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An Inconvenient Truth

Finally, proof that the United States has lied in the drone wars.

BY MICAH ZENKO

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It turns out that the Obama administration has not been honest about who the CIA has been targeting with drones in Pakistan. **Jonathan Landay**, national security reporter at McClatchy Newspapers, has **provided** the first analysis of drone-strike victims that is based upon internal, top-secret U.S. intelligence reports. It is the most important reporting on U.S. drone strikes to date because Landay, using U.S. government assessments, plainly demonstrates that the claim repeatedly made by President Obama and his senior aides -- that targeted killings are limited

only to officials, members, and affiliates of al Qaeda who pose an imminent threat of attack on the U.S. homeland -- is false.

Share on twitterTwitterShare on redditRedditinShare $\boxed{+}$ More... Senior officials and agencies have emphasized this point over and over because it is essential to the legal foundations on which the strikes are ultimately based: the 2001 Authorization to Use Military Force and the U.N. Charter's right to self-defense. A **Department of Justice** white paper said that the United States can target a "senior operational leader of al-Qa'ida or an associated force" who "poses an imminent threat of violent attack against the United States." Attorney General **Eric Holder** said the administration targets "specific senior operational leaders of al-Qaeda and associated forces," and **Harold Koh**, the senior State Department legal adviser dubbed them "high-level al-Qaeda leaders who are planning attacks." Obama said during a Google+ Hangout in January 2012: "These strikes have been in the FATA [Federally Administered Tribal Areas] and going after al-Qaeda suspects." Finally, Obama **claimed** in September: "Our goal has been to focus on al Qaeda and to focus narrowly on those who would pose an imminent threat to the United States of America."

As the Obama administration unveils its **promised** and overdue targeted-killing reforms over the next few months, citizens, policymakers, and the media should keep in mind this disconnect between who the United States claimed it was killing and who it was actually killing.

Landay's reporting primarily covers the most intensive period of CIA drone strikes, from September 2010 to September 2011. "[T]he documents reveal estimates of deaths and injuries; locations of militant bases and compounds; the identities of some of those targeted or killed; the movements of targets from village to village or compound to compound; and, to a limited degree, the rationale for unleashing missiles," he writes.

While he provides few direct quotes from the documents, his most important finding is this:

At least 265 of up to 482 people who the U.S. intelligence reports estimated the CIA killed during a 12-month period ending in September 2011 were not senior al Qaida leaders but instead were "assessed" as Afghan, Pakistani and unknown extremists. Drones killed only six top al Qaida leaders in those months, according to news media accounts.

Forty-three of 95 drone strikes reviewed for that period hit groups other than al Qaida, including the Haqqani network, several Pakistani Taliban factions and the unidentified individuals described only as "foreign fighters" and "other militants."...

At other times, the CIA killed people who only were suspected, associated with, or who probably belonged to militant groups.

This scope of targeting complicates the Obama administration's claim that only those al Qaeda members who are an imminent threat to the U.S. homeland can be killed. In reality, starting in the summer of 2008, when President Bush first authorized signature strikes in Pakistan, the vast majority of drone-strike victims were from groups focused on establishing some form of Sharia law, attacking Pakistani security forces, and destabilizing Afghanistan by supporting the Taliban and attacking U.S. servicemembers. The United States essentially replicated the Vietnam War strategy of bombing the Vietcong's safe haven in Cambodia. In addition, the CIA was engaging in "side payment strikes" against the Pakistani Taliban to eliminate threats on Islamabad's behalf.

This was not a secret to anyone following the CIA's drone program. As I **wrote** as early as March 2009:

The covert program that began as an effort to kill high-value al-Qaeda and Taliban officials responsible for previous international terror attacks (and who continue to provide strategic guidance to the global jihadist movement) has since led to the CIA's serving, in effect, as a counterinsurgency arm of the Pakistani air force.

Landay also writes that "the reports estimated there was a single civilian casualty, an individual killed in an April 22, 2011, strike in North Waziristan." This should finally demolish John Brennan's **claim** in June 2011 that "For the past year there hasn't been a single collateral death because of the exceptional proficiency, precision of the capabilities that we've been able to develop." As I **noted** previously, either Brennan did not receive the information in these top-secret documents (an implausible notion given his central role in managing the targeted killings program), or he was being dishonest.

It is important to note that the claim of a single civilian casualty is based on the CIA's interpretation that any military-age males who are behaving suspiciously can be lawfully targeted. No U.S. government official has ever openly acknowledged the practice of such "signature strikes" because it is so clearly at odds with the bedrock principle of distinction required for using force within the laws of armed conflict. According to the documents reviewed by Landay, even the U.S. intelligence community does not necessarily know who it has killed; it is forced to use fuzzy categories like "other militants" and "foreign fighters."

Some of the **drone strikes** that Landay describes, such as a May 22, 2007 attack requested by Pakistan's intelligence service to support Pakistani troops in combat, do not appear in the databases maintained by the New America Foundation, the Bureau of Investigative Journalism, or *Long Wars Journal*. This should strengthen the concerns of many analysts about the accuracy of reporting from Pakistan's tribal areas. It also suggests that there may be a few additional targeted killing efforts of which we know nothing.

This lack of understanding further reinforces the need for a comprehensive **official history** of U.S. targeted killings in non-battlefield settings, comparable in scope and transparency to the government reports about other controversial counterterrorism policies. Some policymakers will question why we should care about what the United States was doing two years ago, which in Washington is considered ancient and irrelevant. Yet, for all of the historical accounts and professed concerns over the CIA's detention and extraordinary rendition program, which involved "**136 known victims**," it is time for an accounting of the CIA's drone strikes, which have killed between 3,000 and 4,000 people in Pakistan and Yemen.

Finally, based on the Obama administration's **patterns of behavior**, the Department of Justice will assuredly target Landay and his sources for leaking classified information. While the DOJ has refrained from plugging the many **selective leaks** by anonymous administration officials that praise the precision and efficacy of drone strikes, it has sought **more criminal prosecutions** of leaks in Obama's first term than during all previous presidential administrations combined. Like almost everything else we know about targeted killings, these latest revelations come from an **investigative journalist** who served the public interest by reporting new information on a highly controversial policy -- a policy that the government absurdly insists remain secret. Absolutely nothing in Landay's reporting reveals the CIA's sources and methods for determining who had been killed.

The hypocrisy behind U.S. targeted killings has long been apparent to casual news readers, and it is now confirmed by internal intelligence documents. The Obama administration has a fundamental choice to make if it is serious about reforming its targeted-killing program: Either target who officials claim they are targeting, or change their justifications to match the actual practice. If they unable or unwilling to do this, then other White House efforts toward drone-strike reform or transparency will be met with skepticism.