OMNI DRONE/ASSASSINATION NEWSLETTER #8.

“Make World Less Violent, New UA Graduates Told.” (ADG 12-16-12). If any subject links these newsletters, it is violence and how to reduce it.

My blog: War Department/Peace Department
http://jamesrichardbennett.blogspot.com/

My Newsletters:
http://www.omnicenter.org/newsletter-archive/

Index:
http://www.omnicenter.org/omni-newsletter-general-index/

Peace, Justice, Ecology Birthdays
See OMNI’s Bulletin “Happening”
See INMOtion OMNI’s monthly newsletter.
Visit OMNI’s Library.

“Act in such a way that the principle according to which the action is performed can be accepted as a universal law.” Immanuel Kant’s Categorical Imperative.
Nos. 5 & 6 at end

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Obama Assassination President

Public Discussion of Drones; Stanford/NYU report

ACLU Sues CIA

Terrorizing Civilian Population

Rules for Drone Warfare

Restricting Protest

US Police Use Drones, Citizens Protest

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NOVA, “Rise of the Drones”

Greenwald, Stanford/NYU on Terrorized Civilians, Living Under Drones

Cavallaro, Living Under Drones

Bailey, Assassination Drones

Sprusansky, Demand Truths of Drone War

Glaser, Drones, My Lai, Prosecution

Stauffer, UN to Investigate Drone Killings

Kucinich Holds Congressional Briefing
Here is the link to all of OMNI’s topical newsletters: http://www.omnicenter.org/newsletter-archive/

The newsletters cover the fields of pje. KNOWLEDGE THEN ACTION.

US & World

PBS' NOVA to Premiere Documentary on 'Rise of the Drones'

Lorenzo Franceschi-Bicchierai

The robotic planes more commonly referred to as drones have gone from a secret, rarely covered military and CIA program to a regular fixture on the national media as well as technology websites.

As one of the leaders behind the U.S. drone program, White House adviser John Brennan, gets ready to face confirmation hearings to head the CIA, drones have never been more in the spotlight. Popular science show NOVA hopes to shed more light on these flying bots with a documentary titled "Rise of the Drones."

The documentary will tackle both the military and civilian side of drone technology, exploring how the military trains drone pilots at the Holloman Air Force base in New Mexico, as well as the role drones will play in domestic law enforcement.

There are controversies in both of these worlds. Are drone strikes in accordance with international law? Are they killing too many civilians? "We've entered an era where we’re conducting an array of operations using unmanned systems that in a previous generation we would have called war, and we would have treated like war," Peter W. Singer, an expert in the future of warfare, says in the documentary. "When you're conducting more than 300 air strikes in a country, you’re conducting an equivalent of at least an ‘Air War’ campaign. But we don’t call it that now."
On the civilian side, most of the questions are related to privacy and security. **Can citizens’ privacy be respected when there are thousands of eyes in the sky?** "I think anybody that can use a device to peer into your activities even if it’s the air outside your window or the air above your property, I think there is a right to privacy," Rep. Rand Paul tells *NOVA*. "The worry is that in two [to] three years we will have 30,000 drones crisscrossing the sky accumulating all this information."

SEE ALSO: [Student Tweets Entire History of US Drone Strikes](#)

In addition to Singer and Paul, to try to answer all these questions *NOVA* interviewed the “father” of the Predator drone, the most widely used killer drone in the U.S. arsenal, several drone pilots and Vijay Kumar, a University of Pennsylvania roboticist, particularly known for his studies in the control and coordination of multi-robot formations.

Check out the teaser trailer above to have an idea of what “Rise of the Drones” is all about. The full documentary will air Wednesday at 9 p.m. ET on [PBS](#).

*Photo courtesy of General Atomics Aeronautical Systems, Inc.*

**TOPICS:** DOCUMENTARY, DRONES, PBS, TELEVISION

**New Stanford/NYU study documents the civilian terror from Obama's drones**

New research shows the terrorizing impact of drones in Pakistan, false statements from US officials, and how it increases the terror threat

- [Glenn Greenwald](#)
- guardian.co.uk, Tuesday 25 September 2012 08.18 EDT
- Jump to comments (776)
A vitally important and thoroughly documented new report on the impact of Obama’s drone campaign has just been released by [JAMES CAVALLARO AND OTHER] researchers at NYU School of Law and Stanford University Law School. Entitled "Living Under Drones: Death, Injury and Trauma to Civilians From US Drone Practices in Pakistan", the report details the terrorizing effects of Obama’s drone assaults as well as the numerous, highly misleading public statements from administration officials about that campaign. The study's purpose was to conduct an "independent investigations into whether, and to what extent, drone strikes in Pakistan conformed to international law and caused harm and/or injury to civilians".

The report is "based on over 130 detailed interviews with victims and witnesses of drone activity, their family members, current and former Pakistani government officials, representatives from five major Pakistani political parties, subject matter experts, lawyers, medical professionals, development and humanitarian workers, members of civil society, academics, and journalists." Witnesses "provided first-hand accounts of drone strikes, and provided testimony about a range of issues, including the missile strikes themselves, the strike sites, the victims' bodies, or a family member or members killed or injured in the strike".

Here is the powerful first three paragraphs of the report, summarizing its main findings:

While noting that it is difficult to obtain precise information on the number of civilian deaths
"because of US efforts to shield the drone program from democratic accountability", the report nonetheless concludes: "while civilian casualties are rarely acknowledged by the US government, there is significant evidence that US drone strikes have injured and killed civilians."

But beyond body counts, there's the fact that "US drone strike policies cause considerable and under-accounted for harm to the daily lives of ordinary civilians, beyond death and physical injury":

In other words, the people in the areas targeted by Obama's drone campaign are being systematically terrorized. There's just no other word for it. It is a campaign of terror - highly effective terror - regardless of what noble progressive sentiments one wishes to believe reside in the heart of the leader ordering it. And that's precisely why the report, to its great credit, uses that term to describe the Obama policy: the drone campaign "terrorizes men, women, and children".

Along the same lines, note that the report confirms what had already been previously documented: the Obama campaign's despicable (and likely criminal) targeting of rescuers who arrive to provide aid to the victims of the original strike. Noting that even funerals of drone victims have been targeted under Obama, the report documents that the US has "made family members afraid to attend funerals". The result of this tactic is as predictable as it is heinous:
"Secondary strikes have discouraged average civilians from coming to one another's rescue, and even inhibited the provision of emergency medical assistance from humanitarian workers."

In the hierarchy of war crimes, deliberately targeting rescuers and funerals - so that aid workers are petrified to treat the wounded and family members are intimidated out of mourning their loved ones - ranks rather high, to put that mildly. Indeed, the US itself has long maintained that such "secondary strikes" are a prime hallmark of some of the world's most
despised terrorist groups. Perhaps worst of all, the report details at length that the prime excuse offered by Obama defenders for this continuous killing - it Keeps Us Safe™ by killing The Terrorists™ - is dubious "at best"; indeed, the opposite is more likely true:

All the way back in 2004, the Rumsfeld Pentagon commissioned a study to determine the causes of anti-US terrorism, and even it concluded: "Muslims do not 'hate our freedom,' but rather, they hate our policies." Running around the world beating your chest, bellowing "we're at war!", and bombing multiple Muslim countries does not keep one safe. It manifestly does the opposite, since it ensures that even the most rational people will calculate that targeting Americans with violence in response is just and necessary to deter further aggression. A one-day attack on US soil eleven years ago unleashed a never-ending campaign of violence around the world from the target and its allies. Is it really a challenge to understand that continuous bombings and civilian-killing assaults over many years, in many Muslim countries, will generate the same desire for aggression and vengeance against the US?

Time and again, those who have attempted to perpetrate attacks on US soil have cited the Muslim children and other innocent human beings extinguished by Obama's drones. Recall the words of the attempted Times Square bomber, Pakistani-American Faisal Shahzad, at his sentencing hearing when the federal judge presiding over his case, Miriam Goldman Cedarbaum, asked incredulously how he could possibly use violence that he knew would result in the deaths even of innocent children -- as though she were literally unaware that her own government continuously does exactly that:

"'Well, the drone hits in Afghanistan and Iraq, they don't see children, they don't see anybody. They kill women, children, they kill everybody. It's a war, and in war, they kill people. They're killing all Muslims' . . . .

"'I am part of the answer to the U.S. terrorizing the Muslim nations and the Muslim people. And, on behalf of that, I'm avenging the attack. Living in the United States, Americans only care about their own people, but they don't care about the people elsewhere in the world when they die.'"

The minute he was apprehended by US authorities, Shahzad, as reported by the Washington Post, "told agents that he was motivated by opposition to U.S. policy in the Muslim world, officials said. 'One of the first things he said was, 'How would you feel if people attacked the United States? You are attacking a sovereign Pakistan.'"

Perhaps most importantly, the report documents the extreme levels of propaganda used by the western press to deceive their citizens into believing pure myths about the drone campaign. As I've argued before, the worst of these myths is the journalistic mimicry of the term "militants" to describe drone victims even when those outlets have no idea who was killed or whether that term is accurate (indeed, the term itself is almost as ill-defined as "terrorist"). This media practice became particularly inexcusable after the New York Times revealed in May that "Mr. Obama embraced a disputed method for counting civilian casualties that did little to box him in. It in effect counts all military-age males in a strike zone as combatants."

Incredibly, even after that radical redefinition was revealed, and even after the Obama administration got caught red-handed spewing demonstrable falsehoods about the identity of...
drone victims, US media outlets continued to use the term "militant" to describe drone victims. The new report urges that this practice stop:

Significantly, the report says the prime culprit of these evils is what it calls the "dramatic escalation" of the drone campaign by the 2009 Nobel Peace laureate - escalated not just in sheer numbers (in less than four years, Obama "has reportedly carried out more than five times" the number ordered by Bush in eight years), but more so, the indiscriminate nature of the strikes. As Tuesday's Guardian article on this report states: it "blames the US president, Barack Obama, for the escalation of 'signature strikes' in which groups are selected merely through remote 'pattern of life' analysis."

The report is equally damning when documenting the attempts of the Obama administration to suppress information about its drone victims, and worse, to actively mislead when they deign selectively to release information. Recognizing the difficulty of determining the number of civilian deaths with exactitude - due to "the opaqueness of the US government about its targeted killing program" as well as the inaccessibility of the region - it nonetheless documents that "the numbers of civilians killed are undoubtedly far higher than the few claimed by US officials." In other words, the administration's public statements are false: "undoubtedly" so. As the LA Times summarizes the study's findings today: "Far more civilians have been killed by U.S. drone strikes in Pakistan's tribal areas than U.S. counter-terrorism officials have acknowledged."

(The report is particularly scathing about the patent unreliability of the New America Foundation and its leading drone-and-Obama cheerleader, Peter Bergen, also of CNN, who has been amply rewarded with lucrative access by the administration he dutifully defends. Echoing a recent article by the Atlantic's Conor Friedersdorf and an analysis from the Bureau of Investigative Journalism, the report concludes that scrutiny of Bergen's key claims "has since revealed omissions and inconsistencies in New America Foundation's dataset, calling its widely publicized conclusions into question." It documents "several other glaring omissions from New America Foundation's data" used to depict Obama's drone campaign as far more benign than it actually is.)

Finally, the report notes the threat to democratic accountability posed by the Obama
administration's refusal to allow any transparency or judicial oversight regarding who the president orders killed: "The opaque position of the US government on civilian casualties is also emblematic of an accountability and democratic vacuum." In that regard, the report - as its final paragraph - quotes the question I have often asked about this state of affairs, an answer to which I have never heard from Obama's drone defenders:

What has always made that question particularly pressing for me is that American progressives cheered loudly when a similar question was posed by Al Gore in a widely celebrated 2006 speech he gave on the Washington mall denouncing the Bush/Cheney assault on civil liberties:

"'If the president has the inherent authority to eavesdrop on American citizens without a warrant, imprison American citizens on his own declaration, kidnap and torture, then what can't he do?'"

What has always amazed me about that is that, there, Gore was merely decrying Bush's mere eavesdropping on Americans and his detention of them without judicial review. Yet here Obama is claiming the power to decide who should be killed without a shred of transparency, oversight, or due process - a power that is being continuously used to kill civilians, including children - and many of these same progressives now actually cheer for that. Democrats spent several days at their convention two weeks ago wildly cheering and chanting whenever President Obama's use of violence and force was heralded. They're celebrating a leader who is terrorizing several parts of the Muslim world, repeatedly killing children, targeting rescuers and mourners, and entrenching the authority to exert the most extreme powers in full secrecy and without any accountability -- all while he increases, not decreases, the likelihood of future attacks. This new Stanford/NYU report is but the latest in a long line of evidence proving all of that.

1. Living Under Drones (academic study) - Wikipedia, the free ... en.wikipedia.org/wiki/Living_Under_Drones_(academic_study)

Living Under Drones full title: Living Under Drones: Death, Injury and Trauma to ... inPakistan, is an academic study authored by Professor James Cavallaro, ...

2. Living Under Drones: Death, Injury and Trauma to Civilians from US ... livingunderdrones.org/report/

Cavallaro, Knuckey, and Sonnenberg supervised and directed the preparation .... Thoseliving under drones have to face the constant worry that a deadly strike ...

3. U.S. Tries to Drown Out the Downsides of Drone Strikes - Room for ... www.nytimes.com/... drone.../us-tries-to-drown-out-the-downsides-of...

Sep 26, 2012 – By James Cavallaro and Sarah Knuckey. ... of Law are co-authors, with Stephan Sonnenberg of Stanford, of the report “Living Under Drones.” ...
4. **Study Finds U.S. Drone Strikes in Pakistan Miss Militant Targets and ...**

   www.democracynow.org/.../study_finds_us_drone_stri...

   Sep 26, 2012

   In "Living Under Drones," researchers conclude the drone strikes "terrorize ... We're joined by report ...

5. **More videos for Cavallero, Living Under Drones »**

6. **Drone strikes in Pakistan have killed many civilians, study says -**

   Los ...

   articles.latimes.com/2012/sep/24/world/la-fq-drone-study-20120925

   Sep 24, 2012 – The report, "Living Under Drones," also concludes that the classified... of drone attacks, said James Cavallaro of Stanford, one of the study's ...
"Death, destruction, disease, horror. That's what war is all about, Anon. That's what makes it a thing to be avoided. [But] you've made it neat and painless. So neat and painless, you've had no reason to stop it." —Captain Kirk, "Star Trek"

Warfare used to be an emotional, messy, painful exercise no matter which side you were on. The inevitability of death and destruction for the aggressor as well as the "targets" provided a strong incentive to end any war. But drones (also known as UAVs, or unmanned aerial vehicles) make waging war physically and emotionally painless for those who deploy them. This has enormous consequences for Americans, who must foot the bill as well as bear the consequences of the inevitable anti-U.S. backlash. But even more serious are the ramifications for the citizens on the "receiving end," whose own governments may or may not be complicit.

In October of 2012, CODEPINK: Women for Peace organized a delegation to Pakistan, the country most in the "crosshairs" of the CIA's drone force, to protest what it considers an immoral and illegal expansion of traditional warfare; stand in solidarity with the families who have become "collateral damage"; and learn more about a country that few Americans understand, even as our government wages a virtual war against it. However, the issues at hand are just as applicable to the Gaza Strip (where U.S. ally Israel uses the same
technology to target Palestinians), Yemen, Somalia and a growing list of other countries.

Controlled remotely by "pilots" thousands of miles away, drones are used both to kill and for surveillance—keeping constant watch over a targeted community. Even the seemingly more benign surveillance has a deeply damaging psychological impact. One Pakistani father of three who is raising his family in Waziristan, the tribal territory most targeted by the CIA for suspected terrorist activity, explained it this way: "Drones are always on my mind. It makes it difficult to sleep. They are like a mosquito. Even when you don't see them, you can hear them, you know they are there."

In *Living Under Drones*, a report produced by the Stanford International Human Rights and Conflict Resolution Clinic, psychiatrists call this pervasive worry common to conflict zones "anticipatory anxiety." People are constantly worrying, "when is the next drone attack going to happen?" When they hear the sound of a drone, they run to seek shelter.

Despite these insidious effects, the U.S. government increasingly is turning to drones as a way to continue intervening at will in "trouble zones," while appeasing a war-weary American public. A May 2012 AP/GfK poll found that 66 percent of Americans are weary of the wars in Afghanistan and Iraq, and want U.S. troops home. Drones are offered as the ideal solution: fewer American "boots on the ground." This means that, increasingly, the human cost is mostly one-sided, with victims' deaths and injuries not even counted by the U.S. government (that's a job left to NGOs). In 2002, the U.S. drone fleet numbered only 167. Today, reports the *Christian Science Monitor*, it has expanded to more than 7,000—and that number is set to increase. As stated in the Oct. 18 *Washington Post*, "the CIA is urging the White House to approve a significant expansion of the agency's fleet of armed drones, a move that would extend the spy service's decade-long transformation into a paramilitary force. The outcome has broad implications for counterterrorism policy and whether the CIA gradually returns to an organization focused mainly on gathering intelligence, or remains a central player in the targeted killing of terrorism suspects abroad."

Just what is wrong with that? Consider:

- The definition and targeting of "terrorists" are alarmingly ambiguous and arbitrary.
- Drones aren't as precise as they have been advertised; civilians are increasingly "collateral damage."
The result: "blowback"—a lesson we should have learned when we funded the mujahedeen to fight the Soviets in Afghanistan, only to have them turn against us. Drone strikes are a recruiting tool for the Taliban.

Drone attacks undermine what little respect remains for international law.

And just whom are we really killing?

Increasingly, drone attacks in Pakistan and elsewhere are impersonally described as "signature" strikes; in other words, "patterns of life" are targeted rather than specific individuals. For example, in his article, "One Hell of a Killing Machine: Signature Strikes and International Law," published in the October Journal of International Criminal Justice, Kevin Heller of the Melbourne Law School wrote: "Multiple media reports indicate that the U.S. considers all 'military-age males in a strike zone' to be justified drone targets, because 'simple logic' indicates that 'people in an area of known terrorist activity...are probably up to no good.'"

In the vast majority of strikes today, the identity of the individuals targeted isn't known. As a result, reports Reuters, of the 500 "militants" killed by drones between 2008 and 2010, only 8 percent have been confirmed to be mid- to top-tier organizers or leaders.

"If they think specific people have done something wrong, arrest them and bring them to court. That is a basic right you give to your own people," said Karim Khan, a Pakistani journalist whose compound was destroyed by a Hellfire missile from an American drone on Dec. 24, 2009.

Only three persons were in Khan's compound when the drone fired six Hellfire missiles: a mason who was building a mosque nearby, Khan's 16-year-old son and his younger brother, who worked as a teacher and believed education was more powerful than the gun. Instead, the drones taught his students hatred. Although Washington announced shortly after the strike on Khan's compound that a "militant target" named Al Juma had been killed, no one by that name was present. Several months later, yet another strike allegedly killed the same man. "I think actually he is still alive today," Khan said with graveyard humor.

Between June 2004 and September 2012, reports the Bureau of Investigative Journalism, the
U.S. has unleashed 346 drone attacks on Pakistan—292 of which were approved by President Barack Obama. Of the 2,562 to 3,325 people killed, 474 to 881 (176 of them children) have now been confirmed to be civilians.

**Blowback: Reaping What We Sow**

The Pew Research Center reported in June of 2012 that 74 percent of Pakistanis now consider the U.S. an enemy.

"I interviewed young children from Waziristan and surrounding areas, all under the age of 21, who were being questioned by Pakistani authorities for having links with extremist organizations, including Taliban factions," Anum Abbasi, an associate with the Research Society of International Law (RSIL) in Islamabad, told the CODEPINK delegation. "What became clear from this empirical research [not yet published] is that a primary motivator is the U.S. drone strikes. They breed anger, hatred and desperation."

And most certainly, anti-American sentiment.

**International law: Bending it to Fit**

The question of whether drone attacks are legal, in letter or spirit, under international law is a matter of much debate, and the answer depends on whether the U.S. can credibly make the case that the strikes are in self-defense, or carried out with the consent of the government of the targeted country.

According to the authors of *Living Under Drones*, "The U.S. government's extreme reluctance to provide details about particular strikes or the targeted killing program in general has impeded much-needed democratic debate about the legality and wisdom of U.S. policies and practices....The U.S. has largely refused to answer basic questions about the drone program posed in litigation or by civil society, journalists, or public officials."

There is a growing consensus, however, that the U.S. is on shaky ground. The attack on the World Trade Center in September 2001 was too long ago to trigger the self-defense clause, or to justify our presence in the region. And while Pakistani officials cooperated initially with the U.S. drone strikes, domestic outrage has grown so exponentially that they finally publicly filed a protest with the U.S. Embassy in October.

Whether they are legal or not, perhaps the most important question is whether drone strikes that cause significant "collateral damage" are moral—especially given that they are used to
kill people in countries against which Washington has not even declared war.

**Pam Bailey** is a free-lance writer who travels frequently to Palestine and other “targets” of U.S.
foreign policy. She was a participant in the CODEPINK delegation to Pakistan, and blogs at <paminprogress.tumblr.com>.

**DALE SPRUSANSKY, “AMERICANS MUST DEMAND DETAILS OF THEIR GOVERNMENT’S DRONE WAR.”**
During a recent visit to the Smithsonian's National Air and Space Museum in Washington, DC, this writer overheard a father eagerly directing his young son to the nearby drone exhibit. Pointing to the drones hanging from the ceiling, the father proudly told his son that "this is what daddy does at work." I instantly scoffed to myself, thinking, "why don't you tell your son what those drones do?" Of course (and appropriately), the man did not explain to his little boy that these machines are used to covertly and extrajudicially kill suspected terrorists—some of them American citizens—overseas.

Unfortunately, that child's naiveté is not so different from that of the American public. While, unlike the child, most adults are aware that drones are used to kill individuals believed to be terrorists, few Americans have ever paused to genuinely consider or question the legal, moral and strategic implications of their government's drone program.

The U.S. has been carrying out drone strikes against targets in Afghanistan, Pakistan, Somalia and Yemen for more than a decade—since February 2002. In all that time, the White House has not provided clear and transparent answers to key questions regarding the covert program: How does the government determine who is targeted by a drone strike? Are drone strikes really limiting the growth of terrorism? How many innocent civilians have been killed? What is the legal basis for carrying out a strike in a sovereign nation's territory? Does the president have the Constitutional authority to unilaterally conduct a drone war without
congressional approval and a declaration of war? The questions continue to multiply.

Just as the boy in the museum blindly accepted that his dad's job is "cool," so too do the American people seem to have blindly accepted drone warfare as an empirical fact of the 21st century. War-weary Americans seem to have little concern over military operations that do not directly risk the lives of U.S. soldiers. Indeed, an October 2012 Pew Research Center poll found that 60 percent of Americans believe the U.S. should immediately remove troops from Afghanistan. However, according to a June 2012 Pew poll, roughly the same number of respondents—62 percent—approve of the U.S. drone campaign.

These polls seem to suggest that drone warfare simply is not seen by many Americans as a form of war. If unmanned aircraft were terrorizing their communities and killing their neighbors, it is likely that Americans would have a vastly different perspective. As Americans upgrade their technological gadgets this holiday season, perhaps they should also update their understanding of war. As Pam Bailey outlines on p. 34, drones do indeed represent a new type of 21st century warfare, a type that Americans must acknowledge as existing, then fully vet and question before it becomes institutionalized.

A major reason for the broad American acceptance of killer drones is that both political parties have largely ignored the drone issue. In a deeply divided nation, drones seem to be one of the few areas where Democrats and Republicans are able to agree. Because partisan feuds drive mainstream news coverage, the lack of disagreement on this issue has resulted in it being the topic of little discussion in major American media outlets. Speaking at a Nov. 16 congressional briefing organized by Rep. Dennis Kucinich (D-OH) on the topic of drones (see p. 63), Bob Naiman, policy director at Just Foreign Policy, highlighted this phenomenon. "If Congress isn't talking about something, it's not perceived as controversial," he astutely pointed out.

The bipartisan silence on this issue was on full display at the Oct. 22 foreign policy presidential debate in Boca Raton, Florida. When asked by moderator Bob Schieffer to discuss his position on drones, Gov. Mitt Romney said that he "entirely" supported President Barack Obama's drone strategy. Not surprisingly, President Obama dodged the question entirely and instead spoke only vaguely about the Middle East. Just like that, the presidential candidates of the country's two major political parties assured the 59.2 million Americans
President Obama's decision not to answer the drone question at the debate reflects the approach he has taken to the topic throughout his presidency. Indeed, he did not publicly acknowledge the use of drones in Pakistan until January 2012. Since then, his administration has promised that the executive office is working on providing the American people with a clearer understanding of the drone program. "Staying true to our values as a nation also includes upholding the transparency upon which our democracy depends," said John Brennan, President Obama's chief counterterrorism adviser, in his April 2012 remarks on the drone program at the Woodrow Wilson International Center for Scholars.

Despite talk of greater transparency, however, the administration officially has released very few details regarding the program to date. Speaking to CNN's Jessica Yellin in September 2012, President Obama refused to provide specifics about the program. "I've got to be careful here. There are classified issues…I can't get too deeply into how these things work," he told Yellin, while assuring her that drone strikes are carefully planned and carried out.

What little is known of the U.S. drone program comes from unnamed sources quoted in newspapers such as The New York Times, whose May 2012 article "Secret 'Kill List' Proves a Test of Obama's Principles and Will" is the most in-depth overview of the drone program published in a U.S. paper to date. The fact that details of the drone program have been leaked seemed to bother the allegedly transparent President Obama, who told Yellin, "A lot of what you read in the press that purports to be accurate isn't always accurate."

Aside from the fact that elected officials largely ignore the issue, another reason the much-needed national dialogue on drones has not taken place can be attributed to the moral relativism that cripples the minds of many Americans. To many in this country, people living in Pakistan and Yemen are "others," who exist in a strange and "uncivilized" part of the world. According to this perspective, the deaths of some innocent civilians in a distant part of the world, while unfortunate, are an acceptable price to pay to ensure the safety of American civilians. As Georgetown University professor John Esposito noted while discussing drones at the Islamic Society of North America's (ISNA) convention in August, "Life has become cheap."

This idea of the relative value of lives has been openly discussed in the media. Appearing on MSNBC's Oct. 23 "Morning Joe" program, Time magazine columnist Joe Klein offered a disturbing justification of the American drone program. "The bottom line," he said, "is whose 4-
year-old gets killed? What we're doing is limiting the possibility that 4-year-olds here get killed by indiscriminate acts of terror." Bottom line: in the U.S., American lives are more important than the lives of foreigners.

While, to varying extents, each culture has its own "others"—those who, for whatever reason, are seen as being less deserving of their rights, not to mention their lives—the notion of "otherness" is quintessentially un-American. It must be remembered, however, that Americans, like everyone else in the world, are not inherently hateful or unsympathetic. Rather, unfortunate events, such as the 9/11 attacks, or the firing of a drone at a village, can poison human minds and lead generations to believe and act upon mistruths. The drone program is thus the result of the pervasive mistruth that the Muslim world is rife with terrorists who must be killed before they kill us.

While the issue of moral relativism is daunting and difficult to reverse, it must not be used as an excuse to allow the drone program to continue unabated. Because most Americans are good-hearted people, it is essential that they be informed of the realities of drone warfare—particularly when it comes to the deaths of innocent civilians (which have been underreported by the Obama administration and the media).

Despite the unfortunate fact that they have mistrustful views of the Muslim world, the American people as a whole would not support the drone program if they knew it was claiming the lives of far too many civilians, allowing al-Qaeda to expand in places like Yemen, and being used 98 percent of the time to kill low-level insurgents who posed no credible threat to the U.S. Just Foreign Policy's Naiman is thus likely correct in stating, "If the American people found out what the real [drone] strategy was, I'm sure they would not support it."

As President Obama prepares to begin his second term, now is the time for the American people to demand clear answers about his administration's killer drone program. A new system of warfare must not become normalized before all the facts have been presented and the American people have had the opportunity to participate in a national debate. Drone warfare must not be permitted to proceed unchecked for another four years.

Dale Sprusansky is assistant editor of WRMEA
Predictions, 2013

Justin Raimondo prognosticates

Wishing for War With Iran in 2013

The usual suspects are at it again, warns M. Sahimi

We Need Straight Talk From Defense Dept.

We haven't had it in 60 years, says William Pfaff

2012 Was Deadliest for Afghan Military

1,056 soldiers killed as NATO touts 'improving' war

Pakistan Militants Kill 41 in Attacks

Mass executions of captives, attack on Shi'ite pilgrims

Al-Qaeda Offers Bounty for US Envoy, GIs

Audio recording offers 3 kg of gold for killing envoy

An Afghan Peace Deal?

Jonathan Landay on a Pakistani proposal

Syria's Civil War

Patrick Cockburn on the 'good guys'

Reauthorizing FISA Amendments

Michelle Richardson on the feds on your line

Drones, My Lai, and Prosecuting the Powerful

John Glaser, October 31, 2012
In April of this year, President Obama approved the CIA’s request to begin launching targeted assassinations in Yemen through drone strikes even when the identities of those being targeted is not known. The US government calls these “signature strikes,” and they are being deployed constantly in both Yemen and Pakistan. Drone operators thousands of miles away view people on the ground through a grainy video feed and identify “suspicious behavior.” And on that basis, the people are bombed.

But a new academic paper describes signature strikes as “legally suspect.” Kevin Jon Heller, professor at Melbourne Law School, writes in a forthcoming piece for the Journal of International Criminal Justice that the Obama administration appears to be engaging in the unlawful use of force in many of its signature strikes.

The drone war has been receiving renewed focus among academics skeptical of its legality and adherence to human rights. A study last month from the Stanford and NYU schools of law found that the drone program is “terrorizing” the civilian population of Pakistan and that it is having a “counterproductive” impact, effectively creating more enemies than it eliminates. Another study this month from Columbia Law School’s Human Rights Institute found the number of Pakistani civilians killed in drone strikes are “significantly and consistently underestimated” by tracking organizations which are trying to take the place of government estimates on casualties, which the Obama administration won’t comment on because the drone war is technically secret. Heller deals primarily with the question of legality under international law. Broadly speaking, signature strikes are suspect because international humanitarian law obligates “[t]hose who plan or decide upon an attack” to “do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects.” Article 50(1) of the Additional Protols demands that “if there is still ‘doubt’ that an individual is a legitimate target after taking all feasible precautions, ‘that person shall be considered to be a civilian.’

The many anecdotal instances of massive civilian casualties in any number of drone strikes throughout the Obama presidency suggest that these legally mandated precautions were not adhered to; if no ‘doubt’ remained, we would not see so many incidents like this. But Heller tackles specific categories of signature strikes and shows that the criteria for bombing people in these drone strikes violates the law.
Citing a recent *New York Times* report, among others, that described the administration’s method of counting “all military-age males in a strike zone as combatants...unless there is explicit intelligence posthumously proving them innocent,” Heller writes: That status, however, cannot simply be inferred from the fact that an individual is of military age and is present in an area that the CIA chooses to attack. As the ICRC has pointed out, membership in an organized armed group requires actual and continuous participation in hostilities; it ‘cannot depend on abstract affiliation, family ties, or other criteria prone to error, arbitrariness or abuse.

The ‘military-age male’ signature, it is worth noting, is an unfortunate remnant of the Vietnam war, during which the US government routinely presumed that any military-age male in a combat zone was a Viet Cong fighter. Colin Powell openly acknowledged that practice in his autobiography:

“I recall a phrase we used in the field, MAM, for military-age male. If a helo [helicopter] spotted a peasant in black pajamas who looked remotely suspicious, a possible MAM, the pilot would circle and fire in front of him. If he moved, his movement was judged evidence of hostile intent, and the next burst was not in front but at him. Brutal? Maybe so.”

Powell’s description is echoed – more colorfully – by Lt. William Calley, the architect of the infamous 1968 massacre at My Lai:

“[I]f those people weren’t all VC then prove it to me. Show me that someone helped us and fought the VC. Show me that someone wanted us: one example only! I didn’t see any... Our task force commander... his star said its a VC area and everyone there was a VC or a VC sympathizer. And that’s because he just isn’t yougn enough or old enough to do anything but sympathize.”

The ‘military-age male’ signature is not simply brutal, as Powell acknowledges. It is also unlawful.

Comparing the Obama administration’s criteria for signature drone strikes to one of the most notorious war crimes in modern memory is an extraordinary statement that the media and the political class are simply ignoring.
Another criteria Heller focuses on is “consorting with known militants.” The US has been targeting and killing people they determine through their drone cameras are “consorting” with “militants,” and going on to stand by these killings as morally and legally legitimate. Heller says this doesn’t meet the requirements for participating in hostilities and therefore targeting on this basis is criminal.

At most, then, consorting with known militants can be considered sympathizing or collaborating with and organized armed group. Neither activity however makes an individual a lawful target. With regard to sympathizing, the UN Sub-Commission on Human Rights adopted a resolution in 1985 that specifically condemned the US-backed El Salvadoran government’s practice of killing peasants it believed were sympathetic to the FMLN. According to the Sub-Commission, “as long as the so-called ‘masses’ do not participate directly in combat, although they may sympathize, accompany, supply food and live in zones under the control of the insurgents, they preserve their civilian character, and therefore they must not be subjected to military attacks.” With regard to collaboration, the Special Court for Sierra Leone specifically held in Fofana and Kondewa that “persons accused of ‘collaborating’ with the government or armed forces would only become legitimate military targets if they were taking direct part in the hostilities. Indirectly supporting or failing to resist an attacking force is insufficient to constitute such participation.

At the very least, the Obama administration deserves to be investigated for their conduct in the drone war. Heller doesn’t say all drone strikes are illegal, and he concludes that even the unlawful strikes “would be difficult to prosecute as war crimes,” because it’s difficult to prove intent to kill civilians on the part of the Obama administration. Several high-level officials at the United Nations, however, have speculated that war crimes have been committed in instances where the Obama administration targeted rescuers in follow-up strikes or funeral attendees – both of which have been alleged.

But even putting war crimes prosecution aside, crimes have clearly been committed. The Obama
administration, however, is the most powerful cabinet in the world. And the powerful don’t typically submit to the law. Aggressive prosecutions and harsh jail sentences need to be reserved for pot-smokers and convenient store thieves. The powerful can’t be bothered with thousands of dead civilians and international laws governing the use of force.

On 25 October 2012, Ben Emmerson QC, the United Nations’ Special Rapporteur on Counter-Terrorism and Human Rights, announced that a UN investigation unit would be established early next year “to inquire into individual drone attacks…and other forms of targeted killing conducted in counter-terrorism operations.” Emmerson and Christof Heynes, the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, are establishing this body in order to investigate individual drone attacks that are alleged to have resulted in civilian deaths.
Emmerson noted that since 9/11, the US and its allies have used the “global war on terror” to justify military actions of seemingly limitless reach. Following in the footsteps of the Bush Administration, the Obama Administration has used the “war on terror” – a war without geographical boundaries – to justify targeted killings in Pakistan, Somalia, and Yemen.

While States have an obligation to protect their own citizens and, therefore, employ effective counter-terrorism strategies, the Special Rapporteur emphasized that this obligation does not give States the option to disregard the human rights of “those accused or suspected of involvement in acts of terrorism” or the communities in which these individuals reside. A recent report released by Stanford and NYU law schools demonstrated that US drone strike policies in Pakistan terrorise the entire civilian population in North Waziristan. These strikes violate a wide range of human rights: they deprive individuals of their rights to life, to work, to education, to a cultural life, to self-determination, and to physical and mental health.

Emmerson also expressed his opinion that it was “extremely naïve” for the international community to believe that “that international terrorism in all of its modern forms and manifestations is capable of being definitively defeated by military means.” Rather than relying wholly on militaristic means to defeat the global spread of terrorism, the Special Rapporteur stated that it was essential for a holistic approach to be adopted that addresses the factors that compel individuals to resort to terrorist activities. Such an approach requires that human rights and the rule of law be both respected and protected.

To see a copy of the speech t
More than a decade after the U.S. launched its secret drone program, Rep. Dennis Kucinich (D-OH) hosted Congress’ first briefing on the matter on Nov. 16 at the Rayburn House Office Building.

Kucinich opened the hearing by questioning the strategic and moral standing of the drone program. "There is increasing evidence that [drone] strikes cause significant harm to civilian populations and serve as a powerful recruitment tool for terrorists," he said. The former presidential candidate also expressed concern that those killed by drones are being denied due process and "deprived of their human rights."

Kucinich went on to express his disapproval that the White House has not allowed Congress to view the legal framework it uses to justify drone strikes. The drone program is "being carried out with no transparency, no accountability, and no judicial review," he charged. Arguing that drones must be subject to the same scrutiny and laws as other weapons, he said, "We must reject the notion that Congress and the American people have to be
kept in the dark."

Not only is "the use of armed drones in a sovereign country's territory an act of war," Kucinich pointed out, but the drone program is "an historical undercutting of Article 1 of the Constitution." Under Section 8, he explained, Congress—and Congress alone—has the power to declare war. The drone program thus is "not a small matter," Kucinich said, and called upon people of all political parties to become involved in this issue.

[On Nov. 28, Kucinich, along with Reps. Ron Paul (R-TX) and Rush Holt Jr. (D-NJ), introduced H. Res. 819, which compels the administration to release the documents it uses to legally justify the use of drones to assassinate individuals—including American citizens—overseas.]

Stanford Law School Professor James Cavallaro, co-author of the groundbreaking academic study *Living Under Drones*, highlighted four little-discussed flaws of the drone program. First, he said, contrary to claims made by the administration, "drones kill a significant number of civilians." In Pakistan alone, he noted that between 478 and 885 civilians have been killed since 2004.

Second, Cavallaro pointed out, drones cause psychological disorders and societal harm in impacted areas. Residents of areas frequently targeted by drones have high levels of anxiety and suffer from PTSD and nervous disorders, he noted, adding that many are afraid to gather in groups and opt to keep their children home from school due to fears of impending drone strikes.

Third, the fact that first responders have been killed reacting to drone strikes raises serious legal issues, Cavallaro said. If these killings are intentional, he added, they would constitute war crimes.
Finally, Cavallaro warned that drones are unreliable and counterproductive. Noting that 80 percent of detainees at Guantanamo Bay have been found innocent and released, he asked, "What if the same proportion holds for those targeted and killed by U.S. drone strikes?" Moreover, he pointed out, the vast majority of "terrorists" killed have been low-level insurgents. "Only two percent of those killed were high-level targets," he noted. Cavallaro concluded by describing drones as "faceless ambassadors of death," since often they are the only interaction many communities have with the U.S.

According to Frank Jannuzi, head of Amnesty International's Washington, DC office, the U.S. is subverting international human rights laws by citing national security as the reason for drone strikes. "The administration continues to rely on a global war legal theory that treats the entire world as a battlefield...on which lethal force may be apparently used without regard to any human rights standards," he pointed out.

Medea Benjamin, co-founder of CODEPINK, reflected on her recent trip to Pakistan (see p. 34). "We found intense anger over the violation of Pakistan's sovereignty" and the fact that Pakistani lives are viewed as dispensable, she said. "Continuing the strikes only exacerbates the problem," she argued, and allows terrorists to "cast themselves as defenders of the people."

Benjamin also pointed out that law enforcement agencies here in the U.S. are increasingly using drones for a variety of purposes. She urged Americans to be wary of domestic drone use, warning that "our privacy laws are not strong enough to ensure that the new technology will be used responsibly and consistent with democratic values."

Bob Naiman, policy director at Just Foreign Policy, urged Congress to push the administration to provide redress to innocent individuals adversely impacted by drone strikes. "This is something Congress could make happen very easily," he said. A public redress process would not allow the administration to cover-up civilian deaths, he explained.

—Dale Sprusansky
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