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Targeted Killing: Assessing the Utility and Morality of Lethal Counter Terrorism Methods

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Literature Review

Expansion of Targeted Killing: “Somebody's Going to Pay”*September, 2001*

On September 11, 2001, the safety and security of the United States was compromised like never before in its history when two aircraft were flown into the twin towers of the World Trade Center and another aircraft was flown into the Pentagon. A fourth aircraft crashed into a field in Pennsylvania when passengers rose to action and fought back against the terrorists manning the aircraft. This brave action potentially thwarted the destination where it was suspected the aircraft was headed for the White House or the Capitol building in Washington, DC (NCTAUUS, 2004). The internationally known terrorist group, al Qaeda, took credit for the attacks. As America had never previously undergone a multiple-hijacking terrorist attack, President George W. Bush declared, “We're at war... somebody's going to pay” (NCTAUUS, 2004 p. 39).

Following the 9/11 attacks, the United States waged war against Iraq. Although there was no evidence to support their involvement in the attacks or any ties to Osama bin Laden, there was belief that they were in part responsible for bolstering terrorism within the Middle East under the rule of Saddam Hussein. The terrorist acts committed on 9/11 prompted the United States Congress to sign into law a joint resolution entitled, “Authorization of use of Military Force” (AUMF), on September 18, 2001:

“Whereas, on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens.... Whereas, the President has the authority under the Constitution.... The President is authorized to use all necessary and appropriate force against those nations, organizations, or persons... in order to prevent any future acts of international terrorism against the United States” (United States, 2001, p. 1).

Controversy Grows Following the Passage of the AUMF

Upon the passage of the AUMF, much controversy was generated because of the vague language used to define its terms. One of the biggest questions posed was what is considered “necessary and appropriate force”? The Bush and Obama administrations have advocated for the widest possible latitude in decisions regarding the use of targeted killings which has resulted in ignoring protests of human rights groups (Alston, 2010a; Banks & Raven-Hansen, 2003; DOJ, 2011; Iliopoulos, 2011; McNeal, 2013b; Shane, 2012; Strawser, 2010; Ulrich, 2004).

The AUMF has been largely debated in the fifteen years since its inception and has never been clarified nor rescinded. Human rights groups have continued to raise concerns that such language is too vague, that there is insufficient accountability, that targeted killings are performed too often, and that overreach may be in violation of international law and build resentment, creating more problems than it solves (ACLU, 2012; De Waal, 2015; Eichensehr, 2007; Human Rights Watch, 2014; Iliopoulos, 2011; Kretzmer, 2005; McNeal, 2013a).

It is unclear just how involved the Obama administration has been in the expansion as there are two top secret programs that function under the direction of the President. One of the programs is overseen by the CIA and the other by the military. Because of this it has been difficult to know the accurate numbers of targets as well as the successful or unsuccessful attempts at hitting targets although investigative journalism has tirelessly tried to assess their best guesses (Bureau of Investigative Journalism, 2016; Shane, 2015).

Definitions of Targeted Killing*Targeted Killing as Self Defense*

The nature and function of targeted killing has been largely misunderstood and the subject of much debate. Opponents of targeted killing have made accusations that it is

tantamount to assassination (Himes, 2015; Kretzmer, 2005). Proponents of targeted killing argue that assassination is the unlawful premeditated murder of heads of state, usually motivated by politics or war, whereas targeted killing focuses on a selective attack against aggressors that look to harm a nation and in this regard is seen as a form of self-defense (Banks & Raven-Hansen, 2003). Targeted killing originated as a primary means of fighting the threats posed by international terrorism (Hunter, 2009).

Hunter (2009) defines targeted killing as “the premeditated, preemptive and intentional killing of an individual or individuals known or believed to represent a present and/or future threat to the safety and security of a state through affiliation with terrorist groups or individuals” (p. 1). According to Melzer (2008), targeted killing must consist of three factors, 1) intentional; 2) exclude physical custody; and 3) attributable to international law.

As in the case of the 9/11 attacks, nearly 3,000 Americans were killed by 19 men on four aircraft (NCTAUUS, 2004). Terrorism is a worldwide issue where terrorist cells have popped up in large numbers. Although individual terrorist groups are small, they are spread throughout the world, making it difficult to track and poses a tremendous risk to national security. The events of September 11 were a first for the United States as they had never been subjected to acts of terrorism on its own soil. In response, to this act, the United States elected to fight back and take the necessary actions against bin Laden, and to send a clear message to the world that acts of terrorism would not be tolerated.

Targeted Killing as Overreaction

Human rights groups are not the only ones to raise objections to targeted killing. The American Civil Liberties Union (ACLU), launched a series of lawsuits against the United States government over the issue (Ackerman, 2014). The claim was made that the Obama

administration's justification in defense of the use of drones in targeting killing are considered "gross distortions of the law" because of the risk of civilian casualties that these type of strikes pose. The U.S. Congress holds similar concerns and has questioned Presidential authority limitations including the amount of evidence required for a drone strike, where in the world such strikes can take place, other limits on the use of this power, and particularly when capture is defined as infeasible.

Targeted Killing versus Assassination

Targeted killing has been commonly referred to in the following ways, extrajudicial killing, selective targeting, and even assassination. Although the terminology used to describe targeted killings may vary, the practice is the same. Furthermore, academic scholarship and its use of terminology to describe targeted killing has been met with much disagreement by leading scholars on the subject. The ACLU (2012) contends that the practice of targeted killing to be unconstitutional due to the nature of how it is carried out. While the circumstances that warrant targeted killing are understood and agreed upon, the terminology has created much confusion as to its true intent.

According to Solis (2007), assassinations and targeted killing are two very different acts. He posits that assassination is an illegal act of murder that looks to take out specific individuals for political gain or purposes. However, when terrorists are targeted, it is considered premeditated selection who is targeted because of the imminent threat they pose on society and innocent human beings. To that end, targeted killing is justified as an act of self-defense.

Reasons States Choose to Engage in Targeted Killing

Since 2001, there has been much emphasis placed upon extrajudicial action in regards to state-sanctioned targeted killings (Van Der Linden, 2015). The traditional intelligence cycle has

been greatly undermined by the September 11 terror attacks and subsequent terrorist atrocities committed against civilian populations and conventional warfare has been used as a means of combating international terrorism (Hulnick, 2006). The loss of 3000 lives on September 11, 2001, resulted in tremendous anger, fear, and pressure on the United States government to do something bringing about a need to make someone pay for the atrocities committed against the US (NCTAUS, 2004). Counter-terrorist strategy has yielded a schism in the conflict between post-industrial states with access to vast military firepower and non-state actors bereft of territorial legitimacy (Altman, 2012).

Although law-enforcement models argue that terrorism should be combated utilizing traditional means, they have proven inadequate as terrorist cells are spread far and wide making them virtually impossible to track. Many terrorists take refuge in other countries which compounds the enormous task of trying to track them accordingly. Terrorists do not play by the same rules of war and require necessary measures that are lethal in nature to ensure they are eradicated. A good example to this point is found in the AUMF where the President is allowed to use any and all necessary and appropriate force he deems necessary against terrorists (Cohn, 2015 p. 14). In doing so, the President is not required by law to define what is deemed necessary and appropriate force. This applies even if the government is not engaged in combat but are planning to in the immediate future. The use of lethal force is not only allowable, it is considered the truest act of self-defense. Every nation has the right to defend herself in the manner she deems appropriate and this often calls for making tough, strategic decisions to enforce it.

Methods of Targeted Killing the United States Employs

The United States has within its arsenal of weapons a vast array that consists of cruise missiles and fighter jets. They also have in their possession Precision-Guided Munitions (PGMs)

and Unmanned Aerial Vehicles (UAV), otherwise known as drones. American drones are considered to be the preferred weapon used more frequently than any other when fighting terrorism. Drones have been used to scope out key al-Qaeda and Taliban networks (including ISIS) (Library of Congress, 2016) in some of the most remote places in Afghanistan and Pakistan. The United States prefers the use of drones for their precision more often than bombs and missiles. Drones are equipped with cameras that have the ability to verify the selection of the correct target and the distance from innocent bystanders. They can hover over their targets for extended periods of time in order to verify intelligence information and choose the optimal time for attack. The capabilities of drone use has minimized the number of civilian casualties to less than half of those civilian casualties committed by bombs, missiles, or ground force attacks (Shane, 2012).

Kill/Capture Missions

Previously, President Obama granted the Pentagon permission to increase their kill/capture missions. These type of missions target specific individuals for assault and killing. Since 2009, special operations raids increased from less than 1,000 to well over 2,000 by 2011. Many raids are conducted by Navy SEALs and Army Delta Force personnel at night, resulting in no shots being fired and with targets in custody (Masters, 2013).

This has brought about much opposition from foreign governments who have strongly objected to American military operating in their territories. In response to criticism, since April 2012, the United States has put Afghan forces in charge of kill/capture activities within Afghanistan instead of the JSOC, which has helped prevent offending the local population (Masters 2013).

Drone Warfare

Drones as cameras.

The drone was first introduced as a viable weapon for kill/capture mission in 1995. Captain Scott O'Grady was manning a fighter jet in Bosnia and went down. A drone assisted in the search and rescue effort of O'Grady (Enemark, 2011). During a five day period, over 500 drone missions were conducted searching for O'Grady. Hiding from the Serbs, O'Grady was difficult to locate even with using drone technology. However, had it not been for the use of drone missions, O'Grady may have never been rescued. A thorough investigation following O'Grady's rescue was conducted and military aviation experts concluded it was one of the most expensive search and rescue missions ever conducted by the military. Further, it placed additional lives of military personnel in harm's way.

Drones equipped with missiles.

Drone warfare development increased dramatically after the 1991 Gulf War. This was largely because aviation experts had determined that Tomahawk cruise missiles used throughout the Gulf War were a limited solution to the problems of targeting (Flade, 2000). Even with optimizing the precision of Tomahawk missiles, the military needed something more to capitalize on their efforts to capture specific targets. Drones offered a viable, more cost-effective solution. Unmanned aerial vehicles (UAVs) can be operated from anywhere in the world and from any distance which has proven beneficial when tracking terrorists in the Middle East from U. S. soil. Additionally, several drones can be operated simultaneously by one individual (Flade, 2000). According to Flade (2000) UAVs can perform operations that normally a pilot would not be able to carry out.

Drones versus pilots.

Drone simulators are more cost-efficient and require less training for operators as opposed to traditional pilot training (Flade, 2000). To the contrary, Flade (2000) asserts that there is a potential down side “man-made electrical, magnetic, or other forms of interference could result in entire groups of [UAVs] shot down” (p. 9).

Drone technology.

Drones have a unique capability to watch their targets in order to ensure accuracy before striking. This minimized the number of casualties and ensures that the primary target is attacked at the appropriate moment. According to Strawser (2010), “UAV technology actually *increases* a pilot’s ability to discriminate” between terrorists and civilians, which keeps the practice within the bounds of just war tradition (Strawser, 2010 p. 351). Currently, the U.S. Department of Defense (DoD) operates the majority of U.S. drone programs in Iraq, Afghanistan and Libya. The CIA oversees drone operations outside of the tribal regions such as Pakistan, Yemen, and Somalia (Bureau of Investigative Journalism, 2016).

Drones and civilian casualties.

As effective as drones have been for targeted killings, they are still not 100 percent fail proof. Non-combatant casualties are still a major concern in drone warfare. Statistics show that civilian casualties are less than 20% (Shane, 2012).

Cases of Targeted Killing*The Night Raid Against Osama bin Laden*

One of the biggest targeted killings in modern American history, is the removal of Osama bin Laden. He was considered to be the mastermind that caused 9/11 attacks as well as the

attacks on U.S. embassies in Africa and on the USS *Cole*, a U.S. Navy ship (Wachtel, 2005). Intelligence reports uncovered that bin Laden was located at a compound in Abbottabad, Pakistan. The Obama administration commanded the U. S. Navy SEAL Team 6 to carry out a raid upon bin Laden's compound. The team secretly moved in during the night, captured and killed bin Laden and left with his body (Storie, Madden, & Liu, 2014). The majority of civilians residing in the compound with bin Laden were unharmed. Pakistani government officials did not put up a fight against the invasion by U. S. troops into Pakistani territory, but did argue that the actions were not in accordance international law as it was believe bin Laden could have been captured alive (Cunningham, 2013). Additionally, the U. S. received little backlash from other countries as it was agreed that that bin Laden was the mastermind behind the September 11 attacks and should be stopped (Gollwitzer, et al., 2014; Storie, Madden, & Liu, 2014). This gave the U. S. extrajudicial rights that made the raid legal and the use of force necessary.

Missile Strikes

Missile strikes have been used for targeted killings (Solis, 2007). One such instance occurred in 2002, when Qaed al-Harethi, a senior leader of al Qaeda, and six others riding with him was killed by a Hellfire missile while riding in an SUV in Yemen. In another attack that occurred in 2004, Sheik Ahmed Yassin, spiritual leader of Hamas, and 25 others were killed by Hellfire missiles fired from an Israeli helicopter. Abu Musab al-Zarqawi, who led al Qaeda in Iraq, was killed in 2006, by a bomb dropped by the United States Air Force. The majority of targeted killings by the United States, are carried out as drone strikes (Boyle, 2013; Cole, 2016).

American Citizen Anwar al-Awlaki

Perhaps the most controversial of all drone targeted killings was that of the death of Anwar al-Awlaki, an American citizen (Ackerman, 2014). The United States uncovered evidence

proving that al-Awlaki was a leader of al Qaeda in the Arabian Peninsula, posing a major global threat that endangered American citizens. Due to the nature of the circumstances, al-Awlaki was not eligible for the usual legal protections afforded because of his intentions and actions against his country (Ackerman, 2014). AUMF provided justification for the strike because al-Awlaki was considered an enemy of the U. S. As such, the use of lethal force was deemed appropriate in this case (Ackerman, 2014).

Benefits of Targeted Killing

High-level versus Low-level Terrorist Leaders

Modern advances in military technology have helped to successfully achieve the aims and objectives of combating terrorism that otherwise would be nearly impossible to overcome (Cohn, 2015). States have the right and will to undermine its infrastructure at the administrative level when fighting terrorist groups and putting out a hit on certain terrorist leaders being targeted (Himes, 2015). One such example, is Osama bin Laden, charmed his legion of followers (Waxman, et al., 2011), which was instrumental in the recruitment, funding, and unity of al Qaeda. When leaders are targeted and killed, replacement leaders are less effective than the original leaders. With elimination of primary leaders, their knowledge is not passed along, the skills and abilities of the group decrease, and the group's ability to strategize is impacted. As a result, groups are then forced to move around to avoid being spotted. This puts limitations on intelligence gathering that potentially puts innocent bystanders at risk and targeting the wrong individuals.

Safety of Military Personnel

The lives of military personnel are kept away from the frontlines and are saved when drones are used, thus, minimizing risk (Rae and Crist, 2014). When that risk is removed, drones

can prove a convenient crutch to rely on that provides little to no initiative towards negotiating hostilities before taking action.

Self Defense under National and International Law

Under the AUMF, the Bush and Obama administrations have both strived to carry-out targeted killings according to domestic and international law. The Obama administration consistently maintained that the U.S. faced a threat posed by al-Qaeda and ISIS (Library of Congress, 2016) which justified any targeted killings (Masters 2013). As terrorists continue to plan attacks on the U. S., the government must be at the ready to counter-attack when necessary. For example, al Qaeda continually plans attacks in inconsistent patterns making it nearly impossible to defend against them if action is delayed. This has been one of the primary arguments of U. S. intelligence to justify the appropriateness and use of lethal force. Traditional use of lethal force is implemented after all other options are exhausted. The U. S. maintains it does not negotiate with terrorists further trumping old ways of doing things.

Limitations of Targeted Killing

Revenge

Targeted killing has been proven to increase revenge and threats of retaliation from terrorist groups in response to deaths of terrorists and/or bystanders (Himes, 2015). Additionally, terrorist groups who utilize propaganda to further their agendas use targeted killings to incite discontent among their populations (Jacobson & Kaplan, 2007). As such, the U. S. has agreed to abide by rules to use targeted killings against imminent terrorist threats. This includes identifying terrorist leaders and resorting to targeted killing when all other efforts towards negotiations have failed, in the event targets cannot be captured. By the U. S. agreeing to adhere to these rules, it is expected that drone strikes will become less frequent which will limit the number of civilian

casualties.

Unnecessary Deaths

As targeted killings have become more prevalent and advanced, drones have become the preferred weapon of choice. Despite drones being predominately responsible for successfully decimated al Qaeda's leadership, backlash from human rights organizations say otherwise. Not only is the deployment of drones illegal, but supercedes the principles that outline just war rationale which often results in the killing of innocent civilians. Opponents contend that the U. S. drone program is counterproductive and creating resentment, potentially adding to the pool of terrorist recruits (Bergen & Tiedemann, 2011).

Brutal New Leadership

According to Waxman, et al. (2011), the targeted killings of terrorist group leaders has resulted in younger leaders enacting brutal revenge. Younger leaders are often radicalized from a very young age, never knowing what it means to live in peace with other countries. The use of drones to target certain terrorist targets has caused innocent civilians to lose their lives because of weak governments that do little to nothing to protect them. The U. S. often is blamed by other countries when key terrorist leaders are taken out.

Precedent-Setting Recklessness

Currently, the U. S. is the leader in drone strikes. There exists the ongoing threat that is setting a precedent and setting the stage for drones to end up in the wrong hands. If the United States is reckless in their choice of targets, this gives terrorists ammunition and incentive to attack in retaliation (Miasnikov, 2005). Drone usage provide an advantage over other forms of warfare because they are seldom defended or retaliated against. However, drones are subject to being overtaken by foreign agents and terrorists who look to do the U. S. harm (Miasnikov,

2005).

Lack of Precision

Drone operators have the ability to stake out targets to determine when and how to attack. This enables them to correctly identify terrorists with little to no failure rate as compared to ground troops or pilots. This minimizes collateral damage risks that otherwise are often imposed when an attack is launched (Shane, 2012). Strawser (2010) posits, “Once fear for their own safety is not a pressing concern, one would assume the operator would be more capable, not less, of behaving justly” (p. 353).

Shane (2012) further notes that drones have become a replacement for capture which in turn, incites unnecessary killing. If drones are used in many instances where other could have been found, then the small percentage of civilian casualties may become a very big number. Since 2010, civilian casualties reduced greatly in number. However, the Bureau of Investigative Journalism also claims that there are far more civilian casualties than those to which the Obama administration admit (Woods, 2016).

War Should be Last Resort

Therein lies a concern among military experts that drones increase the temptation to use force despite reducing casualty risks to American military personnel. According to Martin Cook of the U. S. Naval War College, drones are considered tactically smart but strategically dumb. (Cortright, 2013). The Obama administration has provided justifications for drone use that follow the just war doctrine; often violating the last resort option principle. Targets must be clearly proven in order to attack.

Legal Issues Involved in Targeted Killing

There are five prevalent legal conundrums that center around targeted killings. These

include sovereignty, due process, proportionality, collateral damage, and killing as prevention.

Sovereignty

The sovereignty of the states where strikes occur have raised many questions as to whether or not targeted killings are ethical when not authorized in territories beyond a government's jurisdiction (Rae and Crist, 2014). The U. S. entering territories without permission or invitation has incited many protests by the governments and the peoples of Middle Eastern countries against the United States.

Due Process

Targeted killings tend to undermine western legal discourse that all suspects are innocent until they are proven guilty, and in doing so, can further undermine the philosophical foundations of law in liberal democracies (McMahon, 2012). This includes taking into account a suspect's due process rights (McKelvey, 2011).

Proportionality

The principle of proportionality in international law is challenged when targeted killings are used (Maxwell, 2012). The argument continues that in all cases, terrorists could be captured instead of targeted and killed. However, this would require a great deal more expense, as military personnel would be placed in harms' way and would require significant backup. Meanwhile, they would likely face resistance, necessitating killing in self-defense in any event. Under these circumstances, international law demands that lethal force only be used as a last resort to address an imminent threat of deadly harm.

Collateral Damage

The just war theory is often difficult to justify because it has been proven that targeted killings terrorize local populations and kill innocent bystanders (Mayer, 2015). Drones have the

ability to hover overhead for prolonged periods of time, causing fear and chaos among populations and providing little to no feeling of safety. They are also a dead giveaway for terrorists who can flee areas upon detecting their presence.

Deaths of innocent bystanders have resulted in 4-20% of civilian casualties. This percentage is significantly lower than civilian casualty deaths resulting from conventional war methods. Proponents argue that governments should face accountability for the damage that they cannot avoid doing.

Moral Issues Involved in Targeted Killing

There are many moral issues that have been raised as a result of targeted killing. Knowing when other countries should be intruded upon and the extent of threats that pose a safety concern are two considerations that should determine when it is morally correct to take preventative action.

Sovereignty

In the past, the U. S. has authorized targeted killings in sovereign states that are outside U. S. government's jurisdiction (Rae & Crist, 2014). Historically, the U. S. has worked in conjunction with sovereign governments that have had their own trouble with terrorists to use drones to strike terrorist targets across international borders. It is the goal of every country to control their own skies and the fate of their citizens. The U. S. is no exception. However, when civilian casualties are the result of targeted drone attacks, this impairs the reputation of the U. S. and hinders relations with other countries.

Innocent Until Proven Guilty

The long-established, legal discourse of Western culture suggests that one is innocent until proven guilty. Western legal ethics are at the very core of this premise. There has been

much debate as to whether targeted killings undermine the ethical foundations of law in liberal democracies (McMahon, 2012).

The AUMF has previously provided few legal restrictions regarding who can be targeted as an immediate threat to the U. S. However, ethical standards should vastly limit the use of targeted killings. By limiting targets, this would greatly improve political relations abroad. If this is to be achieved, the U. S. has a responsibility to create a well-planned organizational, transparent structure where every possible due process is provided for citizens who are potential targets of drone strikes or other targeted assaults.

Proportionality

Within the realm of targeted killings, the principle of proportionality in international law must be obeyed at all costs. This means that civilians should not be subject to attack when acts of terrorism warrant tense hostilities. Currently, little data exists that supports attempts to capture terrorists operating within foreign borders. It is often presumed that terrorists should be captured, not killed. The U. S. has shown time and again its unwillingness to negotiate with terrorists. Capturing terrorists is a form of negotiation unless it proves beneficial to related investigations on terrorism. It has also been proven that the use of drones as a means of combat is a less risky and less expensive option than placing military personnel in harm's way.

The long-standing questions regarding terrorist negotiations concerns the length of time negotiations should take place before action is taken and how aggressive the U. S. should be in its efforts to engage them in negotiations as it pertains to capturing terrorists instead of killing them. As of yet, there has been no viable answer to resolve those questions. The U. S. has historically been very deliberate in its fight against terrorism. What tactic might work in one case, may not prove beneficial in another.

Killing as Prevention: Widespread versus Restricted Use

Counterterrorist strategies in the context of war and international law are not often recognized. The claim of acting in self-defense is questionable at best. If targeted killings take on a legal recourse to preemptive self-defense, (Kolb and Hyde, 2008), the danger exists that will set a precedence for all countries in how to best deal effectively with terrorism, thus, putting the safety and security of civilians at risk.

Terrorists by and large have made declarations of war difficult because of their widespread global network. The goal of the U. S. is to halt any imminent terrorist threat to the country but because terrorists are difficult to locate, war cannot be declared on a specific country as terrorists are an island unto themselves. There may be ties to countries but no one country is the catalyst for terrorism. Therefore, the U. S. has found drone warfare to be an effective means for pinpointing locations of known terrorist cells and targets that troops on the ground may not always be privy to.

The use of drones as a viable alternative to traditional warfare must include strong considerations of their use and limited to the most severe threats where they are appropriate. Proof of an imminent threat must exist giving civilians to feel safe and secure in their homes. Targeted killings have provided an alternative that works in targeting terrorist cells and will continue to have legal recourse now and in the future (McMahon, 2012). However, the U. S. must continue to explore its options as well as the appropriateness of the use of drones to clearly define the limitations and restrictions as much as possible.

During the Obama administration, President Obama acknowledged his awareness of the use of drones for the purposes of targeted killings. He previously implied during a speech he

delivered in 2013, that the management of the drone program would be transferred from the CIA to the U.S. military (Ackerman, 2013). One of the initial things President Obama did upon being sworn in was expand the drone program to areas in Pakistan and added the countries of Yemen, Somalia, and Libya as terrorist targets. In regions inside the Middle East and Africa, airfields were developed to provide bases for drones. The number of terrorist officials in al Qaeda increased from high-level to low-level targets. Throughout his presidency, President Obama continued to give drones special preference as a weapon of choice in the war against terrorism. This was primarily due in large part to drones being able to hone in on specific terrorist cells and targets and minimizing costs. The CIA has also used drones liberally to seek out and target suspected terrorists that have well-known characteristics and patterns of behavior that warrant taking a closer look. Opponents of drone warfare have argued that profiling and the use of drones needs to cease due to the level of false positives that have been found as a result.

From 2013 until the end of President Obama's presidency, he maintained his desire to place harsh restrictions on drone use (Ackerman, 2013). His rationale supported the need for stiffer guidelines regarding the use of drones under the rules of engagement. This included that before a drone strike could occur, there must be absolute certainty of the terrorist target so that no civilians will be harmed or killed. President Obama spoke to a crowd at the National Defense University on the topic of drones and eluded that the use of drones as a form of warfare enacted by the military may not always be the most appropriate choice in the fight against terrorism. However, he implied he was in favor of working with Congress to develop and implement added and enhanced protocols and guidelines to the existing targeted killing program. Doing so will ensure that the correct terrorist individuals and cells are targeted. President Obama also stated that he was equally in favor of creating a top-secret court where captured terrorists could be

tried. Presently the only similar court of its kind to exist is a top-secret court that determines outcomes of issues surrounding the best measure for surveilling suspected terrorists. There is little doubt that the tough questions need to be addressed to determine the extent to which the President and the military can be given powers to declare war under the existing AUMF revision.

The AUMF has failed to provide rationale and justification to the looming questions that continue to play into this topic. Instead it has enlarged the President's authority in the war on terrorism, specifically terrorists to ISIS and other known terrorist cells and groups (Library of Congress, 2016). Senator Mitch McConnell has been the biggest proponent of the use of drones and countered President Obama's efforts to impose expanded restrictions and protocols on drone warfare. There exists a great risk in using drones to target terrorists. Therefore, President Obama was very reluctant to cease the drone program on the premise that the choice of options does offer little confidence in their preciseness. Because of this it has the propensity of creating even bigger issues of an attack from a foreign nation which could result in civilian injuries and casualties. The impact of this creates tension from foreign governments and their citizens. These considerations prompted President Obama to restrict the targeted killing program in the Middle East and surrounding nations.

Since 2013, guidelines denoting certain standards and practices enacted by President Obama have been implemented to determine the best practices for carrying out drone missions. These standards give clear directives to military personnel of the best measures of drone use when determining if capture/kill missions against identified, known terrorist targets outside the United States. As a result, stricter guidelines are now in place where targeted killings and targeted captures are concerned. With these latest protocols in place, this ensures that all bases are covered regarding attempted captures that can go very wrong and end up as killings. When

capturing terrorists instead of killing them, they are entitled to the same due process that killing them requires.

Conclusion

The use of drones as tactical warfare is the U. S. prefers when carrying out counterterrorism operations in Afghanistan and Iraq, as well as Pakistan, Yemen, Libya and Somalia. During the Obama administration, drone strikes were originally directed solely at al Qaeda and the Taliban, which was a more precise program than that of the George W. Bush administration. As al Qaeda targets were discovered in other countries, the program under President Obama expanded into more countries.

The use of drones promote many positive benefits such as fewer civilian and far fewer U. S. military casualties, greater maneuverability of the aircraft itself, and lower fuel, training, accident and maintenance costs. When drones go down, it does not require the same level of search and rescue/recovery protocols compared to an aircraft being shot down. Unlike military power carried out on the ground and in air, drones also have the ability to perform reconnaissance for long periods, through watching and waiting in a way that no manned aircraft could manage.

Some of the negative aspects of using drones in warfare is they alienate people and incite fear among the innocent that the U. S. strives to protect. This is due in large part to the fact that drones have caused civilian casualties in many of the strikes made on terrorist targets and cells. As the use of drones has increased, so has the recruitment efforts of terrorists within al Qaeda and other groups such as ISIS. It has also brought about resistance from other countries.

The use of drone technology as a means of tactical warfare has also incited a fear towards the tendency to overuse it, resulting in unnecessary casualties. President Obama vastly expanded

the program until protests were such that he finally felt that the program needed further restrictions. In an age where hacking has become a major challenge to technological advances, the reality exists that hackers could compromise both the drone and its mission, with disastrous results.

In recent years, drone strikes have replaced traditional kill/capture missions. Many worldwide have questioned the ethical and lawful use of the drone program by the U. S. There are growing concerns that use of drones will further endanger the ability of the U. S. and other countries to collect intelligence, as none can be provided by dead terrorists. However, if statistics are to be believed, the use of drones has resulted in fewer injuries and civilian deaths perpetuating the idea that care and precision in their use seem to have increased with time and experience. If this is true, it bodes well for the future of drone deployment.

The legality and morality of killing terrorists is often in question. There is no hard and fast answer, so these questions are likely to be debated for a long time into the future. Every person and country has a right to self-defense, but without guidelines such programs could become a free-for-all, leaving everyone less safe. Therefore, the laws of warfare may have to be rewritten in the near future to accommodate this new technology. Meanwhile, drones are here to stay and are proliferating in countries beyond the United States, even in peacetime. Logical conclusions include the following:

- ❑ Targeted killings have proven to be effective in the war on terrorism, when the aims and objectives are to target and kill terrorist leaders while providing maximum safe environments for troops in war zones.
- ❑ Targeted killings spearheaded by the U. S. have rapidly increased over the course of the past two decades (Cole, 2016). As such, they are likely to be the answer for counter-

terrorism in the future.

- ❑ The number of targeted killings has increased exponentially in known zones of conflict that far outweighs any other discourse along philosophical, political, legal and moral lines that require the use of drone warfare.
- ❑ Targeted killings have the capacity to undermine safety goals, to aggravate terrorist grievances and kill innocent civilians. Strict written guidelines must be applicable to all countries, with substantial oversight providing checks and balances on potentially overreaching military administrations, so that drones are not overused and deaths are kept to a minimum.
- ❑ Despite all the challenges, dissolving the drone program is also not a moral act if it means failure to respond to terrorist attacks or threats and leaving the world susceptible to more terrorist attacks.
- ❑ If negotiating with terrorists is not an option, then it is important to recognize non-terrorist actors with governmental or other authority with whom negotiations can take place. This includes hearing grievances and addressing them.

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