KILLER DRONES:
IMMORAL, RACIST, AND UNJUST

By Marjorie Cohn, J.D.
“Using armed drones for targeted killings should be limited to those areas of intense, active, and protracted conflict where there have been declarations of war, where there is multilateral agreement that such action is needed to counter extreme violence being perpetrated on non-combatants, and when the target is a combatant who is likely soon to launch an attack. Armed drones may be used outside of areas of open and protracted fighting if it is determined that the person targeted poses an imminent threat, if the use of lethal force is proportionate and there is no other means to prevent the threat to life (i.e. ‘last resort’), and if civilian casualties can be avoided as much as possible. Otherwise targeted killings are considered assassinations, extrajudicial killings which the United States has itself condemned since there is a lack of due process.”

- Bishop Oscar Cantú, Chair of the United States Conference of Catholic Bishops
  Committee on International Justice and Peace
Marjorie Cohn, J.D. is a graduate of Stanford University and Santa Clara University School of Law. She is a professor at Thomas Jefferson School of Law, a former president of the National Lawyers Guild, and deputy secretary general of the International Association of Democratic Lawyers.

Professor Cohn sits on the National Advisory Board of Veterans for Peace and the board of the Vietnam Agent Orange Relief and Responsibility Campaign, and she testified before Congress about the Bush administration interrogation policy. She has also testified at military courts-martial about the illegality of wars, the duty to obey lawful orders, and the duty to disobey unlawful orders. She was a legal observer in Iran on behalf of the International Association of Democratic Lawyers in 1978 and she has participated in delegations to Cuba, China, and Yugoslavia. She has lived in Mexico and is fluent in Spanish.

Her most recent book is, Drones and Targeted Killing: Legal, Moral, and Geopolitical Issues. Professor Cohn writes frequent articles on Huffington Post and other blogs; appears as a commentator for regional, national, and international media; and lectures throughout the world on human rights and U.S. foreign policy.

To learn more about Professor Cohn, visit: http://www.marjoriecohn.com.
Abstract: Why do Americans seem unconcerned about drone deaths of civilians in other countries but disturbed when Americans are targeted? How are targeting decisions made? Why do drone pilots develop PTSD even though they are located thousands of miles from their targets and face no physical danger? This essay examines the racism underlying the drone program and the complicity of the media in keeping the images and stories of drone victims and their families away from public view.

The drone “pilot” in Nevada presses the button that unleashes a missile in a remote area of Afghanistan, wiping out everyone in its “kill zone.” (A Predator drone has a kill zone of 15 meters). One of the pilot’s military colleagues in the trailer with him cries out, “Good kill!” This is a scene from the film, Good Kill, that traces the descent of this pilot, working 7,500 miles from his target, into Post Traumatic Stress Disorder (PTSD). Although A-list actors Ethan Hawke and January Jones star in the film, it was not shown in major theaters. Why not? The film sheds a critical light on President Barack Obama’s weapon of choice – armed drones.

Racism and the Drone Program

A distant target and the drone pilot’s physical safety make it easier to kill without accountability. And when those being killed are objectified, when they are seen as “terrorist,” “militant,” Arab, or Muslim, there is very little opposition to these deaths in the United States. Some government officials cynically refer to the carnage the drone leaves in its wake as “bug splat.” Military personnel involved in drone attacks have called the images of children on the computer screen before they are blown to bits “fun-sized terrorists.”

During the Vietnam War, U.S. soldiers were taught to think of the North Vietnamese as “gooks.” Considering their victims as less-than-human made it easier to take their lives. U.S. troops at Abu Ghraib prison objectified their Iraqi prisoners, enabling them to torture and even kill them. “There was a mentality that the people we’re in charge of are not humans,” a U.S. official told the Los Angeles Times, reporting that 50 to 100 Iraqis had died while in custody during a one-year period.1

Iraqis and Afghans were labeled “haji,” “raghead,” “sand nigger,” and “camel jockey.” Mike Prysner, a U.S. Army reservist who served in Iraq in 2003 and 2004, testified at the Winter Soldier hearings, “Racism is a vital weapon deployed by this government . . . Without racism, soldiers would realize that they have more in common with the Iraqi people than they do with the billionaires who sent us to war.” Prysner added, “The message was always: ‘Islam is evil’ and ‘They hate us.’ Most of the guys I was with believed it.”2
The differing reactions of many in this country to drone victims, depending on whether they are foreigners or Americans, exemplify American exceptionalism. When Obama delivers a State of the Union address, and often in other speeches, he describes America as “exceptional.”³ In 2013, he told the United Nations General Assembly, “Some may disagree, but I believe that America is exceptional—in part because we have shown a willingness, through the sacrifice of blood and treasure, to stand up not only for our own narrow self-interest, but for the interests of all.”⁴ The families of hundreds of thousands of Iraqis, tens of thousands of Afghans, and a myriad Yemenis, Somalis, Libyans, Syrians, and Pakistanis killed by U.S. forces would disagree with the President’s characterization.

There had been little opposition by Americans to drone strikes when they killed foreigners. But in 2013, a Department of Justice White Paper was leaked to the public, which described conditions for the targeted killing of U.S. citizens. Americans were furious. Senator Rand Paul mounted a 13-hour filibuster of John Brennan’s nomination for CIA director.⁵

A 2013 Gallup Poll found that while a majority of Americans supported air strikes in other countries against foreign nationals suspected of terrorism, they opposed strikes that targeted U.S. citizens suspected of terrorist activity. But 69 percent of respondents approved of the killing of U.S. citizen Anwar al-Awlaki.⁶ Why the discrepancy?

“[T]he concept of ‘Americans’ most definitely does not include people with foreign and Muslim-ish names like ‘Anwar al-Awlaki’ who wear the white robes of a Muslim imam and spend time in a place like Yemen,” Glenn Greenwald wrote.⁷

“Does anyone doubt that if Obama’s bombs were killing nice white British teenagers or smiling blond Swiss infants—rather than unnamed Yemenis, Pakistanis, Afghans, and Somalis that the reaction to this sustained killing would be drastically different?,” Greenwald queried.⁸

“There is a Xhosa word, Ubuntu. It means human beings need each other in order to survive and thrive. Ubuntu is the essence of being human. We are all interrelated. We cannot exist in isolation. Our well-being depends on our interconnectedness, our relationships with other people. When anyone is diminished, we are all diminished. When anyone is humiliated, or tortured, or killed by a drone, we are all harmed.”
- Archbishop Desmond Tutu
This double standard caused Nobel Peace Prize winner Archbishop Desmond Tutu to write a letter to the *New York Times*, asking “Do the United States and its people really want to tell those of us who live in the rest of the world that our lives are not of the same value as yours?” That letter led me to invite Tutu to write the foreword to my collection, “Drones and Targeted Killing: Legal, Moral, and Geopolitical Issues,” and he graciously accepted.

When Time columnist Joe Klein was interviewed by Joe Scarborough on MSNBC’s Morning Joe, Klein made an alarming remark that exemplified American exceptionalism. Scarborough said, “You have four-year-old girls being blown to bits because we have a policy that says, ‘You know what, instead of trying to go in, take the risk, get the terrorists out of hiding . . . we’re just going to blow up everyone around them,’” and mentioned “collateral damage.”

Klein responded, “The bottom line, in the end, is: Whose four-year-old gets killed? What we're doing is limiting the possibility that four-year-olds here are going to get killed by indiscriminate acts of terror.” This comment is emblematic of the racist notion that the lives of American children are more valuable than children elsewhere.

The use of armed drones reflects the view that U.S. lives are more deserving of protection than those of foreign civilians. This priority flies in the face of international humanitarian law, which imposes a universal obligation to protect non-combatants.

We often hear the President and members of Congress mouth the refrain, “no [U.S.] boots on the ground.” They favor bombing from the air, so that no Americans will be killed. This echoes the belief that American lives must first be protected—even at the expense of foreign civilian lives.

“[B]y suggesting that the lives of the enemy are completely dispensable while ours are absolutely sacrosanct, one introduces a radical inequality in the value of lives, and this breaks with the inviolable principle of the equal dignity of all human lives,” Gregoire Chamayou writes in “A Theory of the Drone.”
In October 2015, The Intercept published “The Drone Papers.” Leaked to The Intercept by an anonymous source, they were secret military documents that shed an important light on the killer drone program. The source characterized drone victims: “They have no rights. They have no dignity. They have no humanity to themselves. They’re just a ‘selector’ to an analyst. You eventually get to a point in the target’s life cycle that you are following them, you don’t even refer to them by their actual name.” This means “dehumanizing the people before you’ve even encountered the moral questions of ‘is this a legitimate kill or not?’”

In one presidential debate, some Republican candidates said they favored killing innocent children in order to make Americans safer. Even Hillary Clinton and Bernie Sanders support drone strikes, which result in countless civilian casualties.

When the media objectifies the targets of U.S. drone bombs, Americans are not confronted with the reality that people are being slaughtered in our name. Both the Washington Post and the New York Times “substantially underrepresented the number of civilians killed in drone strikes in Pakistan and Yemen, failed to correct the public record when evidence emerged that their reporting was wrong and ignored the importance of international law,” a study conducted by American University professor Jeff Bachman concluded.

Many think that drones result in fewer civilian casualties than manned bombers. But a study based on classified military data, conducted by the Center for Naval Analyses and the Center for Civilians in Conflict, concluded that the use of drones in Afghanistan caused ten times more civilian deaths than manned fighter aircraft.

Who Is Targeted?

In his two presidential terms, Obama’s administration has killed more people with drones than died in the September 11 terrorist attacks. By many accounts, upwards of 4,500 have fallen victim to the President’s killer robots.

The administration launches two different types of air strikes. “Personality strikes” targeted suspected terrorists. “Signature strikes,” or “crowd killings,” don’t target individuals, but, rather, they aim at all those present in an area of “suspicious” activity. Often, the administration doesn’t even know whom it is killing when it orders a targeted killing, often with the use of drones.
“Even when viewed through the prism of just war principles, the use of unmanned aerial vehicles (UAVs) for targeted killings raises serious moral questions. The Administration seems to have focused narrowly on the just cause of protecting citizens, but other elements of the tradition pose significant questions, including discrimination, imminence of the threat, proportionality, and probability of success.” - Bishop Richard Pates, USCCB, 2013

“The Drone Papers” describe the “kill chain” by which targeting decisions are made. In undeclared war zones, the administration relies on “signals intelligence” to select its targets. They follow cellphones or computers that suspected terrorists may or may not be carrying.\(^\text{16}\)

The source said, “It’s stunning the number of instances when selectors are misattributed to certain people.”\(^\text{17}\) When a missile is fired at a target in a group of people, the source noted, it is a “leap of faith.”\(^\text{18}\)

Yet this method yielded more than half of the ‘intelligence’ used to locate potential targets in Yemen and Somalia, according to the source.

Unidentified people who are killed in a drone attack are called “enemies killed in action,” the source reported, unless there is evidence posthumously proving them ‘innocent.’ This practice of minimizing civilian casualties, s/he reported, is “exaggerating at best, if not outright lies.”\(^\text{19}\)

Anyone caught in the vicinity is guilty by association,” the source noted. When “a drone attack kills more than one person, there is no guarantee that those persons deserved their fate . . . So it’s a phenomenal gamble.”\(^\text{20}\) During one five-month period from 2012 to 2013 in Afghanistan, almost 90 percent of those killed in drone strikes were not the official targets of the action.

When civilians—particularly women and children—perish in these attacks, they are referred to as “collateral damage.” The Merriam-Webster Dictionary defines “collateral” as “accompanying as secondary or subordinate.” The lives of civilians are of secondary importance to getting the bad guys. But drone operators often don’t even know who the bad guys are.

**Why Not Outrage Over Drone Deaths?**

Although Americans are justifiably horrified when they hear about an ISIS beheading, there is little opposition to deaths by droning, at least when those killed are foreigners.
“People are a lot more comfortable with a Predator [drone] strike that kills many people than with a throat-slitting that kills one,” former CIA lawyer Vicki Divoll told the New Yorker’s Jane Mayer in 2009. Divoll’s words were prescient.

A May 2015 Pew Research Center poll found that 58 percent of respondents approved of “missile strikes from drones to target extremists in such countries as Pakistan, Yemen, and Somalia.”

The mainstream media hardly covers drone deaths. We are not treated to the images of the victims or the stories of their families. The New York Times merely reports that four “militants” were killed in a drone attack. The U.S. government learned from the Vietnam War that Americans don’t like to see photographs of the suffering our bombs have wrought. The iconic image of Phan Thị Kim Phúc, the 9-year-old Vietnamese girl running naked from an American plane that had just doused her with Napalm, helped galvanize the antiwar movement, ultimately leading to the end of the war.

The United States uses two types of weaponized drones: Predators (birds of prey) and Reapers (angels of death). The badge for the U.S. Air Force MQ-9 Reaper portrays the grim reaper with blood dripping from his scythe above the words, “That others may die.”

Obama prefers drones because they avoid U.S. casualties. Pilots are located thousands of miles away, where there is no physical danger. He or she cannot be killed or wounded. This is one-sided, asymmetrical warfare.

Dennis Blair, former Director of National Intelligence, said, “[Drone warfare] is the politically advantageous thing to do—low cost, no U.S. casualties, gives the appearance of toughness.” But Blair’s remarks reveal his shortsightedness. “It plays well domestically, and it is unpopular only in other countries,” he noted. “Any damage it does to the national interest only shows up over the long term.” In fact, the blowback from U.S. drone attacks makes us more vulnerable to terrorism. When people in other countries see their loved ones killed and maimed by American drones, they wish to do us harm.
As Drone Pilots Quit, the U.S. Expands Its Drone Program

The *Wall Street Journal* reported that the U.S. military is planning to increase drone flights 50 percent by 2019. That goal may prove problematic as many drone pilots are refusing to operate the killer robots. Some suffer from PTSD occasioned by the stress of killing remotely. In September 2015, the *Air Force Times* ran an ad paid for by 54 U.S. veterans and vets’ groups. It urged Air Force drone operators and military personnel to refuse orders to fly drone surveillance and attack missions.

Two months later, four Air Force drone operators wrote an open letter to Obama, urging him to reconsider the drone program that killed “innocent civilians” and “only fueled the feelings of hatred that ignited terrorism and groups like ISIS, while also serving as a fundamental recruiting tool similar to Guantanamo Bay.” One of the four, Staff Sergeant Brandon Bryant, has said, “We killed people who we really didn’t know who they were, and there was no oversight.”

But their historic action was virtually ignored by the mainstream media. And they were rewarded for their candor by having their bank accounts and credit cards frozen. Obama, who pledged transparency early in his presidency, has gone after whistleblowers in an unprecedented manner.

Civilians are increasingly enlisted to operate drones because of the difficulty of finding willing military drone pilots. The administration claims that civilians will only participate in drone surveillance, locating targets but not killing them. However, any civilian participation in the “kill chain” could run afoul of the Geneva Conventions. Military personnel are trained in the law of armed conflict and are subject to the Uniform Code of Military Justice.

The military is offering retention bonuses of $15,000 a year to entice drone pilots to remain. And now the Pentagon says it will extend military honors to drone operators even though they do not fight on any battlefield. This is another incentive to attract drone pilots.
Ground the Killer Drones

As long the American people are shielded from the details about the damage U.S. drone bombs inflict, they will remain unconcerned about the deaths of people in other countries. It is essential that the images of the victims and the stories of the survivors penetrate the mainstream, not just the alternative, media. That means writing articles, op-eds, letters to the editors, and distributing videotaped footage of the bloodshed caused by drone strike.

Our elected officials do respond to the concerns of their constituents. It is incumbent on us to call, email, and write to them. We must demonstrate on the street corners and in their offices. Until we make clear that we refuse to allow this killing in our name, the bloodshed will continue, with people of color comprising the bulk of the victims.

It is my fervent hope that Americans of goodwill will act decisively to stop the carnage. That will only happen when they are armed with the facts. We must educate ourselves about what our government is doing to people thousands of miles away. If we put ourselves in their shoes, we can only feel empathy for them.
DISCUSSION QUESTIONS

1. Some believe that the killing of foreigners with drones really make us safer. Do you agree or disagree? Elaborate.

2. How do drones result in fewer civilian casualties than manned bombers?

3. Should we be more upset when U.S. citizens, rather than foreigners, are killed by drones? Why or why not?

4. How is it ethical for U.S. soldiers to kill people in other countries while being insulated from any danger to themselves?

5. Where do you stand on the issue of drones? How is targeted killing highly discriminatory? How can drones be used to promote peace and save human lives?

6. How does the rise of drone warfare challenge the Church to continue its twofold effort to humanize war and to witness prophetically to peace?

7. What are your thoughts on the Church’s tradition of the Just War Theory? Do you believe that drones should be used only in combat zones and to defeat terrorism?

8. Why is drone warfare an urgent moral issue? How are civilian casualties or “collateral damage,” as they are referred to by some, proportional or discriminate?

9. The deaths of innocent civilians and the resulting fear from targeted drone attacks are considered by many as acts of U.S. terrorism, inspiring vows of vengeance and perpetuating endless conflict, and terrorism from all sides. Do you believe this to be true? Why or why not?

10. How would you respond to those who say that our use of drones has increased anti-American sentiment and is actually raising the risk of terror against the United States?

FAITH IN ACTION

1. Organize a small gathering to discuss the use of drones and targeted killing. Provide a copy of the USCCB’s Office of International Justice and Peace 2014 Background on Armed Drones: http://bit.ly/1k7Izcx.


3. Organize a gathering in your parish or peace and justice group to view the movie, Good Kill which documents the story of Major Thomas Egan, a seasoned U.S. Air Force fighter pilot turned drone pilot. Refer to Education for Justice’s film discussion guide: Good Kill for discussion questions: http://bit.ly/1VuMamE
Works by Professor Marjorie Cohn

Books


Op-Eds

• “Who Is the US Killing With Drones?”

• “Drone Papers’ Revelations Are a Cry for Ending the Slaughter”

• “One Day Soon, That Drone Overhead May Be Pointing a Taser at You”

• “Interview of Marjorie Cohn about ‘Drones and Targeted Killing’”

• “Marjorie Cohn on Drone Warfare: Illegal, Immoral and Ineffective”

• “Voices From the Drone Summit”
  • [http://bit.ly/1XcBM1V](http://bit.ly/1XcBM1V)

• “Killer Drone Attacks Illegal, Counter-Productive”

• “Saudi Arabia Is Killing Civilians with US Bombs”
Endnotes


7 Ibid.


11 Ibid.


14 Ibid.


18 Ibid.
Endnotes


24 Ibid.


