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Judge, Jury, and Executioner: Drone Warfare and the Expansion of American Executive Authority (2001-2020)

An honors thesis presented to the
Department of History,
University at Albany, State University of New York
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Abstract

Key Words: drones, unmanned combat aerial vehicles, War on Terror

This paper examines how the United States' proliferation of unmanned combat aerial vehicles (UCAVs), or drones, have allowed the executive branch to concentrate its power to wage the post-9/11 War on Terror. This paper will examine the proliferation of drone warfare during the George W. Bush, Barack Obama, and Donald Trump presidential administrations and how they have expanded executive authority. Although historians have emphasized the moral and legal consequences of drone warfare such as its civilian casualties and potential violations of U.S. and international law, they have paid little attention to its impact on the distribution of power among the three branches of American government. Drones' contribution to the expansion of executive authority is significant because they have allowed the president to unilaterally act as judge, jury, and executioner. Drawing on legal documents, Justice Department memos, transcripts of congressional hearings, statements made by politicians, the National Security Archive's digital collection on Anwar al-Awlaki, newspaper articles, and scholarly accounts, this paper will argue that America's transition to drone warfare has expanded the war powers of the executive branch. When we rethink America's expansion of the targeted killings of suspected terrorists through the use of drones, it encourages us to think about how the War on Terror has given the executive branch the power to wage war almost unchecked. The executive branch as the sole arbiter of targeted killings has spawned problems in the American democratic system of checks and balances, and drones have been an influential tool in allowing this to occur.

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Introduction: Setting the Scene

On September 30, 2011, the Central Intelligence Agency and the United States military launched a Hellfire Predator missile strike in Yemen, killing four men, one of whom was an American citizen named Anwar al-Awlaki. The drone strike, ordered by President Barack Obama, marked the first time an American citizen was hunted and killed by his own government since the Civil War.¹ President Obama referenced Awlaki's assassination in a speech he made in 2013 at the National Defense University in Washington, D.C., in which he claimed, "I do not believe it would be constitutional for the government to target and kill any U.S. citizen—with a drone, or with a shotgun—without due process.... But when a U.S. citizen goes abroad to wage war against America ... [h]is citizenship should no more serve as a shield."² Awlaki was located, targeted, and executed by an unmanned combat aerial vehicle (UCAV), most commonly known as a drone, without due process. Awlaki's rights granted to him as an American citizen were set aside because President Obama deemed him as "the chief of external operations" for al-Qaeda.³ The fact that President Obama ordered the extrajudicial killing of an American citizen raised questions about the extent of the executive branch's war powers, which have been influenced by the vast technological capabilities of Predator and Reaper drones, unmanned remotely controlled vehicles capable of eliminating targets anywhere in the world.

Awlaki's extrajudicial killing connects to a larger discourse about the moral and legal issues raised by drone strikes in the post-9/11 War on Terror. Historians, political scientists, legal scholars, journalists, and politicians, among others, have argued that drone strikes have presented

¹ The National Security Archive, "The Anwar al-Awlaki File: From American Citizen to Imam to Drone Killing," National Security Archive Electronic Briefing Book No. 529, Compiled and edited by Scott Shane, Posted September 15, 2015, <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB529-Anwar-al-Awlaki-File/>.

² Barack Obama, "Remarks of President Barack Obama at the National Defense University," May 23, 2013, in *The Drone Memos*, edited by Jameel Jaffer, (New York: The New Press, 2016), 268.

³ *Ibid.*, 268.

some significant moral and legal concerns.⁴ The use of drones in armed combat raised moral concerns because of the significant number of civilians killed. Because of the immense secrecy surrounding the United States drone program, it has been difficult to pinpoint exactly how many civilians have been killed by drones. In 2011, John Brennan, President Obama’s chief counterterrorism advisor, former CIA Director, and the architect of the U.S. targeted killing program, claimed that not a single noncombatant had been killed in American drone strikes.⁵ However, Brennan’s claim has been widely refuted. For instance, the Bureau of Investigative Journalism, the most prominent organization reporting on drone fatalities, reported that as of November 2020, approximately between 910 and 2,200 civilians were killed by U.S. drones in Pakistan, Afghanistan, Yemen, and Somalia, of which an estimated 283 to 454 were children.⁶ These estimates enhance the claim made by counterinsurgency expert David Kilcullen, who was a close associate of Iraq War General David Petraeus, which was that the ratio of civilians to militants killed by American drones was approximately fifty to one.⁷ Despite these tragic statistics, American policymakers have argued that civilian deaths in the War on Terror are

⁴ See Hugh Gusterson, *Drone: Remote Control Warfare* (Cambridge: MIT Press, 2016); Joseba Zulaika, *Hellfire from Paradise Ranch: On the Front Lines of Drone Warfare* (Berkeley: University of California Press, 2020); Avery Plaw, Matthew S. Fricker, and Carlos R. Colon, *The Drone Debate: A Primer on the U.S. Use of Unmanned Aircraft Outside Conventional Battlefields* (Rowman & Littlefield, 2016); Sarah E. Kreps, *Drones: What Everyone Needs to Know* (New York: Oxford University Press, 2016); Ezio Di Nucci and Filippo Santoni De Sio, *Drones and Responsibility: Legal, Philosophical and Socio-Technical Perspectives on Remotely Controlled Weapons* (London and New York: Routledge, 2016); Steven J. Barela, *Legitimacy and Drones: Investigating the Legality, Morality and Efficacy of UCAVs* (England: Ashgate Publishing Limited, 2015); Marouf Hasian Jr., *Drone Warfare and Lawfare in a Post-Heroic Age* (Tuscaloosa: The University of Alabama Press, 2016); Lisa Parks and Caren Kaplan, *Life in the Age of Drone Warfare* (Durham: Duke University Press, 2017); David Cortright, Rachel Fairhurst, and Kristen Wall, *Drones and the Future of Armed Conflict: Ethical, Legal, and Strategic Implications* (The University of Chicago Press, 2015); Matthew Evangelista and Henry Shue, *The Way of American Bombing: Changing Ethical and Legal Norms, From Flying Fortresses to Drones* (Ithaca: Cornell University Press, 2014); Bradley Jay Strawser, *Killing by Remote Control: The Ethics of an Unmanned Military* (New York: Oxford University Press, 2013).

⁵ John O. Brennan, “Obama Administration Counterterrorism Strategy,” June 29, 2011, C-SPAN (website), accessed November 11, 2020.

<https://www.c-span.org/video/?300266-1/obama-administration-counterterrorism-strategy>.

⁶ “Drone Warfare,” Bureau of Investigative Journalism (website), accessed November 11, 2020,

<https://www.thebureauinvestigates.com/projects/drone-war>.

⁷ Joseba Zulaika, *Hellfire From Paradise Ranch: On the Front Lines of Drone Warfare* (Berkeley: University of California Press, 2020), 13-14.

unfortunately unavoidable. President Obama stated, “But as Commander-in-Chief, I must weigh these heartbreaking tragedies against the alternatives. To do nothing in the face of terrorist networks would invite far more civilian casualties.”⁸ Clearly, the ethical debates surrounding the use of armed drones in U.S. counterterrorism operations are complex, and the significant number of civilians that have been killed by them have raised profound questions about the morality and the efficacy of the drone program.

The use of drones as the primary tool for U.S. counterterrorism operations has also sparked considerable debate over the legality of the strikes under United States and international law. On one hand, there have been questions of whether or not drone strikes violate the Due Process Clause of the Fifth Amendment of the United States Constitution. These questions rose to prominence after the assassination of Anwar al-Awlaki, which the Obama administration carefully addressed. According to a Justice Department white paper, “The Due Process Clause would not prohibit a lethal operation” against an American citizen abroad under certain circumstances.⁹ The main circumstance is when “an informed, high-level official of the U.S. government has determined that the targeted individual poses an imminent threat of violent attacks against the United States.”¹⁰ This is similar to a statement made by former Attorney General Eric Holder, in which he stated that matters of national security are the concern of the executive branch, and the executive branch shall be the one to decide on courses of action in national security affairs such as counterterrorism.¹¹ The U.S. executive branch’s claim that they

⁸ Obama, “Remarks of President Barack Obama . . . ,” in *The Drone Memos*, edited by Jaffer, 267.

⁹ United States Department of Justice, “Lawfulness of a Lethal Operation Against a U.S. Citizen Who Is a Senior Operational Leader of Al-Qa’ida or an Associated Force,” November 8, 2011, in *The Drone Memos*, edited by Jaffer, 174.

¹⁰ *Ibid.*, 176.

¹¹ Eric Holder, “Remarks of Eric Holder, Attorney General of the United States,” March 5, 2012, in *The Drone Memos*, edited by Jaffer, 197.

had the sole authority on determining when it is “necessary” to use force against terrorists raised questions about the extent of the executive branch’s war powers. The Obama administration also repeatedly cited Congress’s 2001 Authorization of Use of Military Force (AUMF), which was drafted in response to the terrorist attacks of September 11, 2001, as the legal backbone for the drone program. As John Brennan described, the Authorization for Use of Military Force “authorizes the president ‘to use all necessary and appropriate force’ against those nations, organizations and individuals responsible for 9/11.”¹² On the other hand, there has also been some debate on whether or not drone strikes have violated principles of international law. There is no international legislation that prohibits the use of armed drones, but as Sarah Kreps argues, “The international legal questions that arise with drones are not as much with the technology itself but rather how the drones are used.”¹³ Some contend that drone strikes may also violate the laws of war, the Just War Theory, and International Humanitarian Law because they defy the traditional boundaries established by conventional warfare.¹⁴ Whether or not the use of unmanned combat aerial vehicles (UCAVs) in armed conflicts adheres to international law is a subject of the larger, more complex debate surrounding the legality of the drone program.

Although many historians, political scientists, legal officials, and journalists have argued that drones have produced significant moral and legal issues, this paper will examine the drone’s impact on the power of the executive branch. Drones, this paper demonstrates, have allowed the executive branch to expand its power to wage the War on Terror throughout the beginning of the

¹² John O. Brennan, “The Ethics and Efficacy of the President’s Counterterrorism Strategy,” April 30, 2012, in *The Drone Memos*, edited by Jaffer, 206.

¹³ Sarah E. Kreps, *Drones: What Everyone Needs to Know* (New York: Oxford University Press, 2016), 41.

¹⁴ Shima D. Keene, “Lethal and Legal? The Ethics of Drone Strikes,” *Strategic Studies Institute and U.S. Army War College Press*, (December 2015), <https://permanent.fdlp.gov/gpo64730/pub1304.pdf>; Steven P. Lee, “Human Rights and Drone ‘Warfare,’” *Peace Review* 27, no. 4, (October 2, 2015), 432–439; Robert Paul Churchill, “Drone Warfare: Ethical and Psychological Issues,” *International Journal of Technoethics (IJT)* 6, no. 2, (July 1, 2015), 31–46.

twenty-first century. This paper will also examine the shift in which executive authority was exercised regarding drone warfare across George W. Bush's, Barack Obama's, and Donald Trump's presidential administrations. Each successive presidential administration has waged the War on Terror in both similar and different ways, and this paper will examine some of those tensions. The power to wage drone warfare against terrorists was legitimated through a series of carefully crafted legal justifications made by the Justice Department and key Obama administration officials such as John Brennan, Eric Holder, Harold Koh, and President Obama himself. Historian Lloyd Gardner wrote, "The ability of each successive president to write his or her own rule book governing the use of drones certainly raised questions about the responsibility being left to the executive branch."¹⁵ The Bush, Obama, and Trump administration's expansion of the targeted killings of suspected terrorists through the use of drones encourages us to think about how the War on Terror has allowed the executive branch to wage war with minimal congressional and judicial oversight. With the executive branch as the overwhelming authority on how drone warfare is waged, the American democratic system of checks and balances has come under scrutiny.

The Birth of the Drone: Developmental History and Use Under George W. Bush

The United States military had been interested in developing remotely piloted aircraft for decades, and they had developed and tested unmanned aerial technology as far back as the First World War.¹⁶ During the war, the military developed and tested a radio-controlled biplane intended to target and strike enemy trenches, but the program was scrapped due to inaccuracy,

¹⁵ Lloyd Gardner, *Killing Machine: The American Presidency in the Age of Drone Warfare* (New York: The New Press, 2013), ix.

¹⁶ Andrew Cockburn, *Kill Chain: The Rise of the High-Tech Assassins* (New York: Henry Holt and Company, 2015), 24.

unreliability, and frequent crashes.¹⁷ Furthermore, the United States military continued its development of unmanned aerial technology during the Second World War. On August 12, 1944, the United States Navy launched Operation Aphrodite, which was a daring American attempt to save London from German V-1 and V-2 missile strikes.¹⁸ The mission, commanded by Lieutenant General Jimmy Doolittle, was to fly remotely piloted armed B-24 bombers over German submarine pens and destroy them.¹⁹ However, human pilots were required to get the B-24 bombers airborne and switch on the radio controls in order for the bombers to be controlled remotely.²⁰ The Navy enlisted Joseph Kennedy Jr. of the prominent American Kennedy family to carry out the mission and save London from the Nazis.²¹ When Kennedy Jr. went airborne and flipped the switch to initiate the bomber's remote control, his plane spontaneously exploded, and he was killed.²² Operation Aphrodite's experiment with remotely controlled bombers was a colossal failure. Although the idea of remotely piloted combat aircraft was decades ahead of its time, the idea remained in the minds of high-level U.S. military personnel and government officials for the remainder of the twentieth century.

The conceptualization and development of unmanned combat aerial vehicles continued in the 1960s. In 1966, an elite and covert group of intellectuals, known as the Jasons, were designated to help the U.S. government develop technology for defense against nuclear missiles.²³ At this time, the United States was in the middle of the Cold War against the Soviet Union, and nuclear warfare was of great concern to the entire world. However, despite the threat

¹⁷ Ibid., 24.

¹⁸ Alan Axelrod, *Lost Destiny: Joe Kennedy Jr. and the Doomed WWII Mission to Save London* (New York: Palgrave Macmillan, 2015), 33.

¹⁹ Cockburn, *Kill Chain*, 24.

²⁰ Ibid., 18.

²¹ Axelrod, *Lost Destiny*, 33.

²² Cockburn, *Kill Chain*, 24.

²³ Ibid., 18.

of nuclear destruction, the United States had a much more direct and pressing concern. By 1966, the U.S. was entrenched in an ongoing full-scale war with North Vietnamese communists. President Lyndon Johnson had been deploying thousands of American troops into South Vietnam, but the war was going poorly for the United States. Thus, the U.S. government ordered the Jasons to shift from developing nuclear missile defense technology to technology that would enhance U.S. military operations in Vietnam.²⁴ The Jasons went to work and crafted the blueprint of “an invisible electronic network that would detect, identify, and destroy any enemy.”²⁵ That blueprint was the precursor to the armed drone technology that would first be used by George W. Bush’s administration and come to dominate American counterterrorism operations during Barack Obama’s and then Donald Trump’s respective presidential administrations. The Jasons’ top secret development of an armed drone program had high-level U.S. military personnel and government officials elated. In a 1969 speech, U.S. Army general and commander of ground forces in Vietnam, William Westmoreland, stated, “On the battlefield of the future, enemy forces will be located, tracked, and targeted almost instantaneously through the use of data links, computer assisted intelligence evaluation, and automated fire control.”²⁶ The revolutionary idea of the armed drone would change the way modern war was waged, but its development would have to wait. Like the armed drone experiments of World War I and World War II, combat UAVs remained only a pipe dream. The Jasons ultimately failed to develop a reliable program during the Vietnam War.²⁷ Although the drones were quite useful for reconnaissance, they did not strike with enough precision for reliable use in combat.²⁸ Despite

²⁴ Ibid., 19.

²⁵ Ibid., 21.

²⁶ William Westmoreland, “Address by General W. C. Westmoreland,” October 14, 1969, in Paul Dickson, *The Electronic Battlefield* (Bloomington: Indiana University Press, 1976), 220.

²⁷ Cockburn, *Killing Machine*, 25.

²⁸ Ibid., 24-25.

the failure of the armed drone program during the Vietnam War, the United States made great strides toward developing effective combat drone technology. The development of unmanned combat aerial vehicles seemed inevitable for the U.S. military. Discussing the impacts of armed drone technology on the future of war, American veteran Eric Herter stated, “It will be a war not of men at arms, but of computers and weapons systems against whole populations. Even the tortured bond of humanity between enemies at war will be eliminated.”²⁹ Although drone technology was still a long way from being reliable, Herter had foreseen the development of the revolutionary unmanned combat aerial vehicles that would come to dominate U.S. counterterrorism operations in the 21st century.

On Tuesday morning, September 11, 2001, Al-Qaeda put the fear of Islamic extremism into the United States and the rest of the Western world as two commercial airplanes crashed into the Twin Towers of the World Trade Center in New York, and a third plane crashed into the Pentagon in Washington, D.C.. As the most devastating attack on American soil since Pearl Harbor, 9/11 scarred the nation. Americans were scared, and they were alarmed with their government’s failure to prevent these attacks from happening. However, there was no time to wallow in the sorrows of those lost; it was time to strike back against the terrorists with the full force of American power. As president George W. Bush wrote in his memoir, “When America responded to these attacks, it would be deliberate, forceful, and effective.”³⁰ Bush also wrote, “In a single morning, the purpose of my presidency had grown clear: to protect our people and defend our freedom that had come under attack.”³¹ Responding to the September 11th attacks, the United States Congress signed a resolution just one week later on September 18th known as

²⁹ Ibid., 28.

³⁰ George W. Bush, *Decision Points* (New York: Crown Publishers, 2010), 135.

³¹ Ibid., 129.

the Authorization for Use of Military Force (AUMF). This resolution granted the President the power to use force against anyone associated with the 9/11 terrorist attacks.³² The 2001 AUMF was an influential document because it became one of the Obama administration's principal justifications for the armed drone program used to wage the War on Terror. As journalist Richard Whittle pointed out, "The Predator was going to play hide-and-seek in Afghanistan with one of the world's most wanted men: the elusive leader of the Islamic fundamentalist terrorist group Al-Qaeda, Osama bin Laden."³³ The technological development of the Predator drone provided the Bush administration with a revolutionary tool to wage the War on Terror, a tool that enabled the executive branch to do so largely unchecked.

Despite the passing of the AUMF resolution, President Bush did not initially authorize a full-scale U.S. military intervention in the Middle East. The United States did not have many assets in a region 7,000 miles away from the homeland, so the Bush administration was initially reluctant to authorize a full-scale land invasion of American military forces into the Middle East.³⁴ However, the Bush administration was vigorously determined to strike against the terrorists responsible for the 9/11 attacks. Discussing his reaction to the September 11th attacks, Bush wrote, "My first reaction was outrage. Someone had dared attack America. They were going to pay."³⁵ Bush subsequently turned to the CIA, Special Forces, and the Air Force to take the fight to al-Qaeda and the Taliban through the air. In October 2001, Bush designated Lt. General Chuck Wald and his one-star deputy Dave Deptula "to coordinate every aspect of the unfolding Afghan air war" from the United States' Combined Air Operations Center (CAOC) in

³² 107th Congress, "Authorization for Use of Military Force," September 18, 2001, accessed November 22, 2020, <https://www.congress.gov/107/plaws/publ40/PLAW-107publ40.pdf>.

³³ Richard Whittle, *Predator: The Secret Origins of the Drone Revolution* (New York: Henry Holt and Company, 2014), 5.

³⁴ Chris Woods, *Sudden Justice: America's Secret Drone Wars* (New York: Oxford University Press, 2015), 24.

³⁵ Bush, *Decision Points*, 127.

Saudi Arabia.³⁶ On the night of October 7, 2001, president Bush authorized an operation that would turn out to be the first American drone strike in Afghanistan. The mission was to eliminate Taliban supreme commander Mullah Mohammed Omar. Omar was tracked by the CIA's Predator drone to Kandahar, Afghanistan, which was the center of Taliban power in Afghanistan in 2001.³⁷ Despite the risk of civilian casualties, President Bush signed off on the drone strike.³⁸ The Hellfire Predator missile strike was launched from Khanabad air base in Uzbekistan, and the drone was remotely piloted by American Air force operators, working from CIA headquarters in Langley, Virginia.³⁹ The first-ever lethal air strike by a remotely piloted vehicle was a failure as Omar was not killed, and he escaped.⁴⁰ The failed strike against Omar conveyed the problems with the precision of combat drones, which has been an alarming theme throughout the history of the technology. Contrary to what many politicians and military leaders repeatedly have claimed in support of the use of drones in counterterrorism operations, the technology had significant flaws.

The operation to eliminate Mullah Mohammed Omar also presented quite a few tensions between the executive parties involved. Although President Bush ultimately authorized the operation, he was largely removed from its planning as he granted the CIA and the military the autonomy to organize it instead. "This is your fight," Bush told General Wald. "Fight it the way you see fit."⁴¹ The issue was that the CIA, CENTCOM, and the Air Force fought over who would govern the use of the Predator drone. Attempting to resolve this issue, Secretary of Defense, Donald Rumsfeld, said he had made an agreement with CIA director George Tenet

³⁶ Woods, *Sudden Justice...*, 23.

³⁷ *Ibid.*, 24.

³⁸ *Ibid.*, 25.

³⁹ *Ibid.*, 25.

⁴⁰ *Ibid.*, 26.

⁴¹ *Ibid.*, 25.

about sharing control of the Predator. Rumsfeld claimed, “We came to an agreement over who owned and paid for the assets, where they would operate, and who would ‘pull the trigger’ on the very few UAVs that were armed at the time.”⁴² Yet, according to General Tommy Franks, CENTCOM ultimately had control over the CIA regarding the use of the Predator.⁴³ The failed drone strike against Omar signified the lack of clarity regarding who had control of the operation. Although the CIA, CENTCOM, and the Air Force orchestrated the planning of the operation to kill Omar, there was a clear disconnect between the CIA and the military regarding when the operation would occur. The CAOC was caught off guard and angered when the strike was launched. Dave Deptula recalled his and General Wald’s reaction to the strike, claiming, “To this day there is a degree of uncertainty over just who issued that fire order. We both watched the weapon impact and both turned to each other simultaneously and said ‘Who the fuck did that?’”⁴⁴ When the strike against Omar was launched and confirmed as a failure, a massive fight between the CIA, CENTCOM, and the Air Force immediately ensued, and the CIA’s Predator drones were placed under direct control of the Combined Air Operations Center.⁴⁵ Although the CIA lost control over the use of armed Predator drones, it was only temporary. The CIA ultimately reclaimed a stronger role in waging drone warfare later during the Bush administration and during the Obama and Trump administrations respectively. The covert nature of the CIA’s operations and its minimal congressional oversight have allowed the president to use the Agency to wage drone warfare whenever he deemed necessary. Through the use of the CIA, the president has been able to wage drone warfare virtually unchecked, which demonstrates

⁴² Donald Rumsfeld, *Known and Unknown: A Memoir* (New York: Sentinel, 2011), 389.

⁴³ Tommy Franks, *American Soldier* (New York: Regan Books, 2004), 289-294.

⁴⁴ Woods, *Sudden Justice*..., 26.

⁴⁵ *Ibid.*, 26-27.

how armed UAVs have increased the executive branch's power to wage the 21st-century War on Terror.

The history of the Central Intelligence Agency dates back to the period of the Second World War. On June 13, 1942, the Office of Strategic Services (OSS) was founded, which became America's first centralized intelligence organization and is commonly recognized as the predecessor of the CIA.⁴⁶ The Office of Strategic Services only existed for three years, but the growth of America's centralized intelligence apparatus continued. When the Cold War between the two world superpowers of the United States and the Soviet Union began after World War II, many Americans were convinced that a strong, centralized intelligence organization was essential for the nation's security.⁴⁷ U.S. President Harry Truman shared this view. For instance, Truman stated that the United States needed "a central organization that would bring all the various intelligence reporting we were getting ... into one organization so that the president would get one report on what was going on in various parts of the world."⁴⁸ Then, in 1947, Truman signed the National Security Act, which established the Central Intelligence Agency. The National Security Act of 1947 was significant because it expanded the executive branch of the United States government. For instance, in addition to the establishment of the CIA, the National Security Act also created the National Security Council, the Office of the Secretary of Defense, and the United States Air Force.⁴⁹ With one piece of legislation, the legislative branch had granted the executive branch four new organizations under their direct control. Two years

⁴⁶ "History of CIA," Central Intelligence Agency (website), accessed February 19, 2021, <https://www.cia.gov/legacy/cia-history/>.

⁴⁷ Rhodri Jeffreys-Jones, *The CIA and American Democracy* (New Haven: Yale University Press, 1989), 24.

⁴⁸ Richard E. Schroeder, *The Foundation of the CIA: Harry Truman, The Missouri Gang, and the Origins of the Cold War* (Columbia: University of Missouri Press, 2017), 85.

⁴⁹ "Intelligence Events Timeline - July 26, 1947," Central Intelligence Agency (website), accessed February 19, 2021, <https://www.cia.gov/legacy/museum/national-security-act-of-1947-signed/>.

after the passage of the National Security Act, on June 20, 1949, Congress passed the Central Intelligence Agency Act, which stated, “Notwithstanding any other provisions of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out its functions.”⁵⁰ This provision of the Central Intelligence Agency Act granted the CIA the power to “secretly fund intelligence operations and develop personnel procedures outside standard U.S. government practices.”⁵¹ The Central Intelligence Agency, within the executive branch of the U.S. government, went on to operate covertly in nations all over the world. The CIA became the world’s largest centralized intelligence organization, and it became the primary organization that had control of the drone technology used to fight the 21st century War on Terror.

On March 19, 2003, the United States invaded Iraq to overthrow Saddam Hussein’s authoritarian regime under the false pretense that Iraq possessed weapons of mass destruction, which began the grueling and unpopular Iraq War. In his address to the nation at the start of the war, president Bush stated, “The people of the United States and our friends and allies will not live at the mercy of an outlaw regime that threatens the peace with weapons of mass murder. We will meet that threat now, with our Army, Air Force, Navy, Coast Guard and Marines, so that we do not have to meet it later with armies of firefighters and police and doctors on the streets of our cities.”⁵² How invading Iraq was going to help the United States prevent another 9/11 was unclear because fifteen out of the nineteen al-Qaeda terrorists responsible for the attacks were, in

⁵⁰ United States Congress, “The Central Intelligence Agency Act of 1949,” June 20, 1949, from Homeland Security Digital Library (website), accessed February 19, 2021, 212, <https://www.hsdl.org/?view&did=472434>.

⁵¹ “History of CIA.”

⁵² George W. Bush, “President Bush Addresses the Nation,” March 19, 2003, The White House (website), accessed November 23, 2020, <https://georgewbush-whitehouse.archives.gov/news/releases/2003/03/20030319-17.html>.

fact, Saudi Arabians.⁵³ Bush's decision to invade Iraq was rooted in the nation's longstanding belief in American exceptionalism, which is the "belief that the United States is unique among nations and that it has a particular destiny to improve the human condition."⁵⁴ Democracy promotion and nation-building have been core components of American exceptionalism throughout the history of U.S. foreign policy, and the decision to enter the war in Iraq was rooted in those principles. As the scholar Trevor McCrisken argued, the "meta-narrative" of American exceptionalism "holds that the United States does not go to war in order to pursue self-interest or to conquer foreign lands, but rather that it does so to advance higher principles and to bring greater freedom, democracy and modernity to the peoples of the world."⁵⁵ The government's longstanding argument that the U.S. only enters wars for moral and just purposes has been widely questioned, especially when it came to the Iraq War. Despite the U.S. government's true intentions, Americans' fear of another 9/11 and the sense that Saddam Hussein was in possession of weapons of mass destruction allowed the Bush administration's decision to invade Iraq to go largely unchallenged by the public and the other branches of government.⁵⁶

There was one notable man who did dare to challenge the war in Iraq: a young Chicago Senator by the name of Barack Obama. In his notable 2002 speech protesting the Iraq War, Obama stated, "I know that an invasion of Iraq without a clear rationale and without strong international support will only fan the flames of the Middle East, and encourage the worst, rather than best, impulses of the Arab world, and strengthen the recruitment arm of Al-Qaeda. I am not

⁵³ CNN, "September 11 Hijackers Fast Facts," CNN (website), updated August 25, 2020, accessed November 23, 2020, <https://www.cnn.com/2013/07/27/us/september-11th-hijackers-fast-facts/index.html>.

⁵⁴ Trevor B. McCrisken, "George W. Bush, American exceptionalism, and the Iraq War," in David Ryan and Patrick Kiely, *America and Iraq: Policy-making, Intervention and Regional Politics* (New York: Routledge, 2009), 181.

⁵⁵ *Ibid.*, 181.

⁵⁶ Gardner, *Killing Machine*, 1.

opposed to all wars. I'm opposed to dumb wars.”⁵⁷ Obama firmly opposed the war in Iraq, but he did believe it was important for the United States to actively pursue those responsible for the 9/11 attacks. Obama believed that Bush’s decision to invade Iraq was pointless and counterproductive because it distracted the United States from pursuing the true enemy, al-Qaeda.⁵⁸ According to Obama, U.S. counterterrorism efforts should have been focused on eliminating al-Qaeda operatives in the Afghanistan-Pakistan (AFPAK) region instead of engaging in an open-ended war in Iraq.⁵⁹ For instance, Obama stated, “You want a fight, President Bush? Let's finish the fight with bin Laden and Al-Qaeda, through effective, coordinated intelligence, and a shutting down of the financial networks that support terrorism, and a homeland security program that involves more than color-coded warnings.”⁶⁰ Barack Obama’s desire to end the war in Iraq but continue the hunt for those directly responsible for 9/11 was fervent throughout his time as a Senator and again during his tenure as the 44th President of the United States. By embracing the Predator and the updated Reaper drone technology, president Obama was able to strike suspected terrorist targets thousands of miles away with the simple push of a button. The updated Reaper drone was more advanced than the original Predator as it could fly higher, farther, and for longer, and its uses included “reconnaissance, surveillance, weapons delivery, targeting, and can fly for over 30 hours without refueling.”⁶¹ This remarkable technology spawned a complex reality where the executive branch was able to wage the War on Terror with limited public, congressional, and judicial oversight.

⁵⁷ Barack Obama, “Obama’s Speech Against the Iraq War,” October 22, 2002, NPR (website), January 20, 2009, accessed November 23, 2020, <https://www.npr.org/templates/story/story.php?storyId=99591469>.

⁵⁸ Barack Obama, *A Promised Land* (New York: Crown, 2020), 99.

⁵⁹ *Ibid.*, 320.

⁶⁰ Obama, “Obama’s Speech Against the Iraq War.”

⁶¹ Kreps, *Drones...*, 16.

Raising the Stakes: Barack Obama and the Rise of Drone Warfare

“We must begin by acknowledging the hard truth: we will not eradicate violent conflict in our lifetimes. There will be times when nations—acting individually or in concert—will find the use of force not only necessary but morally justified.”⁶² Those words were uttered by Barack Obama during his Nobel Peace Prize speech in December of 2009, the first year of his presidency. Unbeknown to many Americans, Obama was simultaneously launching drone strikes in Pakistan while delivering the speech. When President Obama entered the White House in January 2009, the United States was still embroiled in the largely unpopular Iraq War. Barack Obama vowed to end the war in Iraq and transition the focus of American counterterrorism efforts specifically to al-Qaeda in the ACPAK region. President Obama did this by transitioning counterterrorism efforts from Bush’s detainment and torture program to a new targeted killing approach through the use of armed drones, largely operated by the CIA. As scholar Kathryn Olmstead argued, “Armed drones gave Obama’s CIA the capability to run a ‘cleaner war....’ Obama’s CIA chose to kill suspected terrorists rather than capture and interrogate them.”⁶³ Obama embraced the newly updated Reaper drone technology immediately in his first term. According to the Bureau of Investigative Journalism, President Obama authorized a minimum of 52 drone strikes in Pakistan in 2009 alone, which marked a dramatic increase in the number of U.S. strikes there.⁶⁴ In fact, Barack Obama authorized ten times more drone strikes throughout

⁶² Barack Obama, “‘A Just and Lasting Peace,’ The 2009 Nobel Peace Prize Lecture,” December 10, 2009, in Kenneth Anderson and Benjamin Wittes, *Speaking the Law: The Obama Administration’s Addresses on National Security Law* (Stanford, California: Hoover Institution Press, 2015), 301.

⁶³ Kathryn Olmstead, “Terror Tuesdays: How Obama Refined Bush’s Counterterrorism Policies,” in *The Presidency of Barack Obama: A First Historical Assessment*, edited by Julian E. Zelizer, (New Jersey: Princeton University Press, 2018), 215.

⁶⁴ “Pakistan: Reported U.S. Strikes 2009,” Bureau of Investigative Journalism (website), accessed February 11, 2021, <https://www.thebureauinvestigates.com/drone-war/data/obama-2009-pakistan-strikes>.

his presidency than George W. Bush did during his.⁶⁵ Initially, the increase in U.S. drone strikes in Pakistan was largely kept secret by the Obama administration, but journalists deduced what had occurred. In fact, the Obama administration did not formally acknowledge their use of combat drones until a speech John Brennan gave in 2012.⁶⁶ A significant reason why the Obama administration was able to keep the drone program a secret early on in his presidency was through the use of the CIA. As America's primary covert operations organization, the CIA has historically operated largely in secret. This differentiates the CIA with the U.S. military because the military has to deal with some legislative and judicial oversight while the CIA often deals with very little scrutiny due to the highly classified nature of their operations. The CIA does not operate entirely without scrutiny as there are Senate select committees that deal with the consequences of CIA actions, but much of the Agency's work is largely kept under wraps. President Obama's waging of drone warfare through the CIA raised concerns over the extent of the executive branch's power to wage war. Kathryn Olmstead also argued, "With the escalation of the targeted killing program, Obama completed a process of restoring the CIA's license to kill that had begun decades earlier."⁶⁷ The CIA having the majority of the control over many U.S. drones as well as the autonomy to kill suspected terrorists demonstrated the executive branch's immense power to fight the War on Terror.

Targeted killings, or assassinations, are not a new phenomenon. The CIA has been orchestrating assassinations since the organization was founded in 1947. In the 1960s, during the

⁶⁵ Jessica Purkiss and Jack Serle, "Obama's Covert Drone War In Numbers: Ten Times More Strikes Than Bush," Bureau of Investigative Journalism (website), January 17, 2017, accessed February 19, 2021, <https://www.thebureauinvestigates.com/stories/2017-01-17/obamas-covert-drone-war-in-numbers-ten-times-more-strikes-than-bush>.

⁶⁶ John Brennan, "The Ethics and Efficacy of the President's Counterterrorism Strategy," April 30, 2012, in *The Drone Memos*, edited by Jaffer, 199-216.

⁶⁷ Olmstead, "Terror Tuesdays...", in *The Presidency of Barack Obama...*, edited by Zelizer, 215.

Vietnam War, the CIA's covert operations included an assassination program of suspected Vietnamese communists, known as the Phoenix Program. The Phoenix Program was a counterinsurgency effort coordinated by the CIA, composed of American and South Vietnamese soldiers, to neutralize the communist Viet Cong's infrastructure in South Vietnam.⁶⁸ At the program's height, approximately 1800 South Vietnamese civilians were "neutralized" per month.⁶⁹ The mass killings of thousands of Vietnamese people, at the behest of the CIA, raised concerns about the United States' projection of democracy abroad. Proponents of the Phoenix Program argued it was effective in rooting out and neutralizing the communist enemy while critics argued it was nothing more than a heinous assassination program responsible for the murders of thousands of innocent South Vietnamese civilians.⁷⁰ The Phoenix Program, among other U.S. atrocities during the Vietnam War such as the Mai Lai Massacre, conveyed America's ruthless tactics in the fight against communism. The CIA's license to kill continued throughout the remainder of the 20th century, and they exhibited similar ruthless tactics again during the 21st century War on Terror through the use of drones.

The uncovering of atrocities committed by the CIA as seen with the Phoenix Program sparked controversy over America's projection of power abroad. In 1975, many CIA plots and actions were revealed in the aftermath of Richard Nixon's Watergate Scandal. The post-Watergate revelations shocked the nation, as it revealed the Nixon administration's massive surveillance program as well as past CIA plots and operations. One of the findings revealed that "The CIA apparently 'plotted' the assassination of some foreign leaders, including Castro, Lumumba and Trujillo.... With respect to Trujillo's assassination on May 30, 1961, the CIA had

⁶⁸ Douglas Valentine, *The Phoenix Program* (New York: Morrow, 1990), 13.

⁶⁹ *Ibid.*, 13.

⁷⁰ William Rosenau and Austin Long, *The Phoenix Program and Contemporary Counterinsurgency* (Santa Monica, California: RAND National Defense Research Institute, 2009), 1.

‘no active part;’ but had a ‘faint connection’ with the groups that in fact did it.”⁷¹ In response to these shocking revelations, President Gerald Ford issued an executive order that prohibited assassinations by U.S. government personnel.⁷² However, in the 1980s, when Ronald Reagan was president, Ford’s assassination ban was reimagined to fit the administration’s counterterrorism narrative. In a 1984 national security directive, the Reagan administration argued that “The U.S. government program to prevent, counter, and combat terrorism must be significantly enhanced to reduce the threat to U.S. citizens.”⁷³ Reagan’s directive expanded the CIA’s authority to fight terrorism, which persisted beyond Reagan’s administration. Despite the CIA’s questionable actions, the Agency continued to grow. The CIA continued to be the primary executive organization waging the fight against terrorism throughout the 1980s and 1990s. The history of the CIA’s authority to wage war is significant because it became the primary institution that waged drone warfare in the 21st century, which greatly contributed to the expansion of American executive authority.

President Obama’s administration attempted to provide the American people and the other branches of government with an adequate justification for their use of combat drones. President Obama recognized and acknowledged the moral and legal questions raised by drone warfare. For instance, Obama said that the secrecy surrounding drone strikes “can end up shielding our government from the public scrutiny that a troop deployment invites.... And for this reason, I’ve insisted on strong oversight of all lethal action.”⁷⁴ Although Obama addressed

⁷¹ “Memorandum for the File Prepared by the Associate Deputy Attorney General (Wilderotter),” January 3, 1975, from Department of State Office of the Historian (website), accessed February 26, 2021, <https://history.state.gov/historicaldocuments/frus1969-76v38p2/d20>.

⁷² Olmstead, “Terror Tuesdays...,” in *The Presidency of Barack Obama...*, edited by Zelizer, 216.

⁷³ National Security Decision Directive 138, “Combatting Terrorism,” April 3, 1984, accessed February 26, 2021, <https://fas.org/irp/offdocs/nsdd/nsdd-138.pdf>.

⁷⁴ Barack Obama, “Remarks of President Barack Obama...,” in *The Drone Memos*, 268.

the issues raised by drone strikes, his attempts for transparency were part of a long, carefully constructed effort by his administration to justify their counterterrorism strategy both legally and ideologically. Prior to Barack Obama's public discussion of drones in his famous 2013 speech at the National Defense University, several members of his legal and national security teams such as Harold Koh, Eric Holder, and John Brennan addressed the administration's use of drones and justified their use. For instance, in the middle of the CIA's drone campaign in Pakistan in 2010, Department of State legal advisor Harold Koh gave a speech on the administration's commitment for U.S. counterterrorism efforts to abide by the international law of war principles of necessity, distinction, proportionality, and humanity. The first principle of necessity states that a target must have definite military value. The second principle of distinction states that only lawful targets such as combatants or civilians aiding the enemy can be targeted intentionally. The third principle of proportionality states that the anticipated collateral damage cannot exceed the anticipated military advantage. The final principle of humanity states that fighters must use weapons that will not inflict unnecessary suffering.⁷⁵ Emphasizing the principles of distinction and proportionality, Koh stated, "In U.S. operations against al-Qaeda and its associated forces—including lethal operations conducted with the use of unmanned aerial vehicles—great care is taken to adhere to these principles in both planning and execution, to ensure that only legitimate objectives are targeted and that collateral damage is kept to a minimum."⁷⁶ Koh's argument that the U.S. use of drones was lawful under the international law of war principles was a common argument used by administration officials throughout Barack Obama's presidency. However, the

⁷⁵ For law of war principles, see Eric Holder, "Remarks of Eric Holder..." in *The Drone Memos*, edited by Jaffer, 196-197; Also see United States Department of Defense, "Department of Defense Law of War Manual," updated December 2016, accessed February 15, 2021, <https://dod.defense.gov/Portals/1/Documents/pubs/DoD%20Law%20of%20War%20Manual%20-%20June%202015%20Updated%20Dec%202016.pdf?ver=2016-12-13-172036-190>, 52-65.

⁷⁶ Harold Hongju Koh, "The Obama Administration and International Law," U.S. Department of State, March 25, 2010, in *The Drone Memos*, edited by Jaffer, 122-123.

Obama administration's efforts to legally justify their drone program concerned many scholars and politicians because the executive branch, not Congress, wrote the rule book on drone warfare. For example, in a 2013 Senate hearing regarding the Obama administration's use of drones, Texas Republican Senator Ted Cruz argued that drone warfare raised concerns over Federal power, stating, "Like any technology, they can be used for good purposes or for ill. The real scope of this hearing, and of the concern, is on the scope of Federal power, and in particular the scope of Federal power to engage in targeted killings.... I am hopeful that Congress will pass legislation making very clear the limits on Federal power."⁷⁷ Of course, it is important to note the partisan divide between Cruz and Obama, but criticism of the drone program was not limited to conservatives. For instance, Obama supporters such as the historian Joseba Zulaika heavily argued against the Obama administration's drone program in his most recent book. Zulaika stated, "It was painful to write this book. If even Obama, a man whose intelligence and decency I held in the highest esteem, was unable to rise above illegal policies of a counterterror security state, where can we find the new type of politics he espoused as a candidate?"⁷⁸ Zulaika's statement provides a prime example of how disappointed even liberals were by Obama's aggressive counterterrorism policies, specifically regarding the use of armed drones.

The architect of the Obama administration's drone program, John Brennan, also echoed Koh's sentiment that U.S.-conducted drone strikes were legal under international law. In a 2011 speech at the Harvard Law School in Cambridge, Massachusetts, Brennan argued, "International legal principles, including respect for a state's sovereignty and the laws of war, impose important

⁷⁷ United States Senate, *Drone Wars: The Constitutional and Counterterrorism Implications of Targeted Killing. Hearing before the Subcommittee on the Constitution, Civil Rights and Human Rights of the Committee on the Judiciary, United States Senate, One Hundred Thirteenth Congress, First Session.* April 23, 2013, From *HeinOnline* digital database, [https://heinonline.org/HOL/Page?public=true&handle=hein.cbhear/fdsysasdx0001&div=2&start_page=\[i\]&collecton=congrecc&set_as_cursor=0&men_tab=srchresults#](https://heinonline.org/HOL/Page?public=true&handle=hein.cbhear/fdsysasdx0001&div=2&start_page=[i]&collecton=congrecc&set_as_cursor=0&men_tab=srchresults#), 4-5.

⁷⁸ Zulaika, *Hellfire From Paradise Ranch...*, 5.

constraints on our ability to act unilaterally—and on the way in which we can use force—in foreign territories.”⁷⁹ However, the Obama administration’s drone strikes outside of the AFPAK region in places like Yemen and Somalia seemed to contradict Brennan’s vow to respect state sovereignty. In fact, the Obama administration conducted a total of 563 confirmed drone strikes in Pakistan, Yemen, and Somalia during his two terms in the White House.⁸⁰ While the Obama administration attempted to provide some transparency regarding its use of drones against terrorists, many scholars and politicians have argued there has not been enough transparency, and it sparked an extensive debate over whether the administration’s carefully crafted justifications were valid. Politicians, Republicans and Democrats, have criticized the Obama administration for their use of armed drones without congressional approval. For instance, in 2012, Democratic Congressman Dennis Kucinich argued, “The Constitution requires Congress to weigh in and demand information and legal justification for drone strikes.... The drone program has thus far been conducted with no oversight from Congress or any judicial body.”⁸¹ Historians such as Lloyd Gardner have also made similar arguments against Barack Obama’s use of drones expressing concern over the administration’s “assertion that the White House enjoyed the sole right to develop regulations governing this new form of warfare.”⁸² The executive branch having the power to write the rule book governing the use of drones raised questions about the effectiveness of the United States government’s checks and balances system regarding war powers.

⁷⁹ John O. Brennan, “Strengthening Our Security By Adhering to Our Values and Laws,” September 16, 2011, in *The Drone Memos*, edited by Jaffer, 165.

⁸⁰ Purkiss and Serle, “Obama’s Covert Drone War...”

⁸¹ Ryan C. Hendrickson, *Obama At War: Congress and the Imperial Presidency* (Lexington: University Press of Kentucky, 2015), 36.

⁸² Gardner, *Killing Machine...*, ix.

Although Barack Obama's drone program sparked quite a bit of criticism, it is important to understand the reasons why the former president embraced drone warfare. President Obama and his administration embraced drone technology to fight the War on Terror for a number of reasons, one of which was to spare the lives of American troops. In a 2012 speech, Obama's chief counterterrorism advisor John Brennan stated that the use of armed drones was "a wise choice because they dramatically reduce the danger to U.S. personnel, even eliminating the danger altogether."⁸³ This was a common argument among Obama administration officials. Drones are piloted remotely, often from CIA headquarters in Langley, Virginia or Creech Air Force Base in Nevada, which shields the pilot from the possibility of being shot down. President Obama shared Brennan's view that the use of drones could save the lives of American soldiers. In his 2013 speech at the National Defense University, Obama argued deploying more American troops to the Middle East would result in "more U.S. deaths, more Black Hawks down, more confrontations with local populations, and an inevitable mission creep in support of such raids that could easily escalate into new wars."⁸⁴ The American public grew tired of turning on the news only to see more reports of U.S. troop deaths in Afghanistan, so an alternative was needed. For the Obama administration, drone warfare was the alternative. The vast technological capabilities of the Reaper, the updated version of the Predator drone, allowed the Obama administration to gradually withdraw troops from the Middle East while continuing the fight against terrorists through unmanned combat aerial vehicles. Drone warfare's ability to spare the lives of American soldiers but still continue the War on Terror appealed to the majority of the American public. As of 2013, the same year President Obama delivered his famous speech at the National Defense University, roughly 56 percent of Americans supported the administration's

⁸³ John Brennan, "The Ethics and Efficacy..." in *The Drone Memos*, edited by Jaffer, 207.

⁸⁴ Obama, "Remarks of President Barack Obama..." in *The Drone Memos*, edited by Jaffer, 267.

drone program.⁸⁵ Public support for Obama’s use of drones may have played a role in the continuation of the drone program in which control was dominated by the executive branch. Although the remoteness of drone warfare may spare the lives of American troops, innocent civilians caught in the crossfire have not been quite as lucky.

The Obama administration also embraced drone warfare because of the precision of the technology, which has been widely debated among scholars, military and intelligence personnel, and politicians. Barack Obama stated, “And before any strike is taken, there must be near-certainty that no civilians will be killed or injured—the highest standard we can set.”⁸⁶ John Brennan also falsely asserted in 2011 that not a single non-combatant had been killed by U.S. drones, and it was not until 2012 when he admitted that collateral damage from targeted killings occurred.⁸⁷ However, Brennan’s and Obama’s statements were widely scrutinized because U.S. drone strikes inside and outside of the Afghan theatre have killed many more civilians than terrorists. According to the Bureau of Investigative Journalism, the minimum number of civilians killed by drone strikes in Pakistan alone throughout the duration of Barack Obama’s presidency was 257, including a minimum of 66 children.⁸⁸ Also, as mentioned earlier, counterinsurgency expert David Kilcullen’s estimates reported that approximately fifty civilians were killed for every one terrorist by U.S. drone strikes.⁸⁹ Issues with the precision of targeted killings through

⁸⁵ “Public Continues to Back U.S. Drone Attacks,” Pew Research Center (website), May 28, 2015, accessed February 18, 2021, <https://www.pewresearch.org/politics/2015/05/28/public-continues-to-back-u-s-drone-attacks/>.

⁸⁶ Obama, “Remarks of President Barack Obama...,” in *The Drone Memos*, edited by Jaffer, 266.

⁸⁷ Brennan, “Obama Administration Counterterrorism Strategy;” Brennan, “The Ethics and Efficacy...,” in *The Drone Memos*, edited by Jaffer, 199.

⁸⁸ “Strikes in Pakistan,” Bureau of Investigative Journalism (website), accessed February 18, 2021, https://www.thebureauinvestigates.com/projects/drone-war/charts?show_casualties=1&show_injuries=1&show_strikes=1&location=pakistan&from=2009-1-1&to=2017-1-1.

⁸⁹ Zulaika, *Hellfire From Paradise Ranch...*, 13-14.

the use of unmanned combat aerial vehicles has a long history, as explained earlier, and those issues continued into the early part of the 21st century.

The profound impact armed drones had on expanding the executive branch's ability to wage war reached a critical point with the Obama administration's targeted killing of an American citizen named Anwar al-Awlaki. Awlaki was born in Las Cruces, New Mexico in 1971, which made him an American citizen by birth. Anwar's father, Nasser al-Awlaki, was an esteemed scholar and administrator in the United States and Yemen. Nasser al-Awlaki had received a master's degree in agricultural economics from New Mexico State University as well as a PhD from the University of Nebraska, and he then served as Yemeni President Ali Abdullah Saleh's agriculture minister when he and his family moved back to Yemen in 1978.⁹⁰ Nasser al-Awlaki would eventually, and to no avail, use his intellectual prowess to plead against Barack Obama's plan to assassinate his son. Anwar Awlaki had dual citizenship in Yemen and the United States as he often spent time in both countries. Awlaki, like his father, grew to be quite a scholar as he became a respected imam in mosques in San Diego and then Virginia. Initially, Anwar al-Awlaki was a nonviolent man. After al-Qaeda's vicious attacks on 9/11, Awlaki condemned the terrorists' actions. Regarding the attacks, Awlaki told his brother, "I personally think it was horrible. I am very upset about it."⁹¹ This was an attitude that many Muslim-Americans shared, but the hysteria caused by 9/11 led to a dramatic increase in discrimination against Muslims in the United States.

Anwar al-Awlaki experienced America's post-9/11 anti-Islamic hysteria immediately after the attacks. The Federal Bureau of Investigation (FBI) immediately learned that two of the

⁹⁰ Ibid., 189.

⁹¹ Scott Shane, *Objective Troy: A Terrorist, A President, and the Rise of the Drone* (New York: Tim Duggan Books, 2015), 82.

9/11 hijackers, Nawaf al-Hazmi and Khalid al-Mihdhar, had worshipped at a mosque in San Diego where Awlaki was an imam.⁹² Concerned that Awlaki may have radicalized Hazmi and Mihdar, the FBI brought Awlaki in for questioning on September 15, 2001. According to the FBI's documentation of the interview, Awlaki stated that he "would like not to comment" on whether or not he lectured on or believed in jihad, but he reiterated his condemnation of the attacks.⁹³ Although the FBI initially concluded that there was no evidence that implicated Awlaki in the 9/11 attacks, they continued to harass him for years to come. The FBI conducted more interviews with Awlaki and even secretly placed him under 24-hour surveillance, which was a common FBI practice against Islamic-Americans after 9/11. Scott Shane, an esteemed journalist who has done remarkable research on Awlaki's story, argued that "the decision to put the imam under 24-hour surveillance would have major unintended consequences."⁹⁴ The FBI placed Awlaki under surveillance to determine if he had terrorist connections, which they concluded that he did not. Instead of uncovering terrorist connections, the FBI found that Awlaki was illegally soliciting prostitution, but they ultimately decided not to pursue charges against him. The FBI's continued interest in Awlaki's affairs as well as their harassment of Muslim-Americans played a profound role in Awlaki's transition from a nonviolent imam to al-Qaeda's most influential English-language jihadist recruiter.

Like many Muslims, Anwar al-Awlaki grew increasingly frustrated by America's harsh treatment of Muslims after 9/11. In a 2001 PBS *NewsHour* segment expressing his frustration, Awlaki stated, "I think that every one of us now feels that if we go on a plane, we would be

⁹² Ibid., 83.

⁹³ Federal Bureau of Investigation, "FBI First Interview With Awlaki," September 15, 2001, from The National Security Archive, "The Anwar al-Awlaki File...", compiled and edited by Shane, <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB529-Anwar-al-Awlaki-File/>.

⁹⁴ The National Security Archive, "The Anwar al-Awlaki File...", compiled and edited by Shane, <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB529-Anwar-al-Awlaki-File/>.

looked at with some suspicion. And for a whole community to feel like that, I mean, it makes the community feel that they are under siege, they're under scrutiny. It's a very uncomfortable feeling."⁹⁵ America's fear of Islamic extremism was greatly amplified after 9/11, and the government was stunned by the largest intelligence failure in the nation's history. The nation was determined to display the full force of its power to bring the terrorists to justice, and the FBI as well as the CIA would be crucial organizations in the fight against terrorism. Muslims such as Awlaki continued to plead against America's harsh treatment of them. Awlaki expressed, "We came here to build, not to destroy. We are the bridge between America and 1 billion Muslims worldwide."⁹⁶ This suggests that Anwar al-Awlaki was initially committed to peace, but he was driven to violence as a result of the U.S. government's discrimination against him and other Muslim-Americans after 9/11.

Anwar al-Awlaki turned from a non-violent imam to an influential al-Qaeda recruiter who preached violence against the United States. In 2007, Awlaki moved to Shabwah, his family's ancestral tribal territory in Yemen, where he joined al-Qaeda.⁹⁷ In a March 2010 video calling for attacks against America, Awlaki explained his reasons for joining al-Qaeda. Awlaki exclaimed, "With the American invasion of Iraq and continued U.S. aggression against Muslims, I could not reconcile between living in the U.S. and being a Muslim, and I eventually came to the conclusion that jihad against America is binding upon myself just as it is binding on every other Muslim."⁹⁸ Awlaki's frustration with his and many other Muslims' treatment by Americans after

⁹⁵ PBS *NewsHour*, October 30, 2001, cited in Shane, *Objective Troy...*, 88.

⁹⁶ William Branigin, "When Terror Hits Close to Home; Mix of Emotions Sweeps Over County Residents," *The Washington Post*, September 20, 2001, cited in Shane, *Objective Troy...*, 86-87.

⁹⁷ The National Security Archive, "The Anwar al-Awlaki File...", Compiled and edited by Shane, homepage, <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB529-Anwar-al-Awlaki-File/>.

⁹⁸ Paula Newton, "Purported al-Awlaki Message Calls for Jihad Against U.S.," *CNN*, March 17, 2010, accessed March 3, 2021, <https://www.cnn.com/2010/WORLD/europe/03/17/al.awlaki.message/index.html>.

9/11 drew him to join al-Qaeda's jihad against the West. After he pledged himself to the destruction of America and the Western world, Awlaki played an important role in recruiting al-Qaeda jihadists. Most notably, he recruited a Nigerian national named Umar Farouk Abdulmutallab, who on Christmas Day of 2009, smuggled an explosive device onto a trans-Atlantic Northwest Airlines flight and attempted to blow up the plane upon its landing in Detroit.⁹⁹ Furthermore, Awlaki continued to call for attacks against America. In the March 2010 video, Awlaki, with the al-Qaeda flag in the background, exclaimed, "To the Muslims in America, I have this to say: How can your conscience allow you to live in peaceful co-existence with a nation that is responsible for the tyranny and crimes committed against your own brothers and sisters? How can you have your loyalty to a government that is leading the war against Islam and Muslims?"¹⁰⁰ Anwar al-Awlaki reminded Muslim-Americans of the persecution they had endured after 9/11 in efforts to convince Muslims to join al-Qaeda's jihad against the West. Nonetheless, Awlaki was a threat to America that needed to be dealt with. Awlaki's words and actions promoting jihad led to president Barack Obama's decision to kill Awlaki with a combat drone. As the historian Joseba Zulaika said, despite Awlaki's and Obama's ties to Islam, "nothing would be further from an alliance between the two men in what was about to happen."¹⁰¹

On many Tuesdays during his time as commander-in-chief, President Obama met with his national security staff in the Oval Office to discuss new terrorist targets for the targeted killing program. During these meetings, dubbed "Terror Tuesdays," Obama's national security aides such as John Brennan showed him mug shots and short "baseball card" biographies of

⁹⁹ Anahad O'Connor and Eric Schmitt, "Terror Attempt Seen as Man Tries to Ignite Device on Jet," *The New York Times*, December 25, 2009, accessed March 2, 2021, <https://www.nytimes.com/2009/12/26/us/26plane.html>.

¹⁰⁰ Newton, "Purported al-Awlaki..."

¹⁰¹ Zulaika, *Hellfire From Paradise Ranch*, 191.

Yemeni, Saudi, Afghan, and even American men, women, and teenagers who were alleged terrorists.¹⁰² Obama examined these terrorist “baseball cards” and determined which people would be added to the kill list.¹⁰³ Obama wrote in his memoir, “I took no joy in any of this. It didn’t make me feel powerful.... But the work was necessary, and it was my responsibility to make sure our operations were as effective as possible.”¹⁰⁴ This statement conveys Obama’s internal struggle to balance waging a War on Terror consistent with American values and with the responsibility to keep the nation safe from those who would harm it. Consequently, the “baseball card” biographies and the catchy term “Terror Tuesdays” illustrated the Obama administration’s normalization of the targeted killings of suspected terrorists, which had profound impacts on the executive branch’s ability to wage war. Obama’s Tuesday meetings also highlighted the president’s hands-on approach to the War on Terror, which differed from his predecessor, George W. Bush, and eventually his successor, Donald Trump. Obama’s power to decide who lived and who died endowed the executive branch with a license to kill, which was made possible by remarkable drone technology. Obama’s institutionalization of the use of combat drones demonstrated the executive branch’s unitary ability to kill people they deemed necessary. As Anwar al-Awlaki continued to recruit terrorists for al-Qaeda, he was designated as a terrorist in 2010 and subsequently placed on Obama’s kill list.¹⁰⁵

On September 30, 2011, American drone operators in Creech Air Force base in Las Vegas launched a strike in Yemen, which killed Anwar al-Awlaki along with another American citizen named Samir Khan. According to an NSA report leaked by Edward Snowden, the strike

¹⁰² Olmstead, “Terror Tuesdays...,” in *The Presidency of Barack Obama...*, edited by Zelizer, 212.

¹⁰³ *Ibid.*, 212.

¹⁰⁴ Obama, *A Promised Land*, 354.

¹⁰⁵ U.S. Department of the Treasury, “Treasury Designates Anwar al-Aulaqi, Key Leader of Al-Qa’ida in the Arabian Peninsula,” July 16, 2010, from the National Security Archive “The Anwar al-Awlaki File...,” compiled and edited by Shane, <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB529-Anwar-al-Awlaki-File/>.

eliminated Awlaki, Khan, and two other al-Qaeda operatives, and it praised the CIA and the military for their cooperation in the fight against terrorism.¹⁰⁶ The strike against Awlaki and Khan intensified the complex legal debate over the targeted killing program. For instance, in a 2013 Senate hearing regarding the implications of the targeted killing program, Georgetown law professor Rosa Brooks argued that drone strikes outside of the traditional Afghan theatre were illegal because they violated state sovereignty.¹⁰⁷ Brooks' argument relates to the drone strike that killed Awlaki because that strike occurred in Yemen, which fell outside the traditional Afghan war theatre. During the same Senate hearing, Brooks also expressed that the Obama administration's targeted killing program gave too much war power to the executive branch. Brooks stated, "The problem that we now have is that nobody outside a very small group within the U.S. executive branch knows how we are making those decisions about who is a combatant, where is the war, et cetera."¹⁰⁸ Brooks' statement conveyed how drone technology allowed the executive branch to wage war against terrorists without much input from the legislative or judicial branches, which contradicted the American system of checks and balances. As evident by Obama's "Terror Tuesday" meetings, a small group of executive branch personnel determined which alleged terrorists would be added to the kill list. Because the vast technological capabilities of the drone allowed killings to be done quickly and remotely, the president had the ability to wage war simply with the push of a button.

Awlaki's extrajudicial killing also spawned considerable debate over the constitutionality of assassinating an American citizen. Legal scholars argued that the targeted killing of Awlaki

¹⁰⁶ National Security Agency, "The Death of Anwar Nasser Aulaqi," from the National Security Archive "The Anwar al-Awlaki File...," compiled and edited by Shane, <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB529-Anwar-al-Awlaki-File/>.

¹⁰⁷ United States Senate, *Drone Wars...*, 7-8.

¹⁰⁸ *Ibid.*, 8.

was an extrajudicial killing that violated the Due Process Clause of the Constitution's Fifth Amendment, but the Obama administration vigorously defended their actions. For instance, a 2011 Justice Department white paper stated, "Were the target of a lethal operation a U.S. citizen who may have rights under the Due Process Clause and the Fourth Amendment, that individual's citizenship would not immunize him from a lethal operation."¹⁰⁹ The same Justice Department document also highlighted Congress' 2001 Authorization for the Use of Military Force, which had often been cited by the Obama administration as the legal backbone of its targeted killing program.¹¹⁰ This Justice Department document further illustrates the Obama administration's carefully crafted legal justification for its targeted killing program, a program that included the killing of an American citizen. President Obama also addressed Awlaki's killing in his famous 2013 speech at the National Defense University. Discussing Awlaki, Obama stated, "He was continuously trying to kill people.... As President, I would have been derelict in my duty had I not authorized the strike that took him out."¹¹¹ Awlaki may have been a threat, but the fact that Obama had the ability to authorize the killing of an American citizen illustrated the executive branch's immense power to wage the fight against terrorists. As political scientist Ryan Hendrickson argued, the White House's careful deliberation on the legality of a drone strike against a U.S. citizen "suggests the legal and constitutional ambiguity of the commander in chief's actions."¹¹² The Obama administration's justifications for killing Awlaki illustrated a carefully crafted legal justification with the executive branch as the sole arbiter of drone warfare.

¹⁰⁹ United States Department of Justice, "Lawfulness of a Lethal Operation Directed Against a U.S. Citizen Who Is a Senior Operational Leader of Al-Qa'ida or an Associated Force," in *The Drone Memos*, edited by Jaffer, 169.

¹¹⁰ *Ibid.*, 168.

¹¹¹ Obama, "Remarks of President Barack Obama...", in *The Drone Memos*, edited by Jaffer, 269.

¹¹² Hendrickson, *Obama At War...*, 31.

In addition to the profound ethical and legal debate spawned over the power of the United States government to hunt and kill an American citizen, the targeted killing of Awlaki's son was the next chapter of the story. Just two weeks after Anwar al-Awlaki's death, on October 14, 2011, an American drone strike in Yemen killed his son, Abdulrahman.¹¹³ Like his father, Abdulrahman al-Awlaki was an American citizen by birth, which made his death legally problematic for the Obama administration. On top of the fact that he was an American citizen, Abdulrahman was also only sixteen years old, which made him a minor by U.S. law. Also, unlike his father, Abdulrahman had no history of violent behavior or ties to al-Qaeda. According to Conor Friedersdorf, Abdulrahman was merely a peaceful boy who loved his father and never stopped searching for him.¹¹⁴ The United States government did not initially reveal that Abdulrahman was killed by an American drone. For instance, the State Department's death certificate of Abdulrahman stated that the cause of his death was "unknown."¹¹⁵ Perhaps the State Department's false classification of Abdulrahman's cause of death was because the Obama administration was acutely aware of the moral and legal implications of killing a sixteen year old boy. The drone strike that killed Abdulrahman enhanced the criticism of the Obama administration's willingness to target and kill American citizens without due process and a trial. In 2012, when asked about the Obama administration's justification for killing a sixteen year old boy with no history of violence, White House Press Secretary Robert Gibbs stated, "I would suggest that you should have a far more responsible father if they are truly concerned about the

¹¹³ The National Security Archive, "The Anwar al-Awlaki File...", homepage, compiled and edited by Shane, <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB529-Anwar-al-Awlaki-File/>.

¹¹⁴ Conor Friedersdorf, "How Team Obama Justifies the Killing of a 16-Year-Old American," *The Atlantic*, October 24, 2012, accessed March 1, 2021, <https://www.theatlantic.com/politics/archive/2012/10/how-team-obama-justifies-the-killing-of-a-16-year-old-american/264028/>.

¹¹⁵ United States Department of State, "Report of Death of an American Citizen Abroad," December 20, 2011, from the National Security Archive, "The Anwar al-Awlaki File...", compiled and edited by Shane, <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB529-Anwar-al-Awlaki-File/>.

well-being of their children. I don't think becoming an al Qaeda jihadist terrorist is the best way to go about doing your business.”¹¹⁶ Gibbs’ rhetoric was concerning because he suggested that Anwar al-Awlaki’s actions somehow diminished the value of Abdulrahman’s life. Gibbs seemed to believe that punishing a son for the sins of his father was justified, which was fundamentally problematic. Gibbs’ statement sparked quite a bit of criticism over the U.S. executive branch’s ability to kill a minor such as Abdulrahman al-Awlaki. Journalist Conor Friedersdorf wrote, “Killing an American citizen without due process on that logic ought to be grounds for impeachment.”¹¹⁷ Friedersdorf suggested that the Obama administration’s justification for the targeted killing of Abdulrahman because his father was a terrorist was so egregious that it should have been grounds for the impeachment of Barack Obama. Like the assassination of his father, the extrajudicial killing of Abdulrahman al-Awlaki conveyed the executive branch’s immeasurable ability to kill not only terrorists, but American citizens as well. The advanced technology of the drone has enabled the executive branch to wage a perpetual War on Terror without much meaningful restraint, which has created a series of issues such as the killing of American citizens like Anwar and Abdulrahman al-Awlaki.

The morally and legally questionable actions of Barack Obama and his administration sparked some internal disdain towards the drone program. Members of the Obama administration who initially supported the targeted killing program began to voice criticism of it. For instance, Harold Koh, the legal architect of the program, began to criticize the administration’s lack of transparency. In 2013, shortly after Koh stepped down from his position as a State Department legal advisor, he stated that the Obama administration’s lack of transparency regarding drone strikes caused “a growing perception that the program is not lawful and necessary, but illegal,

¹¹⁶ Friedersdorf, “How Team Obama...,” *The Atlantic*, 2012.

¹¹⁷ *Ibid.*

unnecessary, and out of control.”¹¹⁸ Interestingly, Koh believed the primary issue with the drone program was the Obama administration’s insufficient transparency with the media and Congress, but he did not believe that there were any issues with the program’s legal foundation.¹¹⁹

Moreover, Robert Gates, who served as U.S. Secretary of Defense from 2006 to 2011, criticized Obama for being too involved in counterterrorism affairs. In his memoir, Gates claimed, “The controlling nature of the Obama White House and the NSS staff took micromanagement and operational meddling to a new level.”¹²⁰ This statement suggests that President Obama’s excessive meddling in counterterrorism operations hindered operational flow, which negatively affected U.S. counterterrorism efforts. Although Koh and Gates expressed criticism of the methods involved in Obama’s management of the drone program and other counterterrorism operations, it is important to note that they did not criticize the existence of the drone program itself. This illustrates the government’s infatuation with the remarkable drone technology, and it also highlights Obama’s normalization of the targeted killing program.

Towards the end of his presidential tenure, Barack Obama instituted practices that required the executive branch to be more transparent regarding the use of armed remotely piloted aircraft. In July 2016, president Obama issued an executive order which required the U.S. government to report on the number of civilian casualties caused by drone strikes. The executive order applied to “all of our operations, regardless of where they are conducted ...,” and it would ensure that the administration’s “legal and policy commitments regarding the protection of civilians are fundamentally consistent with the effective, efficient, and decisive use of force in

¹¹⁸ Harold Koh, speech at the Oxford Political Union, May 7, 2013, reported in Conor Friedersdorf, “Harold Koh’s Slippery, Inadequate Criticism of the Drone War,” *The Atlantic*, May 9, 2013, accessed March 30, 2021, <https://www.theatlantic.com/politics/archive/2013/05/harold-kohs-slippery-inadequate-criticism-of-the-drone-war/275692/>.

¹¹⁹ Ibid.

¹²⁰ Robert Gates, *Duty: Memoirs of a Secretary at War* (New York: Alfred A. Knopf, 2014), 587.

pursuit of our Nation's interests."¹²¹ Obama's 2016 executive order mandated the Director of National Intelligence (DNI) to publicly release an annual report on the number of drone strikes conducted by the U.S. government and the approximate number of combatants and non-combatants killed in those strikes.¹²² On the same day that this executive order was signed, the Obama administration released official drone strike casualty statistics for the first time. According to the report, there were approximately 473 drone strikes that occurred outside areas of active hostilities between January 20, 2009 to December 31, 2015, which killed about 2,372 to 2,581 combatants and 64 to 116 civilians.¹²³ The Obama administration's drone strike casualty statistics were noticeably lower than the assessments of non-governmental organizations. For instance, the Bureau of Investigative Journalism reported that President Obama authorized 563 strikes in Pakistan, Yemen, and Somalia, which killed between 384 and 807 civilians.¹²⁴ It is difficult to pinpoint exactly how many people were killed by Obama's drones, but organizations like the Bureau of Investigative Journalism and former military officials like David Kilcullen have estimated much higher casualty rates than those reported by the Obama administration in 2016. Barack Obama's embrace of combat drones sheds light on how the United States has projected its military power abroad in the 21st century. The Predator's and the Reaper's remarkable capabilities to kill targets from thousands of miles away attracted President Obama and many Americans because it allowed the executive branch to wage the War on Terror without risking American lives. Drones allowed Obama's administration to concentrate its authority to

¹²¹ Fact Sheet, "Executive Order on the U.S. Policy on Pre & Post-Strike Measures to Address Civilian Casualties in the U.S. Operations Involving the Use of Force & the DNI Release of Aggregate Data on Strikes Outside Areas of Active Hostilities," July 1, 2016, in *The Drone Memos*, edited by Jaffer, 289.

¹²² Barack Obama, Executive Order, "United States Policy on Pre- and Post-Strike Measures to Address Civilian Casualties in U.S. Operations Involving the Use of Force," July 1, 2016, in *The Drone Memos*, edited by Jaffer, 302-303.

¹²³ Report of the Director of National Intelligence, "Summary of Information Regarding U.S. Counterterrorism Strikes Outside Areas of Active Hostilities," July 1, 2016, in *The Drone Memos*, edited by Jaffer, 294.

¹²⁴ Purkiss and Serle, "Obama's Covert Drone War..."

wage the War on Terror, which continued to an even greater extent during President Donald Trump's administration.

Doubling Down: Donald Trump and the Drone Surge

In November 2016, Donald Trump shocked the nation as he was elected to become the 45th President of the United States. Trump, a career businessman with no political experience, was about to inherit a War on Terror with seemingly no end in sight. Trump campaigned on a commitment to an "America First" foreign policy, in which he promised to make America more isolationist and less involved with costly military interventions.¹²⁵ During his first presidential debate with Democratic nominee Hillary Clinton in 2016, Trump asserted, "We cannot be the policemen of the world. We cannot protect countries all over the world."¹²⁶ Trump also believed that U.S. entanglements in the recent wars in Iraq and Afghanistan were far too costly as the nation spent over \$3 trillion on those wars, so America needed to become more isolationist instead.¹²⁷ For instance, in his January 2017 presidential inauguration speech, Trump exclaimed, "We've spent trillions and trillions of dollars overseas while America's infrastructure has fallen into disrepair and decay."¹²⁸ The United States' actions overseas such as the wars in Afghanistan and Iraq cost America trillions of dollars, and the national debt was over \$19 trillion by the time Trump became president.¹²⁹ Trump's "America First" pledge also included a vow for the United

¹²⁵ Steve Niva, "Trump's Drone Surge Outsourcing the War Machine," *Middle East Report*, no. 283 (2017), 2, JSTOR, https://www.jstor.org/stable/45198535?seq=1#metadata_info_tab_contents.

¹²⁶ "The First Trump-Clinton Presidential Debate Transcript, Annotated," *The Washington Post*, September 26, 2016, accessed March 10, 2021, <https://www.washingtonpost.com/news/the-fix/wp/2016/09/26/the-first-trump-clinton-presidential-debate-transcript-annotated/>.

¹²⁷ Niva, "Trump's Drone Surge...", 2.

¹²⁸ "President Donald Trump's Inaugural Address (Full Speech)," *NBC News*, from YouTube, January 20, 2017, accessed March 17, 2021, <https://www.youtube.com/watch?v=ThtRvBUBpQ4>, 7:07-7:17, 8:32-8:38.

¹²⁹ "Historical Debt Outstanding - Annual 2000-2020," Treasury Direct (website), accessed March 17, 2021, https://www.treasurydirect.gov/govt/reports/pd/histdebt/histdebt_histo5.htm.

States to remain isolationist, but that was not quite the case. “Trump identified no shortage of enemies . . .,” wrote Stephen Wertheim. “When he launched his campaign, Trump declared China to be a ‘bigger problem’ than the Islamic State, and he denounced China’s military escalation alongside its trade practices. An isolationist he is not.”¹³⁰ In addition to his “America First” pledge and his disdain toward China, Donald Trump also vowed to be aggressive against terrorism. During his 2017 inauguration speech, Trump asserted that America will “unite the civilized world against radical Islamic terrorism, which we will eradicate completely from the face of the earth.”¹³¹ This bold assertion suggested that Trump would act aggressively towards defeating Islamic extremism, which seemed to contradict his isolationist foreign policy vow. Trump’s laundry list of enemies such as China and Islamic extremism seemed to suggest a U.S. commitment to a more combative foreign policy, not an isolationist approach.

Donald Trump became heavily involved in foreign violent conflicts inside and outside traditional war zones, especially through the use of unmanned combat aerial vehicles. Like Barack Obama, Trump embraced drone technology to fight the ongoing War on Terror. When he set foot in the Oval Office, President Trump did not waste any time in launching airstrikes in the Middle East. In fact, during the first 100 days of his presidency, Trump launched more airstrikes in Yemen than Obama did in 2015 and 2016 combined through the use of fighter jets and combat drones.¹³² Trump also averaged roughly one drone strike per day in his first 75 days as President.¹³³ Furthermore, Trump greatly expanded drone strikes in the Afghanistan-Pakistan

¹³⁰ Stephen Wertheim, “Trump Against Exceptionalism: The Sources of Trumpian Conduct,” in Robert Jervis, Francis J. Gavin, Joshua Rovner, and Diane N. Labrosse, *Chaos in the Liberal Order: The Trump Presidency and International Politics in the Twenty-First Century* (New York: Columbia University Press, 2018), 125-126.

¹³¹ “President Donald Trump’s Inaugural Address,” *NBC News*, January 20, 2017.

¹³² Jack Serle, “Trump’s 100 Days: U.S. Air Campaign Hammers Yemen With Almost a Strike a Day,” April 27, 2017, Bureau of Investigative Journalism (website), accessed March 28, 2021, <https://www.thebureauinvestigates.com/stories/2017-04-27/us-air-campaign-hammers-yemen-with-almost-a-strike-a-day>.

¹³³ Niva, “Trump’s Drone Surge . . .,” 3.

border region as part of his aggressive counterterrorism strategy. The U.S. and Pakistan have had a tumultuous relationship since 9/11 largely because of the U.S. conducted drone strikes on Pakistani soil, aimed at terrorists that were hiding there. In a 2017 speech on the U.S. strategy in Afghanistan and South Asia, President Trump exclaimed that America could “no longer be silent about Pakistan’s safe havens for terrorist organizations.”¹³⁴ Trump carried out his threat when he authorized a CIA conducted drone strike in March 2017, which was the first strike that occurred in Pakistan since May 2016.¹³⁵ Trump’s drone surge was part of a continuation of Obama’s drone program, but it was also dramatically different in many ways.

Although President Trump embraced Obama’s drone policy, he differed from Obama in his approach to the War on Terror. Unlike Obama, Trump took a more laissez-faire approach to counterterrorism as he outsourced the War on Terror to his military generals and the CIA. For instance, when the United States Air Force launched a bombing raid on an ISIS complex in eastern Afghanistan in April 2017, Trump had no knowledge of the operation.¹³⁶ This suggests that the decision to bomb the ISIS complex was made entirely by the Air Force without the president’s approval. “What I do is I authorize my military...,” President Trump said after the bombing. “We have the greatest military in the world, and they’ve done the job, as usual. We have given them total authorization, and that’s what they’re doing.”¹³⁷ Trump’s hands-off approach to military matters illustrated a departure from Obama’s overtly hands on involvement. President Trump’s delegation of counterterrorism affairs to key members of his administration

¹³⁴ Donald Trump, “Remarks by President Trump on the Strategy in Afghanistan and South Asia,” White House Office of the Press Secretary, August 21, 2017.

¹³⁵ Niva, “Trump’s Drone Surge...,” 3.

¹³⁶ W.J. Hennigan and Brian Bennett, “Trump Doesn’t Micromanage the Military - But That Could Backfire,” *Los Angeles Times*, June 7, 2017, accessed March 20, 2021, <https://www.latimes.com/nation/la-na-trump-military-20170602-story.html>.

¹³⁷ Ibid.

like James Mattis, H.R. McMaster, John Kelly, Mike Pompeo, John Bolton, and General Joseph Dunford conveyed his transition to a less regulated approach to the global war on terror. Furthermore, Trump also outsourced the War on Terror to even low-level military commanders. According to a report in *The Atlantic*, in the fall of 2017, President Trump introduced a counterterrorism policy that transitioned responsibility for operations outside of traditional combat theatres to lower-level commanders, and he diminished the threshold for such strikes.¹³⁸ Critics of Trump's counterterrorism policy such as Steve Niva suggested that the president's relinquishment of control and deregulation of U.S. counterterrorism operations raised problems such as lack of oversight, accountability, transparency, and ultimately, justice.¹³⁹

The Trump administration expanded on their aggressive first-year counterterrorism campaign when it announced its counterterrorism strategy in 2018. In October 2018, the Trump administration announced its National Strategy for Counterterrorism, which outlined the terrorist threats the United States faced and the nation's counterterrorism strategy going forward. In the document, the Trump administration wrote, "The National Strategy for Counterterrorism recognizes the full range of terrorist threats that the United States confronts within and beyond our borders, and emphasizes the use of all elements of national power to combat terrorism and terrorist ideologies."¹⁴⁰ The Trump administration's vow to display all of America's power to fight the War on Terror suggested that his administration would institute an expansive, aggressive counterterrorism policy, which it had already begun in 2017 with its expanded use of

¹³⁸ Daniel J. Rosenthal and Loren Dejonge Schulman, "Trump's Secret War on Terror," *The Atlantic*, August 10, 2018, accessed March 20, 2021, <https://www.theatlantic.com/international/archive/2018/08/trump-war-terror-drones/567218/>.

¹³⁹ Niva, "Trump's Drone Surge...", 7.

¹⁴⁰ "National Strategy for Counterterrorism of the United States of America," October 4, 2018, from the Office of the Director of National Intelligence (website), accessed March 18, 2021, https://www.dni.gov/files/NCTC/documents/news_documents/NSCT.pdf.

drones. The Trump administration’s National Strategy for Counterterrorism also expressed a broader approach to counterterrorism. In an October 5, 2018 speech outlining the strategy, National Security Advisor John Bolton stated that it “focuses efforts on pursuing terrorists to their source, isolating terrorists from their support, modernizing and integrating our counterterrorism tools, protecting U.S. infrastructure and enhancing preparedness, countering terrorist radicalization and recruitment, and strengthening the counterterrorism abilities of our international partners.”¹⁴¹ Bolton’s outline of the strategy expressed a U.S. commitment to an expansive approach to counterterrorism as opposed to the Obama administration’s more targeted approach. Bolton’s emphasis on strengthening the counterterrorism apparatus of U.S. allies also suggested a return to the Bush-era narrative of a global war on terror, a mantra that Obama did not favor. The National Strategy for Counterterrorism also used the 9/11 attacks as its foundation for an aggressive approach to counterterrorism. The document states, “Since September 11, 2001, we have learned that winning the war on terrorism requires our country to aggressively pursue terrorists.... This strategy will protect the United States against all terrorists that threaten our country.”¹⁴² The Trump administration’s vow to aggressively combat terrorism and fight terrorists around the world conveyed his broad and deregulated approach to the War on Terror. The backdrop of 9/11 was an important component of Trump’s counterterrorism program, which largely embraced and expanded drone warfare. As the military historian Andrew Bacevich argued, under Trump, the same war hawk group of generals that had overseen the George W.

¹⁴¹ John Bolton, “Bolton Outlines U.S. Counterterrorism Strategy, Slams Iran,” AP Archive, October 5, 2018, from YouTube, posted October 9, 2018, accessed March 18, 2021, <https://www.youtube.com/watch?v=nBsu9h1cDrQ>, 0:56-1:19.

¹⁴² “National Strategy for Counterterrorism...,” I.

Bush administration's counterproductive "global war on terror" had proposed a more muscular version of the same policy.¹⁴³

President Trump's aggressive actions against Islamic extremism was also perpetuated by an anti-Islamic sentiment that still existed in the United States. For instance, a 2016 poll suggested that 73 percent of Americans viewed the Islamic militant group, commonly referred to as ISIS, as a "very serious" threat to the United States.¹⁴⁴ The same poll also illustrated that roughly 80 percent of Americans believed that there were ISIS terrorists operating on U.S. soil who had the ability to launch a massive 9/11-scale terrorist attack at any given moment.¹⁴⁵ Americans' fear of Islamic extremism was deeply rooted in the trauma caused by al-Qaeda's attacks on September 11, 2001. The findings of the 2016 poll were interesting because of the lack of Islamic terrorism acts that had occurred on American soil since September 11, 2001. As scholar Daniel Byman wrote, "In the United States, the terrorism threat has been low since 9/11 despite fears to the contrary and the perceptions of many Americans."¹⁴⁶ Right-wing terrorism has actually been more prevalent in the United States than Islamic extremism since 9/11, and the level of right-wing violence increased since Donald Trump's presidential election.¹⁴⁷ If this was the case, then why was Trump so adamant about eradicating Islamic extremism around the world with his bombers and drones instead of rooting out the more direct concern of right-wing domestic terrorism? Many Trump critics argued it was because of a racist attitude towards Muslims. Trump's anti-Muslim sentiment was evident with some of his campaign rhetoric as

¹⁴³ Andrew Bacevich, "Leave It to the Generals," *The New Republic*, November 8, 2017, accessed March 28, 2021, <https://newrepublic.com/article/145418/leave-generals>.

¹⁴⁴ CNN / ORC, "ISIS," Polling Report (website), accessed March 25, 2021, <https://www.pollingreport.com/isis.htm>.

¹⁴⁵ Ibid.

¹⁴⁶ Daniel Byman, "Assessing Trump's Emerging Counterterrorism Policy," in Jervis et. al., *Chaos in the Liberal Order*, 199.

¹⁴⁷ Ibid., 199.

well as with his 2017 order, commonly acknowledged as the Muslim ban. Daniel Byman argued that Trump's anti-Islamic actions such as the Muslim ban demonized the American Islamic community and increased Muslims' appeal to the Islamic State's claims that the West was at war with Islam.¹⁴⁸ Trump's anti-Muslim rhetoric and actions were reminiscent of the persecution of Muslims by the FBI in the immediate aftermath of 9/11. Pulitzer Prize winner Samantha Power wrote that Trump's "cruel rhetoric and actions have not only unleashed vitriol toward those he has branded 'enemies,' but have also fueled violence by extremists within our own borders."¹⁴⁹ Perhaps Donald Trump's racist attitude towards the Muslim community made it easier to kill thousands of them with American bombers and drones throughout his presidency.

Donald Trump's counterterrorism approach involved the expansion of the CIA's authority to wage drone warfare. For instance, Trump gave the CIA the authority to operate drones in Afghanistan and Syria, which marked a departure from Obama's second term hybrid model. Obama's hybrid model consisted of cooperative efforts between the military and the CIA, in which the CIA located and targeted terrorists while Joint Special Operations Command (JSOC) carried out the drone strikes.¹⁵⁰ During the Obama administration, drone strikes in Afghanistan and Syria were under the military's jurisdiction. With the CIA's authorization to conduct drone strikes in war zones like Afghanistan and Syria, president Trump eliminated Obama's second term efforts to decrease the CIA's role in waging drone warfare.¹⁵¹ The CIA's increased authority to conduct drone warfare in Afghanistan and Syria pleased Trump's CIA Director and eventual Secretary of State, Mike Pompeo. Praising Trump, Pompeo said, "When

¹⁴⁸ Ibid., 204.

¹⁴⁹ Samantha Power, *The Education of An Idealist: A Memoir* (New York: Harper Collins, 2019), 547.

¹⁵⁰ Niva, "Trump's Drone Surge...", 6.

¹⁵¹ Ken Dilanian and Courtney Kube, "Trump Administration Wants to Increase CIA Drone Strikes," *NBC News*, September 18, 2017, accessed March 28, 2021, <https://www.nbcnews.com/news/military/trump-admin-wants-increase-cia-drone-strikes-n802311>.

we've asked for more authorities, we've been given it. When we ask for more resources, we get it."¹⁵² This suggests that Trump granted the Agency whatever resources it needed to act as it saw fit. Furthermore, the CIA's increased ability to carry out drone strikes raised accountability issues. Zeke Johnson, senior director of programs for Amnesty International USA, argued, "The last thing the U.S. should be doing right now is expanding a global, secret killing program.... By its own admission, the U.S. government's use of drones has meant the deaths of civilians and there has been insufficient accountability."¹⁵³ Due to the secrecy surrounding CIA operations, Trump's expansion of the Agency's role in waging drone warfare sparked an increased lack of transparency and accountability. Under Donald Trump, Congress had continued to have a non-existent role in U.S. counterterrorism policy. As Daniel Byman wrote, "President Trump appears enamored of unfettered executive power and, in his tweets and rhetoric at least, has little patience for the role of Congress and the courts."¹⁵⁴ With Donald Trump's permission, the CIA waged drone warfare with minimal oversight, which illustrated the executive branch's enormous power to conduct the War on Terror.

Donald Trump loosened many of the restrictions that Barack Obama instituted toward the end of his second term regarding the U.S. government's ability to conduct drone strikes. For instance, in 2017 the Trump administration bypassed Obama-era rules by granting the Pentagon's request to classify certain parts of Yemen and Somalia as "areas of active hostilities."¹⁵⁵ This was significant because it temporarily brought parts of Yemen and Somalia

¹⁵² Eric Schmitt and Matthew Rosenberg, "C.I.A. Wants Authority to Conduct Drone Strikes in Afghanistan for the First Time," *The New York Times*, September 15, 2017, accessed March 29, 2021, <https://www.nytimes.com/2017/09/15/us/politics/cia-drone-strike-authority-afghanistan.html>.

¹⁵³ Dilanian and Kube, "Trump Administration Wants to Increase CIA Drone Strikes."

¹⁵⁴ Byman, "Assessing Trump's Emerging Counterterrorism Policy," in Jervis et. al., *Chaos in the Liberal Order*, 206.

¹⁵⁵ Milena Sterio, "Lethal Use of Drones: When the Executive Is the Judge, Jury, and Executioner," *The Independent Review*, vol. 23, no. 1 (Summer 2018), 40.

under the law of armed conflict, which made the use of drones less restrictive.¹⁵⁶ This marked an expansion of drone strikes outside areas of traditional armed conflict, which conveyed the executive branch's increased power to wage the War on Terror. During Obama's presidential tenure, drone strikes usually were authorized against high-level targets such as terrorist leaders or key figures like Anwar al-Awlaki. Obama only authorized the CIA and the military to launch strikes to eliminate "high-level militants deemed to pose a 'continuing and imminent threat' to Americans . . .," but Trump expanded targets to include low-level jihadists with no leadership roles.¹⁵⁷ This marked an expansion of the drone program because the CIA and the military could target any jihadist deemed as an imminent threat. This practice illustrated an increase in the executive branch's ability to fight terrorism because the CIA and the military no longer had significant restrictions regarding who they could target and kill.

Trump also decreased transparency regarding the use of drones. For instance, President Trump largely abandoned the principles of Obama's 2016 executive order, which required the Director of National Intelligence to annually report the number of drone strikes launched by the United States and the number of people killed in those strikes.¹⁵⁸ In particular, Trump decreased transparency regarding the number of civilians killed by American drones. In a 2019 executive order, "President Donald Trump revoked a requirement that U.S. intelligence officials publicly report the number of civilians killed in drone strikes and other attacks on terrorist targets outside of war zones."¹⁵⁹ The executive order effectively eliminated any requirement to report on the

¹⁵⁶ Ibid., 40.

¹⁵⁷ Charlie Savage and Eric Schmitt, "Trump Poised to Drop Some Limits on Drone Strikes and Commando Raids," *The New York Times*, September 21, 2017, accessed March 29, 2021, <https://www.nytimes.com/2017/09/21/us/politics/trump-drone-strikes-commando-raids-rules.html>.

¹⁵⁸ Obama, "United States Policy . . .," in *The Drone Memos*, edited by Jaffer, 294.

¹⁵⁹ Margaret Talev, "President Trump Cancels Rule Requiring U.S. to Report Civilians Killed in Drone Strikes," *Time*, March 6, 2019, accessed March 25, 2021, <https://time.com/5546366/trump-cancels-drone-strike-rule/>.

number of civilians killed by the CIA or the military, which greatly decreased the levels of transparency and accountability regarding American drone strikes. The Trump administration's blatant efforts to keep its drone program a secret was a troubling development in America's War on Terror because it shielded the public and the other branches of government from the truth about U.S. counterterrorism actions abroad. Donald Trump's presidential reign further emphasized the drone's increasing role in U.S. counterterrorism operations, which greatly contributed to the expansion of the executive branch's power to wage the ongoing War on Terror.

Conclusion: Where Are We Now, and Where Do We Go?

On Thursday, February 25, 2021, Joe Biden, authorized airstrikes in Syria, which marked the first U.S. military action undertaken by the new president.¹⁶⁰ Two American F-15 fighter jets targeted buildings that were used by Iranian-backed militias, who were responsible for rocket attacks on U.S. targets in Iraq ten days earlier.¹⁶¹ It was unclear exactly how many people were killed in the airstrikes, but reports indicated that at least 22 people were killed.¹⁶² "We know what we hit," U.S. Secretary of Defense Lloyd Austin said. "We're confident that that target was being used by the same Shia militants ..." that launched the strikes against U.S. personnel in Iraq on February 15.¹⁶³ Although the airstrikes were carried out by fighter jets as opposed to drones, the attacks suggested that the War on Terror does not appear to be deescalating any time soon.

¹⁶⁰ Paul Adams, "Biden Takes First Military Action With Syria Strike on Iran-Backed Militias," *BBC News*, February 26, 2021, accessed March 30, 2021, <https://www.bbc.com/news/world-middle-east-56205056>.

¹⁶¹ Dan De Luce, Mosheh Gains, Charlene Gubash and Kristen Welker, "Biden Orders Airstrikes in Syria, Retaliating Against Iran-Backed Militias," *NBC News*, February 25, 2021, accessed March 30, 2021, <https://www.nbcnews.com/news/us-news/biden-airstrikes-syria-retaliating-against-iran-backed-militias-n1258912>.

¹⁶² Ibid.

¹⁶³ Adams, "Biden Takes First Military Action...", *BBC News*, February 26, 2021.

The Biden administration will likely continue the fight against terrorism through the air, which the United States has done throughout the 21st century through the use of fighter jets and armed drones. Biden's airstrikes in Syria illustrated America's ongoing commitment to combatting terrorism, and armed conflicts in war zones such as Syria, Iraq, and Afghanistan will most likely continue.

The U.S. airstrikes in Syria on February 25, 2021 provoked some criticism from Democratic members of Congress involving the executive branch's power to wage war. For example, Virginia Senator Tim Kaine exclaimed, "The American people deserve to hear the Administration's rationale for these strikes and its legal justification for acting without coming to Congress."¹⁶⁴ Senator Kaine's demand that the Biden administration be transparent and consult Congress about military actions was reminiscent of Democrat Dennis Kucinich's criticism of Barack Obama's drone program back in 2012.¹⁶⁵ Furthermore, California Democratic representative Ro Khanna, who also serves on the House Armed Services Committee, spoke against Biden's actions, stating that "the President should not be taking these actions without seeking explicit authorization" from Congress.¹⁶⁶ Khanna also added that she spoke out against Donald Trump's aggressive actions in the Middle East during his presidency, and she would "speak out against it when we have a Democratic President."¹⁶⁷ Kaine's and Khanna's criticism of the Biden administration's military action in Syria conveys that some members of the Democratic Party seem fairly adamant that the executive branch should no longer be the sole authority on waging war, which has been the reality throughout every presidency of the 21st

¹⁶⁴ De Luce, Gains, Gubash, and Welker, "Biden Orders Airstrikes in Syria...", *NBC News*, February 25, 2021.

¹⁶⁵ Hendrickson, *Obama At War...*, 36.

¹⁶⁶ Barbara Starr, Oren Liebermann and Nicole Gaouette, "U.S. Carries Out Air Strikes in Syria Targeting Iranian Backed Militias," *CNN*, February 26, 2021, accessed March 30, 2021, <https://www.cnn.com/2021/02/25/politics/us-iraq-iran/index.html>.

¹⁶⁷ *Ibid.*

century thus far. The presidencies of George W. Bush, Barack Obama, and Donald Trump were marked by a significant consolidation of war power within the executive branch, and it seems fairly plausible that trend will continue during Joe Biden's tenure.

On the other hand, it is also possible that Joe Biden seeks to limit executive authority to wage war, specifically regarding the use of combat drones. Although there have not been any reported U.S. drone strikes in the Middle East during his presidency thus far, recent reports indicated that Biden has taken steps to reduce the executive branch's ability to use weaponized drones. According to a *New York Times* report in early March, national security adviser Jake Sullivan, with Biden's permission, issued an order on January 20 requiring the CIA and the military to directly receive the White House's permission to conduct drone strikes outside established war zones such as Yemen and Somalia.¹⁶⁸ Defense Department spokesman John Kirby characterized the order as an "interim guidance" meant "to ensure the president has full visibility on proposed, significant actions, which the National Security Council will review."¹⁶⁹ Kirby suggested that Biden's order limiting the CIA's and military's ability to conduct drone strikes outside established war zones was not a permanent solution, but it marked a departure from Donald Trump's deregulated and aggressive drone policy. "This review includes an examination of previous approaches in the context of evolving counterterrorism threats in order to refine our approach going forward," said National Security Council spokeswoman Emily Horne. "In addition, the review will seek to ensure appropriate transparency measures."¹⁷⁰ Horne

¹⁶⁸ Charlie Savage and Eric Schmitt, "Biden Secretly Limits Counterterrorism Drone Strikes Away From War Zones," *The New York Times*, March 3, 2021, accessed March 30, 2021, <https://www.nytimes.com/2021/03/03/us/politics/biden-drones.html>.

¹⁶⁹ Paul D. Shinkman, "Pentagon Confirms Biden's New Restrictions on Drone Strikes, Commando Raids," *U.S. News*, March 8, 2021, accessed March 30, 2021, <https://www.usnews.com/news/national-news/articles/2021-03-08/pentagon-confirms-bidens-new-restrictions-on-drone-strikes-commando-raids>.

¹⁷⁰ Savage and Schmitt, "Biden Secretly Limits...", *The New York Times*, March 3, 2021.

suggested that the Biden administration would reevaluate America's counterterrorism strategy, a strategy which has greatly evolved across the Bush, Obama, and Trump administrations. Biden's centralization of drone authority from the CIA and military generals back to the White House illustrates a restoration of Obama's hands-on counterterrorism approach, which reiterates the drone's influential role in the expansion of executive war powers. It is unclear if the Biden administration plans to exactly replicate Obama's drone program, but there appears to at least be some similarities early on. "There is a lot the administration needs to do to reinstate higher standards after the Trump administration, but they shouldn't just snap back to the Obama rules." Former Obama-era counterterrorism aide Luke Hartig said. "The world has changed. The counterterrorism fight has evolved."¹⁷¹ Time will tell how the Biden administration will wage drone warfare going forward, but it appears the White House will be the chief authority of its conduct.

The full scope of President Biden's counterterrorism approach remains to be seen, but one thing is quite clear: drones are here to stay. Since al-Qaeda's attacks on September 11, 2001, the United States has escalated its use of combat drones with overt action by the military and covert action by the CIA.¹⁷² In the time since America's first drone strike against Mullah Mohammed Omar in October of 2001, the drone program has undergone a series of transformations expanding executive authority to wage war throughout the Bush, Obama, and Trump administrations. The fact that the number of drone strikes have escalated with each president illustrates the United States' transition to this automated form of aerial warfare, which has led to the expansion of the executive branch's ability to wage the War on Terror. The literary scholar Sharada Balachandran Orihuela explained in her recent book, "The debates around the

¹⁷¹ Ibid.

¹⁷² Lisa Parks and Caren Kaplan, *Life in the Age of Drone Warfare* (Durham: Duke University Press, 2017), 4.

existence of Guantanamo Bay and drone strikes point to the capaciousness of the language of terrorism, which has been borrowed from the language of piracy in legitimizing extrajudicial expressions of state power.”¹⁷³ Orihuela suggested that the threats posed by terrorists, narco-traffickers, and pirates “helped to expand and consolidate the powers of the state.”¹⁷⁴ When it comes to counterterrorism, drones have undoubtedly become America’s dominant tool, which has greatly contributed to the consolidation of the executive branch’s ability to kill suspected terrorists and in some cases, American citizens. Drone technology has offered a new extension of the United States’ immense aerial arsenal, which has been the centerpiece of the American war machine since World War II. Drone warfare has also led to the death of American exceptionalism, as U.S. foreign policy is no longer focused on nation-building and democracy promotion. Instead, the United States has waged an endless War on Terror through an intense escalation of drone strikes, which have killed many civilians and some American citizens. The post-9/11 world has exhibited the expansion of the vast American military and intelligence apparatus, and it appears that drone technology will continue to be the dominant tool in America’s ongoing, and seemingly never-ending, War on Terror.

¹⁷³ Sharada Balachandran Orihuela, *Fugitives, Smugglers, and Thieves : Piracy and Personhood in American Literature* (Chapel Hill: The University of North Carolina Press, 2018), 170.

¹⁷⁴ *Ibid.*, 169-170.

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