

WHAT IS THE OVERLAP BETWEEN SIGNATURE STRIKES AND ~~“SIDE PAYMENT”~~ COUNTER-INSURGENCY DRONE STRIKES?

ProPublica has a very [worthwhile article](#) drawing attention back to signature drone strikes.

My favorite part is their focus on John Brennan’s effort to dodge a question about signature strikes last year, which happened not long before anonymous sources working on Brennan’s behalf launched his [Kill List Shiny Object campaign](#), which served to distract from the signature strikes he had just approved for use in Yemen.

Brennan [was asked](#) about signature strikes last April but sidestepped the question. He replied: “You make reference to signature strikes that are frequently reported in the press. I was speaking here specifically about targeted strikes against individuals who are involved.”

He continued that “everything we do, though, that is carried out against Al Qaeda is carried out consistent with the rule of law, the authorization on the use of military force, and domestic law... that’s the whole purpose of whatever action we use, the tool we use, it’s to prevent attack [sic] and to save lives.”

The article also catalogs how Brennan and the Administration have dodged questions from Jerry Nadler, John Conyers, and Bobby Scott, as well as from John McCain.

The administration has rebuffed [repeated](#) requests from Congress to provide answers – even in secret.

[snip]

Sen. John McCain, R-Ariz., recently sent [his own letter](#) to Brennan asking several pointed questions on signature strikes.

“How do ‘signature strikes’ square with your statement that targeted killing operations are only approved when a targeted individual poses a ‘significant threat to U.S. interests?’” McCain asked, quoting a [speech](#) Brennan gave on drone strikes last April.

“How can the Administration be certain it is not killing civilians in areas, like many parts of Yemen and Pakistan, where virtually all men, including civilians, carry weapons?” the letter continued.

A McCain spokesman said the senator had not received a response.

In any case, go [read the article](#). But read it in conjunction with this remarkable Lawfare post on [How to Make a Kill List](#), from Gregory McNeal, who once worked in counterterrorism at State (though this work derives from a range of sources). McNeal has a follow-up on [network analysis](#), which I’ll return to later.

McNeal’s post is notable because it is, as far as I know, one of the first times that someone has gone on the record admitting that our drone war is, in part, targeting people our allies pick, effectively us waging their counterinsurgency for them.

There are three basic categories of targets who might find their way onto a kill-list: (1) Targets who fall within the AUMF, and its associated forces interpretations [AUMF Targets], (2)

targets who fall within the terms of a covert action finding [Covert Action Targets], and (3) targets provided by allies in a non-international armed conflict in which the U.S. is a participant. [Ally Targets or derisively “side payment targets.”] [my emphasis; all other brackets original]

“Side payment targets.” Wow. Evocative.

The reason I say this article should be read in conjunction with the ProPublica one is that the two places where we know the US is engaging in counterinsurgency targets, Pakistan and Yemen, are also the two places we know we’ve used signature strikes. (Though the [rise in drone strikes in Afghanistan](#) last year suggests we may be moving to this model there, as well.)

Moreover, we know the increase in signature strikes in Pakistan coincided with our focus on Pakistan’s enemy, the Pakistani Taliban, rather than the Afghan Taliban and Al Qaeda; indeed, some of the more spectacular funeral and civillian strikes involved this focus.

And Daniel Klaidman’s [revelation](#) that Brennan approved signature strikes in Yemen based on entreaties from old friends make it clear the impetus was AQAP’s strength as an insurgency in Yemen, not al Qaeda per se.

Then, in the spring of 2012, with Yemen falling into chaos and AQAP gaining more and more territory, Yemeni officials—with whom Brennan had close ties going back to his days as a CIA station chief in the region—beseeched Brennan to help. The Yemeni Army was collapsing under the brutal assault; soldiers were being crucified and beheaded by the jihadis. By April 2012, Brennan and Obama finally relented and permitted signature strikes in the country.

Those who defend this decision point out

that it would have been a catastrophe for U.S. security if significant parts of the country had fallen to AQAP, which was intent on attacking the American homeland. Yet some inside the administration were critical. Says one senior administration official of Brennan's history in Yemen: "He responded to the personal appeals because he has a long history with these guys." In other words: Brennan's lawyerly preference for rules and constraints may sometimes have taken a backseat to emotion.

In other words, signature strikes seem to accompany our move into what are more correctly called counterinsurgency strikes, whether or not signature and counterinsurgency strikes are the same thing.

Note, too, that the [Administration's squeamishness about at least some of the 7 extant targeted killing memos](#) seems to derive from delicate agreements with Pakistan and Yemen.

A senator who sits on the Intelligence Committee and has read some of the memos also said that the still-unreleased memos contain secret protocols with the governments of Yemen and Pakistan on how targeted killings should be conducted. Information about these pacts, however, were not in the OLC opinions the senator has been allowed to see.

I [have suggested](#) – though to some degree it's a guess – that signature strikes would require distinct legal analysis. Presumably, all the more so, if we engaged in such sloppy targeting as part of a deal with the host country – a "side payment" – to target their internal enemies.

I'm not suggesting there's a one-to-one

correspondence between our signature strike campaigns and counterinsurgency targeting. While that seems to be the case for Yemen, the Pakistani example is far more complex.

But in addition to maintaining a focus on signature strikes, it is probably time to pay more attention to the way we're using drone strikes to conduct other countries' counterinsurgency campaigns.