ON DRONE RULE BOOKS AND BREAKING THE RULES

Back when we first learned that the CIA had killed an American (and an Italian) hostage in a January drone strike that also killed American, I predicted, based on posts like this and this, we would learn that Obama was never applying the rules in Pakistan because (as Jim had already pointed out) John Brennan has a way of exempting himself from the rules.

> Q: 2 yrs ago, Klaidman reported it'd take several yrs to adopt drone rule book, w/PK being last. Do we know they purportedly did apply it?
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> And in any case, Brennan kind of exempted himself. Because moral rectitude. So very likely this is abt Brennan exempting himself fr rules.

Sure enough, WSJ reported yesterday that Obama had exempted Pakistan.

> Mr. Obama in a 2013 speech at the National Defense University spelled out some rules governing drone strikes, which he codified in a "presidential policy guidance" directive.
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> Among them were that the threat needed to be imminent and that the U.S. had to have "near-certainty" no civilians would be killed or injured. Officials said the directive also included language aimed at curbing and eventually eliminating a particular type of drone strike in which the U.S. believes an individual is a militant, but doesn't know his identity.
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> These so-called "signature" strikes have been responsible for killing more al Qaeda leadership targets than strikes directly targeting high-value leaders,

> especially in Pakistan, where the group's leadership can be difficult to find, current and former U.S. officials said.
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> The Jan. 15 strike that killed Messrs. Weinstein and Lo Porto was a signature strike.
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> Under a classified addendum to the directive approved by Mr. Obama, however, the CIA's drone program in Pakistan was exempted from the "imminent threat" requirement, at least until U.S. forces completed their pullout from Afghanistan.
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> The exemption in the case of Pakistan means that the CIA can do signature strikes and more targeted drone attacks on militant leaders who have been identified without collecting specific evidence that the target poses an imminent threat to the U.S. Being part of the al Qaeda core in Pakistan is justification enough in the Obama administration's eyes.

This has led people to note that you simply can't trust what the Executive does via Executive Order or Presidential Policy Guidance, as in this Daphne Eviatar post that goes onto to talk about secrecy generally.

> But we've known all along that the president's statement in his 2013 speech was just a policy preference. It was never an actual limitation on the use of drones, or more importantly, on the use of lethal weapons to kill suspected terrorists.

Since Obama has proven untrustworthy in his 2013 PPD on drones, we should assume he has kept similar secret exemptions under PPD-28, which purports to rein in surveillance.

You should never trust a President Order to mean what it says because the Executive has self-exempted itself from honesty.

Which leads me to what I noted the other day. On top of the tragedy of Warren Weinstein's death, I still think the circumstances of Faruq's targeting are … suspicious.

Particularly given that the last confirmed head of OLC, Virginia Seitz, left quietly at the end of 2013 because — anonymous sources suggested to Carrie Johnson — she was unwilling to authorize the drone death of some American(s).

> Two other sources suggested that aside from the tough work, another issue weighed heavily on her mind over the past several months: the question of whether and when the U.S. can target its own citizens overseas with a weaponized drone or missile attack. American officials are considering such a strike against at least one citizen linked to al-Qaida, the sources said.
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> A law enforcement source told NPR the controversy over the use of drones against Americans in foreign lands did not play a major role in Seitz's decision to leave government, since the Office of Legal Counsel is continuing to do legal analysis of the issue and there was no firm conclusion to which she may have objected or disagreed.

Particularly given the hoops the White House is jumping through regarding precisely what they were targeting, given the fact that they appear to be claiming they've only confirmed Faruq was an al Qaeda leader, this appears to suggest DOJ had a lot of disagreement over whether some of these men could be targeted.

Or who knows?

Maybe OLC has subsequently approved what I've dubbed the Sitting in a Baddie Compound

authorization for executing Americans?