

# THE EXTRA DRONE DEAD: COVERT ACTIONS OR SIDE PAYMENTS?

As I noted earlier, McClatchy has seen a slew of documents that – while obviously false on the topic of civilian casualties, at a minimum – show that hundreds of the people we’re killing are not legitimate targets under the AUMF.

The U.S. intelligence reports reviewed by McClatchy covered most – although not all – of the drone strikes in 2006-2008 and 2010-2011. In that later period, Obama oversaw a surge in drone operations against suspected Islamist sanctuaries on Pakistan’s side of the border that coincided with his buildup of 33,000 additional U.S. troops in southern Afghanistan. Several documents listed casualty estimates as well as the identities of targeted groups.

McClatchy’s review found that:

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

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

During the same period, the reports estimated there was a single civilian

casualty, an individual killed in an April 22, 2011, strike in North Waziristan, the main sanctuary for militant groups in Pakistan's tribal areas.

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

As I've suggested, this report is perhaps most interesting for the fact that CIA, in its own documents, claims that none of the 40-some people killed at Datta Khel on May 17, 2011 were civilians.

In other words, the CIA is lying – even internally – about drone strikes as blatantly as it did about torture.

But given that this report is generating more attention to the excuses we use for killing people, it would be useful if people review this post from Gregory McNeal. In it, he reveals that – regardless of what the drone people say publicly – there are actually three categories that will get you on a targeting list.

Many have already analyzed the potential legal rationales offered by the U.S. government in support of its targeted killing campaigns (the subject of Part I of the paper), therefore let me just offer this summary with regard to categories of targets. 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."]

These categories will oftentimes overlap, however there also may be circumstances where a target rests exclusively within one category.

So there are two reasons people who are obviously not in the categories listed in self-serving speeches might be killed. Either, because they're targeted under the Gloves Come Off Memorandum under Article II Authority, or because we're murdering people as a favor for our allies.