

YES, THE DRONE RULE BOOK IS A ONE-OFF

Over at The New Republic, I've got a more formal piece on the weird hybrid document that serves as Obama's Drone Rule Book. In addition to some formal observations I made in this working thread, it has these descriptions from both "an administration official" and from Secrecy News' Steven Aftergood, which I found particularly interesting.

Start with the fact that a "Presidential Policy Guidance" is a previously unknown type of presidential order. Indeed, an administration official confirms it is still the only document of its type. "We have not issued any other PPGs," the official told me. Obama's normal practice when issuing national security orders has been to release "Presidential Policy Directives," a set of numbered directives that occasionally get released publicly. The word "Guidance" would suggest this is a weaker kind of order than a "Directive."

The PPG does mandate some actions, requiring that agencies "shall" develop certain assessments and so on. But in other instances, the PPG appears designed to give agencies leeway. It states that agencies "may develop a detailed operational plan" to govern their direct action. It says a top White House aide could make final decisions about who will attend an interagency meeting to approve the kill list.

Without offering an explanation for the difference between a PPG and a PPD, the same White House official nevertheless dismissed concerns about the discrepancy. "The PPG carries the same requirement of compliance, as it's presidential guidance," the official

explained.

Nevertheless, as Steven Aftergood of the Federation of American Scientists Project on Government Secrecy points out, this document lacks some of the formal features you would expect from a presidential order: “As released, the Guidance is neither addressed to anyone in particular, nor signed by anyone.” Unlike PPDs, the Guidance as released to the ACLU was not printed on White House stationery (compare the PPG with **this closely related PPD** on the military or civilian custody of terror detainees in U.S. custody). Aftergood also noted, “It refers to the president in the third person, as if he is also subject to its requirements (‘The President will adjudicate any disagreement among or between Principals’) rather than its author.”

The administration official dismissed questions about the document’s authority and its lasting value. “The document has not changed since it was completed in 2013. The redacted document that was released last week remains the operative guidance,” the official said.

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