

**A Source of Our Strength:
The Obama Administration's Drone Program as a Case of Ontological Security**

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Abstract

Eighteen years after the first American drone strike, the US drone program now operates in a record-setting number of countries across the Middle East and Africa. This paper examines the Obama administration's expansion of the US drone program through the lens of Ontological Security Theory, wherein states fulfill their need for security as a sense of being by engaging in uncertainty-reducing and identity-building international relationships, including dilemmatic conflicts. This paper argues that President Obama and his administration failed to adequately address the drone program's domestic, constitutional, and international legal brokenness due to an ontological attachment to the morality behind the conduct of drone operations. In their public statements, administration officials rationalized the program as a medical tool eliminating "the cancerous tumor called an al-Qaeda terrorist" and presented drones as a morally superior alternative to the use of torture and of indefinite detention in Guantanamo Bay. As such, the Obama-era drone program existed both as an uncertainty reduction routine vis a vis the dilemmatic conflict of terrorism, as well as a reflexive, identity-building international relationship that established the program as a key element of the 'forever war' against al-Qaeda and set the stage for Trump-era program expansion. As this expansion proceeds, the program will only become further at odds with America's long-term rational interests.

"And even as we confront a vicious adversary that abides by no rules, I believe the United States of America must remain a standard bearer in the conduct of war. That is what makes us different from those whom we fight. That is a source of our strength."

Barack Obama, Nobel Peace Prize speech, 2009

At Least Another Decade

The US-led War on Terror will soon enter its eighteenth year. This war is global; its battlefield extends over more than a dozen countries, and its belligerents include not only the US and its NATO allies but many other state and non-state actors. Its cost too is enormous: tens of thousands have been killed and trillions of dollars expended. But the enemy, as he once existed, has been destroyed. Al-Qaeda core in Pakistan has been rendered irrelevant and its affiliates in the Levant, Arabian Peninsula and Sahel fatally weakened by a combination of mass counterinsurgency, special operations, drone strikes, and local soldiering. Assessing the situation in 2012, Homeland Security Advisor John Brennan agreed that "the United States is more secure and the American people are safer" than they were before 9/11 (Transcript of Remarks).

Given that the War on Terror was launched as a direct response to the 9/11 attacks, a lay observer might expect that such a statement would preface an end to drone strikes, widely considered – alongside torture – as the most legally objectionable of America's wartime practices. Rather, in 2013, the Assistant Secretary of Defense for Special Operations told Congress that the war would last "at least 10 to 20 years" and that the US is involved in "a generational struggle" (Hearing to Receive Testimony). This was not an isolated opinion; a

year earlier it was reported that the Obama administration expected to extend kill or capture operations for “at least another decade”, even as it withdrew combat troops from Afghanistan (Miller, 2012). The war would continue as a series of covert actions, with the US drone program expanding to cover new territories in the Middle East and – increasingly – in Africa, and with the use of drone strikes becoming engrained as a central element of American ‘forever war’ against terror groups.

To suggest that a state should end a war or unilaterally restrict the use of a weapon is to presuppose that the benefits of continuing along a present course no longer outweigh (or never outweighed) the costs of doing so. While the benefits of a particular weapon are simple to articulate, the costs of war take several non-obvious forms. In *Every War Must End*, Fred Iklé warned of the “treason of the hawks”, the danger of “making enemies, not by fighting too little but by fighting too much and too long”; in *Myths of Empire*, Jack Snyder focused instead on imperial overextension as the common pitfall of ambitious expansion (Iklé, 2005; Snyder, 1991). As to why such non-financial costs are so often incurred by warring states, explanations often rest on the opposed psychological concepts of mission creep (occurring in the face of success) and escalation of commitment (occurring in the face of failure).

This paper first establishes that the cost of US drone strikes is primarily reputational, stemming from strain they place on the framework of international, domestic, and constitutional law in which US armed forces necessarily operate, and that the Obama administration should have considered these costs prohibitively high. Secondly, the flaws in Obama-era justifications of and fixes to the drone program are explained in order to argue – thirdly – via the lens of Ontological Security Theory, that the use of drone strikes continued throughout the Obama presidency due to the administration’s ontological attachment to the morality of the US drone program’s operations against non-state actors. Lastly, this paper will turn towards the post-Obama years in order to demonstrate that the US drone program has entered a new phase, primarily characterized by rapid expansion and decreased transparency, and therefore continues not to serve America’s long-term rational interests.

Preferring Cloudy Days

Beginning with a botched drone strike against Mullah Omar in Afghanistan in October 2001, the US drone program has operated in Yemen since 2002, Pakistan since 2004, Somalia since 2007, and Libya since 2011. In total, the resulting 6,786 airstrikes (5,888 in Afghanistan alone) have killed between 8,459 and 12,105 people as of this writing (Woods, 2015; Drone Warfare, 2019). This paper disregards data from Afghanistan since the relevant Drone Warfare dataset does not adequately distinguish drone strikes from other airstrikes, and the data is only recorded since 2015. As shown in Figure 1, under President Obama, the intensity of strikes in a single country peaked in 2010, with 128 strikes and 755 casualties in Pakistan; under President Trump, it peaked in terms of strikes in 2017, with 127 in Yemen, and in terms of casualties in 2018, with 335 in Somalia (Drone Warfare, 2019). The drone program’s footprint has also continued to increase. In 2016, the US Air Force undertook the largest construction project in its history: Nigerien Air Base 201, a purpose-built drone airfield which will begin operating in 2019 at a construction cost of \$100M and a total cost of \$280M by 2024 (Turse, 2018).

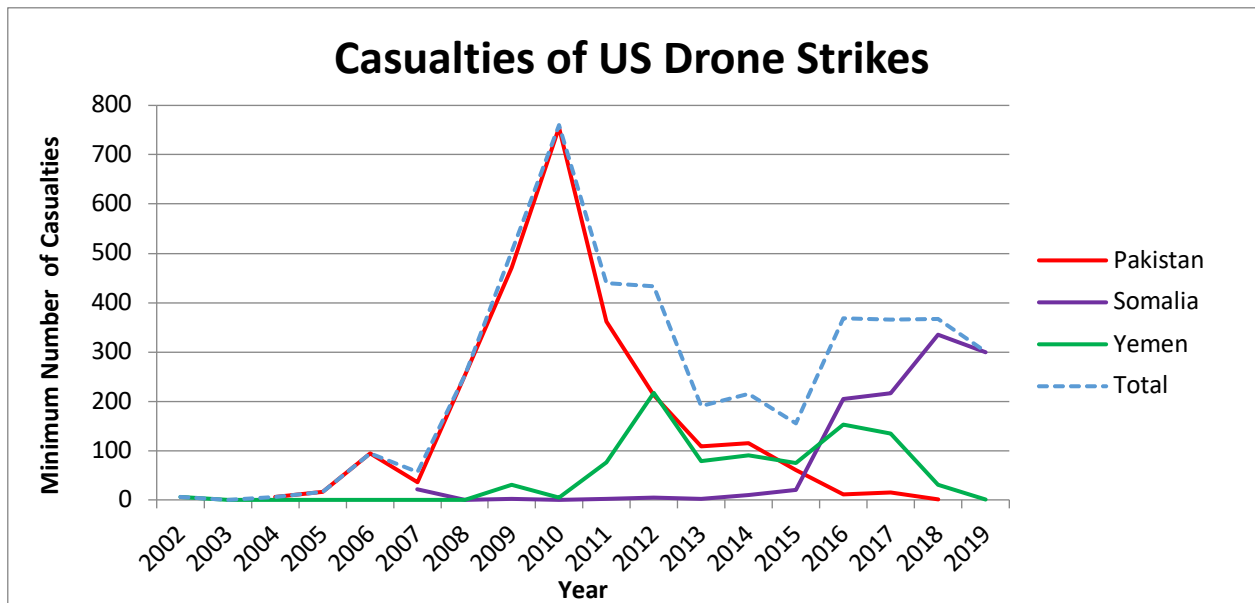


Figure 1. Graph of the casualties of US drone strikes, 2002-present. Data from ‘Drone Warfare,’ 2019, *The Bureau of Investigative Journalism*.

On their face, armed unmanned aerial vehicles, or drones, like the MQ-9 Reaper currently operated by the US, represent an elegant solution to the unique problems posed by the need to conduct counterterrorism operations in battlefields that are both geographically distant and topographically challenging. In contrast to troops and conventional aircraft, armed drones can loiter unnoticed over an area for a dozen hours or more, before acting within narrow windows of opportunity to eliminate elusive personnel targets or to enhance a constantly shifting intelligence picture (Schmitt, 1992; Travalio and Altenburg, 2003). Indeed, drones are a cost-effective, efficient and flexible military capacity, offering the US the possibility – in theory at least – of permanently replacing mass troop deployments and counterinsurgency efforts with small forward contingents of special forces supported by around-the-clock air support and surveillance. Air Base 201 epitomizes this strategy, in the context of ongoing US operations in West Africa. Nonetheless, the efficacy of drone strikes does not come without unique reputational costs.

The most publicised of these reputational costs is the killing of American members of terrorist organisations, especially since this often occurs outside of traditional ‘hot’ battlefields. Because the US Supreme Court’s decision in *Reid v. Covert* decisively “reject[ed] the idea that when the United States acts against citizens abroad it can do so free of the Bill of Rights”, this killing also raised a thorny legal issue (Supreme Court, 1957, 5). In September 2011, Anwar al-Awlaki became the first American citizen to be killed by a US drone strike when the vehicle he was travelling in was destroyed in Yemen; two weeks later, another drone strike killed his US-born 16-year-old son, Abdulrahman (Mazzetti, 2015). Disturbingly, although several US officials – including Attorney General Eric Holder – claimed that the boy was not the intended target, another official claimed that John Brennan “suspected that the kid had been killed intentionally and ordered a review” (Holder Letter, 2013, 2; Whitlock, 2011; Scahill, 2013). Note that of the seven Americans confirmed killed by drone strikes (three as recently as 2015), the US maintains that only Anwar was deliberately targeted (Taylor, 2015).

In 2012, the American Civil Liberties Union (ACLU) and the Center for Constitutional Rights (CCR) responded to the killings with a lawsuit charging that the US government had violated the right to due process, the prohibition on unreasonable seizures, and the ban on extrajudicial death warrants – rights guaranteed under the Fifth and Fourth Amendments to the US Constitution and the Bill of Attainder Clause, respectively (*Al-Aulaqi v. Panetta*). Although the court dismissed the lawsuit based on the fact that special factors precluded the entitlement to a remedy, the court held that the suit stated “a ‘plausible’ [...] due process claim on behalf of Anwar al-Awlaki” (*Al-Aulaqi v. Panetta*, 2014, 38). This view of due process contradicted Eric Holder’s statement that “due process and judicial process are not one and the same”, with the US Constitution only guaranteeing the former (Attorney General, 2012). Interestingly, although the court also held that the lawsuit lacked a valid Fourth Amendment claim since the al-Awlakis were not seized by the US government, this opinion is partly contradicted by Supreme Court precedent (*Al-Aulaqi v. Panetta*, 2014, 24). In *Tennessee v. Garner*, Justice White wrote that “there can be no question that apprehension by the use of deadly force is a seizure subject to the reasonableness requirement of the Fourth Amendment” (Supreme Court, 1985, 7).

Nonetheless, following a later ACLU Freedom of Information Act Request, the Obama administration was ordered to release documents justifying the al-Awlaki killings (Wolfgang, 2014). In 2014, the Department of Justice (DOJ) disclosed a 2010 memo affirming that, given the “realities of combat”, no due process would be constitutionally required before using lethal force against Anwar al-Awlaki since, as an AQAP leader, he posed “a continued and imminent threat” to the US and a “capture operation would be unfeasible” (Memorandum, 2010, 40-41). This conclusion was justified via reference to a classified Clinton administration memo, which stated that “under the law of armed conflict, killing a person who posed an imminent threat to the United States would be an act of self-defence, not an assassination” (The 9/11 Commission, 2004, 132). By invoking the law of armed conflict, this memo sought to make state-sponsored killing on the grounds of anticipatory self-defence analogous to a state’s right to self-defence against “armed attack” as outlined by Article 51 of the UN Charter (Charter, 1945, 10; Schmitt, 1992, 646). This conception of self-defence clearly anticipated a *valid* Fourth Amendment claim, (note the contradiction of the *Al-Aulaqi v. Panetta* decision) but nevertheless provided a legal framework that allowed drone strikes to avoid violating the amendment’s “reasonableness test” (Memorandum, 2010, 41). The claim of self-defence also allowed drone strikes to dodge the prohibition on assassination stipulated by clause 2.11 of Executive Order No. 12333, which would otherwise have required amendment (1981; Gellman, 2001).

Furthermore, a 2011 DOJ white paper later redefined the terms ‘imminent threat’ and ‘feasibility of capture’ in order to broaden the applicability of self-defence. ‘Imminent’ is typically defined as ‘likely to happen very soon’; the classic standard of imminence holds that self-defence “should be confined to cases in which the necessity of that self-defence is instant, overwhelming, and leaving no choice of means, and no moment for deliberation” (Schmitt, 1992, 647). Yet, according to the DOJ white paper, “an ‘imminent’ threat of attack against the United States does *not* require the United States to have clear evidence that a specific attack on US persons and interests will take place in the *immediate future*” [emphasis added] (DOJ White Paper, 2011, 7). The white paper also quotes the testimony of UK Attorney-General Lord Goldsmith, who, in describing his government’s position, stated that “the concept of what constitutes an ‘imminent’ armed attack will develop to meet new

circumstances and new threats” (Lords Hansard, 2004). Thus, the DOJ’s definition of ‘imminent’ is both excessively broad and worryingly malleable. The definition of ‘feasibility of capture’ is equally vague, defined as a “highly fact-specific and potentially time-sensitive inquiry” dependent on physical practicability, the consent of the relevant country, and the risk to US personnel (DOJ White Paper, 2011, 8).

Where does this leave the lay observer? Legally, every Obama-era drone strike was in self-defence, but the criteria for self-defence had been diluted away successively. That is the conclusion produced by the DOJ’s tailored logic, and it smacks of legal brokenness. Brokenness because this logic clearly violates the International Humanitarian Law (IHL) principle of necessity, requiring “that the target have definite military value”, which, along with distinction, proportionality, and humanity, is one of four fundamental principles governing the use of force (Attorney General, 2012; Dinstein, 2004, 115-116, 119-123; Davis et al., 2016, 3). This dilution of necessity was exacerbated by the fact that the majority of drone strikes make use of signature, rather than personal, targeting. Signature strikes rely on an individual’s “observed patterns of behaviour” to determine if they qualify as a combatant, without having to determine their identity (Benson, 2014, 29). Since 2010, such targeting practices, as well as the moral hazard raised by the idea of “negligible risks from strikes”, have encouraged operators to pursue targets of increasingly low rank and to use drones more liberally than if they were conventional bombers (Zenko, 2013, 8; Cronin, 2013, 47). The result is a list-centric mentality – the idea that “if we can succeed in eliminating that list we will have achieved good things” (Coll, 2014).

As expected, targeting individuals without needing clear evidence of their responsibility for a specific (future) attack creates a terrifying uncertainty in targeted areas, with drone phobia descending over entire communities (DOJ White Paper, 2011, 7; Agius, 2017). “Now I prefer cloudy days when the drones don’t fly,” said one 13-year-old Pakistani boy in testimony to Congress (McVeigh, 2013). Families suffered retribution against those suspected of being spies working to mark targets for the US (Agius, 2017, 377; Coll, 2014). Indeed, given “Pakistani mores surrounding hospitality”, signature strikes in Pakistan’s FATA sometimes resulted in disproportionate civilian casualties since tribal elders could not decline hosting or meeting with Taliban fighters (Benson, 2014, 38). Most importantly, the principle that drones “kill relatively few, but [...] terrify many more” did great harm to the drone program’s effectiveness as a component of the larger War on Terror (Coll, 2014). As Sahab, al-Qaeda’s propaganda wing, routinely attracts recruits by portraying drone strikes as indiscriminate attacks against Muslims (Cronin, 2013, 46). Drone strikes are also unpopular even with major US allies; between 2012 and 2014 public disapproval increased in the UK (47% to 59%), France (63% to 72%), Germany (59% to 67%), and Japan (75% to 82%), and remained very high (about 80%) across the vast majority of the Muslim world (Drake, 2013; Global Opposition, 2014). Majorities expressed approval only in Israel (68% as of 2014), Kenya (53% as of 2014), and the US itself (58% as of 2015, down from 65% in 2012) (Drake, 2013; Public Continues, 2015).

Terror Tuesdays

Of course, the intricacies of relating constitutional and international law to the US drone program were inaccessible to the lay observer. This posed a problem to the Obama administration because, in the words of former Bush II Assistant Attorney General Goldsmith, the prevailing sentiment stemming from the targeted killing of US citizens was

that “the government can and should tell us more about the process by which it reaches its high-value targeting decisions” (Goldsmith, 2012). The Obama administration therefore relied on easily comprehensible domestic legislation and policy in order to justify the propriety of its drone strikes. In his 2013 speech formally acknowledging the US drone program, President Obama first referred to America’s claim of self-defence against terror groups, but the aforementioned ‘imminence’ issue reveals this claim’s weakness. Two more justifications followed, namely the Authorization for Use of Military Force (AUMF) of 2001 and the recent Presidential Policy Guidance (PPG) of 2013 (Remarks, 2013). Yet, as the analysis below reveals, both justifications were flawed; the legislation was long ago exceeded by US action, while the policy guidance is undercut by the covert nature of drone strikes and by the double delegation of strike authority.

The AUMF legislation, passed by Congress in the wake of 9/11, included a major caveat, in that it only ever authorized the President to use force against “those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001,” and only in order to prevent future acts of terrorism against the US (AUMF, 2001). Even in the days immediately following 9/11, Congress denied a request from the Bush II administration to authorize the use of force “to deter and pre-empt *any* future acts of terrorism or aggression” [emphasis added] (Congressional Record, 2001). Although the AUMF was intended to function as a declaration of war, it was not intended to cover force used outside of traditional battlefields or against groups unconnected to al-Qaeda or its perpetration of 9/11. It was certainly never intended as a blank cheque “to prevent all future bad acts committed by anyone, anywhere” (Brooks, 2016, 292). As such, US drone strikes had long since passed beyond the limits of the AUMF by targeting groups, such as Al-Shabaab in Somalia, which had nothing to do with 9/11 (Savage, 2016). In his 2013 speech, President Obama did refer to the danger of relying on the AUMF, conceding that it risked keeping America perpetually at war and recognizing that in the future, “not every collection of thugs that labels themselves al-Qaeda will pose a credible threat to the United States” (Remarks, 2013). Indeed, treating a localized terror group like al-Qaeda runs the risk of strengthening it (Cronin, 2013, 48). Nonetheless, in 2014 the AUMF was interpreted to cover ISIS, a group officially considered to be al-Qaeda’s inheritor despite the two organisations being engaged in open conflict (Background Statement, 2014). The administration had drafted an ISIS-specific AUMF, but rather than slightly altering the original AUMF’s language to cover ISIS, it expanded the president’s powers by including groups fighting “alongside” ISIS as well as “any closely-related successor entity” (Goldsmith, 2015).

In light of the public’s concern over the legal ambiguity of the US drone program, the Obama administration’s 2013 Presidential Policy Guidance (PPG) established standard operating procedures governing the use of force “against terrorist targets outside the United States and areas of active hostilities” (Remarks, 2013; PPG, 2013, 1). According to President Obama, the PPG was drafted on the basis that “to say a military tactic is legal, or even effective, is not to say it is wise or moral in every instance” (Remarks, 2013). In addition to the aforementioned standards of imminence and feasible capture, the PPG established that lethal force requires near certainty that the target is present, that non-combatants will not become casualties, and that no reasonable alternatives exist to address the threat to US persons (2013, 11). In effect, these guidelines constitute an incorporation into US policy of the IHL principles of distinction – “that attacks be limited to military objectives” – as well as

of proportionality – that attacks cannot cause a loss of civilian life “excessive in relation to the [...] military advantage anticipated” (Koh Speech, 2010, 14). Note that the final principle, humanity, requiring the use of “weapons that will not inflict unnecessary suffering” is satisfied by the MQ-9 Reaper’s armament, the Hellfire missile, which is not designed to cause unnecessary injury and, furthermore, is not banned by any international treaty or convention (Attorney General, 2012; Blank, 2012, 185). Thus, the administration used the PPG to avoid repeating the embarrassment that occurred in 2011, when a series of drone strikes killed four US citizens, despite only specifically targeting one (Holder Letter, 2013, 2).

However, questions remain about the PPG’s relevance with regard to the covert action umbrella under which the US drone program falls. One hundred or so officials are said to have directly participated in the National Security Council’s “Terror Tuesday” meetings in which individuals were added to (and more rarely removed from) the 30-person “kill list” of approved drone targets, yet this process – and presidential authority itself – was not required for each strike (Brooks, 2016, 115; Priest, 2011). Indeed, separate authority to act against al-Qaeda had been granted to the CIA in a 2001 presidential finding extended by the Obama administration; indeed, the military’s responsibility for drone operations was only definitively increased in 2016 (Bobich, 2007, 1130; Entous and Lubold, 2016). In practice, both the CIA and Joint Special Operations Command (JSOC) maintained separate lists independent of external input and had the authority to conduct strikes delegated to them on a country-by-country basis, with the Pentagon operating in Iraq and Afghanistan, and the CIA operating in Pakistan, Yemen, and Somalia (Priest, 2011; Scahill, 2013). Ultimately, this triplication of efforts naturally exacerbated issues of interagency coordination, chain of command, and especially oversight.

For example, the CIA denied responsibility for the 2011 drone strike that killed Abdulrahman al-Awlaki; instead, JSOC carried out the strike, despite it occurring in Yemen, and then briefed the Senate Armed Services Committee (Scahill, 2013). As per the 1991 Intelligence Authorization Act (IAA), all covert action must be subsequently disclosed to the congressional intelligence committees, even if only to the Gang of Eight, which consists of the majority and minority leaders of both chambers of Congress as well as the chairs and ranking members of both chambers’ intelligence committees (Brooks, 2016, 122; Bobich, 2007, 1121). However, the IAA also exempted “traditional [...] military activities” from this requirement – with the definition of ‘traditional’ strongly contested (IAA, 1991; Brooks, 2016, 122). The Pentagon could therefore insist that its strikes were part of ‘traditional’ rather than ‘covert’ activity in order to avoid intelligence committee scrutiny, while the CIA could abuse security classifications in order to limit its reporting to the Gang of Eight rather than to full committees (Brooks, 2016, 123). This situation, further fueled by inter-service rivalry, also introduced the risk that a given drone strike would be assigned – depending on its target and geographic location – to the entity that could conduct it with the least oversight from the legislative branch.

The Moral Dimension

Why were the above problems not corrected? They were not intractable; indeed, several solutions were proposed by President Obama himself, and several partial fixes, namely the 2013 Presidential Policy Guidance, were successfully adopted. Solutions were also desperately needed in order to transition the US from war to peace and a sense of “postwar normality” (Cronin, 2014, 193). These solutions are referred to here as

'normalization', a term denoting the termination or renegotiation of the "slapdash pastiche of legal theories" often invoked to justify the drone program (A Thin Rationale, 2014). For example, during his 2013 speech, President Obama suggested that he would engage "in efforts to refine, and ultimately repeal, the AUMF's mandate" (Remarks). He also mentioned two options for expanding oversight of the drone program beyond that already provided by congressional intelligence committees: the involvement of the judiciary via a special court responsible for authorizing lethal action, and the creation of an independent oversight board in the executive branch (Remarks, 2013). Other commentators called on the congressional intelligence committees to publicly endorse the soundness of the president's targeting decisions (Goldsmith, 2012).

The failure to implement some of these solutions did have sound explanations. Perhaps the most immediately appealing solution, the involvement of the judiciary in targeting decisions, was unlikely to work either practically – given the narrow windows of opportunity in which drones operate – or legally (Jeh Johnson Speech, 2013). In 2010, the ACLU and the CCR filed a lawsuit aiming to prevent President Obama from carrying out the targeted killing of Anwar al-Awlaki after the press reported his placement on a government 'kill list' (Al-Aulaqi v. Obama Complaint, 2010). The case was dismissed partly due to the "impropriety of judicial review"; Judge Bates wrote that "the Constitution place[s] responsibility for the military decisions at issue in this case 'in the hands of those who are best positioned and most politically accountable for making them'", namely the president and Congress (Al-Aulaqi v. Obama Opinion, 2010, 71, 79). Under Article II, Section II of the Constitution, the president is allocated national security powers in his role as commander in chief of US armed forces (Al-Aulaqi v. Obama Opinion, 2010, 72). Indeed, the Supreme Court itself has ruled that an individual's US citizenship does not act to prevent the president from using military force (Goldsmith, 2012).

Instead, the US drone program continued to operate largely unconstrained due to the Obama administration's ontological attachment to the morality of using drone strikes against the non-state actors with which the US was and still is at war. Ontological Security Theory (OST) stresses the significance of "security as *being* rather than security as *survival*", wherein "ontological security refers to the need to experience oneself as a whole, continuous person in time – as being rather than constantly changing" (Agius, 2017, 375; Mitzen, 2006, 342). Individuals experience ontological insecurity when uncertainty robs them of their agency and thereby threatens their sense of self-identity (Mitzen, 2006). OST asserts that states – conceptualized as scaled-up sets of individuals – seek an ontological sense of security in addition to the traditional notion of physical security from potential material harm (Mitzen, 2006; Steele, 2008). States fulfill their need for ontological security by rigidly or reflexively (i.e. maladaptively or adaptively) adhering to routinized international relationships, including ongoing security dilemmas, to an extent that they "may not want to escape dilemmatic conflict" (Mitzen, 2006, 341).

States further fulfill their ontological security needs by designing their behavioural routines such that these routines work to actively define their self-identity, rather than to simply protect a pre-existent sense of continuity (Steele, 2008; Schelenz, 2017). OST thereby explains why states decide to engage in moral behaviour even when such behaviour is not in their rational best interest (Steele, 2008). As such, both aspects of OST apply to the Obama administration. The first is uncontroversial: following the terrible shock suffered on 9/11, the

US drone program, along with other controversial policies such as the PATRIOT Act and the use of torture, served as an uncertainty-reduction routine vis a vis the amorphous threat of terrorism. Yet as the War on Terror progressed, and one administration gave way to another, Obama officials wrestled with OST's second aspect: making policy "consistent with [US] self-identity as a modern, ethical, liberal democratic state" (Agius, 2017, 375). Bush II-era policies were the products of emergency; several presented issues of legal brokenness and was subject to public disclosures and heated debate. Below, this paper argues that the Obama administration's adherence to the use of drone strikes was at first a reflexive response to the Bush administration's handling of the post 9/11 security dilemma. Once an emphasis was placed on the drone program as inherently moral, the Obama administration's adherence to drone strikes became a rigid identity-building routinized behaviour, thus explaining why the drone program expanded in 2010, continued beyond the Afghanistan draw-down, and expanded further in 2017.

In his Nobel Peace Prize acceptance speech, delivered in the opening weeks of his presidency, President Obama's stated that "where force is necessary, we have a moral and strategic interest in binding ourselves to certain rules of conduct" (Remarks, 2009). By his own admission, the new president saw his first term as a chance to restore American values compromised by the use of 'enhanced interrogation techniques' and unlawful detention during the Bush II administration. "That is why I prohibited torture," he said, "that is why I ordered the prison at Guantanamo Bay closed" (Remarks, 2009). President Obama recognized that torture, an uncertainty-reduction mechanism, incurred too great a reputational cost for the US. Instead, a higher number of drone strikes could reduce uncertainty at a lower cost, given that the US drone program conformed to the American values narrative by abiding to strict rules of conduct drawn up in Washington. Strikes also aimed to minimize civilian casualties and drones, being unmanned, did not put the lives of US airmen at risk. Furthermore, the drone program offered the possibility of US intervention without "putting boots on the ground", a phrase Obama repeated sixteen times in two years regarding the Syrian War (Korte, 2015). As such, drone strikes not only limit the risks of intervention in terms of blood and treasure, but – more importantly – create "a vision of bloodless, humanitarian, hygienic wars" (Der Derian, 2009, 244).

The commentary of numerous other senior officials confirms this view. In 2010, Harold Koh, the Legal Adviser of the Department of State, described his role as a "conscience for the US government" offering "opinions on both the wisdom and morality of international actions", before reaffirming that drone strike targeting conformed with all applicable international law (Koh Speech, 2). Building on this position, in 2012, John Brennan described the laser-like precision of drones as allowing the US "to eliminate the cancerous tumor called an al-Qaida terrorist while limiting damage to the tissue around it" (Transcript of Remarks, 2012). In the same year, Eric Holder stated that "just as surely as we are a nation at war, we also are a nation of laws and values", before likening the due process granted to drone strike targets with that provided by surveillance courts and military commissions (Attorney General). Stephen Preston, the general counsel at the CIA, reaffirmed the manner in which the agency's targeting decisions conform to US domestic and international law (Remarks, 2012). In 2013, Jeh Johnson, the general counsel at the Pentagon, though recognizing that the government could face "an erosion of support by the people" in the face of drone strike controversy, simultaneously rejected more oversight of the targeting process (Jeh Johnson Speech). Although these speeches occurred within a narrow

timeframe, they were not reflective of a well-orchestrated public relations campaign, nor of simple propaganda. Instead, these statements, which coincided with the height of the drone campaign, sought to explain what the Obama administration truly believed, namely that it was a moral agent, reasserting the rule of law in national security after eight years of silence during the Bush II administration.

A final example from President Obama's 2013 speech, in which he acknowledged the US drone program for the first time, illustrates this point. After announcing that al-Qaeda was on the path to defeat, after stating that he looked forward to repealing the AUMF mandate, and after declaring that "this war, like all wars, must end", he was repeatedly challenged by an audience member over Guantanamo Bay detainees, which Congress had prevented him from transferring to the continental US (Remarks, 2013). To defend himself, the president deployed the language of ontological security:

Our victory against terrorism won't be measured in a surrender ceremony at a battleship, or a statue being pulled to the ground. Victory will be measured in parents taking their kids to school; immigrants coming to our shores; fans taking in a ballgame; a veteran starting a business; a bustling city street; a citizen shouting her concerns at a President. (Remarks, 2013)

Thus, the routinized nature of US moral behaviour was revealed. If the standard for victory was so high, so unrealistic, how could the war against terrorism ever be expected to end? And how could the drone program – or indeed any US effort – ever have hoped to achieve the idyllic conditions described above? The president may once have been right to say that "the instruments of war do have a role to play in preserving the peace", but these instruments cannot create peace wholesale (Remarks, 2009). Yet, despite the flaws in its international and domestic legal foundation, the drone program was above all viewed as *moral*. Drones were the ultimate laser-accurate, terror attack-preventing, life-sparing weapon in the arsenal of American democracy, such that, even as the Obama administration concluded a mass 'overseas contingency operations' in Afghanistan with relative ease, the drone strikes against al-Qaeda, the Taliban, and their affiliates were extended against ISIS, and then indefinitely (Cronin, 2014).

What the End Looks Like

In *Every War Must End*, Fred Iklé wrote that "if the decision to end a war were simply to spring from a rational calculation about gains and losses for the nation as a whole, it should be no harder to get out of a war than to get into one" (Iklé, 2005). Ontological Security Theory explains why this isn't true; wars start more easily than they end because, conceptually, states are nothing more than groups of individuals. State behaviour therefore relies on routines of insecurity-reduction and identity-building in much the same way as that of individuals. Left unchecked, these routines supersede rational calculations of self-interest and may even lead states to perpetuate dilemmatic conflict against their own long-term advantage (Mitzen, 2006). The Obama administration, faced with the ontological pressure of its 'forever war' against al-Qaeda and its affiliates, routinized the drone program as part of its international relations, at the expense of prudent grand strategy.

This problem has since metastasized. In 2018, a draft bill was introduced to the Senate that would expand the 2001 AUMF in order to grant the president more authority to wage counterterrorism campaigns against a broader array of terror groups in a wider set of countries (Friedersdorf, 2018; Corker-Kaine). The Corker-Kaine bill would permit the president to expand operations into a new country merely by notifying Congress within 48 hours, while also changing the requirement for declaring war “from an affirmative vote of a simple majority to a negative, supermajority vote to disapprove of presidential wars” (Friedersdorf, 2018). Although this change has stalled, President Trump has since increased strikes occurring outside of Afghanistan while rescinding Obama-era drone strike requirements via executive oversight and public transparency. In the first two years of the Trump presidency, 304 strikes were launched with 1,034 casualties, versus the 560 strikes and 3,064 casualties of President Obama’s eight years in office – a year for year increase of 117% in strikes and 35% in casualties (Drone Warfare, 2019). These increases are not the result of a more president orders; instead, President Trump devolved authority for launching strikes to the Pentagon (a change it naturally welcomed) and reversed the Obama administration’s decision to enhance military responsibility for drone operations at the expense of the CIA (Zenko, 2017; Lubold and Harris, 2017). The agency, for example, currently conducts strikes in Libya from its own airbase in Niger, separate from the new Air Base 201 (Fielding-Smith, 2018). Most recently, in 2019, President Trump revoked a 2016 executive order requiring the CIA to publish annual summaries of US drone strikes as well as their casualties (Trump, 2019).

To say that these changes are a reputational disaster for the US would be an understatement. Not only does no country benefit from endless war; no country can successfully wage war without having a clear idea of what its end will look like. Further loosening the already murky framework around the drone program will not only run the risk of creating new enemies for the US, it will also make the War on Terror permanent, irreversibly altering American civics while potentially transforming the CIA back into the reckless paramilitary force it was well into 1980s (Cronin, 2014; Bobich, 2007). The US would also be setting a dangerous precedent for other states hoping to acquire drone technology for nefarious purposes, especially given the potential development of autonomous weapons systems (Zenko, 2013; Davis et al., 2016). If the US wished to remain “a standard-bearer in the conduct of war”, it should have been working with the international community to prevent proliferation and to establish a combination of what the Rand Corporation calls ‘restrictive’ and ‘hybrid’ rather than ‘permissive’ norms governing the use of drone strikes (Remarks, 2009; Davis et al., 2016). ‘Restrictive’ norms would require, for example, that there be evidence that the target of a drone strike poses a direct and imminent threat to US persons and interests (Davis et al., 2016, 15). Other ‘restrictive’ criteria, such as the target being a group leader or the relevant government consenting to strikes in its territory, would overly restrict US action; rather, ‘hybrid’ norms could have been relied on. Instead, the Obama administration’s failure to take the lead in developing norms between 2013 and 2017 is one of the greatest mistakes it committed with respect to the international law of armed conflict.

Ultimately, “the choice the United States faces is not between unfettered drone use and sacrificing freedom of action, but between drone policy reforms by design or drone policy reforms by default”, via unanticipated political pressure (Zenko, 2013, 22). In 2012, the American public’s support for drone strikes against suspected terrorists fell to a level

lower than that enjoyed by enhanced interrogation techniques in the mid-2000s (Zenko, 2013, 23). If the US executive and legislative branches fail to cooperate in order to restrain the Pentagon and the CIA, curb the recent spate of drone strikes, and convince the world that the legal brokenness of its targeting process is being rectified, America may well find herself without friends when she needs them most. Drones can be “a source of our strength”, but only if the US takes steps towards a lasting sense of postwar normality. In the words of President Obama, “we must define the nature and scope of this struggle, or else it will define us” (Remarks, 2013).

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