-274/> (accessed December 02, 2012).
- USA Today. "Talk of drones patrolling U.S. skies spawns anxiety ." *USA Today*. June 19, 2012 .  
<http://usatoday30.usatoday.com/news/washington/story/2012-06-19/drone-backlash/55682654/1> (accessed December 9, 2012).
- Walsh, Declan. "Drone War Spur Militants to Deadly Reprisals: Taped Executions Sow Fear in Tirbal Areas of Pakistan ." *The New York Times*, December 30, 2012: Front Page.
- Webb, Jim. "Congressional Abdication." *The National Interest*. March 1, 2013.  
<http://nationalinterest.org/article/congressional-abdication-8138> (accessed March 31, 2013).
- Weekend Edition Saturday. "Drones Lend Silence to War." *Points of View Reference Center*. July 17, 2012.  
<http://ehis.ebscohost.com.libproxy.txstate.edu/eds/detail?vid=9&hid=121&sid=365bc08b-2704-4218-9709-9bfa661b5e64%40sessionmgr110&bdata=JnNpdGU9ZWRzLWxpdmU%3d#db=pwh&AN=6XN201007171302> (accessed October 23, 2012).
- West, Eleanor T. "Yemen: Hearts, Minds and Al-Qaeda." *Project Muse: World Policy Journal*. Summer 2011.  
[http://muse.jhu.edu.libproxy.txstate.edu/journals/world\\_policy\\_journal/v028/28.2.west.html](http://muse.jhu.edu.libproxy.txstate.edu/journals/world_policy_journal/v028/28.2.west.html) (accessed November 11, 2012).
- Whitlock, Craig. "Gen. Cartwright, poised to lead the Joint Chiefs, had his shot derailed by critics." *The Washington Post*. May 28, 2011. [http://articles.washingtonpost.com/2011-05-28/world/35264212\\_1\\_president-obama-cartwright-obama-administration](http://articles.washingtonpost.com/2011-05-28/world/35264212_1_president-obama-cartwright-obama-administration) (accessed April 21, 2013).
- Wike, Richard. "Wait, You Still Don't Like Us? Why the Muslim world hasn't warmed toward America in the past four years." *Foreign Policy Magazine*. September 19, 2012.  
[http://www.foreignpolicy.com/articles/2012/09/19/you\\_still\\_don\\_t\\_like\\_us?page=0,1](http://www.foreignpolicy.com/articles/2012/09/19/you_still_don_t_like_us?page=0,1) (accessed October 3, 2012).
- Wing, Nick. "Indefinite Detention App Allows You to 'Detain' Your Facebook Friends." *The Huffington Post*. September 27, 2012.  
[http://www.huffingtonpost.com/2012/09/27/indefinite-detention-app-facebook\\_n\\_1918832.html](http://www.huffingtonpost.com/2012/09/27/indefinite-detention-app-facebook_n_1918832.html) (accessed April 19, 2013).

Woods, Chris. "CIA drone strikes violate Pakistan's sovereignty, says senior diplomat." *The Guardian*. August 2, 201. After completing government approved home school studies from Horizons Instructional Charter School in Lincoln, California, she went on to graduate California State University East Bay in Hayward, California with a Bachelors in International Studies and Political Science. 2.

<http://www.guardian.co.uk/world/2012/aug/03/cia-drone-strikes-violate-pakistan> (accessed April 27, 2013).

Yoo, John. "John Yoo: Obama, Drones, and Thomas Aquinas." *The Wall Street Journal* . June 7, 2012.

<http://online.wsj.com/article/SB10001424052702303665904577452271794312802.htm> (accessed February 17, 2013).

—. "The Administration's Strange Reasoning in the Killing of Anwar-Al-Awlaki." *The National Review Online*. October 9, 2011.

<http://www.nationalreview.com/corner/279613/administrations-strange-reasoning-al-awlaki-john-yoo> (accessed October 06, 2011).

Zakaria, Fareed. "Why the World is Growing Jaded with Obama." *Global Public Square*. August 7, 2012. <http://globalpublicsquare.blogs.cnn.com/2012/08/07/why-the-world-is-growing-jaded-with-obama/> (accessed September 24, 2012).

## **VITA**

Lena Noel Brewster was born in Los Gatos, California, on February 23, 1984, the daughter of Melvin Henry Brewster and Sheree Jo McIntyre. Lena completed her home school coursework for Horizons Instructional Charter School in Lincoln, California, in 2002. Lena went to Consumnes River Community College in Sacramento, California along with Sacramento City College and American River College with all three colleges being in the Los Rios Community College District. She then moved to Flagstaff, Arizona and completed her community college studies at Coconino Community College graduating Cum Laude with an Associate of Arts in General Studies in December 2005. While working full time at the Coconino County Sheriff's Office in Flagstaff, Arizona for two years Lena went part time to Northern Arizona University in Flagstaff, Arizona. Lena then moved back to California, entering into California State University East Bay in Hayward, California in 2007. She received a Bachelor of Arts in International Studies and Political Science in June 2010. Lena entered into the Graduate College of Texas State University-San Marcos in August 2010.

Permanent Address: 550 W. 22<sup>nd</sup> St. Apt. 8201  
Georgetown, Texas 78626

This thesis was typed by Lena N. Brewster.