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Precision guided democracy : the American war on terror from catch and release to kill and capture

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Precision Guided Democracy: The American War on Terror from Catch and Release to
Kill and Capture

by

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for graduation with Honors in History.

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Certificate of Approval

This is to certify that the accompanying thesis by Kyle Hendrix has been accepted in partial fulfillment of the requirements for graduation with Honors in History.

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Introduction

On the morning of September 11, 2001 four American airliners were hijacked and downed in the World Trade Center in New York City, the Pentagon, and a field in Pennsylvania. Since 2001, American foreign policy—from the invasion of Afghanistan to the use of drones in Yemen—has been dominated by responses to the attacks of September 11. Attacks on terror networks had become so normal and accepted by the American public that during the May 1, 2010 Correspondents' Dinner President Barack Obama even joked about his ability to kill: “The Jonas Brothers are here. They're out there somewhere. Sasha and Malia are huge fans, but boys don't get any ideas. I have two words for you: Predator drones. You will never see it coming. You think I'm joking?”¹ Obama's quip illustrates more than a father simply trying to protect his daughters; it reveals the normalization of drone strikes under the Obama administration. This normalization of drone use shows Obama's preferred means of fighting the war on terror. In contrast, President George W. Bush's policy of catch and release relied upon ground wars in Afghanistan and Iraq and capturing suspected terrorists. This thesis will examine how and why the war on terror changed under the Obama administration, the justifications for that shift, and why drones became the central weapon in the new strategy of capture and kill.

The roots of the war on terror did not begin on September 11, 2001. Attacks by al-Qaeda on U.S. targets occurred prior to 2001 on American embassies in Kenya and Tanzania in 1998 and the *USS Cole* stationed in Yemen in 2000. Al-Qaeda leaders also repeatedly decried the U.S. and called for further attacks. Similarly, the ideological roots of the war on terror trace their history to long before September 11. The neo-conservative

ideology that came to dominate the Bush presidency began in the 1960s and gained a stronghold in the Republic Party by the late 1990s.

In the year following September 11, the Bush administration established a framework for the American war on terror that largely persisted throughout the Bush and Obama administrations. The Bush administration relied upon a number of assumptions regarding both the U.S. and al-Qaeda to establish the framework for the war on terror. The United States was seen as a benevolent global hegemon which had transformative potential. Al-Qaeda was seen as America's opposite, opposed to all western notions of freedom, democracy, and civilization. Furthermore, the Bush administration relied upon a friend-enemy binary of the U.S. and its allies against al-Qaeda and its allies. The framework for the war on terror that the Bush administration created ensured the American public that the U.S. government would do anything necessary to obliterate al-Qaeda and win the war on terror. This meant that the United States would not be constrained by length of commitment, place of conflict, or types of weaponry and missions.

During the Bush administration, the war on terror was dominated by the policy of catch and release. Explained in detail in the National Security Strategy of 2002—commonly referred to as the Bush Doctrine—catch and release was centered around obtaining more information about al-Qaeda to ensure its demise. In January 2002, the U.S. established detention camps, such as that at the naval base in Guantanamo Bay, Cuba to house prisoners that the U.S. captured around the globe. Under the policy of extrajudicial rendition, the Bush administration sent hundreds of supposed terrorists to these camps. To gather more information and eliminate threats determined through

evidence already uncovered, the Bush administration justified the ground invasion of Iraq in 2003. This made the central feature of the war on terror under the Bush administration ground wars in declared combat zones carried out by the Department of Defense.

Many criticized how Bush fought the war on terror arguing that it was extremely costly in terms of lives, money, and American image abroad. Obama was among the critics of the way that Bush carried out the war on terror. In his 2008 presidential campaign, Obama pledged to shut down American detention centers such as those in Guantanamo Bay and remove troops from Iraq. While the Obama administration has not fully followed through on any of these promises, the central component of the war on terror did change. Obama ended the catch and release policy and put into place a capture and kill strategy. Capture and kill did not rely on detaining terrorist suspects, but rather on finding them and killing them. To achieve this goal, Obama has depended heavily on the drone program. The drone program, under Obama, has extended the bounds of the war on terror outside of declared combat zones and has been controlled predominantly by the Central Intelligence Agency (CIA). Obama's war on terror relies on many of the same assumptions that Bush exploited after September 11, and Obama has justified the shift from combat operations to weaponized drones using Bush's foundational belief in the necessity to do whatever needed to destroy al-Qaeda.

Just as the war on terror has been varied in location and style of conflict, secondary sources on the war on terror vary widely in their discipline as well as their area, approach, and interpretation. Because of how recent the events of the war on terror are, there has been relatively little written by historians. Therefore, this thesis will utilize many accounts written by journalists, activists, and non-historian in addition to historians.

The sources describing the war on terror can be split into three separate topics: (1) the ground wars in Afghanistan and Iraq predominantly carried out by Bush; (2) the Obama administration's war on terror strategy included the drone program; and (3) accounts of the overall war on terror from 2001 onward.

There has been a litany of books written on the American ground wars in Afghanistan and Iraq that detail the events in different ways. The most common way that the wars in Afghanistan and Iraq are examined is through descriptions of events by journalists.² Dexter Filkins in *The Forever War* gives a firsthand account of his experience as a journalist in Afghanistan and Iraq.³ Filkins book reads much like a story, detailing his experiences with people from interpreters to local doctors to American marines. The most pertinent articulation of the wars in Afghanistan and Iraq are accounts written by historians. While the historiography of these wars still needs to develop, Terry H. Anderson, in *Bush's Wars*, captures the main debate succinctly: “‘Bush misled the nation into an unnecessary war,’ stated one of my Democratic colleagues as civil war raged in that country in 2006. ‘No,’ a Republican friend states, ‘Iraq was noble intentions gone wrong.’”⁴ Anderson concludes that the war in Afghanistan was “justifiable, supported by almost all nations of the world...[while] attacking Iraq, was a radical departure from previous presidential behavior, and not justifiable.”⁵ As time progresses, it will become possible to determine the full impact of the wars in Afghanistan and Iraq.

The second body of literature focuses on the Obama administration's war on terror policy and the way that drones fit into it. Daniel Klaidman in *Kill or Capture* laid out the debate that has existed in the Obama administration over foreign policy as one of “‘Tammany Hall’ versus ‘the Aspen Institute.’”⁶ “The Tammany faction” Klaidman

wrote, “was made of the political operatives, the hardheaded realists” while the Aspen Institute represented the “idealists and policy wonks.”⁷ U.S. foreign policy under the Obama administration has been continually mediated by these two forces, the former winning out in the war on terror realm.⁸ The realists, he argued, were able to largely frame discussions of the drone program in the early years of the Obama administration: “the debate surrounding the drone rested on its merits as a precisely effective killing machine rather than the human or emotional costs inflicted.”⁹ Accounts of the history of the drone program sought to refocus the debate regarding weaponized drone use to its human costs in order to promote a shift in American policy. Medea Benjamin—leader of the anti-war non-governmental organization Code Pink—in her book *Drone Warfare* argues that drones allow people to “kill at a minimum risk to themselves,” thus increasing the likelihood of violence.¹⁰ She contends that with drones “the peace candidate [Obama] had morphed into the war president.”¹¹ The purpose of the book is advocacy: “at the end of this book, you’ll be inspired—and you’ll know exactly how to get involved!”¹²

While there has been some outright advocacy against drones in the literature there have also been a number of authors that sought to explain the current situation of the drone program, how it got to where it is, and its pitfalls. Richard Whittle in *Predator* explains, “this is the story of the first armed drone ever to be flown by intercontinental remote control and use to kill human beings on the other side of the globe.”¹³ More specifically, Mark Mazzetti in *The Way of the Knife* argues, “the way of the knife”—a phrase used to describe the exact nature of drone strikes in comparison to the “hammer” of the wars in Afghanistan and Iraq—“has created enemies just as it has obliterated them.”¹⁴ Mazzetti contends, “the American way of war has moved away from clashes

between tank columns, outside the declared combat zones and into the shadows.”¹⁵ Under Obama, the war on terror has shifted away from traditional combat operations to targeted killings largely via drones.

The third area of study related to this thesis explores the entirety of the war on terror. Tom Lansford in *9/11 and the Wars in Afghanistan and Iraq* explains, “this book analyzes the causes and impact of the 9/11 terrorist attacks on the United States and on the global community.”¹⁶ Peter L. Bergen in *The Longest War* more explicitly seeks to “examine not only the actions and strategies of the United States and its key allies, but also those of al-Qaeda and its allies, such as the Taliban.”¹⁷ Bergen concludes, “Al-Qaeda’s *jihad* has failed to achieve its central aims” but nonetheless has “proven surprisingly resilient.”¹⁸ A number of histories that seek to connect the larger war on terror from 2001 onward articulate the similarities and differences of the Bush and Obama administrations. This thesis situates itself within the war on terror literature by doing a historical analysis on the overall war on terror by specifically looking at how the Bush and Obama administrations have justified the war on terror to the American public.

This thesis draws on all three bodies of literature to create a coherent narrative as to how the Obama administration shifted the centerpiece of the war on terror from ground wars to drone strikes. This thesis argues that a such a change was possible because of the broad framework that the Bush administration established at the onset of the war on terror. The war on terror will continue after the publication of this thesis and new information will be declassified that will further explain the minutiae of the war on terror that this thesis cannot get it. Nonetheless, a historical analysis of the the way the current

context of the war on terror came to be and has been relayed to the American people is a useful first step in a larger history of the American war on terror.

¹ “President Obama and Jay Leno at White House Correspondents’ Dinner,” May 1, 2010, video recording, White House Video & Audio, <http://www.whitehouse.gov/photos-and-video/video/president-obama-and-jay-leno-white-house-correspondents-dinner>.

² See Jack Fairweather, *The Good War: Why We Couldn’t Win the War on the Peace in Afghanistan* (New York: Basic Books, 2014) for Afghanistan. See George Packer, *The Assassins’ Gate: America in Iraq* (New York: Farrar, Straus and Giroux, 2005), Thomas E. Ricks, *Fiasco* (New York: The Penguin Press, 2006), and Thomas E. Ricks, *The Gamble: General David Petraeus and the American Military Adventure in Iraq, 2006-2008* (New York: The Penguin Press, 2009) for Iraq.

³ Dexter Filkins, *The Forever War* (New York: Alfred A. Knopf, 2008).

⁴ Terry H. Anderson, *Bush’s Wars* (New York: Oxford University Press, 2011), ix.

⁵ Anderson, *Bush’s Wars*, 231. See also Lloyd C. Gardner, *The Long Road to Baghdad: A History of U.S. Foreign Policy from the 1970s to Present* (New York: The New Press, 2008).

⁶ Daniel Klaidman, *Kill or Capture: The War on Terror and the Soul of the Obama Presidency* (New York: Mariner Books, 2013), 3.

⁷ Klaidman, *Kill or Capture*., 3.

⁸ See Fawaz A. Gerges, *Obama and the Middle East: The End of America’s Moment?* (New York: Palgrave Macmillan, 2012) and David E. Sanger, *Confront and Conceal: Obama’s Secret Wars and Surprising use of American Power* (New York: Crown Publishers, 2012).

⁹ Akbar Ahmed, *The Thistle and the Drone: How America’s War on Terror Became a Global War on Tribal Islam* (Washington, D.C.: Brookings Institution Press, 2013), 2.

¹⁰ Medea Benjamin, *Drone Warfare: Killing by Remote Control* (London: Verso, 2013), vii.

¹¹ Benjamin, *Drone Warfare*, 6.

¹² Benjamin, *Drone Warfare*, ix. For a similar focus on advocacy of policy change see John Kaag and Sarah Kreps, *Drone Warfare* (Cambridge, UK: Polity Press, 2014). For a historical analysis opposing the use of drones see Lloyd C. Gardner, *Killing Machine: The American Presidency in the Age of Drone Warfare* (New York: The New Press, 2013).

¹³ Richard Whittle, *Predator: The Secret Origins of the Drone Revolution* (New York: Harold Holt and Company, 2014), 5-6. See also John Davis, *The Barak Obama Presidency: A Two Year Assessment* (New York: Palgrave Macmillan, 2011), Heather Ashley Hayes, *Violent Subjects and Rhetorical Cartography in the Age of the Terror Wars* (London: Palgrave Macmillan Press, 2016) and Scott Shane, *Objective Troy: A Terrorist, a President, and the Rise of the Drone* (New York: Tim Duggan Books, 2015).

¹⁴ Mark Mazzetti, *The Way of the Knife: The CIA, a Secret Army, and a War at the Ends of the Earth* (New York: Penguin Press, 2013), 6.

¹⁵ Mazzetti, *The Way of the Knife*, 325.

¹⁶ Tom Lansford, *9/11 and the Wars in Iraq and Afghanistan: A Chronology and Reference Guide* (Santa Barbara: ABC-CLIO, 2012), xii.

¹⁷ Peter L. Bergen, *The Longest War: The Enduring Conflict between America and al-Qaeda* (New York: Free Press, 2011), xvi.

¹⁸ Bergen, *The Longest War*, xvii, xx. See also Stephen F. Knott, *Rush to Judgment: George W. Bush, the War on Terror, and His Critics* (Lawrence: University of Kansas press, 2012).

Chapter 1

“They will follow that path all the way, to where it ends, in history's unmarked grave of discarded lies.”

—President George W. Bush, September 20, 2001.

Neoconservatism in the Twentieth Century

The neoconservative ideology that came to prominence during the George W. Bush administration had its roots in the late 1960s and early 1970s. Neoconservatism began as a liberal, intellectual, and “philosophical movement of political significance to American society at large.”¹ Unlike other political organizations and movements, neoconservatives did not make up “a card-carrying organization.”² As Stefan Halper and Jonathan Clarke note, “They do not hold meetings or conventions. There is no absolute dividing line between who is and who is not a neo-conservative.”³ Neoconservatism was not a monolithic category, or an organization with clear membership and leadership. Rather, neoconservatism was based on a set of beliefs that individuals would subscribe to in varying degrees.⁴

There are a number of essential beliefs that are at the core of neoconservatism. Early neoconservatives focused on foreign policy and believed that the U.S. should follow absolute moral values and command a strong military. Further, they believed that the United States was a transformative power that had the ability to spread American prosperity by furthering freedom and democracy. Neoconservatives “thought it necessary for the United States and Europe to adhere to certain fixed moral values.”⁵ U.S. Army Chief of Staff advisor Fritz Kraemer coined the term “provocative weakness” to argue for the necessity of a strong military. Provocative weakness held that “weakness inevitably entices aggressors into acts that they would otherwise avoid.”⁶ Kraemer held that events

like the Suez Canal crisis and the Cuban Missile Crisis could have been avoided if the U.S. had prioritized military strength over of diplomatic cooperation.⁷

The defining issue of early neoconservatism was Richard Nixon's policy of détente. Neoconservatives saw détente "as a failure of nerve and a spineless reluctance to stand up to the evils of communism."⁸ During Nixon's presidency there was continual clash between the "ideologues and pragmatists" within and outside the administration.⁹ The pragmatist foreign policy that won out was championed by Nixon and Henry Kissinger while ideologues like Kraemer and Alexander Haig became increasingly frustrated by what they saw as a weak and failing American foreign policy.

Frustration continued and grew throughout the Gerald Ford and Jimmy Carter administrations. During these years, neoconservative ideas spread faster from academia into the political sphere. Neoconservatism did not function as a partisan ideology but rather as an alternative to perceived American weakness in the face of communism. The election of Ronald Reagan in 1980 signaled a shift in the presidency toward neoconservative values. Reagan appointed Jeane Kirkpatrick, Eugene V. Rostow, Richard Perle, Elliott Abrams and others known to have neoconservative leanings to important positions in his administration. While many neoconservatives were hopeful about the Reagan administration, as Len Colodny and Tom Scachtman note, "over the course of his time in office, Reagan became steadily less rigid in his stances—a shift that deeply upset the neocons."¹⁰ The rise of Mikhail Gorbachev as the Soviet Premier in 1985 strained Reagan's commitment to neoconservatism. Gorbachev was far more moderate and willing to negotiate with the West than prior Soviet leaders. "Regan" Stefan Halper and Jonathan Clarke argue, "started to move beyond his early Evil Empire

rhetoric to a process of sustained diplomacy between the two superpowers.”¹¹ While many neoconservatives became frustrated with Reagan, he was respected far more than the George H.W. Bush and Bill Clinton administrations of the following decade.

The fall of the Soviet Union in 1991 signaled the end to the Cold War and a shift away from the geopolitical conditions that led to the creation of neoconservatism. As Stefan Halper and Jonathan Clarke put it, with the collapse of the Soviet Union, “neoconservatism had lost its compass.”¹² A debate began among neoconservatives following the Cold War. Many traditional neoconservatives like Irving Kristol, Jeane Kirkpatrick, and Nathan Glazer took on a realist perspective in which they argued that “it is not the American purpose to establish...universal dominance of democracy,” and that the U.S. was “not to be the policeman of the world.”¹³ On the other side, the “Young Turk” faction led by Charles Krauthammer argued that “with the decline of communism, the advancement of democracy should become the touchstone of a new ideological American foreign policy” and continued, “the alternative to such a robust and difficult interventionism...is chaos.”¹⁴ The latter group won out in what became considered neoconservatism in the post Cold War period. This new form of neoconservatism endorsed a policy “based on three interconnecting elements: force as the preferred policy option, black-and-white moralism as the preferred form of analysis, and unilateralism as the preferred mode of execution.”¹⁵

The Gulf War became the key issue of the 1990s for neoconservatives. On August 2, 1990 Saddam Hussein ordered the invasion of Kuwait because of conflicts over Iraqi debt forgiveness and Kuwait oil exportation. Iraq, boasting the Middle East’s largest military, quickly seized control of the small and poorly defended Kuwait. Immediately

following the invasion, the U.S. called a meeting of the United Nations Security Council (UNSC) in which Resolution 660 that condemned the Iraqi invasion and called for immediate withdrawal of forces was passed. On August 6, the UNSC passed Resolution 661 that placed economic sanctions on Iraq for their refusal to pull back troops in an attempt to raise the stakes for Iraq.

The U.S. began Operation Desert Shield which placed defensive American forces in Saudi Arabia on August 7 in response to a request by King Fahd. The administration was worried about the potential of Iraq invading Saudi Arabia and gaining control over a significant portion of the world's oil. Over 500,000 troops were moved to Saudi Arabia and the Persian Gulf under Operation Desert Shield in the closing months of 1990 in preparation for a potential military engagement in Kuwait. On November 29, the UNSC passed Resolution 678 that gave Iraq until January 15, 1991 to withdraw from Kuwait or other nations would be empowered to use whatever means necessary to expel Iraq from the country. As Saddam Hussein refused to comply, the U.S. began Operation Desert Storm on January 17, 1991. The coalition, which included 34 nations, was led by the U.S. and enjoyed quick success. The campaign lasted just over a month and all Iraqi troops were expelled from Kuwait with minimal coalition casualties.

The operation was guided by what became known as the Powell Doctrine. The Doctrine was named after Colin Powell, then Chairman of the Joint Chiefs of Staff. The Doctrine had three main principles: (1) use overwhelming force; (2) have a clear objective; and (3) prevent mission creep. Many lauded the use of the Powell Doctrine in the Gulf War as central to such a quick military victory. Neoconservatives had a different view. They believed that the U.S. military should have continued to Baghdad and

removed Iraqi dictator Saddam Hussein from power. Bush's decision to leave Hussein in control of Iraq "became a neocon bone of contention."¹⁶ Failure to remove Hussein from power, neoconservatives argued, showed American military weakness and a failure to prioritize furthering democracy.

Following the Gulf War, neoconservative aims became clearer than ever before. Under the guidance of Paul Wolfowitz, the first draft of the Defense Planning Guidance report for fiscal 1994-1999 was created. "This Defense Planning guidance" the document opened, "addresses the fundamentally new situation which has been created by the collapse of the Soviet Union, the disintegration of the internal as well as the external empire, and the discrediting of Communism as an ideology with global pretensions and influence."¹⁷ The document proceeded from the assumption that the U.S. had beaten the Soviet Union both militarily and ideologically. The first two objectives of the document mirror the core neoconservative beliefs. The document explained, "Our first objective is to prevent the re-emergence of a new rival, either on the territory of the former Soviet Union or elsewhere, that poses a threat on the order of that posed formerly by the Soviet Union."¹⁸ It continued, "The second objective is to address sources of regional conflict and instability in such a way as to promote increasing respect for international law, limit international violence, and encourage the spread of democratic forms of government and open economic systems."¹⁹ The U.S. was the sole authority for determining when action to promote the values espoused in the document was necessary: "We will retain the pre-eminent responsibility for addressing selectively those wrongs which threaten not only our interests, but those of our allies or friends, or which could seriously unsettle international relations."²⁰ As Len Colodny and Tom Shachtman put it, the document "was

a blueprint for a neocon future.”²¹ The document was leaked to the *New York Times* and portions were published in February 1992. Many top Bush administration officials distanced themselves from the document and another version was released in May 1992 that “seemed to shift the document’s emphasis away from ideology to a more pragmatic emphasis.”²² By refocussing American foreign policy on pragmatism, neoconservatives—who were gaining steam in the administration—knew they had not yet won out.

The lack of ideological backing of American foreign policy became even more pronounced during the Clinton administration. Clinton’s “partisans saw him as the ultimate in pragmatism; but to critics his foreign policy exuded a lack of vision or purpose. Clinton’s lack of focus gave the neocons a unique opportunity to offer a credible alternative.”²³ Neoconservatives believed that “George H.W. Bush and Clinton had abandoned all gains made in the Reagan years.”²⁴ In response, the Project for a New American Century (PNAC) was formed in 1996.²⁵ The neoconservative think tank’s statement of principles read:

We seem to have forgotten the essential elements of the Reagan Administration’s success: a military that is strong and ready to meet both the present and future challenges; a foreign policy that boldly and purposefully promoted American principles abroad; and national leadership that accepts the United States’ global responsibilities.²⁶

The creation of PNAC signaled the defeat of past versions of neoconservatism forwarded by Kritol, Glazer, and others and the success of the neoconservatism of Robert Kagen, William Kristol, Richard Perle, and Wolfowitz. The PNAC and other neoconservatives began to target Iraq as the central failure of American foreign policy that needed to be reversed. Wolfowitz told the Senate International Relations Committee in February that

“the best opportunity to deal with Saddam Hussein was in the immediate aftermath of the U.S. victory” in the Gulf War.²⁷ In May 1998 PCAC sent a letter to the Speaker of the House and the Senate Majority leader that stated, “the only way to protect the United States and its allies from the threat of weapons of mass destruction” was to “put in place policies that would lead to the removal of Saddam and his regime from power.”²⁸ As Len Colodny and Tom Shachtman put it, the letter was the “first clear call for a preemptive war.”²⁹ The largest political victory for PNAC and neoconservatives was the 1998 Iraqi Liberation Act. The Act, which used language from PNAC letters, declared that “it should be the policy of the United States to seek to remove the Saddam Hussein regime from power in Iraq and to replace it with a democratic government.”³⁰

As the twenty-first century began, neoconservatives held on to their core beliefs of fixed moral values of democracy and freedom and the necessity of a preeminent military. They continued to focus on Iraq as the main failure of the post-cold war period and longed for a foreign policy that resembled a strengthened version of Reagan’s. With the election of George W. Bush in 2000, many prominent neoconservatives took positions in the executive branch, beginning with Vice President Dick Cheney. Other notable neoconservative appointments included: Richard Armitage, Zalmay Khalilzad, I. Lewis “Scooter” Libby, Richard Perle and Donald Rumsfeld. Neoconservatives were sure to have more sway than ever before.

The Rise of al-Qaeda

While many Americans heard of al-Qaeda for the first time on September 11, 2001, the terrorist organization traces its roots to the 1980s Soviet-Afghan war. During the Soviet-Afghan war, 10,000-50,000 volunteers flowed to Afghanistan from throughout

the Muslim world to fight the Soviets.³¹ The anti-communist fighters were financed in part by American funds that were funneled through Pakistan.³² The war in Afghanistan “was the cradle of a new generation of mujahedeen, baptized by blood and fire, who tasted the sweetness of victory over one of the most powerful fighting machines the world has known.”³³ The success of the mujahedeen in Afghanistan emboldened certain factions to shift their focus toward other enemies. Al-Qaeda and transnational jihad in general “are primarily creatures of the Afghan war against the Soviets.”³⁴ Osama bin Laden, a wealthy Saudi Arabian, had moved to Afghanistan in the 1980s. By the end of the war he commanded a following and was respected by many Muslim fighters. His eye shifted from the Soviet Union to the United States following the Soviet-Afghan war.

After the Soviet-Afghan war many fighters returned home. As bin Laden and other leaders attempted to uphold the power that the mujahedeen acquired during the war, they continued recruiting efforts. A shortage of potential recruits in Afghanistan led bin Laden to Sudan in 1992. He gained a further following until 1996 when he returned to Afghanistan after the Taliban took over control of the government. With Afghanistan controlled by the Taliban, bin Laden and other members of the mujahedeen enjoyed the freedom to plan, recruit, and train new members.

By the late 1990s bin Laden made clear his views on the U.S. In August 1996 bin Laden declared war against the U.S. because of American occupation of Muslim holy lands. He decried the American military presence in Saudi Arabia and American support for Israel as the drivers in the “American-Israeli alliance—occupying the country of the two Holy Places.”³⁵ Bin Laden stated that “it is the duty of every Muslim in this world” to actively combat the U.S.³⁶ He continued, “It is a duty now on every tribe in the Arab

Peninsula to fight, Jihad, in the cause of Allah and to cleanse the land from those occupiers.”³⁷ Bin Laden directly linked the the defeat of the Soviets in the 1980s to the new fight with the U.S.: “a safe base is now available in the high Hindukush mountains in Khurasan; where—by the Grace of Allah—the largest infidel military force of the world was destroyed. And the myth of the super power was withered in front of the Mujahideen cries of Allahu Akbar. Today we work from the same mountains.”³⁸ Just as in Afghanistan during the 1980s, bin Laden called for a form of guerilla warfare:

due to the imbalance of power between our armed forces and the enemy forces, a suitable means of fighting must be adopted i.e. using fast moving light forces that work under complete secrecy. In other word to initiate a guerrilla warfare, were the sons of the nation, and not the military forces, take part in it.³⁹

He further argued, “Terrorising you, while you are carrying arms on our land, is a legitimate and morally demanded duty.”⁴⁰ Fighters “have no intention except to enter paradise by killing you. An infidel, and enemy of God like you, cannot be in the same hell with his righteous executioner.”⁴¹ To fund such an endeavor, even larger than the one to expel the Soviets, bin Laden called for material support, stating that “the Mujahideen, your brothers and sons, requesting that you support them in every possible way by supplying them with the necessary information, materials and arms.”⁴²

While bin Laden drew on important historical themes, his new war was even more ambitious. His revolutionary language, as Fawas Gerges put it, “positioned himself and his cohorts as a pioneering vanguard.”⁴³ Bin Laden was the driver in creating an organization to carry out his edict. In February 1998 he formally launched al-Qaeda.⁴⁴ Bin Laden stated, “to kill Americans and their allies—civilians and military—is an individual duty incumbent upon every Muslim in all countries.”⁴⁵ While there were other

important figures in the creation of al-Qaeda, “bin Laden was the most powerful force behind the rise.”⁴⁶ The religious-based ideology of al-Qaeda drew on frustrations that resonated with many Muslims. Bin Laden was quickly able to mobilize support and gain members from throughout the Middle East and Africa.

Prior to September 11, al-Qaeda carried out a number of attacks against the U.S. On August 7, 1998, the eight anniversary of an American troop presence in Saudi Arabia, al-Qaeda orchestrated nearly simultaneous bombings on the American embassies in Nairobi, Kenya and Dar es Salaam, Tanzania. The bombings were “scheduled for ten thirty on a Friday morning, a time when observant Muslims were supposed to be in the mosque.”⁴⁷ In Nairobi, 4,500 people were injured and 213 killed, including 12 Americans. Nine minutes later the second attack in Dar es Salaam killed 11 and wounded 85.⁴⁸ These inaugural attacks by al-Qaeda “bore the hallmarks of all future actions.”⁴⁹ Like their future attacks, the embassy bombings were suicide attacks meant to kill innocents and there were multiple attacks carried out simultaneously.⁵⁰ The bombings “seemed pointless, a showy act of mass murder with no conceivable effect on American policy except to provoke a massive response. But that, as it turned out, was exactly the point.”⁵¹ The U.S. did not bite, but the bombings did bring international attention to al-Qaeda. The attacks were an impressive feat of planning and coordination, but “more troubling was the willingness of al-Qaeda to escalate the level of violence.”⁵² The violence was unlike any the U.S. had dealt with in the past and this frightened American officials.

Al-Qaeda’s second successful attack came on October 12, 2000.⁵³ While in the port of Aden, Yemen, an American destroyer ship—*USS Cole*—was attacked by a small

boat carrying two suicide bombers and explosives. The blast killed 17 sailors and wounded another 39. In explaining the attack, bin Laden stated, “the destroyer represented the west and the small boat represented Mohammed.”⁵⁴ Following the attack on the *USS Cole*, “al-Qaeda camos in Afghanistan filled with new recruits, and contributors from the Gulf states arrived carrying Samsonite suitcases filled with petrodollars, as in the glory days of the Afghan jihad.”⁵⁵ American intelligence services continued to keep watch on al-Qaeda to prevent another attack. As late as September 4, 2001, the U.S. was observing bin Laden with a drone, although they neglected to engage in any military operations to stop him or al-Qaeda.⁵⁶

Beginnings of the American Drone Program

The technology to pilot flying devices remotely has existed for decades. Drones—also referred to as unmanned or unpiloted aerial vehicles (UAVs)—were first tested by the U.S., U.K., Germany, U.S.S.R., and others during the 1930s.⁵⁷ Unpiloted aircrafts were used for the first time by the U.S. during World War II and the Korean War as “guided missiles.”⁵⁸ It was not until the Vietnam War that the U.S. and other nations began to investigate the intelligence gathering potential of drones.⁵⁹ From the onset of the American drone program, they were never a core piece of American foreign policy. Rather, drones, in certain instances, provided a way in which the U.S. could gain information and facilitate a successful war effort without costing American lives.

The modern U.S. drone program began with Abraham Karem. Called the “Moses of modern drones” by one senior Pentagon official, Karem was an Israeli aviation engineer who began making the first prototype of the Predator drone in his garage in California “with grants from the U.S. Military’s Defense Advanced Research Projects

Agency (DARPA) and the CIA.”⁶⁰ The U.S. government used drones for the first time in 1994, in Bosnia for surveillance purposes. Director of the CIA James Woolsey argued that drones were necessary because he was “unhappy with intelligence he was receiving from satellites flying over Bosnia.”⁶¹ In addition to their use in Bosnia, surveillance drones were used in Iraq and Kosovo during the 1990’s.⁶² Drones were able to “loiter over a target area for days, provide infrared and optical surveillance in all weathers.”⁶³ Drones were used only “in intelligence, surveillance, and reconnaissance roles.”⁶⁴ The CIA and Pentagon shied away from the use of lethal drones in the 1990s because of “previously issued executive orders against assassination.”⁶⁵ Drones were a key technology in surveillance, but it was not until the twenty-first century that drones had the potential to kill.

The U.S. did not consider arming drones until 1999.⁶⁶ Major General George Harrison, the former head of the Air Force’s Operational Test and Evaluation Center said that the Pentagon and CIA opposed arming drones, arguing that if armed, drones “would divert you from your primary job of target development. So there was strong resistance, I mean strong resistance, I can’t overstate it.”⁶⁷ But between 1999 and 2001 executive orders were issued by Clinton and Bush clarifying that drone strikes did not function as a form of assassination.⁶⁸ While it was no longer illegal to arm drones, there was contention over whether it was strategically worthwhile and effective to weaponized Predator drones already in the American fleet. One former intelligence official stated that there was a “lot of reluctance at Langley to get into a lethal program like this.”⁶⁹ Indicative of existing dissent, former Director of the CIA, George Tenet, argued that it

would be a “terrible mistake for the Director of Central Intelligence to fire a weapon like this.”⁷⁰

In 2000, Osama bin Laden provided the impetus for the U.S. to arm the Predator drone. On September 7, 2000 drones were deployed to Afghanistan to locate and potentially kill bin Laden for his involvement in the 1998 Embassy bombings. On September 25, 2000 a drone located bin Laden and multiple other key leaders of al-Qaeda. After determining bin Laden’s location and identity, the administration considered launching a Tomahawk missile from a submarine. But by the time the missile would reach the target, bin Laden could be far away. The simple remedy to this problem was to arm the drone. A former intelligence official stated that “we showed that [bin Laden] video to the secretary of the Air Force, the chief of staff of the Air Force and the assistant vice chief and someone mentioned, ‘Let me take Hellfire quick, black, and dirty.’ That direction was given, so we moved money and notified Congress.”⁷¹ Both the CIA and Air Force finally expressed interest in gaining the technology and ability to fire missiles with drones. The final decision was made in late 2000 to begin the process of equipping Predator’s with the technology to shoot Hellfire missiles. By early 2001, the U.S. had the capability to view, track, and now kill with drones.

¹ Stefan Halper and Jonathan Clarke, *America Alone: The Neo-conservatives and the Global Order* (Cambridge University Press, 2004), 41.

² Halper and Clarke, *America Alone*, 10.

³ Halper and Clarke, *America Alone*, 10.

⁴ This aspect of neoconservatism made it difficult to determine who was and who was not a neoconservative. Further, it meant that many individuals oscillated between being considered a neoconservative or not.

⁵ Len Colodny and Tom Shachtman, *The Forty Years War: The Rise and Fall of the Neocons, from Nixon to Obama* (New York: Harper Collins Books, 2009), 29.

⁶ Donald Rumsfeld quoted in Colodny and Shachtman, *The Forty Years War*, 3.

⁷ Colodny and Shachtman, *The Forty Years War*, 28.

⁸ Halper and Clarke, *America Alone*, 41.

⁹ Colodny and Shachtman, *The Forty Years War*, 84.

¹⁰ Colodny and Shachtman, *The Forty Years War*, 293.

¹¹ Halper and Clarke, *America Alone*, 75.

¹² Halper and Clarke, *America Alone*, 76.

¹³ Jeane Kirkpatrick quoted in Halper and Clarke, *America Alone*, 76. Nathan Glazer quoted in Halper and Clarke, *America Alone*, 76.

¹⁴ Charles Krauthammer quoted in Halper and Clarke, *America Alone*, 78, 79.

¹⁵ Halper and Clarke, *America Alone*, 74.

¹⁶ Colodny and Shachtman, *The Forty Years War*, 340.

¹⁷ “Excerpts From Pentagon’s Plan: ‘Prevent the Re-Emergence of a New Rival,’” *New York Times*, March 8, 1992, <http://www.nytimes.com/1992/03/08/world/excerpts-from-pentagon-s-plan-prevent-the-re-emergence-of-a-new-rival.html?pagewanted=all>.

¹⁸ “Excerpts From Pentagon’s Plan.”

¹⁹ “Excerpts From Pentagon’s Plan.”

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- ²⁰ “Excerpts From Pentagon’s Plan.”
- ²¹ Colodny and Shachtman, *The Forty Years War*, 342-343.
- ²² Colodny and Shachtman *The Forty Years War*, 344.
- ²³ Colodny and Shachtman, *The Forty Years War*, 345.
- ²⁴ Robert K. Brigham, *The United States and Iraq since 1990: A Brief History with Documents* (West Sussex, UK: Wiley-Blackwell, 2014), 57.
- ²⁵ The founders were Dick Cheney, Donald Rumsfeld, Richard Perle, Paul Wolfowitz, Elliott Abrams, Devon Gaffney, Fred Iklè, Midge Decter, Norman Podhoretz, Dan Quayle, I. Lewis “Scooter” Libby, Zalmay Khalizad, William Kristol, Robert Kagen, and Jeb Bush.
- ²⁶ Colodny and Shachtman, *The Forty Years War*, 363.
- ²⁷ Paul Wolfowitz quoted in Halper and Clarke, *America Alone*, 102.
- ²⁸ Project for a New American Century quoted in Halper and Clarke, *America Alone*, 101.
- ²⁹ Colodny and Shachtman, *The Forty Years War*, 363.
- ³⁰ Colodny and Shachtman, *The Forty Years War*, 367.
- ³¹ Fawaz A. Gerges, *The Rise and Fall of Al-Qaeda* (New York: Oxford University Press, 2011), 34.
- ³² Gerges, *The Rise and Fall of Al-Qaeda*, 46.
- ³³ Gerges, *The Rise and Fall of Al-Qaeda*, 34.
- ³⁴ Gerges, *The Rise and Fall of Al-Qaeda*, 34.
- ³⁵ Osama bin Laden, “Bin Laden’s Fatwa,” *PBS*, August 23, 1996, http://www.pbs.org/newshour/updates/military-july-dec96-fatwa_1996/.
- ³⁶ bin Laden, “Bin Laden’s Fatwa.”
- ³⁷ bin Laden, “Bin Laden’s Fatwa.”
- ³⁸ bin Laden, “Bin Laden’s Fatwa.”
- ³⁹ bin Laden, “Bin Laden’s Fatwa.”

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- ⁴⁰ bin Laden, “Bin Laden’s Fatwa.”
- ⁴¹ bin Laden, “Bin Laden’s Fatwa.”
- ⁴² bin Laden, “Bin Laden’s Fatwa.”
- ⁴³ Gerges, *The Rise and Fall of Al-Qaeda*, 74.
- ⁴⁴ Gerges, *The Rise and Fall of Al-Qaeda*, 69.
- ⁴⁵ Osama Bin Laden quoted in Gerges, *The Rise and Fall of Al-Qaeda*, 78.
- ⁴⁶ Gerges, *The Rise and Fall of Al-Qaeda*, 69.
- ⁴⁷ Lawrence Wright, *The Looming Tower: Al-Qaeda and the Road to 9/11* (New York: Alfred A. Knopf, 2007), 270.
- ⁴⁸ Wright, *The Looming Tower*, 272.
- ⁴⁹ Wright, *The Looming Tower*, 270.
- ⁵⁰ Wright, *The Looming Tower*, 271.
- ⁵¹ Wright, *The Looming Tower*, 272.
- ⁵² Wright, *The Looming Tower*, 275.
- ⁵³ Three other American embassies were unsuccessfully targeted on August 7, 1998. On January 3, 2000 al-Qaeda attempted to bomb *USS The Sulivans*, but the attack boat sank before the assault could be carried out.
- ⁵⁴ Osama bin Laden quoted in Wright, *The Looming Tower*, 319.
- ⁵⁵ Wright, *The Looming Tower*, 331.
- ⁵⁶ Gardner, *Killing Machine*, 128-129.
- ⁵⁷ Benjamin, *Drone Warfare*, 13.
- ⁵⁸ Benjamin, *Drone Warfare*, 13.
- ⁵⁹ Benjamin, *Drone Warfare*, 13.
- ⁶⁰ Benjamin, *Drone Warfare*, 14.

⁶¹ Benjamin, *Drone Warfare*, 14.

⁶² John Kaag and Sarah Kreps, *Drone Warfare* (Cambridge, UK: Polity Press, 2014), 17.

⁶³ “The Dronefather,” *The Economist*, December 1, 2010, <http://www.economist.com/news/technology-quarterly/21567205-abe-karem-created-robotic-plane-transformed-way-modern-warfare>.

⁶⁴ T. Michael Moseley quoted in Benjamin, *Drone Warfare*, 18.

⁶⁵ Gardner, *Killing Machine*, 128.

⁶⁶ Benjamin, *Drone Warfare*, 15.

⁶⁷ Chris Woods, “The Story of America’s Very First Drone Strike,” *The Atlantic*, May 2005, <http://www.theatlantic.com/international/archive/2015/05/america-first-drone-strike-afghanistan/394463/>.

⁶⁸ Gardner, *Killing Machine*, 128-129.

⁶⁹ Scott Shane, “CIA to Expand use of Drones in Pakistan,” *New York Times*, December 3, 2009, <http://www.nytimes.com/2009/12/04/world/asia/04drones.html>.

⁷⁰ George Tenet quoted in Kaag and Kreps, *Drone Warfare*, 17.

⁷¹ Woods, “The Story of America’s Very First Drone Strike.”

Chapter 2

“Either you are with us, or you are with the terrorists.”

—President George W. Bush, September 20, 2001.

“Different circumstances require different methods but not different moralities. Moral truth is the same in every culture, in every time, and in every place.”

—The National Security Strategy of the United States of America, 2002

September 11, 2001

On the morning of September 11, 2001 terrorists boarded four commercial American jets with the intent to hijack them. The flights—American Airlines flight 11 from Boston to Los Angeles, United Airlines flight 175 from Boston to Los Angeles, United Airlines flight 93 from Newark to Los Angeles and American Airlines flight 77 from Washington Dulles to Los Angeles—all were cross-country flights that left from northeastern American cities early in the morning. By 8:00 AM, 19 hijackers had successfully boarded all four planes. They had knives, mace, box cutters, and fake bombs in their carry-on luggage, but not one was not stopped by airport security.¹ While all three airports had metal detectors, they did not pick up the weapons because they “were calibrated to detect items with at least the metal content of a .22-caliber handgun.”² At the time, airport security was privately contracted by airlines who had an incentive not to inconvenience passengers. Lax security procedures meant that it was not difficult for the attackers to get through unnoticed.

By 8:25 it was clear that American Airlines flight 11 had been taken over by hijackers. Air traffic controllers heard one attacker say over the intercom, “nobody move. Everything will be okay. If you try to make any moves, you’ll endanger yourself and the airplane.”³ Twenty-one minutes later, at 8:46, American flight 11 hit the North Tower

of the World Trade Center in New York City. By the time a second plane, United Airlines flight 175, hit the South Tower at 9:03 the disaster was already being broadcast live around the U.S. All passengers in both planes died on impact, in addition to hundreds of others in the towers. The crashes started massive fires in the towers and people desperately tried to escape. Media helicopters captured and broadcast horrific images of people jumping from the towers to quicken certain death. The fires engulfed the buildings and melted the steel structures. The South Tower collapsed at 9:59 and the North Tower followed suit at 10:28. Plumes of smoke engulfed much of lower Manhattan as thousands continued to try to escape the falling debris.

The World Trade Center was not the only target on 9/11. At 9:37 American Airlines flight 77 crashed into the Pentagon in Arlington, Virginia. The fourth flight, United Airlines flight 93 never made it to its target. The last flight to take-off because of a delay, passengers and crew members heard about the other attacks while the plane was in the air. After the plane had successfully been hijacked, fearing impending death, passengers decided to rush the cockpit in a desperate attempt to save their lives and the lives of others. While passengers were unable to gain control of the plane, they obstructed the hijackers enough to throw the plane off course. At 10:02 United flight 93 crashed into an empty field in Pennsylvania. All passengers and the attackers died on impact. The plane never reached its final target, likely the White House or Capital building in Washington, D.C.⁴

In total, 2,996 people died in the attacks carried out with the four planes by the terrorists on September 11. The attacks “were the largest and most deadly terrorist strikes in history.”⁵ The U.S. military was scrambled to ensure that another attack would not take

place, but the damage was already done. American officials quickly determined that the onslaught had been planned and executed by al-Qaeda.

Framework for the War on Terror

Following 9/11, the Bush administration established the framework for the American war on terror. Speeches and other documents circulated by the administration focused on two central themes: (1) unobstructed American values; and (2) an unwavering military. The U.S. was justified in its war against terror because America was the beacon of freedom and al-Qaeda was innately evil. There were clear binaries; good vs. evil, freedom vs. fear, civilized vs. barbaric, there was no overlap. The war in retaliation for the attacks on 9/11 provided a justification for the U.S. to project its military dominance worldwide. The military campaign would be unprecedented in that it would be everywhere, did not have a specified end date, and encompassed any and all weapons and strategies that the military deemed necessary.

The moral framework for the war on terror was easy for Bush to build in the days and months following 9/11. The most commonly reiterated theme by was the necessity of the U.S. to uphold freedom, even in face of attackers who tried to destroy it. In Bush's first official statement after the attacks on September 11, he stated, "Freedom, itself, was attacked this morning by a faceless coward, and freedom will be defended."⁶ Bush argued later that day that "America was targeted for attack because we're the brightest beacon for freedom and opportunity in the world. And no one will keep that light from shining."⁷ A day later, Bush disclosed, "We will not allow this enemy to win the war by changing our way of life or restricting our freedoms."⁸ As the days went on, Bush transitioned the focus on freedom to American values more broadly. In his major address to a joint

session of Congress on September 20, 2001, Bush told Americans “to uphold the values of America and remember why so many have come here. We are in a fight for our principles, and our first responsibility is to live by them.”⁹ In the following months, Bush reiterated his message: “Through this tragedy, we are renewing and reclaiming our strong American values.”¹⁰ The administration repeated the message that terrorists had targeted not only American lives and buildings, but also American values on 9/11, and that the United States would continue uphold those values nonetheless.

The image of America as the beacon of freedom is clearly juxtaposed to al-Qaeda, and terrorists more generally, as the ultimate instantiation of repression and violence. Al-Qaeda was frequently referred to as a group of “murderers” and “barbaric criminals.”¹¹ Terrorists were not only evil because of the acts that they had carried out against the U.S., but also because of their brutal repression of people in areas they controlled. Bush explained:

The leadership of Al Qaida has great influence in Afghanistan and supports the Taliban regime in controlling most of that country. In Afghanistan, we see Al Qaida's vision for the world. Afghanistan's people have been brutalized. Many are starving, and many have fled. Women are not allowed to attend school. You can be jailed for owning a television. Religion can be practiced only as their leaders dictate. A man can be jailed in Afghanistan if his beard is not long enough.¹²

Bush openly compared al-Qaeda’s oppression to Nazi Germany and fascism more generally. Bush stated, “We have seen their kind before. They are the heirs of all the murderous ideologies of the 20th century. By sacrificing human life to serve their radical visions, by abandoning every value except the will to power, they follow in the path of fascism and nazism and totalitarianism.”¹³ In clear opposition to American freedom, al-Qaeda was painted as an organization that furthered violence and repression.

Bush portrayed the U.S. and al-Qaeda as having antithetical values, but also more directly sent up a binary of support. Bush stated on September 20, 2001 that “every nation, in every region, now has a decision to make: Either you are with us, or you are with the terrorists.”¹⁴ He reiterated this point two weeks later when he told the world that “the United States is presenting a clear choice to every nation: Stand with the civilized world, or stand with the terrorists.”¹⁵ Peoples and nations were either on the side of the U.S. or the side of terrorism, there could be no middle ground or further discussion. Bush called out nations that refused to voice support for the U.S.: “We will make no distinction between the terrorists who committed these acts and those who harbor them.”¹⁶ As al-Qaeda was indistinguishable from the governments and nations they resided in, the U.S. was able to justify ground invasions, starting with Afghanistan on October 7, 2001. Bush explained the full extent of American policy on December 11:

Above all, we're acting to end the state sponsorship of terror. Rogue states are clearly the most likely sources of chemical and biological and nuclear weapons for terrorists. Every nation now knows that we cannot accept—and we will not accept—states that harbor, finance, train, or equip the agents of terror. Those nations that violate this principle will be regarded as hostile regimes. They have been warned. They are being watched, and they will be held to account.¹⁷

The binary that Bush created with the U.S. and its allies on one side and al-Qaeda, its allies, and nations harboring al-Qaeda on the other set the stage for war.

Using strong rhetoric, Bush repeatedly made clear how unique the situation of the war on terror was. In his address to the nation on September 20, Bush said that the campaign would be “unlike any other we have ever seen.”¹⁸ He reiterated a week later that the upcoming struggle would be “a war that is unlike any other war that our Nation is used to.”¹⁹ The war on terror would not mirror conflicts that Americans had known

throughout the twentieth century: “This is a conflict without battlefields or beachheads.”²⁰ Nothing could stop the U.S. from eliminating the possibility of another attack. Bush stated, “Even 7,000 miles away, across oceans and continents, on mountaintops and in caves, you will not escape the justice of this Nation.”²¹ Bush noted that the campaign against terrorism would not mirror conflicts of the 1990s in Iraq and Kosovo.²² The first American war of the twenty-first century was against a new sort of enemy which necessitated a new type of response.

Bush made it clear that threat posed by al-Qaeda and other terrorist organizations was worldwide and thus to root them out required a worldwide response. Again, speaking on September 20, Bush stated,

This group and its leader, a person named Usama bin Laden, are linked to many other organizations in different countries, including the Egyptian Islamic Jihad and the Islamic Movement of Uzbekistan. There are thousands of these terrorists in more than 60 countries. They are recruited from their own nations and neighborhoods and brought to camps in places like Afghanistan, where they are trained in the tactics of terror. They are sent back to their homes or sent to hide in countries around the world to plot evil and destruction.²³

Terrorism was not a threat only to the U.S., it was a global problem that had to be eliminated. Bush asserted that “our war on terror begins with Al Qaida, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated.”²⁴ Furthermore, “today we focus on Afghanistan, but the battle is broader.”²⁵ While Afghanistan was to be the first battle of the war on terror, terrorism could not be defeated there alone.

The global reach of terror meant that the U.S. even needed to fight the war at home: “This is a different war from any our Nation has ever faced, a war on many fronts, against terrorists who operate in more than 60 different countries. And this is a war that

must be fought not only overseas but also here at home.”²⁶ In response to threats at home, the USA PATRIOT Act, which legalized mass surveillance in the U.S., was passed by congress and signed by President Bush on October 26. On September 20, Bush established the Office of Homeland Security, which was charged to “oversee and coordinate a comprehensive national strategy to safeguard our country against terrorism and respond to any attacks that may come.”²⁷ On November 25, 2002, Congress officially established this Office of the Department of Homeland Security. While terror breeding grounds were abroad in places like Afghanistan, the administration argued that the U.S. had to be vigilante to prevent threats that persisted against the American homeland.

While the U.S. officially began the war on terror with the invasion of Afghanistan in October, it was clear from the onset that the threats posed by terrorism meant that to win this new kind of war, the U.S. would have to take action in many nations other than just Afghanistan. The fact that the war on terror would need to be fought everywhere meant that an end date for operations was impossible to determine. Only a day after the attacks, Bush acknowledged, “This battle will take time and resolve.”²⁸ A month later, Bush reiterated that “this will be a long war.”²⁹ The length of the American war on terror was purposefully undetermined, but Bush was sure that it would last at least four years: “Preventing mass terror will be the responsibilities of Presidents far into the future.”³⁰ The open-ended nature of the operation became quickly apparent: “It is not now possible to predict the scope and duration of these deployments, and the actions necessary to counter the terrorist threat to the United States. It is likely that the American campaign against terrorism will be a lengthy one.”³¹ In even more powerful rhetoric, Bush, announced that,

victory against terrorism will not take place in a single battle but in a series of decisive actions against terrorist organizations and those who harbor and support them. We are planning a broad and sustained campaign to secure our country and eradicate the evil of terrorism. And we are determined to see this conflict through.³²

From the onset, the Bush administration was clear that the war on terror would be lengthy, but what that really meant was never clear.

To fight and win a global war on terror with no known end meant that the military had to have all weapons and strategies at their disposal. The Bush administration was resolute in its desire to let the military do whatever necessary to obliterate terrorism. For the U.S. to succeed, America must have a “strong military” that was unrestricted. Bush explained, “In our global campaign against global terror, our military must have every resource, every tool, every weapon, and every advantage you need for the missions to come.”³³ New technologies, such as the Predator drone, were at the military’s disposal for the first time.³⁴ Past means of fighting wars would be necessary, but also, “America is required once again to change the way our military thinks and fights.”³⁵ While the American military would have all options at its disposal, the American war effort would also have to include other tactics. Bush said, “We will direct every resource at our command—every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war—to the disruption and to the defeat of the global terror network.”³⁶ The beginning framework for the war on terror was clear in its ambiguity; the unprecedented war on terror was to be fought everywhere, for an unspecified amount of time, with all resources necessary.

The framework for the war on terror was based on the belief that to combat terrorism the U.S. had to uphold the universal value of freedom and have an unhampered

military of unquestionable strength. These two beliefs were the central principles of neoconservatism. Although never explicitly stated by the administration, the framework for the war on terror was based on neoconservative values. As the U.S. began combat operations in Afghanistan and then Iraq, the neoconservative backbone became even more clear.

War in Afghanistan

Within days of September 11, the Bush administration decided that a military response against al-Qaeda was necessary. On September 14, 2001, President Bush signed into law the Authorization for Use of Military Force, which granted the president power to use the military at his discretion to punish those responsible for the attacks on September 11. Given that al-Qaeda forces, including Osama bin Laden, were concentrated in Afghanistan, under the friendly regime of the Taliban, on September 20, 2001 Bush made it clear to the Taliban that they would have to stop protecting al-Qaeda or face repercussions from the United States. Bush made opposition to the Taliban clear when he announced: “we condemn the Taliban regime. It is not only repressing its own people; it is threatening people everywhere by sponsoring and sheltering and supplying terrorists. By aiding and abetting murder, the Taliban regime is committing murder.”³⁷

Bush demanded that the Taliban,

deliver to United States authorities all the leaders of Al Qaida who hide in your land. Release all foreign nationals, including American citizens, you have unjustly imprisoned. Protect foreign journalists, diplomats, and aid workers in your country. Close immediately and permanently every terrorist training camp in Afghanistan, and hand over every terrorist and every person in their support structure to appropriate authorities. Give the United States full access to terrorist training camps, so we can make sure they are no longer operating.³⁸

Bush's requirements were "not open to negotiation or discussion."³⁹ Furthermore, he stated that "the Taliban must act and act immediately. They will hand over the terrorists, or they will share in their fate."⁴⁰ American officials never thought that the Taliban would accede to their demands. Before Bush's ultimatum, on September 17, he "signed a top secret presidential finding that laid out the plan for going to war in Afghanistan," and on September 27, the first CIA covert team entered the country.⁴¹

Without an acceptable answer from the Taliban, Bush officially announced that the U.S. was beginning combat operations in Afghanistan on October 7. The mission, which the administration called Operation Enduring Freedom, was meant to remove the Taliban regime from power and root out al-Qaeda cells operating within Afghanistan. Bush told the nation that "more than 2 weeks ago, I gave Taliban leaders a series of clear and specific demands....None of these demands were met. And now the Taliban will pay a price. By destroying camps and disrupting communications, we will make it more difficult for the terror network to train new recruits and coordinate their evil plans."⁴² With the invasion of Afghanistan, American combat operations under the guise of the war on terror officially began.

Bush made it clear that the United States was not alone in the invasion of Afghanistan. In the address to Congress on September 20, Bush pointed out that there were "citizens of 80 other nations who died with our own." While the attacks may have been carried out in the U.S., the U.S. was not the only nation impacted. Bush praised "the world for its outpouring of support," particularly acknowledging the United Kingdom, France, Germany, South Korea, Egypt and Australia.⁴³ From the onset, other nations symbolically stood with the U.S. against the forces of terrorism. Pulling on international

sympathy, Bush administration officials continually spoke with other nations in an attempt to build a military coalition to dislodge al-Qaeda. By October 7, they had succeeded. When he announced that American troops were headed to Afghanistan, Bush added that the U.S. is

joined in this operation by our staunch friend Great Britain. Other close friends, including Canada, Australia, Germany, and France, have pledged forces as the operation unfolds. More than 40 countries in the Middle East, Africa, Europe, and across Asia have granted air transit or landing rights. Many more have shared intelligence. We are supported by the collective will of the world.⁴⁴

The international coalition took stress off the American military, but more importantly provided a legitimate justification for invasion to the international community.

American strategy relied upon empowering anti-Taliban Afghani forces to remove the Taliban from power. The plan meant that the U.S. and other nations deployed a “limited number of special operations forces to bolster local anti-Taliban forces, especially the Northern Alliance.”⁴⁵ The U.S. did not launch a full invasion or utilize American forces as the main fighting force because of concerns about the potential of appearing as conquerors or occupiers. By providing the Northern Alliance with weapons, training, aerial and cruise missile strikes, and enhanced intelligence capabilities, the U.S. could facilitate the fall of the Taliban regime without appearing as the central figure in the war. Further, empowering the anti-Taliban forces would reduce the number of American casualties and make it easier for withdrawal once the Taliban and al-Qaeda had been defeated.⁴⁶

To gain more allies in Afghanistan, the U.S. worked directly with local tribes. Secret CIA teams “met with tribal leaders and promised these impoverished people immediate aid for those who joined the Northern Alliance.”⁴⁷ Bush continually

emphasized how much the American government was helping the people of Afghanistan. On September 20 he noted that the U.S. is “its largest source of humanitarian aid.”⁴⁸ Further, on October 7, Bush stated that “as we strike military targets, we’ll also drop food, medicine, and supplies to the starving and suffering men and women and children of Afghanistan.”⁴⁹ The U.S. airdropped over 1.7 million pounds of resources to tribes that cooperated with the coalition. While the strategy was immediately effective, it relied upon the loyalty of tribes and warlords who largely signed on only for the aid.

The strategy to remove the Taliban from power worked extremely well. On November 9, the alliance “captured the northern city of Mazar-i-Sharif, which triggered the collapse of the Taliban forces.”⁵⁰ Four days later the Northern Alliance seized control of the capital, Kabul. By December 6, 2001, “what remained of the Taliban militia surrendered.”⁵¹ In less than two months of combat operations, the U.S. had succeeded in remove the Taliban regime from power. In American operations between October 2001 and January 2002, only 56 American service members were killed.⁵² The toppling of the regime meant that al-Qaeda did not have the same safe haven in Afghanistan that it had enjoyed under the Taliban.

After the removal of the Taliban the process to create a new government began in December 2001. On December 30, Hamid Karzai was inaugurated as leader of a 30-member coalition government.⁵³ Hopes that Afghanistan would stabilize were high in 2002. Almost 2 million Afghan refugees returned from neighboring Pakistan and Iran as they saw the path to a brighter future.⁵⁴ There was a “relative absence of the Taliban and al-Qaeda” during 2002 and early 2003, which resulted in fewer American casualties.⁵⁵ As the U.S. and many Afghani’s worked for a stable future for Afghanistan, failures on the

part of the U.S. and the newly formed government created the conditions for a return to instability.

After the fall of the Taliban, the coalition relied upon relationships with tribal leaders and warlords that had been fostered during the invasion to uphold security. With only 9,700 American troops in Afghanistan by the end of 2002 “Karzai had to rely on alliances with local warlords.”⁵⁶ It was not uncommon for warlords to falsely report that rebellious villages or past rivals were members of the Taliban or al-Qaeda in hopes that coalition forces would attack. With security entrusted to tribal leaders and warlords across much of the country the formation of a real Afghan National Army was slow.⁵⁷ The Afghan central government continued to attempt to gain control over vast areas of geographically disparate and historically autonomous territory with varied effectiveness.

One strategy undertaken by the coalition to enhance the power of the central government and help the people of Afghanistan was Provincial Reconstruction Teams (PRTs). The PRTs were first launched in early 2003 were said to be for humanitarian purposes. In teams of 100-200 military and civilian personnel were tasked with improving security, infrastructure, and stability. The PRTs helped build schools, government buildings, and roads, but in reality their main purpose was to “link Kabul and the provinces, offering funds, advice, logistical support.”⁵⁸ Provincial Reconstruction Teams were the first American instantiation of nation-building in the war on terror.

In 2003, the coalition began to run into major difficulties. Gulbuddin Hekmatyar, an anti-Taliban leader during the coalition invasion, switched sides in 2003 after feuding with the central government.⁵⁹ Many other warlords followed the path of Hekmatyar as they became disillusioned with the new government. Opposition to the Karzai

government and coalition forces existed largely for three reasons. First, civilian deaths and incursions on custom heavily upset the general public. Air strikes killed indiscriminately and night raids were common. Oftentimes acting on faulty intelligence from loyal warlords and tribal leaders, coalition forces would invade homes in the middle of the night, “which were particularly loathed in Afghanistan, where the home was a special sanctity.”⁶⁰ This, in combination with other factors led to the second problem, that by the end of 2002 the U.S. became viewed not as a liberating force, but as an occupying power. Third, massive corruption in the Karzai government prevented money from getting to the Afghan people. In the early years of the war in Afghanistan, less than half of foreign aid actually made it to the people of Afghanistan.⁶¹ The difficulties that riddled 2003 were only made worse by the invasion of Iraq. Limited resources because of the campaign in Iraq and new al-Qaeda training grounds in Pakistan compounded the problems in Afghanistan.⁶²

By 2004, the coalition was facing a brutal combination of warlords, tribes, the Taliban, and al-Qaeda. In January 2004, the Taliban announced the beginning of a suicide attack campaign, which they said would not stop until all foreign troops left Afghanistan.⁶³ Violence erupted everywhere as “Taliban and al-Qaeda increasingly used terrorist tactics, including suicide attacks, assassinations, and strikes against civilians and government officials.”⁶⁴ The PRTs became some of the first targets because of their deployment locations, lack of strong security, and their image of the method of occupation. In 2004 the coalition forces were fighting an insurgency: “The Taliban and their allies resorted to the tactics that the Mujahedeen had employed during the Soviet occupation. Small bands of fighters, numbering between 10 and 50, attacked coalition

and government outposts, convoy, and patrols. Often they would fire mortars or rockets at bases, and then withdraw before they could be targeted by the coalition.”⁶⁵ Relatively small numbers of coalition troops made going after Taliban and al-Qaeda insurgents increasingly difficult as they could easily fit into civilian populations or withdraw to heavily fortified mountain bases.

In 2006, NATO nearly doubled the number of troops stationed in Afghanistan, and refocused on training and equipping Afghani soldiers instead of nation-building. Nonetheless, the effort was relatively futile as conflict continued during the duration of the Bush administration. Yearly, Taliban and al-Qaeda operatives would retreat into the mountainous Afghani tribal regions in western Afghanistan and eastern Pakistan during the harsh winters that made passage into much of Afghanistan impossible. They would return from hiding in the spring with new weapons, trainees, and battle plans. The U.S. and the Afghanistan central government were never able to obliterate these opposition forces during the Bush administration.

The War on Terror Framework Applied to Iraq

The broad framework for the war on terror that Bush established following 9/11 meant he was able to fit Iraq into an already existing schema. The open-ended nature of the war on terror meant that sending U.S. troops to another location—this time Iraq—had the potential to be connected. The binary that Bush established between the U.S. (and its allies) and all others meant that the Saddam Hussein regime could be easily connected to terrorism and evil more broadly by the fact that they did not pick the American side. As the administration made the case for the Iraq War to Congress, the American people, and the international community, it relied upon neoconservative values. The U.S. had to act to

ensure that no regime, or terrorist organization, had the potential to hold the U.S. hostage with weapons of mass destruction. Further, action meant that Iraq could be liberated from decades of oppression, and become a free, democratic nation. Bush advocated a new type or transformative American power that used preemptive war when necessary to uphold and further American values.

Immediately following the attacks on September 11, officials within the Bush administration asked intelligence officers how Iraq was involved with the attacks. Paul Wolfowitz said “Iraq must have been helping them [al-Qaeda].”⁶⁶ Bush instructed his terrorism czar Richard Clarke to “see if Saddam did this. See if he’s linked in any way.”⁶⁷ While the CIA and other government agencies acknowledged that there was no direct involvement in the attacks, the Bush administration began a campaign to fold the Iraqi dictator into the same war.

From the onset of the war on terror, the Bush administration made it clear that all actors were either on the side of the U.S. or the side of terror. The binary left no middle ground and meant that any force opposing the U.S.—or even just not taking a side—was functionally backing al-Qaeda. For the first time, in his State of the Union address on January 29, 2002, Bush drew an explicit link between al-Qaeda and Iraq. In what became known as the “Axis of Evil” speech, Bush denounced North Korea, Iran, and Iraq for being “terrorist states.”⁶⁸ Bush stated that Iraq posed a threat to the U.S. and the world.

Iraq continues to flaunt its hostility toward America and to support terror. The Iraqi regime has plotted to develop anthrax and nerve gas and nuclear weapons for over a decade. This is a regime that has already used poison gas to murder thousands of its own citizens, leaving the bodies of mothers huddled over their dead children. This is a regime that agreed to international inspections, then kicked out the inspectors. This is a regime that has something to hide from the civilized world. States like these and their terrorist allies constitute an axis of evil, arming to threaten the peace

of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred. They could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be catastrophic.⁶⁹

Because of the binary that Bush established, he did not have to explicitly outline how the Iraqi government was engaging in terrorism. Rather, support, or even passive acceptance of terrorism was sufficient for Iraq to be just as much of a threat as al-Qaeda. While the first priority was to bring to justice to the plotters of September 11, the second goal was to “prevent the terrorists and regimes who seek chemical, biological, or nuclear weapons from threatening the United States and the world.”⁷⁰ The way that the Bush administration set up the framework for the war on terror, there was no delineation between terrorists themselves and those who helped them or failed to help the U.S. Bush was able to bring Iraq into the war on terror, even without a direct connection to 9/11, because of the binary between good and evil, U.S. and al-Qaeda, that he established.

The unrestricted length and location for the war on terror that the administration established following 9/11 made combat operations in another nation far easier to justify. On January 29, Bush reiterated, “our war against terror is only beginning.”⁷¹ He further argued that “we can't stop short. If we stop now, leaving terror camps intact and terrorist states unchecked, our sense of security would be false and temporary.”⁷² While al-Qaeda may have been centered in Afghanistan, the war on terror would not reach its end with the fall of the Taliban. The worldwide reach of al-Qaeda and terrorism more generally meant that the U.S. would have to act elsewhere. As the Bush administration constructed Iraq as a terror state, there was no stated location or time limit that a war in Iraq would violate. The broad nature of the war on terror meant that it was possible to fight a war

on a brutal regime under the same justification as an invasion to bring the perpetrators of 9/11 to justice.

While the war in Afghanistan was in clear retaliation for attacks perpetrated against the U.S., the Iraqi government had not been party to these or other attacks on the U.S. To resolve this paradox, the administration created what became known as the Bush Doctrine. Espoused in “Commencement Address at the United States Military Academy in West Point, New York” on June 1, 2001 and “The National Security Strategy of the United States” of September 2002, the Bush Doctrine advocated the spread of American values and use of preemptive war when necessary to defend them. Bush relied upon the neoconservative belief in the universality of American values. As Bush explained, “different circumstances require different methods but not different moralities. Moral truth is the same in every culture, in every time, and in every place.”⁷³ The National Security Strategy similarly professed, “These values of freedom are right and true for every person, in every society—and the duty of protecting these values against their enemies is the common calling of freedom-loving people across the globe and across the ages.”⁷⁴ The administration argued that history had proven the superiority of American values: “The 20th century ended with a single surviving model of human progress, based on nonnegotiable demands of human dignity, the rule of law, limits on the power of the state, respect for women, and private property and free speech and equal justice and religious tolerance.”⁷⁵ The National Security Strategy claimed that there was a “single sustainable model for national success: freedom, democracy, and free enterprise.”⁷⁶ Following, and spreading, absolute, correct (American) morals was an imperative.

To further American values abroad, sometimes the use of preemptive war would be necessary. To link American values and preemptive attack, the National Security Strategy proclaimed,

Freedom is the non-negotiable demand of human dignity; the birthright of every person—in every civilization. Throughout history, freedom has been threatened by war and terror; it has been challenged by the clashing wills of powerful states and the evil designs of tyrants; and it has been tested by widespread poverty and disease. Today, humanity holds in its hands the opportunity to further freedom's triumph over all these foes. The United States welcomes our responsibility to lead in this great mission.⁷⁷

While the U.S. could simply root out terrorism and leave communities as they were, the Bush administration made the case for a transformative American power. “The United States will use this moment of opportunity to extend the benefits of freedom across the globe,” Bush argued, “We will actively work to bring the hope of democracy, development, free markets, and free trade to every corner of the world.”⁷⁸ Transformative power was possible, and necessary, because of threats that were new in the twenty-first century. The administration argued that in the age of terrorism obvious signs of looming attack, such as amassing of troops on a border, did not exist. This meant that “if we wait for threats to fully materialize, we will have waited too long.”⁷⁹ To win the war, offensive action was necessary, “We must take the battle to the enemy, disrupt his plans, and confront the worst threats before they emerge. In the world we have entered, the only path to safety is the path of action, and this Nation will act.”⁸⁰ Bush explicitly argued that the U.S. must “be ready for preemptive action when necessary.”⁸¹ The National Security Strategy stated, “America will act against such emerging threats before they are fully formed” because “history will judge harshly those who saw this coming danger but failed to act.”⁸² Bush reiterated this message throughout the rest of 2002. In an address

regarding the congressional authorization of U.S. forces against Iraq on October 2, 2002, Bush argued, “we cannot wait for the final proof, the smoking gun, that could come in the form of a mushroom cloud.”⁸³ The Bush Doctrine pulled from neoconservative beliefs and the already existing framework for the war on terror to argue that to protect and extend universal American values preemptive war was justified and even necessary in certain instances.

The Bush administration continually reiterated the three main reasons Hussein should be removed from power: (1) support of terrorism; (2) potential for use of weapons of mass destruction; and (3) brutal oppression of his own people. The repetition of these three arguments made up the introduction to most of Bush’s speeches about Iraq from later 2002 until the war began in March 2003. Bush stated on October 2, Iraq “is seeking nuclear weapons. It has given shelter and support to terrorism and practices terror against its own people.”⁸⁴ On October 16 he explained that “the regime is armed with biological and chemical weapons, possesses ballistic missiles, promotes international terror, and seeks nuclear weapons. The same dictator has a history of mass murder.”⁸⁵ Again, on November 8 he argued, “we oppose a uniquely dangerous regime, a regime that has harbored terrorists and can supply terrorists with weapons of mass destruction, a regime that has built such terrible weapons and has used them to kill thousands, a brutal regime with a history of both reckless ambition and reckless miscalculation.”⁸⁶ The claims of brutality were well known and generally agreed to by the international community. The allegations that Hussein was seeking weapons of mass destruction and was aiding terrorist organizations were vague at first in the middle of 2002. But, by early 2003 the administration laid out to the international community the explicit intelligence—most

notably in Colin Powell's February 5, 2003 address to the United Nations—they had received in an attempt to build an international coalition to topple the government.⁸⁷

The first, and most important, argument that the Bush administration used against the Hussein regime was that it was a supporter of terrorism. Bush stated, "Iraq continues to shelter and support terrorist organizations."⁸⁸ Further, "Saddam Hussein aids and protects terrorists, including members of Al Qaida."⁸⁹ The administration held that Iraqi government had met with leaders of al-Qaeda throughout the 1990s and early 2000s. At the United Nations, Powell stated, "In 1996, a foreign security service tells us, that bin Laden met with a senior Iraqi intelligence official in Khartoum, and later met the director of the Iraqi intelligence service."⁹⁰ Bush explained a day later that meeting with al-Qaeda had facilitated a transfer of weapons:

Saddam Hussein has longstanding, direct, and continuing ties to terrorist networks. Senior members of Iraqi intelligence and Al Qaida have met at least eight times since the early 1990s. Iraq has sent bomb-making and document forgery experts to work with Al Qaida. Iraq has also provided Al Qaida with chemical and biological weapons training.⁹¹

The Iraqi government had directly supported al-Qaeda.

Powell further charged that Iraq was a "safe haven" for members of al-Qaeda and other terrorists.⁹² Bush alleged that Iraq had provided safety to Abu Nidal "whose terror organization carried out more than 90 terrorist attacks in 20 countries that killed or injured nearly 900 people, including 12 Americans" and Abu Abbass "who was responsible for seizing the Achille Lauro and killing an American passenger."⁹³ Powell argued that Iraqi government continued to house terrorists: "But Baghdad has an agent in the most senior levels of the radical organization, Ansar al-Islam, that controls this corner of Iraq. In 2000 this agent offered Al Qaida safe haven in the region. After we swept Al

Qaida from Afghanistan, some of its members accepted this safe haven. They remain their today.”⁹⁴ Not only did Iraq have a history of providing safety to terrorists broadly, but there was evidence that they continued to support and house the agents of 9/11, al-Qaeda.

While the administration argued, with a unified voice, that Hussein supported terrorism, not all Americans were convinced.⁹⁵ Notably, Brent Scowcroft, the National Security Advisor under George H.W. Bush, after being rebuked by the Bush administration, penned an op-ed in the *Wall Street Journal* on August 15, 2002, opposing a potential invasion of Iraq. While Scowcroft was an ardent believer in the war on terror, he argued that refocussing attention on Iraq would distract from the goal of destroying al-Qaeda. Scowcroft contended that Hussein was not connected to al-Qaeda, “There is scant evidence to tie Saddam to terrorist organizations, and even less to the Sept. 11 attacks. Indeed Saddam's goals have little in common with the terrorists who threaten us, and there is little incentive for him to make common cause with them.”⁹⁶ The lack of connection between Iraq and al-Qaeda meant that “an attack on Iraq at this time would seriously jeopardize, if not destroy, the global counterterrorist campaign we have undertaken.”⁹⁷ Bush rebuffed these concerns by repeating the administration’s message: “Some have argued that confronting the threat from Iraq could detract from the war against terror. To the contrary, confronting the threat posed by Iraq is crucial to winning the war on terror.”⁹⁸ Leading up to the war in Iraq, the Bush administration ignored, or refuted with classified evidence, concerns brought up by opposing parties. In November 2002, speaking about Iraq, Bush stated, “the world must not lapse into unproductive debates.”⁹⁹ The binary that the administration established left little room for opposition.

The second reason that Hussein needed to be removed from power was his desire to acquire weapons of mass destruction. In the 1980s and 1990s Hussein possessed and used chemical weapons. Bush stated, “he has ordered chemical attacks on Iran and on more than 40 villages in his own country. These actions killed or injured at least 20,000 people.”¹⁰⁰ The Iraqi government illegally continued to hold chemical weapons: “In defiance of pledges to the U.N., it has stockpiled biological and chemical weapons. It is rebuilding the facilities used to make those weapons. U.N. inspectors believe that Iraq could have produced enough biological and chemical agent to kill millions of people.”¹⁰¹ Hussein had the potential to kill thousands with already accumulated chemical weapons and had the ability to produce more of these weapons.

The Bush administration made the case that Hussein would not stop at chemical weapons, and was attempting to build nuclear weapons. As Bush argued, “the regime has the scientists and facilities, to build nuclear weapons and is seeking the materials needed to do so.”¹⁰² With scientists and facilities the only piece missing was sufficient fissile material. Powell argued that Hussein had attempted to acquire fissile material and the machinery necessary to make it function in a number of ways. Powell stated, “Hussein is determined to get his hands on a nuclear bomb. He is so determined that he has made repeated covert attempts to acquire high-specification aluminum tubes from 11 different countries.”¹⁰³ He continued: “The high tolerance aluminum tubes are only part of the story. We also have intelligence from multiple sources that Iraq is attempting to acquire magnets and high-speed balancing machines; both items can be used in a gas centrifuge program to enrich uranium.”¹⁰⁴ Powell concluded that “there is no doubt in my mind, these elicited procurement efforts show that Saddam Hussein is very much focused on

putting in place the key missing piece from his nuclear weapons program, the ability to produce fissile material.”¹⁰⁵ While the U.S. never fully disclosed their sources, the Bush administration made it clear to the international community that the Hussein regime was attempting to get build nuclear weapons.

Weapons of mass destruction were so alarming to the U.S. because it meant that American military hegemony could be questioned and that the Hussein government could arm terrorists with the weapons. An Iraqi government with weapons of mass destruction could challenge the fragile balance of power in the Middle East, Bush said, “If Iraq's dictator is permitted to acquire nuclear weapons, he could resume his pattern of intimidation and conquest and dictate the future of a vital region.”¹⁰⁶ More importantly, an Iraq with weapons of mass destruction had the potential to attack the United States. The Bush administration continually contended that Hussein either had, or was developing, UAVs that had the ability to attack the U.S. with weapons of mass destruction. As Bush explained, “we've also discovered through intelligence that Iraq has a growing fleet of manned and unmanned aerial vehicles that could be used to disperse chemical or biological weapons across broad areas. We're concerned that Iraq is exploring ways of using these UAVs for missions targeting the United States.”¹⁰⁷ Bush argued that Hussein would use weapons of mass destruction to “blackmail,” “dominate,” and “intimidate” the U.S. and its allies.¹⁰⁸ Allowing Iraq to gain weapons of mass destruction would impede on the neoconservative mission to have unquestioned military strength. The U.S. could not allow any nation to hold America hostage.

The administration linked Hussein's desire to acquire weapons of mass destruction directly to the war on terror by arguing that he would provide such weapons

to terrorists. As early as January 2002, the Bush administration articulated this concern: “By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred.”¹⁰⁹ Given this, The National Security Strategy noted that “our immediate focus will be those terrorist organizations of global reach and any terrorist or state sponsor of terrorism which attempts to gain or use weapons of mass destruction or their precursors.”¹¹⁰ In February 2003, Powell responded to critics—like Scowcroft—that argued there was no reason that Iraq would provide weapons of mass destruction to terrorists:

Some believe, some claim these contacts do not amount to much. They say Saddam Hussein's secular tyranny and Al Qaida's religious tyranny do not mix. I am not comforted by this thought. Ambition and hatred are enough to bring Iraq and Al Qaida together, enough so Al Qaida could learn how to build more sophisticated bombs and learn how to forge documents, and enough so that Al Qaida could turn to Iraq for help in acquiring expertise on weapons of mass destruction.¹¹¹

Any potential that the Iraqi government could provide weapons of mass destruction to al-Qaeda was too much. The only way to ensure that al-Qaeda did not get weapons from the Iraqi government was to change the leaders.

The third, and final, argument made by the administration to remove Hussein from power was the brutality of his regime. In October 2002, Bush explained some of the horrific scenes of Hussein’s rule:

We also know the nature of Iraq's dictator. On his orders, opponents have been decapitated and their heads displayed outside their homes. Women have been systematically raped as a method of intimidation. Political prisoners are made to watch their own children being tortured. The dictator is a student of Stalin, using murder as a tool of terror and control within his own cabinet, within his own army, even within his own family. We will not leave the future of peace and the security of America in the hands of this cruel and dangerous man.¹¹²

Regardless, of the threat the Hussein posed to the international community, he was unworthy of being a national leader. Powell reiterated this message to international community at the U.N.:

Hussein's use of mustard and nerve gas against the Kurds in 1988 was one of the 20th century's most horrible atrocities; 5,000 men, women and children died. His campaign against the Kurds from 1987 to '89 included mass summary executions, disappearances, arbitrary jailing, ethnic cleansing and the destruction of some 2,000 villages. He has also conducted ethnic cleansing against the Shi'a Iraqis and the Marsh Arabs whose culture has flourished for more than a millennium. Saddam Hussein's police state ruthlessly eliminates anyone who dares to dissent. Iraq has more forced disappearance cases than any other country, tens of thousands of people reported missing in the past decade.¹¹³

Hussein had killed his own people en masse and brutally repressed anyone who sought to challenge him. The people of Iraq had no domestic recourse, the international community was their last resort. The Bush administration insisted to the Iraqi people just days before the American invasion that “the day of your liberation is near.”¹¹⁴ The cruelty of the Iraqi government meant that the international community had to act to save the people of Iraq from persecution and instate democracy.

The brutality and repression of the Hussein regime made Iraq a perfect place to realize the neoconservative mission. The failure to remove Hussein in 1991 lingered in the minds of the administration officials. For neoconservatives, Iraq stood in blatant opposition to American values. Hussein killed his own people, prevented political dissent and freedom of expression and ruled with fear. A transformative American power meant that the U.S. not only could, but had the duty to liberate the Iraqi people from Hussein’s repression. In the days before the American invasion, Bush told the Iraqi people that “we will help you to build a new Iraq that is prosperous and free.”¹¹⁵ Iraq provided a place to

prove the effectiveness of a transformative American power with superior values and firepower.

The broad framework for the war on terror allowed the Bush administration to fit Iraq into the same conflict. Bush used the themes of open-ended military engagement of the war on terror and the good vs. evil binary that meant the U.S. had not only the ability, but the duty to remove Hussein. Bush argued for a transformative American power that in certain instances necessitated preemptive war. To locate the Hussein regime as worthy of American military engagement, the Bush administration argued that the Iraqi government harbored and helped terrorists, was attempting to create weapons of mass destruction which they would provide to terrorist organizations, and brutally oppressed its own people.

War in Iraq

In his 2002 State of the Union address, Bush explicitly connected Iraq to the war on terror for the first time. Bush argued that Iraq, Iran, and North Korea were an “axis of evil” that posed as much of a threat to the world order as terrorism. Throughout 2002 and the early 2003, the Bush administration built that case for war to depose Hussein. On October 16, 2002 President Bush signed the Authorization for Use of Military Force Against Iraq, a Congressional resolution that authorized him to forcefully remove Hussein from power if Hussein refused to comply with U.N demands. Following approval by Congress, Bush stated that a U.N. authorization of war would not be necessary for the U.S. to get involved. On November 20, Bush asserted,

If the collective will of the world is strong, we can achieve disarmament peacefully. However, should he choose not to disarm, the United States will lead a coalition of the willing to disarm him. And at that point in time,

all our nations—we will consult with our friends, and all nations will be able to choose whether or not they want to participate.¹¹⁶

The U.S. never was able to get a U.N resolution passed.

On March 17, 2003, in an address to the nation, Bush declared, “Saddam Hussein and his sons must leave Iraq within 48 hours. Their refusal to do so will result in military conflict.”¹¹⁷ Two days later, Bush announced that “American and coalition forces are in the early stages of military operations to disarm Iraq, to free its people, and to defend the world from grave danger.”¹¹⁸ On March 20, 2003 Operation Iraqi Freedom formally began, with a “coalition of the willing” that included support from over 40 nations and troops from the U.K., Australia, and Poland. The early American military strategy was referred to as “Shock and Awe.” Relying on the newest military technology, the U.S. military launched over 600 cruise missiles at Iraqi government targets as troops squashed the poorly-armed Iraqi forces.¹¹⁹ Bush applauded that “with new tactics and precision weapons, we can achieve military objectives without directing violence against civilians.”¹²⁰ The quick movement of troops meant that by April 9, coalition forces controlled Baghdad, the Iraqi capital, and much of the country. On May 1, 2003, Bush announced from the deck of the *USS Abraham Lincoln*: “Major combat operations in Iraq have ended. In the battle of Iraq, the United States and our allies have prevailed. And now our coalition is engaged in securing and reconstructing that country.”¹²¹ As it turned out, rebuilding Iraq, not deposing Hussein, would be the problem for the U.S.

In January 2003, President Bush signed a national security directive that reversed a precedent that had existed since World War II in which the State Department was in charge of post-war operations. Instead, the Department of Defense was tasked with managing and running U.S. operations in Iraq after the fall of Hussein. The Pentagon

established the Office for Reconstruction and Humanitarian Assistance (OSHA) to administer Iraq, and Jay Gardner was chosen to lead the operation.¹²²

By the time that Hussein's regime was officially deposed, OSHA had little idea about how to run a country. The military was not given clear orders following the fall of the Iraqi government. Massive looting engulfed the country. Seventeen of 23 Iraqi ministries were ransacked within days, losing everything from important documents to toilets.¹²³ Without orders, "Baghdad was falling apart in front of the eyes of the U.S. military, with buildings being looted and parents afraid to let their children outside, but no one had orders to do anything about it."¹²⁴ As images of the looting were shown around the world Rumsfeld responded by stating, "stuff happens...freedom's untidy."¹²⁵ While American officials thought that the looting issue in Iraq would resolve itself, Journalist Thomas Ricks explained that "the message sent to Iraqis was far more troubling than Americans understood. It was that the U.S. government didn't care—or, even more troubling for the future security of Iraq, that it did care but was incapable of acting effectively."¹²⁶

The absolute chaos that consumed Iraq in the weeks after the fall of the government can largely be attributed a lack of postwar planning prior to the invasion. The Department of Defense was headed by known neoconservatives Rumsfeld and Wolfowitz, who despised the Powell Doctrine that the U.S. followed during the Gulf War. Neoconservatives believed that using overwhelming force was unnecessary and a clear exit strategy hampered options once the conflict began.

The U.S. only sent 125,000 troops, less than 1/3 that called for by a report.¹²⁷ Hussein had used at least half a million police and military officials, who spoke the

language and knew the customs, to control the country. Even General Anthony Zinni maintained that the U.S. would need at least 385,000 troops to control Iraq.¹²⁸ Rumsfeld responded by saying he could not see why 125,000 American troops would be unable to do the job. Without enough U.S. troops the Joint Chiefs of Staff drew up a plan that relied upon the Iraqi military to capitulate to the U.S. and help control the borders and police the population. Unsurprisingly, “Iraqi help did not appear.”¹²⁹ Central Command commander Marine General Joseph Hoar reported in April 2003, “the fact is that more ground troops are needed.”¹³⁰ The U.S. did not have nearly enough troops to secure the country.

The even larger issue was that there was not much of a plan as to how to rebuild a Iraq. Believing in the neoconservative values “meant there was little reason to draw up a detailed and sophisticated postwar reconstruction plan.”¹³¹ American options would be hamstrung if there was clear plan going into the war. Lieutenant General Joseph Kellogg Jr. noted that “there was no plan.”¹³² As the Coalition Provisional Authority (CPA)—the transitional Iraqi government—replaced the OSHA on April 21, there was no clear direction for Iraq.

On April 24, 2003 Gardner was told by Rumsfeld that he was being replaced by retired diplomat L. Paul Bremer III. In the ensuing months, Bremer’s directives significantly worsened the situation. On May 16, CPA Order Number 1 called for de-Ba’athification of the Iraqi government. The statement Bremer issued said that “senior party members are hereby removed from their positions and banned form future employment in the public sector.”¹³³ While Gardner and other military officials claimed that the Order would make rebuilding the Iraqi government much more difficult, Bremer

had made up his mind. Bremer retroactively justified his action by stating, “I did that because I thought it was absolutely essential to make it clear that the Baathist ideology, which had been responsible for so many of the human-rights abuses and mistreatment of the people in the country over the last forty years, had to be extirpated finally and completely from society.”¹³⁴ The Ba’ath Party, the only political party in Iraq under Hussein, required all government positions be held by members of the party. The order functionally meant that nearly all people who previously held important government positions under Hussein were out of work, and were prevented from ever serving in the Iraqi government again. A U.S. intelligence estimate found that the Order would effect between 15,000 and 40,000 Iraqis.¹³⁵ Not only were thousands of people out of a job, but the future Iraqi government would have to be built with Iraqis who had no experience whatsoever in policymaking or bureaucracy.

A week later on May 23, Bremer issued CPA Order Number 2. Order 2 called for the abolition of the Iraqi security state. The order formally “terminated Iraqi armed forces, which accounted for 380,000 people; the staff of the Ministry of the Interior, which accounted for 285,000 people, because it included police and domestic security forces; and the presidential security unit, a force of some 50,000.”¹³⁶ This order left hundreds of thousands of military-trained Iraqis out of work and frustrated with the U.S. Additionally, the U.S. military had to take on the role of even basic police forces, and a new Iraqi military would have to be built from scratch. As Thomas Ricks observed, the first two CPA orders “threw out of work more than half a million people and alienated many more dependent on those lost incomes.”¹³⁷

The third debilitating adjustment policy adopted by Bremer was the removal of costly state-run enterprises. Bremer “began pursuing a program aimed at moving Iraq toward a free-market society, beginning by shutting down unprofitable state-run industries.”¹³⁸ Overall, the three changes made by the CPA under Bremer’s guidance “radically undercut social stability and built opposition to the American presence.”¹³⁹ By putting hundreds of thousands of Iraqis out of work, Bremer’s orders rapidly increased anti-American sentiment in Iraq.

Once the military finally was given orders the situation did not improve. The military’s task was to “provide a safe and secure environment.”¹⁴⁰ Mirroring tactics used in Bosnia in the 1990s, the military patrolled areas to show the local community that there was an American presence. Problematically, the military presence made citizens feel like it was a Western occupation. Military tactics under the “Shock and Awe” policy further worsened the situation. The military believed that by using overwhelming firepower it could root out and kill all opposition. This strategy caused massive destruction of infrastructure, and led to continual incursions into the daily lives of Iraqis. In one instance, the military blew up an entire high-rise to kill a sniper.¹⁴¹ In another, troops were told to kill anyone digging holes on the side of the road in an attempt to curb improvised explosive device (IED) attacks. Lieutenant Colonel Mark Young explained that this move was necessary to “demonstrate one more time that we have significant firepower and can use it at our discretion.”¹⁴² The tactics were succeeding in eliminating many opposition operatives, but in the process they created a public that turned against the U.S. and was more likely to help insurgents in the struggle against the U.S.

In October, 2003, the Iraq conflict turned into a full insurgency. The Ramadan Offensive, launched on October 26, saw attacks on U.S. troops increase from 10-15/day to 45/day.¹⁴³ General Ricardo Sanchez noted, “we were not only seeing an escalation of the insurgency, but for the first time we were witnessing signs of a civil war in Iraq.”¹⁴⁴ During the offensive, the attacks not only grew more numerous, but also more complex. It was the first time that insurgents were having success targeting American aircraft. The Bush administration responded with a three-pronged policy to reduce violence: return sovereignty to the Iraqi people; get more intelligence on the emerging enemy; and rebuild Iraqi security forces.

To begin giving control of the government back to Iraqis, the CPA appointed 25 members to the Iraqi Governing Council on July 13, 2003. The anti-Hussein council was composed of 13 Shiites, 5 Sunnis, 5 Kurds, 1 Christian, and 1 Turkmen, and was charged with drafting a constitution and organizing elections. On March 8, 2004, the Iraqi Governing Council and the U.S. formally established an interim constitution largely modeled on the American constitution. On June 28, Bremer formally handed over control of Iraq to the interim government. In fear of attack, Bremer transferred over power two days prior to when it was scheduled, behind the walls of the Baghdad Green Zone, and quickly and secretively left the country. A former American diplomat remarked, “what had started with neoconservative fantasies of cheering Iraqis greeting American liberators with flowers and candy ended with a secret ceremony and a decoy plane.”¹⁴⁵ In January 2005, an Iraqi government was elected by the people. While the Bush administration lauded the elections as the promise of democracy coming to fruition, the election deepened the political divide between Sunnis, Shiites, and Kurds.

To gain more intelligence, the U.S. stepped up raids. Troops “conducted cordon and sweep operations, entering Iraqi homes at night.”¹⁴⁶ Invading homes did not make the American military any friends. There was a “complete lack of cultural understanding” that exacerbated already existing antagonisms toward the U.S.¹⁴⁷ The only real success of intelligence gathering missions in late 2003 was the capture of Saddam Hussein. On December 14, troops found Hussein hiding in a hole outside of Tikrit. While the dictator had been captured, the country was still in ruin.

Lieutenant General David Petraeus was tasked with training Iraqi security forces to take over protection of the country. The process was slow and arduous. Even when the U.S. was able to recruit Iraqis to join, desertion rates were high and it was difficult to train reliable units because there was little loyalty to the central government. In January 2005, Iraq listed 120,000 people in their security forces, but the coalition calculated that over a year later only 5,000 could be effective in combat. While the U.S. tried to train Iraqis to control their own country so the U.S. could withdraw troops, violence continued unabated.

In 2006, the American military began to change its failing tactics. Colonel H. R. McMaster, the commanding officer of the army regiment in Tel Afar in northern Iraq, had told troops that they needed to be respectful toward the people to prevent them from turning against the war effort. He banned troops from using certain derogatory words, required a person in each convoy to learn basic conversational Arabic and surveyed the local population to see what they needed. The tactic worked exceptionally well as locals began to report insurgents and IEDs. General Petraeus, in his time commanding in northern Iraq, had espoused many of the same approaches. In October 2005, Secretary of

State Condoleezza Rice officially endorsed the policy in a Senate hearing, “Our political-military strategy has to be,” she told to the Senate “to clear areas from insurgent control, to hold them securely and to build durable Iraqi infrastructure.”¹⁴⁸ Bush agreed with Rice and overruled an annoyed Rumsfeld. In December, the U.S. Army published a new field manual that outlined the strategies of counterinsurgency that troops were instructed to follow.¹⁴⁹

American dissatisfaction over the Iraq war effort began to spiral out of control for the Bush administration in 2005. In June, for the first time a majority of Americans believed that the administration had intentionally misled the nation into war, that the war was not worth the costs, that it had not made the U.S. safer, and that the U.S. should bring troops home.¹⁵⁰ The midterm elections of 2006 functioned as a sort of referendum on the Iraq war. Democrats gained control of both the House and Senate as even some Republicans tried to distance themselves from Bush and the war. Bush called it “a thumping” and recognized that many Americans were fed up with his policy.¹⁵¹ The day after the elections, in reference to Iraq, Bush noted, “I recognize that many Americans voted last night to register their displeasure with the lack of progress being made there.”¹⁵² Bush responded by replacing the neoconservative Rumsfeld with the pragmatist Robert Gates because of the need for a “fresh perspective.”¹⁵³

On January 10, 2007, President Bush announced what became known as “the surge.” After replacing Rumsfeld with Gates, the administration admitted the failure of past military policy in Iraq. Bush acknowledged that while the U.S. thought that elections and training Iraqi forces would result in stability and the ability to bring home American troops, “the opposite happened.”¹⁵⁴ Bush noted, “where mistakes have been made, the

responsibility rests with me,” but also stated that “failure in Iraq would be a disaster for the United States.”¹⁵⁵ To remedy the situation Bush declared, “I’ve committed more than 20,000 additional American troops to Iraq.”¹⁵⁶ The mission was to be headed by General Petraeus. While over 70 percent of Americans were opposed to sending more troops to what they perceived as a futile war, the surge was relatively successful.¹⁵⁷ By the time the surge ended in July 2008, “Baghdad and many cities were more secure.”¹⁵⁸ Reporter Thomas Ricks noted, “there was no question that under Petraeus, the U.S. military regained the strategic initiative, an extraordinary achievement.”¹⁵⁹ As the Bush administration ended in 2008, Iraq was still a mess, but at least it was more secure than it had been as any point since 2003.

Catch and Release

When Bush announced the invasion of Afghanistan he relied on the narrative that the U.S. was seeking justice for the crimes committed on September 11. He announced on October 7, 2001, the U.S. “military action is also designed to clear the way for sustained, comprehensive, and relentless operations to drive them out and bring them to justice.”¹⁶⁰ On November 8, he asserted, “however long it takes, their hour of justice will come.”¹⁶¹ On January 10, 2002, he reiterated that the U.S. mission in Afghanistan was for the purpose of “delivering justice—not revenge but justice—to agents of terror.”¹⁶² While Bush called the overall mission the war on terror, criminal language was used to refer to individuals involved in 9/11 and al-Qaeda more generally. Just as they were referred to as criminals, they were caught, detained, and imprisoned like criminals, except they were not given basic rights guaranteed in the U.S.

While there were hundreds of detainees that spent months and years in prisons around the world under the guise of the war on terror, the majority of detainees were held for relatively short periods of time. At Abu Ghraib, over 90% of detainees were released after they either gave up information or were determined not to have any actionable intelligence.¹⁶³ In the first 18 months of the occupation of Iraq alone between 30,000 and 40,000 people passed through U.S. detention facilities. This policy, termed “catch and release,” focused on gathering intelligence to get to the most dangerous al-Qaeda operatives. To get information on a mass scale a military occupation was necessary. Most detainees in Afghanistan and Iraq were snatched in raids that oftentimes occurred in the middle of the night. People were grabbed indiscriminately at times as the military “reverted to rounding up any and all suspicious looking persons.”¹⁶⁴ Raids were possible because of the number of American troops, but more importantly because the cooperation of the governments in Afghanistan and Iraq.

To most effectively determine who the criminals were, where they were hiding, and how to root them out, Bush signed a directive on September 17, 2001 giving the CIA power to secretly imprison and interrogate detainees.¹⁶⁵ On November 19, he signed an order proclaiming an extraordinary emergency that allowed the military to detain and ignore rights of individuals captured.¹⁶⁶ For the CIA and military to house and question prisoners they set up black sites, jails where they would carry out black projects—top secret operations not disclosed to the public. Most sites are still unknown, but the most prominent ones were at Guantanamo Bay, Cuba, Bagram Air Base, Afghanistan and Abu Ghraib, Iraq. When taken to black sites, detainees were not guaranteed any rights. They

could be captured without cause, held for an unrestricted amount of time without charge, and tortured.

When the U.S. invaded Afghanistan, they quickly began capturing al-Qaeda and Taliban operatives, who they transferred and questioned at black sites. In January 2002, the first detainees were sent to camp X-Ray at the U.S. Naval Base at Guantanamo Bay, Cuba. Under the policy of extraordinary rendition, hundreds of detainees were transferred from Afghanistan and Iraq over the course of the Bush administration to the camp in Cuba for further interrogation and imprisonment. During the Bush administration the camp housed over 700 detainees at its peak. Rumsfeld remarked in 2002 that the suspected terrorists at Guantanamo Bay were “the worst of the worst.”¹⁶⁷ In his State of the Union address on January 29, 2002, Bush announced that “hundreds of terrorists have been arrested” and that “terrorists who once occupied Afghanistan now occupy cells at Guantanamo Bay.”¹⁶⁸ Bush quipped on February 4 that the U.S. would capture more al-Qaeda operatives and “give them a free trip to Guantanamo Bay.”¹⁶⁹ By June, Bush announced that the U.S. had detained over 2,400 terrorists.¹⁷⁰

Bush announced publically on January 28 that the al-Qaeda operatives and allied forces that were captured in the war on terror would not be considered Prisoners of War (POW) under the Geneva Convention. He stated, “we are not going to call them prisoners of war...and the reason why is, Al Qaida is not a known military. These are killers. These are terrorists. They know no countries.”¹⁷¹ Weeks earlier, a January 9 memo from John Yoo, Deputy Assistant Attorney General, concluded that the War Crimes Act and the Geneva Convention “do not protect member of the al-Qaeda organization, which as a non-state actor cannot be a party to the international agreements governing war. We

further conclude that these treaties do not apply to the Taliban militia.”¹⁷² On February 7, Bush officially endorsed the view of Yoo in an official presidential memo. The Bush administration argued that the Geneva Convention did not apply to the war on terror because they worried that it had the potential to constrain military options.

While the administration held that the U.S. was not required to provide—what they referred to as “enemy combatants”—rights afforded under the Geneva Convention, Bush stated that the American government would treat detainees humanely. In questioning following the announcement of the lack of POW status, Bush said that the detainees would be “treated well” five times.¹⁷³ Bush specifically avoided calling them prisoners, and instead referred to them as detainees. He slipped once and corrected himself on January 28: “we’re in total agreement on how to—on whether or not—on how these prisoners, or detainees, excuse me, ought to be treated. And they’ll be treated well.”¹⁷⁴ To avoid the potential internal law implications of the Geneva convention while also attempted to retain the moral high ground, Bush told reporters that the United States was “adhering to the spirit of the Geneva Convention.”¹⁷⁵ While the administration held the line that they were going to treat detainees humanely—even while refusing to be bound by the Geneva Convention—they were secretly looking into “counter-resistance techniques,” which would later be called “enhanced interrogation techniques.”¹⁷⁶

Throughout 2002 the administration had internal discussions about what constituted acceptable techniques for interrogating subjects captured in Afghanistan. General James T. Hill argued that interrogations by Joint Task Force 170 at Guantanamo Bay had “yielded critical intelligence support for forces in combat.”¹⁷⁷ He continued, “I firmly believed that we must quickly provide Joint Task Force 170 counter-resistance

techniques to maximize the value of our intelligence collection mission.”¹⁷⁸ Beyond traditional techniques of questioning, military commanders asked for approval of tactics including, “removal of clothing, forced grooming, using detainee’s individual phobias to induce stress” and what would become known as water boarding: “use of a towel and dripping water to induce misperception of suffocation.”¹⁷⁹ On April 16, 2003, a memo by Rumsfeld was released to the U.S. Southern Command that articulated acceptable interrogation methods. In the memo certain techniques are labeled with caution notes because they could be considered “inhumane.”¹⁸⁰ It is still not fully clear when and what techniques were used legally by American officials at CIA and military black sites.

Some instances of interrogations that took place at black sites were helpful to American troops. In March 2003, the U.S. captured Khalid Sheikh Mohammad, the person that the *9/11 Commission Report* found was “the principal architect of the 9/11 attacks.”¹⁸¹ Mohammad gave up information in interrogations after being transferred to Guantanamo Bay. The coalition in Afghanistan used intelligence the U.S. received from Mohammad “to identify and capture a large number of weapons stores and Taliban bases.”¹⁸² As interrogations went on, Diane E. Beaver, part of the Army’s Judge Advocate General Corps, argued that detainees “interrogation resistance strategies have become more sophisticated.”¹⁸³ As techniques became less effective, the U.S. turned to harsher approaches to interrogation.

Information about the use of black sites began to come out as allegations of torture were levied against the U.S. government. On August 14, Captain William Ponce, from the Human Intelligence Effects Coordination Cell, sent out a memo to subordinate commands that told them “we need to start gathering info to help protect our fellow

soldiers from further attacks.”¹⁸⁴ He continued, by warning that “the gloves are coming off regarding these detainees.”¹⁸⁵ As American forces were tasked with gaining actionable intelligence in Afghanistan and Iraq they had to set up locations to house and question those they deemed to hold useful information. On August 4, 2003, the U.S. repurposed Hussein’s old prison, Abu Ghraib, notorious for its use to jail political prisoners, to hold detainees. On August 31 the commander of the operation at Guantanamo Bay was sent to Abu Ghraib to improve intelligence gathering operations. He stated that the soldiers needed “to rapidly exploit internees for actionable intelligence.”¹⁸⁶ As operations in Iraq required more and better information, American officials on the ground were put under heavy pressure to get results. What interrogation techniques were carried out legally at Abu Ghraib is not fully known.

In April 2004, *60 Minutes* released a segment that illustrated prisoner abuse by Americans at Abu Ghraib. Disturbing pictures were circulated by the media throughout the U.S. and the world. American soldiers had taken pictures of detainees they had forced to wear dog leash’s while nude, masturbate in front of guards, and wear women’s underwear among other disparaging acts. Soldiers also sodomized a detainee and electrocuted another.¹⁸⁷ The horrific images depicted acts that surely violated the spirit of the Geneva Convention and crudely disproved Bush’s claim that prisoners would be treated humanely. On May 10, Bush recognized the abuse, denouncing the “cruel and disgraceful abuse of Iraqi detainees.”¹⁸⁸ Bush stated that the problem would be taken care of: “Some soldiers have already been charged, and those involved will answer for their conduct in an orderly and transparent process.”¹⁸⁹ He further professed, “All prison operations in Iraq will be thoroughly reviewed to make certain that such offenses are not

repeated.”¹⁹⁰ While the U.S. government decried the photos and punished a number of Americans involved, the directives given by the Bush administration created the conditions where the abuse of prisoners was not only possible, but acceptable. With an utter disregard for the lives of detainees, including the acceptable use of torture to attain information, soldiers saw nothing wrong with abusing prisoners and even taking pictures to recall their despicable acts. The Pentagon eventually released facts showing that 20 Iraqi prisoners died while in American custody at Abu Ghraib.¹⁹¹

The Abu Ghraib scandal made Operation Iraqi Freedom look like a lie to Americans and the international community. Bush had stated that the U.S. had to go into Iraq to free the people, and now they were being treated worse than animals. As General James Mattis noted, “when you lose the moral high ground, you lose it all.”¹⁹² The problems in Iraq worsened in 2004 after the release of the Abu Ghraib photos as Iraqis did not trust U.S. soldiers and the international community no longer supported Bush’s agenda.

Drone Warfare

By September 11, 2001, the U.S. had the technology to equip and fire missiles from drones. Aided by hundreds of billions of dollars that Congress allocated to the war on terror, the Bush administration heavily increased the American drone arsenal from from fewer than 50 to nearly 7,500 vehicles.¹⁹³ Weaponized drones were deployed for the first time in the war in Afghanistan. On October 7, 2001 the U.S. carried out its first drone strike with Predator tailfin number 3034.¹⁹⁴ The launch was ordered by the CIA, without the knowledge or approval of the Combined Air Operations Center, commanded to “coordinate every aspect of the unfolding Afghan air war.”¹⁹⁵ The lack of coordination

from the onset illustrates the separation of the CIA and Department of Defense programs throughout the Bush and Obama administrations. The strike took place in Kandahar, Afghanistan and was meant to kill Taliban Supreme Commander Mullah Omar. The attack was unsuccessful as a vehicle outside of Omar's compound was hit without him inside.

For most of the U.S. drone program's history, "the U.S. government ran two parallel initiatives—one covert and one publically acknowledged."¹⁹⁶ The Department of Defense ran the publically disclosed program, which was in charge of strikes in declared combat areas such as Afghanistan and Iraq—and later Libya as well. While drones were a new tool for the military to use, in declared combat zones, they functioned as an extension of conventional warfare.¹⁹⁷ The military program was authorized under U.S. Code Title 10, which requires public disclosure. Strikes that took place in Afghanistan and Iraq made up a bulk of American drone strikes under the Bush administration.

Drones played three main roles in declared combat zones. First, drones were used in a surveillance role to provide information to military officials on the whereabouts of Taliban and al-Qaeda officials. While enemies could easily blend into the civilian population, "Drones gave the military a way to conduct persistent surveillance."¹⁹⁸ As the war in Iraq took off in 2003, the U.S. began to use drone strikes more often. U.S. Air Force Chief of Staff General T. Michael Moseley stated: "We've moved from using UAVs primarily in intelligence, surveillance, and reconnaissance roles before Operation Iraqi Freedom, to a true hunter-killer role."¹⁹⁹ The second, and most common, use of drones in Afghanistan and Iraq was as "air support when U.S. ground troops attack or come under attack."²⁰⁰ Third, drones were used to kill targets that could not otherwise be

reached. Drones were useful in this role because they “can fly to remote areas where our troops, and those of the host country, are unable or unwilling to go.”²⁰¹

Bush’s policy of catch and release meant that drone strikes intended to kill enemies were a last resort. If a member of al-Qaeda could be apprehended by the American military or its allies, then strikes were usually avoided. Nonetheless, Bush recognized the utility of drones to the American war effort in December 2001:

This combination—real-time intelligence, local allied forces, special forces, and precision air power—has really never been used before. The Predator is a good example. This unmanned aerial vehicle is able to circle over enemy forces, gather intelligence, transmit information instantly back to commanders, then fire on targets with extreme accuracy. Before the war, the Predator had skeptics because it did not fit the old ways. Now it is clear the military does not have enough unmanned vehicles. We’re entering an era in which unmanned vehicles of all kinds will take on greater importance in space, on land, in the air, and at sea.²⁰²

Thus, the Department of Defense program focused primarily on using weaponized drones to facilitate an effective war effort by American troops.

The second U.S. government drone program was run secretly by the CIA. The CIA “operations are authorized under Title 50, which gives the CIA the authority to complete covert operations ‘to influence political, economic, or military conditions aboard’ without the appearance or acknowledgement of a U.S. government role.”²⁰³ As the CIA program was covert, the Bush administration never provided “information to the public about where it operates, how it selects targets, who is in charge, or how many people have been killed” or even officially acknowledged its existence.²⁰⁴ During the wars in Afghanistan and Iraq, the CIA program was used alongside the military program to support ground troops. The first effective use of a Predator strike was by the CIA in

November 2001 when al-Qaeda commander, Mohammed Atef, was killed in Afghanistan.

While the CIA operated drones with the military in Afghanistan and Iraq, the CIA was the sole agency carrying out strikes outside declared combat zones in places like Yemen and Pakistan. In November 2002, the U.S. carried out its first drone strike outside of a declared combat zone. The successful strike was executed in Yemen and killed Qaed Salim Sinan al-Harethi, a conspirator in the bombing of the *USS Cole*. The U.S. did not use drones outside of combat zones again until 2004 when the Bush administration gave the CIA authority to operate in the Federally Administered Tribal Areas of Pakistan.²⁰⁵ Between 2004 and 2007 the administration authorized and carried out nine strikes outside of combat zones. In 2008, the number jumped up thirty-six in Bush's last year in office. While Bush relied upon the CIA more as combat operations began to wind down at the end of his presidency, "armed drones outside of an armed conflict such as Afghanistan was episodic."²⁰⁶ Because Bush's war on terror was mainly located in Afghanistan and Iraq, strikes outside of combat areas were not needed very often. The common use of CIA drones outside of combat took place along the Afghanistan border in Pakistan as an attempt to kill al-Qaeda and Taliban operatives that had escaped from Afghanistan. While, the Bush administration used drones predominantly in supportive roles in declared combat zones in Afghanistan and Iraq, the CIA was given the power to strike outside combat areas in a limited capacity.

The Bush administration established a framework for the war on terror that was based on the neoconservative values of firm, universal morals and an unquestionably strong military. The central theaters of the war on terror under the Bush administration

were in Afghanistan and Iraq. The administration followed a catch and release strategy which necessitated a large American ground presence. As Bush's tenure was coming to a close, opposition to the wars had grown substantially with increasing American casualties. Just as with the mid-term elections of 2006, the 2008 election functioned as a referendum on the way Bush fought the war on terror. And like 2006, Republicans did not fair well.

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- ¹ Anderson, *Bush's Wars*, 66.
- ² Anderson, *Bush's Wars*, 66.
- ³ Anderson, *Bush's Wars*, 66.
- ⁴ Anderson, *Bush's Wars*, 68
- ⁵ Lansford, *9/11 and the Wars in Afghanistan and Iraq*, 26.
- ⁶ *Public Papers of the Presidents: George W. Bush, 2001, Book II* (Washington, D.C.: Government Printing Office, 2002), 1098-1099.
- ⁷ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1099-1100.
- ⁸ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1100-1101.
- ⁹ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1140-1144.
- ¹⁰ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1360-1365.
- ¹¹ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1360-1365. *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1201-1202.
- ¹² *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1140-1144.
- ¹³ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1140-1144 See also *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1492-1494.
- ¹⁴ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1140-1144.
- ¹⁵ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1198-1199.
- ¹⁶ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1099-1100.
- ¹⁷ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1500-1505.
- ¹⁸ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1140-1144.
- ¹⁹ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1165-1166.
- ²⁰ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1113-1114.
- ²¹ *Public Papers of the Presidents: George W. Bush, 2002, Book I* (Washington, D.C.: Government Printing Office, 2003), 129-136.

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- ²² *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1140-1144.
- ²³ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1140-1144.
- ²⁴ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1140-1144.
- ²⁵ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1201-1202.
- ²⁶ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1360-1365.
- ²⁷ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1360-1365.
- ²⁸ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1100-1101.
- ²⁹ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1203-1204.
- ³⁰ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1500-1505.
- ³¹ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1157.
- ³² *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1113-1114.
- ³³ *Public Papers of the Presidents: George W. Bush, 2002, Book I*, 170-173; *Public Papers of the Presidents: George W. Bush, 2002, Book I*, 44-46.
- ³⁴ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1500-1505.
- ³⁵ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1500-1505.
- ³⁶ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1140-1144.
- ³⁷ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1140-1144.
- ³⁸ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1140-1144.
- ³⁹ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1140-1144.
- ⁴⁰ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1140-1144.
- ⁴¹ Anderson, *Bush's Wars*, 76; Anderson, *Bush's Wars*, 82.
- ⁴² *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1201-1202.
- ⁴³ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1140-1144.

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- ⁴⁴ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1201-1202.
- ⁴⁵ Lansford, *9/11 and the Wars in Afghanistan and Iraq*, 42.
- ⁴⁶ Lansford, *9/11 and the Wars in Afghanistan and Iraq*, 42.
- ⁴⁷ Anderson, *Bush's Wars*, 82.
- ⁴⁸ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1140-1144.
- ⁴⁹ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1201-1202.
- ⁵⁰ Anderson, *Bush's Wars*, 84.
- ⁵¹ Anderson, *Bush's Wars*, 84.
- ⁵² Lansford, *9/11 and the Wars in Afghanistan and Iraq*, 50.
- ⁵³ Lansford, *9/11 and the Wars in Afghanistan and Iraq*, 53.
- ⁵⁴ Bergen, *The Longest War*, 175.
- ⁵⁵ Bergen, *The Longest War*, 175.
- ⁵⁶ Lansford, *9/11 and the Wars in Afghanistan and Iraq*, 55.
- ⁵⁷ Bergen, *The Longest War*, 181.
- ⁵⁸ Fairweather, *The Good War*, 103.
- ⁵⁹ Lansford, *9/11 and the Wars in Afghanistan and Iraq*, 52.
- ⁶⁰ Fairweather, *The Good War*, 83.
- ⁶¹ Lansford, *9/11 and the Wars in Afghanistan and Iraq*, 55.
- ⁶² Bergen, *The Longest War*, 181.
- ⁶³ Lansford, *9/11 and the Wars in Afghanistan and Iraq*, 141.
- ⁶⁴ Lansford, *9/11 and the Wars in Afghanistan and Iraq*, 50.
- ⁶⁵ Lansford, *9/11 and the Wars in Afghanistan and Iraq*, 51.

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- ⁶⁶ Paul Wolfowitz quoted in Anderson, *Bush's Wars*, 70.
- ⁶⁷ George W. Bush quoted in Anderson, *Bush's Wars*, 71.
- ⁶⁸ *Public Papers of the Presidents: George W. Bush, 2002, Book I*, 129-136.
- ⁶⁹ *Public Papers of the Presidents: George W. Bush, 2002, Book I*, 129-136.
- ⁷⁰ *Public Papers of the Presidents: George W. Bush, 2002, Book I*, 129-136.
- ⁷¹ *Public Papers of the Presidents: George W. Bush, 2002, Book I*, 129-136.
- ⁷² *Public Papers of the Presidents: George W. Bush, 2002, Book I*, 129-136.
- ⁷³ *Public Papers of the Presidents: George W. Bush, 2002, Book I*, 917-922.
- ⁷⁴ "The National Security Strategy of the United States of America," The White House, September 2002, <http://www.state.gov/documents/organization/63562.pdf>.
- ⁷⁵ *Public Papers of the Presidents: George W. Bush, 2002, Book I*, 917-922.
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- ⁷⁷ "The National Security Strategy of the United States of America," 2002.
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- ⁸³ *Public Papers of the Presidents: George W. Bush, 2002, Book II* (Washington, D.C.: Government Printing Office, 2003), 1707-1708.
- ⁸⁴ *Public Papers of the Presidents: George W. Bush, 2002, Book II*, 1707-1708.
- ⁸⁵ *Public Papers of the Presidents: George W. Bush, 2002, Book II*, 1812-1814.
- ⁸⁶ *Public Papers of the Presidents: George W. Bush, 2002, Book II*, 2053-2054.

⁸⁷ While the U.S. went forward with the invasion, many in the international community were not compelled by the evidence put forward by the Bush administration. Protests were mobilized around the world in opposition to the American invasion.

⁸⁸ *Public Papers of the Presidents: George W. Bush, 2002, Book II*, 1572-1576.

⁸⁹ *Public Papers of the Presidents: George W. Bush, 2003, Book I* (Washington, D.C.: Government Printing Office, 2004), 82-90.

⁹⁰ Colin Powell, "A Policy of Evasion and Deception," *Washington Post*, February 5, 2003, http://www.washingtonpost.com/wp-srv/nation/transcripts/powelltext_020503.html.

⁹¹ *Public Papers of the Presidents: George W. Bush, 2003, Book I*, 135-137.

⁹² Powell, "A Policy of Evasion and Deception."

⁹³ *Public Papers of the Presidents: George W. Bush, 2002, Book II*, 1707-1708.

⁹⁴ Powell, "A Policy of Evasion and Deception."

⁹⁵ Within the administration there was debate about the truthfulness of the intelligence that connected Hussein to terrorism and attempts to gain weapons of mass destruction. Secretary of State Colin Powell was the most prominent skeptic. By the time he gave the the speech at the U.N. in February 2003, he had agreed to follow along with the rest of the administration.

⁹⁶ Brent Scowcroft, "Don't Attack Saddam," *Wall Street Journal*, August 15, 2002, <http://www.wsj.com/articles/SB1029371773228069195>.

⁹⁷ Scowcroft, "Don't Attack Saddam."

⁹⁸ *Public Papers of the Presidents: George W. Bush, 2002, Book II*, 1707-1708.

⁹⁹ *Public Papers of the Presidents: George W. Bush, 2002, Book II*, 2053-2054.

¹⁰⁰ *Public Papers of the Presidents: George W. Bush, 2002, Book II*, 1707-1708.

¹⁰¹ *Public Papers of the Presidents: George W. Bush, 2002, Book II*, 1707-1708.

¹⁰² *Public Papers of the Presidents: George W. Bush, 2002, Book II*, 1707-1708.

¹⁰³ Powell, "A Policy of Evasion and Deception."

¹⁰⁴ Powell, "A Policy of Evasion and Deception."

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- ¹⁰⁵ Powell, “A Policy of Evasion and Deception.”
- ¹⁰⁶ *Public Papers of the Presidents: George W. Bush, 2002, Book II*, 2053-2054.
- ¹⁰⁷ *Public Papers of the Presidents: George W. Bush, 2002, Book II*, 1707-1708.
- ¹⁰⁸ *Public Papers of the Presidents: George W. Bush, 2003, Book I*, 82-90.
- ¹⁰⁹ *Public Papers of the Presidents: George W. Bush, 2002, Book I*, 129-136.
- ¹¹⁰ “The National Security Strategy of the United States of America,” 2002.
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- ¹¹³ Powell, “A Policy of Evasion and Deception.”
- ¹¹⁴ *Public Papers of the Presidents: George W. Bush, 2003, Book I*, 277-280.
- ¹¹⁵ *Public Papers of the Presidents: George W. Bush, 2003, Book I*, 277-280.
- ¹¹⁶ *Public Papers of the Presidents: George W. Bush, 2002, Book II*, 2097-2100.
- ¹¹⁷ *Public Papers of the Presidents: George W. Bush, 2003, Book I*, 277-280.
- ¹¹⁸ *Public Papers of the Presidents: George W. Bush, 2003, Book I*, 281-282.
- ¹¹⁹ Anderson, *Bush’s Wars*, 132.
- ¹²⁰ *Public Papers of the Presidents: George W. Bush, 2003, Book I*, 410-413.
- ¹²¹ *Public Papers of the Presidents: George W. Bush, 2003, Book I*, 410-413.
- ¹²² Anderson, *Bush’s Wars*, 139.
- ¹²³ Anderson, *Bush’s Wars*, 142.
- ¹²⁴ Ricks, *Fiasco*, 150.
- ¹²⁵ Rumsfeld quoted in Ricks, *Fiasco*, 136.
- ¹²⁶ Ricks, *Fiasco*, 136.

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- ¹²⁷ Anderson, *Bush's Wars*, 137.
- ¹²⁸ Anderson, *Bush's Wars*, 137.
- ¹²⁹ Anderson, *Bush's Wars*, 138.
- ¹³⁰ Joseph Hoar quoted in Anderson, *Bush's Wars*, 137.
- ¹³¹ Anderson, *Bush's Wars*, 142.
- ¹³² Joseph Kellogg Jr. quoted in Anderson, *Bush's Wars*, 142.
- ¹³³ Paul Bremer quoted in Ricks, *Fiasco*, 158-159.
- ¹³⁴ Paul Bremer quoted in Ricks, *Fiasco*, 160.
- ¹³⁵ Ricks, *Fiasco*, 159.
- ¹³⁶ Ricks, *Fiasco*, 161.
- ¹³⁷ Ricks, *Fiasco*, 163.
- ¹³⁸ Ricks, *Fiasco*, 165.
- ¹³⁹ Ricks, *Fiasco*, 165.
- ¹⁴⁰ Ricks, *Fiasco*, 192.
- ¹⁴¹ Ricks, *Fiasco*, 252.
- ¹⁴² Mark Young quoted in Ricks, *Fiasco*, 250.
- ¹⁴³ Anderson, *Bush's Wars*, 170.
- ¹⁴⁴ Ricardo Sanchez quoted in Anderson, *Bush's Wars*, 164.
- ¹⁴⁵ Anderson, *Bush's Wars*, 180.
- ¹⁴⁶ Anderson, *Bush's Wars*, 170.
- ¹⁴⁷ Anne Garrels quoted in Anderson, *Bush's Wars*, 171.
- ¹⁴⁸ Condoleezza Rice quoted in Anderson, *Bush's Wars*, 193.
- ¹⁴⁹ Anderson, *Bush's Wars*, 193.

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- ¹⁵⁰ Anderson, *Bush's Wars*, 191.
- ¹⁵¹ *Public Papers of the Presidents: George W. Bush, 2006, Book II* (Washington, D.C.: Government Printing Office, 2007), 2052-2064.
- ¹⁵² *Public Papers of the Presidents: George W. Bush, 2006, Book II*, 2052-2064.
- ¹⁵³ *Public Papers of the Presidents: George W. Bush, 2006, Book II*, 2052-2064.
- ¹⁵⁴ *Public Papers of the Presidents: George W. Bush, 2007, Book I* (Washington, D.C.: Government Printing Office, 2008), 16-20.
- ¹⁵⁵ *Public Papers of the Presidents: George W. Bush, 2007, Book I*, 16-20.
- ¹⁵⁶ *Public Papers of the Presidents: George W. Bush, 2007, Book I*, 16-20.
- ¹⁵⁷ Anderson, *Bush's Wars*, 204.
- ¹⁵⁸ Anderson, *Bush's Wars*, 210.
- ¹⁵⁹ Thomas Ricks quoted in Anderson, *Bush's Wars*, 210.
- ¹⁶⁰ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1201-1202.
- ¹⁶¹ *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1360-1365.
- ¹⁶² *Public Papers of the Presidents: George W. Bush, 2002, Book I*, 42-44.
- ¹⁶³ Anderson, *Bush's Wars*, 177.
- ¹⁶⁴ Ricks, *Fiasco*, 238.
- ¹⁶⁵ Lansford, *9/11 and the Wars in Afghanistan and Iraq*, 73.
- ¹⁶⁶ Anderson, *Bush's Wars*, 88.
- ¹⁶⁷ Donald Rumsfeld quoted in Kathrine Q. Seelye, "Threats and Responses: The Detainees; Some Guantanamo Prisoners will be Freed, Rumsfeld Says," *New York Times*, October 23, 2002, <http://www.nytimes.com/2002/10/23/world/threats-responses-detainees-some-guantanamo-prisoners-will-be-freed-rumsfeld.html>.
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- ¹⁹³ Benjamin, *Drone Warfare*, 16-17.
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- ²⁰² *Public Papers of the Presidents: George W. Bush, 2001, Book II*, 1500-1505.
- ²⁰³ Kaag and Kreps, *Drone Warfare*, 43.
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Chapter 3

“We aim to draw a stark contrast between what we stand for and the heinous deeds of terrorists.”

—National Security Strategy, 2015

“There is no substitute for American leadership...in the cause of universal values.”

—National Security Strategy, 2015

Campaign Promises

On February 10, 2007 the first-term Senator from Illinois, Barack Obama, announced his candidacy for the presidency. He said of his supporters, “In the face of war, you believe there can be peace.”¹ A core tenant of Obama’s campaign was the argument that Bush used the travesty of 9/11 to carry out a war on terror that was antithetical to American values and harmed the nation’s national security. Obama espoused a new way to handle the war on terror. He advocated removing troops from Iraq and bolstering the war effort in Afghanistan and against al-Qaeda more broadly. As *Washington Post* reporter Daniel Klaidman has argued, even with “Obama’s soaring rhetoric and appeals to idealism...he was a foreign policy realist by the time he ran for president.”² During the campaign, Obama “asserted that he wanted not only to end the Iraq war but to change the mind-set that had led to the war. Yet none of his speeches reflected such a broad purpose.”³ While Obama supposedly preached a completely new war on terror, the themes that he drew from to make his arguments were similar to the ones that Bush used to justify the invasions and occupations of Afghanistan and Iraq. Obama’s critique of Bush was not the war on terror itself, but how Bush carried it out.

Obama was a strong opponent of the Iraq War from the beginning. On October 2, 2002, he stated “What I am opposed to is the cynical attempt by Richard Perle and Paul

Wolfowitz and other armchair, weekend warriors in this administration to shove their own ideological agendas down our throats, irrespective of the costs in lives lost and in hardships borne.”⁴ His strong criticism of the Administration’s decision to invade Iraq continued throughout the campaign. In two prominent addresses on August 1, 2007 and July 15, 2008 Obama denounced the Iraq War and put forward a new way to fight terrorism. On August 1, he contended, “Because of a war in Iraq that should never have been authorized and should never have been waged, we are now less safe than we were before 9/11.”⁵ On July 15 he noted that in Iraq “we have lost thousands of American lives, spent nearly a trillion dollars, alienated allies and neglected emerging threats – all in the cause of fighting a war for well over five years in a country that had absolutely nothing to do with the 9/11 attacks.”⁶ In both speeches he outlined a five-part strategy to alter the war on terror to ensure success. The first step was “getting out of Iraq.”⁷ Obama said that if elected, he would remove all troops from Iraq by 2010.⁸ Throughout Obama’s presidential run, he held that the Iraq War was a mistake and that the U.S. should get out as soon as possible.

While Obama maintained that the invasion of Iraq was a mistake, he argued that the war in Afghanistan was the correct way to combat terrorism. On August 1, 2007 he said that “I was a strong supporter of the war in Afghanistan.”⁹ By arguing for recommitting the American war effort to Afghanistan, Obama relied on the same themes that Bush did to justify the invasions of Afghanistan and Iraq in the first place. Obama held that the U.S. could reassert American values, prove the effectiveness of the American military, build international cooperation, and ensure national security by refocussing the global war on terror to Afghanistan.

While the Bush administration argued that invading Iraq would bolster American values, Obama contended that it had done the opposite. He declared that in Iraq “we did not reaffirm our basic values.”¹⁰ Torture detracted from American values: “In the dark halls of Abu Ghraib and the detention cells of Guantanamo, we have compromised our most precious values.”¹¹ Similarly, the U.S. ignored international law: “Because the Administration cast aside international norms that reflect American values, we are less able to promote our values.”¹² Obama declared, “I will make clear that the days of compromising our values are over.”¹³ He argued that the U.S. must endorse the values of freedom and democracy, but in new ways: “We do need to stand for democracy. And I will...Freedom must mean freedom from fear, not the freedom of anarchy. I will never shrug my shoulders and say – as Secretary Rumsfeld did – ‘Freedom is untidy.’”¹⁴ In Obama’s acceptance speech on election day in 2008, he stated, “Tonight we proved once more that the true strength of our nation comes...from the enduring power of our ideals: democracy, liberty, opportunity and unyielding hope.”¹⁵ While Obama espoused a slightly different way of spreading American values, his argument for the shift back toward Afghanistan relied upon the same necessity to advance American ideals.

Like Bush, Obama argued that the U.S. military must be unquestionably able to combat international threats. The Bush administration had failed in Afghanistan because the U.S. “did not finish the job against al Qaeda in Afghanistan. We did not develop new capabilities to defeat a new enemy, or launch a comprehensive strategy to dry up the terrorists’ base of support.”¹⁶ The Iraq War meant that resources needed to fight al-Qaeda in Afghanistan were redirected to combat Saddam Hussein. Obama argued that his plan “will also allow us to direct badly needed resources to Afghanistan. Our troops have

fought valiantly there, but Iraq has deprived them of the support they need—and deserve.”¹⁷ Alluding to the recent focus on drone attacks, Obama contended that new resources and technologies were necessary to meet the threats in Afghanistan: “We need more troops, more helicopters, more satellites, more Predator drones in the Afghan border region. And we must make it clear that if Pakistan cannot or will not act, we will take out high-level terrorist targets like bin Laden if we have them in our sights.”¹⁸ He made it clear that the new mission of kill or capture would exist under his administration: “I will ensure that our military becomes more stealth, agile, and lethal in its ability to capture or kill terrorists.”¹⁹ Focusing attention on Afghanistan would help to not only stamp out al-Qaeda, but further establish American military dominance.

Obama also argued that by making Afghanistan the main theater of the war on terror, the U.S. could reestablish international ties that had been strained by the war in Iraq. He explained that “As President, I would deploy at least two additional brigades to Afghanistan to re-enforce our counter-terrorism operations and support NATO’s efforts against the Taliban. As we step up our commitment, our European friends must do the same, and without the burdensome restrictions that have hampered NATO’s efforts.”²⁰ While the U.S. needed to have a strong military to act alone when necessary, he acknowledged, “America is strongest when we act alongside strong partners.”²¹ By getting out of Iraq and fighting the war on terror that the international community had endorsed after 9/11, the U.S. could more effectively fight the correct enemy, and utilize the sympathy that Bush had squandered.

While Obama decried Bush's desire to destroy and subsequently rebuild Iraq, Obama advocated a version of nation-building in Afghanistan. On August 1, 2007 he stated,

I will focus our support on helping nations build independent judicial systems, honest police forces, and financial systems that are transparent and accountable. Freedom must also mean freedom from want, not freedom lost to an empty stomach. So I will make poverty reduction a key part of helping other nations reduce anarchy.²²

American values were intertwined with the necessity to help "nations build." Similarly, on July 15, 2008 he repeated the success of the nation building efforts of the Marshall Plan after World War II twice. While nation building in Afghanistan would look slightly different than it had in Iraq and be justified under more legitimate pretenses, Obama refused to reject, on face, major strategies of Bush's war on terror.

Obama called for a general refocusing of the war on terror to Afghanistan, but he was also clear that the U.S. would take whatever actions necessary to combat al-Qaeda. Obama stated that outside Afghanistan the U.S. would target "any remnants of al-Qaeda."²³ Further, Obama explained that the U.S. would "capture or kill terrorists around the world, and...deny them the world's most dangerous weapons," he continued, "I will not hesitate to use military force to take out terrorists who pose a direct threat to America."²⁴ He called out Bush for failing to act outside of the declared combat zones: "It was a terrible mistake to fail to act when we had a chance to take out an al Qaeda leadership meeting in 2005. If we have actionable intelligence about high-value terrorist targets and [Pakistani] President Musharraf won't act, we will."²⁵ While Obama argued for a more restrained approach to the war on terror in Iraq, he advocated stronger tactics in Afghanistan and elsewhere.

Throughout the campaign in 2007 and 2008 Obama sought to distance himself from George Bush, Hilary Clinton, and John McCain by arguing that they had all mistakenly supported the invasion of Iraq. While voters saw this as a larger rejection of Bush's logic for the war on on terror, Obama believed in and utilized many of the same narratives. Given this, it was not surprising that once elected Obama did not disrupt the logic of the terror wars, but rather sought to undo the the incorrect use of that logic in the invasion of Iraq.

Wars in Iraq and Afghanistan

The surge that President Bush ended in July 2008 momentarily stabilized the security situation in Iraq. Following Obama's election in 2008 and the impending shift in strategy regarding Iraq, Bush agreed to begin drawing down Operation Iraqi Freedom. Bush signed an agreement with Iraqi Prime Minister Nouri al-Maliki that called for the withdrawal of American combat forces by the end of 2011. When Obama took over the presidency in January 2009, he immediately signed over control of the heavily fortified, American headquarters in Baghdad—the Green Zone—to the Iraqi government.²⁶ On February 27, 2009 Obama announced that all American combat troops would be removed from Iraq by the end of August 2010 and the remaining support and training solders would be removed by the end of 2011. Obama declared, the “United States will pursue a new strategy to end the war in Iraq through a transition to full Iraqi responsibility.”²⁷ He said that the U.S. would ensure “responsible removal of our combat brigades from Iraq.”²⁸ By February 2009 it was fully clear that American combat operations in Iraq were finally coming to a close.

In 2009, stability in Iraq continued. There were fewer Iraqi casualties in 2009 than any year since the onset of the war. On January 1, 2010, General Ray Odierno noted, “December was the first month that the U.S. had zero battle casualties in Iraq.”²⁹ Stability brought successes in 2010. On March 7, Iraqis took to the polls for elections. While there were a few attacks, Obama announced that the Iraqi people “once again defied threats to advance their democracy.”³⁰ Overall, 62 percent of eligible voters turned out for the election that was generally deemed free. In 2010, Operation Iraqi Freedom was officially renamed Operation New Dawn to reflect the shift in military operations and the decreasing American influence. Obama followed through with his February 2009 promise to draw down troops and the war more generally. By the end of August 2010, all combat troops were on their way back to the U.S. On October 21, 2011, Obama declared, “Today I can report that, as promised, the rest of our troops in Iraq will come home by the end of the year. After nearly 9 years, America's war in Iraq will be over.”³¹ By the end of 2011 the remaining 50,000 training forces left Iraq and the American military endeavor in Iraq officially concluded.

While Obama declared in 2009 that Iraq was a mistake and troops would be coming home, he simultaneously began to ramp up the war effort in Afghanistan. In May 2009, Obama announced “for the first time since 2002, we're providing the necessary resources and strategic direction to take the fight to the extremists who attacked us on 9/11, in Afghanistan and Pakistan.”³² Obama explicitly linked counterterrorism operations in Afghanistan and Pakistan to increased pressure on al-Qaeda and the Taliban.

Throughout 2009, Obama described a worsening situation in Afghanistan and blamed the Iraq War for failure in Afghanistan: “The Iraq War drew the dominant share of our troops, our resources, our diplomacy, and our national attention.”³³ He continued, “While we've achieved hard-earned milestones in Iraq, the situation in Afghanistan has deteriorated....Commanders in Afghanistan repeatedly asked for support to deal with the reemergence of the Taliban, but these reinforcements did not arrive.”³⁴ While the Taliban had been eviscerated in 2002, it rebuilt support over the ensuing decade:

Over the last several years, the Taliban has maintained common cause with Al Qaida, as they both seek an overthrow of the Afghan Government. Gradually, the Taliban has begun to control additional swaths of territory in Afghanistan, while engaging in increasingly brazen and devastating attacks of terrorism against the Pakistani people.³⁵

By the end of 2009, “the Taliban expanded operations into 33 of 34 provinces.”³⁶

Additionally, there were 7,200 IED attacks against NATO personnel in 2009 compared to just 80 in 2003.³⁷ The administration determined that “Afghanistan is not lost, but for several years, it has moved backwards.”³⁸ Obama believed that a new way forward was necessary to stabilize the situation in Afghanistan and enable American troops to leave the country.

Throughout the second half of 2009 many within the military establishment were pushing for Obama to send more troops to Afghanistan. Among the most vocal were General Petraeus and General Stanley McChrystal, the commander of NATO operations in Afghanistan. On December 1, Obama announced that the U.S. was sending an additional 30,000 troops to Afghanistan to bolster the security situation:

I have determined that it is in our vital national interest to send an additional 30,000 U.S. troops to Afghanistan. After 18 months, our troops will begin to come home. These are the resources that we need to seize the

initiative, while building the Afghan capacity that can allow for a responsible transition of our forces out of Afghanistan.³⁹

He continued: “Our overarching goal remains the same: to disrupt, dismantle, and defeat Al Qaida in Afghanistan and Pakistan and to prevent its capacity to threaten America and our allies in the future.”⁴⁰ The troops were meant to “target the insurgency and secure key population centers. They’ll increase our ability to train competent Afghan security forces and to partner with them so that more Afghans can get into the fight. And they will help create the conditions for the United States to transfer responsibility to the Afghans.”⁴¹

Terry Anderson noted that the surge in many ways mirrored the one of a few years earlier in Iraq: “Obama’s surge in Afghanistan had the same aims as Bush’s in Iraq: clear, hold, build.”⁴² The surge was meant to provide the necessary troops that Bush never did so that the situation in Afghanistan could be resolved once and for all.

While the surge in Iraq had generally been viewed as a success, there was no consensus on the accomplishments of the operation in Afghanistan. The administration continually held that the surge was working. With extra troops, NATO forces were able to train a functioning Afghani police and military force. By the summer of 2012 the size of the police and army doubled to around 300,000.⁴³ Largely because of this success, on June 22, 2011 Obama announced the end of the surge:

Tonight I can tell you that we are fulfilling that commitment. Thanks to our extraordinary men and women in uniform, our civilian personnel, and our many coalition partners, we are meeting our goals. As a result, starting next month, we will be able to remove 10,000 of our troops from Afghanistan by the end of this year, and we will bring home a total of 33,000 troops by next summer, fully recovering the surge I announced at West Point. After this initial reduction, our troops will continue coming home at a steady pace as Afghan security forces move into the lead. Our mission will change from combat to support. By 2014, this process of transition will be complete, and the Afghan people will be responsible for their own security.⁴⁴

Obama continued, “The information that we recovered from bin Laden's compound shows Al Qaida under enormous strain. Bin Laden expressed concern that Al Qaida had been unable to effectively replace senior terrorists that had been killed and that Al Qaida has failed in its effort to portray America as a nation at war with Islam, thereby draining more widespread support.”⁴⁵ Obama was clear that the ground wars were coming to an end:

Tonight we take comfort in knowing that the tide of war is receding. Fewer of our sons and daughters are serving in harm's way. We've ended our combat mission in Iraq, with 100,000 American troops already out of that country. And even as there will be dark days ahead in Afghanistan, the light of a secure peace can be seen in the distance. These long wars will come to a responsible end.⁴⁶

Others were not so convinced by the administration's insistence on success in Afghanistan. In June 2010, Derek Harvey, an intelligence advisor to Petraeus told him simply that the strategy in Afghanistan was “not going to work.”⁴⁷ Harvey continued, “we can get to a point of some transient stability and the appearance of success that will not be lasting, that might provide a window for us to withdraw, and keep things steady for the next three or four years.”⁴⁸ While U.S. policy called on Afghan security forces to maintain security after that point, Harvey “had a dim view on their capabilities.”⁴⁹ Petraeus conceded that the war in Afghanistan could not be won. Nonetheless, “he could win it in the minds of the western public and perhaps even the White House by ordering U.S. forces to battle their way to a drawdown.”⁵⁰ To convince the public that the U.S. was winning in Afghanistan, Petraeus accepted tactics that had the propensity to increase civilian casualties. The number of kill or capture raids on suspected Taliban strongholds

and drone strikes were increased substantially. The operations caused the deaths of 2,777 Afghani civilians in 2010 alone.⁵¹

In 2012, the U.S. and Afghanistan agreed to a plan on withdrawal of American troops. By the end of 2014 all American troops would be out of the country. On December 28, 2014, NATO formally ended combat operations in Afghanistan after over a decade. By the end of the war, Afghanistan had surpassed the American fighting in Vietnam as the longest war in American history. Journalist Jack Fairweather noted that “the West’s grand experiment in the Good War was effectively lost when Obama stuck to his deadline for ending the surge.”⁵² While the U.S. had succeeded in killing Osama bin Laden and removing safe havens for al-Qaeda in Afghanistan, American troops left the country in chaos and a near civil war.

From Catch and Release to Kill and Capture

The removal of American troops from Iraq and Afghanistan was part of Obama’s shift in the war on terror away from a reliance on ground troops that sought to detain terrorists toward a targeted killing program largely facilitated by drones. Obama repeatedly decried that Bush had failed to win the war on terror because of opposition that the occupation of Iraq and use of torture created. During the 2008 campaign, Obama said he would stand “up to torture and brutality.”⁵³ Alluding to a graphic image from the Iraq War, Obama stated, “We know what the extremists say about us. America is just an occupying Army in Muslim lands, the shadow of a shrouded figure standing on a box at Abu Ghraib, the power behind the throne of a repressive leader.”⁵⁴ In response, Obama pledged, “As President, I will close Guantanamo, reject the Military Commissions Act, and adhere to the Geneva Conventions. Our Constitution and our Uniform Code of

Military Justice provide a framework for dealing with the terrorists.”⁵⁵ Upon taking office in 2009, he followed through on the spirit of those commitments by signing Executive Order 13491 on January 22.⁵⁶ With the order:

Torture or ‘enhanced interrogation techniques’ were banned, and everyone—the CIA and JSOC—included was now required to obey the same interrogation rulebook...The order also led to the shutting of all secret, permanent ‘ghost prisons’ run by the CIA...and reinstated Washington’s commitment to the Geneva Conventions.⁵⁷

At the National Archives on May 21, 2009, Obama stated, “I banned the use of so-called enhanced interrogation techniques by the United States of America...The second decision that I made was to order the closing of the prison camp at Guantanamo Bay.”⁵⁸ Obama reiterated the American commitment to end torture and eliminate the places where torture had been carried out a month later during his first prominent counterterrorism address in Cairo, Egypt. In the early days of the administration the locations where interrogations took place were closed and techniques used to gain actionable information were stopped. Without an effective way to detain and pry information from al-Qaeda operatives, the catch and release strategy functionally concluded.

Even in the early years of the Obama administration there was a clear preference for killing over detainment. As Karen de Young and Joby Warwick note, while “no policy determination has been made to emphasize kills over captures, several factors appear to have tipped the balance in that direction.”⁵⁹ As of 2010, there had been “dozens of killings and no reports of high-value detentions.”⁶⁰ Even with the troop surge in Afghanistan, American personnel began to rely upon UAVs more than ever. Peter W. Singer, a fellow at the Brookings Institution’s 21st Century Defense Initiative stated that

“strikes slowly morphed from isolated, covert events into a regularized air war.”⁶¹ The U.S. launched a total of 1,160 drone strikes in Afghanistan between 2009 and 2012.⁶² The number of strikes increased every year during that period. In 2012, drone strikes made up 9 percent of overall aerial attacks compared to just 5 percent the year before.⁶³ A senior Army official in Afghanistan noted that “it’s lot simpler and easier for a sniper to shoot or to use a Predator [drone] to launch a lawful attack than to detain and interrogate prisoners.”⁶⁴ As Obama drew down the American military commitment in Afghanistan, drones strikes provided a way for the U.S. to continue removing al-Qaeda and Taliban operatives from the battlefield while also ending a costly and unpopular ground war.

Outside of declared combat zones the Obama administration also shifted away from capture and detainment operations toward targeted kill missions. John Brennan, then Homeland Security Advisor, recognized in 2012 that the reality “is that since 2001 such unilateral captures by U.S. forces outside of ‘hot’ battlefields, like Afghanistan, have been exceedingly rare.”⁶⁵ He further noted that

these terrorists are skilled at seeking remote, inhospitable terrain—places where the United States and our partners simply do not have the ability to arrest or capture them. At other times, our forces might have the ability to attempt capture, but only by putting the lives of our personnel at too great a risk. Often times, attempting capture could subject civilians to unacceptable risks. There are many reasons why capture might not be feasible, in which case lethal force might be the only remaining option to address the threat and prevent an attack.⁶⁶

The *Washington Post* described a mission in Somalia in February 2010 where helicopters had the option to capture a terrorist, or fire from the helicopter and kill the individual. The article stated that “the White House authorized the second option.”⁶⁷ Without the existence of CIA black sites around the world, there was nowhere to house terrorists if captured. Senator Lindsey Graham noted that “we lack, as a nation, a place to put

terrorists if we catch them. I can tell you that the operations are in a bad spot out there. They know if they capture a guy, it creates a nightmare. And it's just easier to kill 'em."⁶⁸ With the change in legal guidelines, it no longer made sense to attempt to capture suspected terrorists.

The two most prominent addresses that discussed the drone program during the Obama administration were John Brennan's April 30, 2012 speech at the Woodrow Wilson Center and President Obama's address at the National Defense University on May 23, 2013. In these key policy addresses the administration argued that the U.S. captured terrorists whenever possible and used drone strikes only in instances where capture was infeasible. Nevertheless, the guidelines that determined when a seizure operation would take place did not parallel the administration's prioritization of capture missions. A leaked Department of Justice White Paper from 2013 stated that capture was infeasible if "it could not be physically effectuated during the relevant window of opportunity or if the relevant country were to decline to consent to a capture operation. Other factors such as undue risk to U.S. personnel conducting a potential capture operation could also be relevant."⁶⁹ In any location that the United States would want to apprehend an enemy combatant outside of a declared warzone acting within the "relevant window of opportunity" would be extremely difficult. Receiving consent for U.S. ground operations in Pakistan, Yemen, or Somalia where public opposition to American troops had forced government officials to decry U.S. occupations in Iraq and at times Afghanistan would also be nearly impossible. Similarly, all capture operations would require putting American personnel in some sort of danger. Drones, on the other hand, appeared to remedy all of these problems. Drones oftentimes already had eyes on

suspected terrorists and could launch a strike without delay. Unlike ground operations—the White Paper held—drone strikes were legal under international law either “with the consent of the host nation’s government or after a determination that the host nation is unable or unwilling to suppress the threat posed by the individual targeted.”⁷⁰ Therefore, the U.S. could launch strikes even in nations that explicitly rejected the use of American troops if they did not deal with the individual that the U.S. isolated. Further, drones provided distance for U.S. personnel which ensured that they would suffer no harm. While the Obama administration stated that it preferred to capture terrorists, it put in place policies that made it far easier to use drone strikes instead.

Drone Proliferation

Obama considerably expanded the drone program’s size, reach, and use.⁷¹ By December 2009, Obama had authorized more drone strikes outside of declared combat zones than Bush had approved during his entire presidency.⁷² As of 2011, “the U.S. government was operating no less than sixty drone bases at home and around the world.”⁷³ By 2012, the U.S. government had commissioned nearly 20,000 drones, about half of which were already in use.⁷⁴ In 2012, the air force was training more drone pilots than fighter pilots and bomber pilots combined.⁷⁵ The administration used drones in at least the following nations: Afghanistan, Iraq, Libya, Mali, Pakistan, Somalia, and Yemen.

The Obama administration has relied upon drones as the centerpiece of the war on terror because they allow the U.S. to fight war in a new way. The administration has argued that drone strikes are effective at killing combatants. Further, unlike military occupations, the precise targeting of strikes can limit the number of civilian casualties

and results in few American deaths. The administration has continually referred to these arguments to justify the use of drones around the world.

The Obama administration has argued that drones are an effective way to combat al-Qaeda and terrorism more broadly. At the Wilson Center in 2012, Brennan contended that drones were effective: “With its most skilled and experienced commanders being lost so quickly, al-Qa’ida has had trouble replacing them. This is one of the many conclusions we have been able to draw from documents seized at bin Laden’s compound.”⁷⁶ He further contended that even al-Qaeda recognized the impressiveness of drones. In documents seized by the U.S., bin Laden “confessed to ‘disaster after disaster.’ He even urged his leaders to flee the tribal regions, and go to places, ‘away from aircraft photography and bombardment.’”⁷⁷ Obama made a similar argument at the National Defense University in 2013:

Our actions are effective. Don't take my word for it. In the intelligence gathered at bin Laden's compound, we found that he wrote: ‘We could lose the reserves to enemy's air strikes. We cannot fight air strikes with explosives.’ Other communications from Al Qaida operatives confirm this as well. Dozens of highly skilled Al Qaida commanders, trainers, bomb makers, and operatives have been taken off the battlefield. Plots have been disrupted that would have targeted international aviation, U.S. transit systems, European cities, and our troops in Afghanistan. Simply put: These strikes have saved lives.⁷⁸

The first and foremost reason that the administration has made other arguments about the efficacy of drones is because of a clear belief that drone strikes were an effective way to combat terrorism.⁷⁹

While the official number of strikes, killings of terrorist targets, and civilian deaths continues to be classified, a number of news agencies have attempted to record the number of strikes and their impact. According to the Bureau of Investigative Journalism,

during the Obama administration there were at least 371 strikes in Pakistan, resulting in 2,500-4,000 deaths including 423-965 civilian deaths and there were 108-224 strikes carried out in Yemen costing 830-1,212 lives including 91-162 civilian lives.⁸⁰

The process by which targets are selected has been classified and only portions of it are known. Brennan at the Wilson Center in 2012 stated,

Over time, we've worked to refine, clarify, and strengthen this process and our standards, and we continue to do so. If our counterterrorism professionals assess, for example, that a suspected member of al-Qa'ida poses such a threat to the United States as to warrant lethal action, they may raise that individual's name for consideration. The proposal will go through a careful review and, as appropriate, will be evaluated by the very most senior officials in our government for decision.⁸¹

In October 2015, *The Intercept* released a number of classified documents which illustrated the “kill chain.”⁸² The process for selection in at least Yemen and Somalia from 2010-2012 was as follows:

Intelligence personnel from JSOC's Task Force 48-4, working alongside other intelligence agencies, build the case for action against an individual, eventually generating a “baseball card” on the target, which was “staffed up to higher echelons — ultimately to the president... The intelligence package on the person being targeted passed from the JSOC task force tracking him to the command in charge of the region — Centcom for Yemen, and Africom for Somalia — and then to the Joint Chiefs of Staff, followed by the secretary of defense. It was then examined by a circle of top advisers known as the Principals Committee of the National Security Council, and their seconds in command, known collectively as the Deputies Committee.⁸³

This meant “that while Obama approved each target, he did not approve each individual strike.”⁸⁴ While the process for selection of signature strikes functioned differently, the way that the CIA determined who to target and when to strike in Yemen and Somalia during this period provides some insight into the levels of oversight that existed within the administration.

The second argument that the Obama administration has used to justify drone use is that they do not result in many civilian casualties. Journalist Andrew Cockburn has noted that “drone partisans customarily hail the surgical precision of these weapons.”⁸⁵ Strikes are repeatedly called “precise,” “surgical,” and “proportional.” The first instance that the administration implicitly acknowledged the existence of the CIA drone program was in May 2009. During questioning, CIA Director Leon Panetta said that drones “have been very effective because they have been very precise in terms of the targeting and it involved a minimum of collateral damage.”⁸⁶ In August 2011, then Homeland Security Advisor, John Brennan went a step further, when he stated, “there hasn’t been a single collateral death because of the exceptional proficiency, precision of the capabilities we’ve been able to develop.”⁸⁷ When pushed, Brennan slightly altered his statement: “For more than a year, due to our discretion and precision, the U.S. government has not found credible evidence of collateral deaths resulting from U.S. counterterrorism operations outside of Afghanistan or Iraq, and we will continue to do our best to keep it that way.”⁸⁸ In the year prior to Brennan’s statement, drones had “killed more than 600 militants...and not a single noncombatant.”⁸⁹ While the administration held that innocents were not killed, many were not convinced by the accuracy of Brennan’s comments.

In a 2011 *New York Times* article, Bill Roggio editor of *The Long War Journal* questioned the truthfulness of the administration’s position. He stated,

The Taliban don’t go to a military base to build bombs or do training. There are families and neighbors around. I believe the people conducting the strikes work hard to reduce civilian casualties. They could be 20 percent. They could be 5 percent. But I think the C.I.A.’s claim of zero civilian casualties in a year is absurd.⁹⁰

Many journalists have argued that the administration could hold that there were no civilian deaths because they defined nearly everyone in the regions where drones were being used as militants. Jo Becker and Scott Shane in the *New York Times* noted that the administration's policy: "in effect counts all military-age males in a strike zone as combatants... unless there is explicit intelligence posthumously proving them innocent."⁹¹ Furthermore, "Counterterrorism officials insist this approach is one of simple logic: people in an area of known terrorist activity, or found with a top Qaeda operative, are probably up to no good."⁹² Activist Medea Benjamin has argued that "Americans often use the fact that someone carries a weapon as proof they're a combatant."⁹³ Additionally, operators often "have trouble distinguishing between an innocent civilian and someone participating in conflict—after all, both might be dressed the same, or live in the same building."⁹⁴ Becker and Shane conclude that the administration's "counting method may partly explain the official claims of extraordinarily low collateral deaths."⁹⁵

At the Wilson Center in 2012, Brennan addressed many worries that had been circulating about the drone program, and reiterated how drones minimized civilian deaths. He argued that drones were "a wise choice because they dramatically reduce the danger to innocent civilians," and that "it is hard to imagine a tool that can better minimize the risk to civilians than remotely piloted aircraft."⁹⁶ Brennan used the surgery metaphor to advance his argument:

A pilot operating this aircraft remotely—with the benefit of technology and with the safety of distance—might actually have a clearer picture of the target and its surroundings, including the presence of innocent civilians. It's this surgical precision—the ability, with laser-like focus, to eliminate the cancerous tumor called an al-Qa'ida terrorist while limiting damage to the tissue around it—that makes this counterterrorism tool so essential.⁹⁷

While Brennan claimed that strikes rarely kill civilians, he finally acknowledged that they had in certain cases: “There have indeed been instances when—despite the extraordinary precautions we take—civilians have been accidentally injured, or worse, killed in these strikes.”⁹⁸

In his address at the National Defense University in 2013, Obama used the same arguments that Brennan had to defend that few civilians had been killed. Obama noted, “it is a hard fact that U.S. strikes have resulted in civilian casualties.”⁹⁹ Nonetheless, Obama went on to argue that drone strikes cause fewer civilian casualties than air strikes or ground invasions:

Conventional airpower or missiles are far less precise than drones and are likely to cause more civilian casualties and more local outrage. And invasions of these territories lead us to be viewed as occupying armies, unleash a torrent of unintended consequences, are difficult to contain, result in large numbers of civilian casualties, and ultimately, empower those who thrive on violent conflict.¹⁰⁰

Obama also noted that strikes were only carried out after the government has determined that no civilians would be killed: “Before any strike is taken, there must be near certainty that no civilians will be killed or injured, the highest standard we can set.”¹⁰¹

The third argument that the administration relied upon to justify the use of drones is that they keep American soldiers out of harms way. Most drones are controlled from either Creech Air Force Base outside Las Vegas, Nevada or directly from the Pentagon in Virginia.¹⁰² Drones have also been guided from other military bases, but nearly always from within the U.S. The U.S. operates over 60 drone bases around the world. To carry out strikes in Yemen and the Horn of Africa, the U.S. utilizes bases in Djibouti, Kenya, Ethiopia, and Saudi Arabia.¹⁰³ For strikes carried out in Afghanistan and Pakistan, the U.S. primarily uses bases in secure locations in those nations. All American officials

involved in a drone strike never come within hundreds of miles of where the strike actually occurs.

Publically, administration officials have not spent much time focusing on how drones prevent soldiers from being killed because it seems obvious. The very name of the devices—unmanned aerial vehicles—indicates that American personnel are nowhere near the battlefield. Brennan noted in 2012 that drones “dramatically reduce the danger to U.S. personnel, even eliminating the danger altogether.”¹⁰⁴ A year later Obama similarly pointed out that the use of drones means that “fewer of our troops are in harm's way.”¹⁰⁵ Brennan explained that capture was not always feasible: “our forces might have the ability to attempt capture, but only by putting the lives of our personnel at too great a risk.” Therefore, drones provide an alternative to capture missions that necessitate American military personnel putting their lives on the line. The administration assumed that fighting al-Qaeda was necessary, and in comparison to other options, drones severely decreased the likelihood of American casualties.¹⁰⁶

While the administration publically defended the drone program, the justification for drone use has been relatively abstract. Much is still classified about the U.S. drone program and the kill and capture policy more generally, making the specifics of the program impossible to fully determine. Three main instances have brought to light information about the Obama administration’s policy of kill and capture: (1) signature strikes; (2) the Special Operations mission that killed Osama bin Laden; and (3) the drone strike that killed American citizen Anwar al-Awlaki.

The traditional and more known use of drone strikes centers on killing individuals because they are a specific known terrorist. Signature strikes, on the other hand, are

carried out based on “defining characteristics associated with terrorist activity.”¹⁰⁷ In the last year of the Bush administration, the CIA began “targeting people based on patterns of life rather than specific intelligence.”¹⁰⁸ Unlike personality strikes, that kill an individual because of who they are, signature strikes kill purely based on characteristics. It was not necessary to know the identity of an individual to strike him—because it was always a him—rather it was only necessary to have the belief that they were partial to al-Qaeda or an affiliated force. Journalist Andrew Cockburn in *Kill Chain* noted that

the CIA said that ‘military age males’ who were part of a large gathering of peoples in a particular region or had contacts with other suspected militants or terrorists could be considered fair targets for drones strikes. A positive ID was not necessary to strike, only some of the ‘signatures’ the Agency had developed to identify suspected terrorists.¹⁰⁹

During the Bush administration signature strikes were only carried out in Pakistan. Within days of Obama taking office in January 2009, he approved two CIA drone strikes in the Waziristan region of Pakistan. After the strikes were carried out—in which many civilians were likely killed—Obama was told that they were signature strikes.¹¹⁰ According to Klaidman, following the strikes,

Steve Kappes, the CIA’s deputy director, offered a blunt explanation. ‘Mr. President, we can see that there are a lot of military-age males down there, men associated with terrorist activity, but we don’t always know who they are.’ Obama reacted sharply. ‘That’s not good enough for me,’ he said. But he was still listening. Hayden forcefully defended the signature approach. You could take out a lot more bad guys when you targeted groups instead of individuals, he said. And there was another benefit: the more afraid militants were to congregate, the harder it would be for them to plot, plan, or train for attacks against America and its interests.¹¹¹

Even though he initially opposed the use of signature strikes, “Obama decided not to reject the signature strike policy.”¹¹² The strikes succeeded in doing exactly what Kappes had said they would. David Rhode, the *New York Times* journalist held captive in

Waziristan wrote: “From the ground, it is impossible to determine who or what they are tracking as they circle overhead. The buzz of a distant propeller is a constant reminder of imminent death. Drones fire missiles that travel faster than the speed of sound. A drone’s victim hears the missile that kills him.”¹¹³ With the mass use of drones, “patterns of life began to change.”¹¹⁴ People were fearful that they could be killed for reasons unbeknownst to them. Large gatherings dissipated as the the drone strikes helped the Taliban and al-Qaeda recruit nearly as much as night raids during the Afghanistan and Iraq wars had.

Even with Obama’s acceptance of signature strikes, Klaidman noted,

The White House did tighten up some procedures: the CIA director would no longer be allowed to delegate the decision to carry out a drone strike down the chain. Only the director would have that authority, or his deputy if he was not available. And the White House reserved the right to pull back the CIA’s signature authority in the future. According to one of his advisers, Obama remained uneasy. ‘He would squirm,’ recalled the source. ‘He didn’t like the idea of ‘kill ’em and sort it out later.’”¹¹⁵

While Obama felt uneasy about the policy, signature strikes were used more and more between 2009 and 2011. In 2011, the head of the CIA’s counterterrorism division boasted, “We’re killing these sons of bitches faster than they can grow them.”¹¹⁶

While the CIA and Joint Special Operations Command (JSOC) continually pleaded with the Obama administration to let them engage in signature strikes outside of Pakistan, Obama refused until 2012. By 2012, the Yemeni government was losing power and territory to al-Qaeda in the Arabian Peninsula (AQAP). One senior administration official said of AQAP: “They are decapitating Yemeni soldiers and crucifying them....These are murderous thugs, and we are not going to stand idly by and allow these massacres to take place.”¹¹⁷ In response, Obama finally agreed to allow signature strikes

in Yemen—or, as they were newly termed, terrorist attack disruption strikes (TABS). In October 2015 Cora Currier analyzed a number of classified documents in *The Intercept* that related to the signature strikes in Yemen. She explained that the documents claim “that they were more constrained than the CIA’s signature strikes in Pakistan.”¹¹⁸ Further,

To using drones and spy planes to ‘conduct TADS related network development,’ presumably a reference to surveilling behavior patterns and relationships in order to carry out signature strikes. It is unclear what authorities govern such strikes, which undermine the administration’s insistence that the U.S. kills mainly ‘high-value’ targets.¹¹⁹

Signature strikes were far more controversial than personality strikes. While the administration continually held that drone strikes do not kill many civilians, signature strikes have a far higher likelihood of killing unintended targets. From thousands of feet in the air, determining what an individual is doing and who they are surrounded by is not always easy. Strikes have been carried out because of accidentally identifying shovels as guns. Other strikes have targeted gatherings like weddings and funerals that draw large numbers of innocent civilians. With growing discontent over signature strikes from 2011 to 2013, the administration finally decided to publically address the issue.

While never explicitly discussing the policy of signature strikes, throughout 2012 and 2013 the administration implicitly rejected the existence of such strikes. Brennan in 2012 noted that the U.S. would only strike an individual that “poses a significant threat to U.S. interests” or “poses an imminent threat of violent attack against the United States.”

¹²⁰ Following Obama’s 2013 address at the National Defense University many thought that the U.S. would shortly end the practice of signature strikes altogether. Obama recognized that they had been used in Afghanistan, but that they would end when American soldiers came home:

In the Afghan war theater, we must and will continue to support our troops until the transition is complete at the end of 2014. And that means we will continue to take strikes against high-value Al Qaida targets, but also against forces that are massing to support attacks on coalition forces. But by the end of 2014, we will no longer have the same need for force protection, and the progress we've made against core Al Qaida will reduce the need for unmanned strikes.¹²¹

Additionally, adding confidence that this would apply to undeclared war zones, Obama stated that the “high threshold that we’ve set for taking lethal action applies to all potential terrorist targets.”¹²²

As few strikes were reported throughout the remainder of 2013 and 2014, many believed that signature strikes had finally ended. In April 2015 the U.S. government acknowledged that a strike carried out in Pakistan in January 2015 had accidentally killed an American citizen and an Italian citizen that had been held hostage. Mark Mazzetti and Eric Schmitt noted in the *New York Times*, “American officials acknowledged that the Jan. 15 attack was a signature strike, but said that the C.I.A. had assessed with ‘high confidence’ that the compound in the Shawal Valley was being used by Qaeda operatives.”¹²³ The strike “aimed at a building housing four unnamed targets—correctly determined to be al Qaeda fighters by their observed patterns of behaviour.”¹²⁴ Another strike in June 2015, this time in Yemen, killed AQAP commander Nasser al Wuhayshi.

Greg Miller in the *Washington Post* reported that

the CIA did not know in advance that al-Qaeda’s leader in Yemen was among the suspected militants targeted in a lethal drone strike last week, according to U.S. officials who said that the operation went forward under counterterrorism guidelines that were eased by the Obama administration after the collapse of the U.S.-backed government in Yemen this year.¹²⁵

Further, the *Bureau of Investigative Journalism* noted,

The CIA has not commented on the strike, however the timeline of events leading to the White House declaring al Wuhayshi dead suggests this was indeed a signature strike. CNN first reported his death, citing two

unnamed Yemeni officials. A U.S. official told the broadcaster America was reviewing its intelligence to see if they had killed him. It was only after AQAP itself declared Wuhayshi dead that the U.S. came out with its own statement.¹²⁶

While many thought that the administration had stopped signature strikes because of opposition, the administration continued to engage in such strikes.

The most known and lauded event of Obama's kill and capture policy was the death of Osama bin Laden. After bin Laden successfully fled from Afghanistan to Pakistan in 2001, the Bush administration continued to search for him. While intelligence surfaced from time to time, the administration never had enough actionable intelligence to justify a mission to kill bin Laden. When Obama took office in 2009, he refocused efforts on Afghanistan and Pakistan generally and more specifically on finding bin Laden. Obama's Chief of Staff Rahm Emanuel bluntly asked Bruce Riedel, chair of a White House review committee formed to overhaul counterterrorism operations in Afghanistan and Pakistan, in February 2009, "Why the fuck don't we have any clue where Osama bin Laden is?"¹²⁷ To locate and bring bin Laden to justice, Obama signed a memo on June 2, 2009, that directed Director of the CIA Panetta "to provide me within thirty days a detailed operation plan for locating and bringing to justice Osama bin Laden."¹²⁸

The U.S. government was eventually successful at locating bin Laden in early 2011. On May 1, 2011 members of SEAL Team 6 successfully raided bin Laden's compound in Abbottabad, Pakistan, killing him. On October 9, 2012, *60 Minutes* aired a special interview with a member of Navy SEAL Team 6. Using the pseudonym Mark Owen, he described the events before and during mission. After returning from an assignment in Afghanistan in April 2011, Owen reported to North Carolina for a secret

mission. One of Owen's friends "We think we found bin Laden, and they want us to come up, you know, rehearse and come up with a plan. If there's gonna be a ground option approved, they want us to rehearse for one."¹²⁹ Owen recounted:

The mission was 'Operation Neptune Spear' under the authority of the CIA. The agency had tracked a bin Laden courier to a curious compound in Abbottabad, Pakistan. They'd been watching the compound with satellites. The house seemed too big for the neighborhood. There was no telephone connection. The people there burned their trash. There was a wall, 12 feet high and a walled-in balcony. Who lived up there?¹³⁰

While in North Carolina the SEALs practiced the mission to enter the compound and kill bin Laden over 100 times, for more than normal. On the night of May 1, 2011 Black Hawk helicopters took off from the U.S. base in Jalalabad, Afghanistan. By the next morning, the mission had been a success. Bin Laden had been killed at the compound in Abbottabad and no Americans were killed.

On the night of May 1, 2011, Obama announced from the East Room of the White House that the U.S. had successfully killed bin Laden. Obama stated, "The death of bin Laden marks the most significant achievement to date in our Nation's effort to defeat Al Qaida."¹³¹ He continued, "his demise should be welcomed by all who believe in peace and human dignity."¹³² Alluding to the justice narrative that Bush repeatedly utilized, Obama asserted, "on nights like this one, we can say to those families who have lost loved ones to Al Qaida's terror: Justice has been done."¹³³ Obama finished the address in a way that could have easily have been Bush in the days following 9/11: "Let us remember that we can do these things not just because of wealth or power, but because of who we are: one Nation under God, indivisible, with liberty and justice for all."¹³⁴ People in the U.S. were overjoyed that the U.S. had finally achieved justice for the horrific acts of 9/11. Within minutes of Obama's announcement, hundreds gathered outside of the

White House and chanted “U.S.A., U.S.A., U.S.A.” The killing of bin Laden enhanced Obama’s credibility on terrorism and symbolically ended an era of the war on terrorism.

While Americans were joyous that the architect of 9/11 had been killed, many in Pakistan were not so pleased by the way that the U.S. handled the situation. The American government feared that the Pakistani intelligence service, the Inter-Services Intelligence (ISI), would share information about the impending attack with al-Qaeda, thus giving bin Laden time to escape. To avoid a potential issue, the U.S. government decided not to inform Pakistan of the mission until after it was complete. While the Pakistani government had checked off on drone strikes in certain regions, and allowed American raids, Pakistan had to be consulted first. Many in Pakistan decried their lack of involvement. A statement by the Pakistani Foreign Office said “such an event shall not serve as a future precedent for any state, including the United States.”¹³⁵ Pervez Musharraf, the former President of Pakistan exclaimed, “America coming to our territory and taking action is a violation of our sovereignty. Handling and execution of the operation [by U.S. forces] is not correct. The Pakistani government should have been kept in the loop.”¹³⁶

While the killing of bin Laden was a riveting success for the American government, the administration acknowledged that it could not win the war on terror by relying on such operations. Obama stated in 2013 at the National Defense University,

Our operation in Pakistan against Usama bin Laden cannot be the norm. The risks in that case were immense. The likelihood of capture, although that was our preference, was remote given the certainty that our folks would confront resistance. The fact that we did not find ourselves confronted with civilian casualties or embroiled in an extended firefight was a testament to the meticulous planning and professionalism of our special forces, but it also depended on some luck. And it was supported by massive infrastructure in Afghanistan.¹³⁷

While Obama reiterated the false commitment to captured forces whenever possible, he recognized that in most instances capture operations were infeasible. The fact that targeted special forces operations that captured individual terrorists “cannot be the norm” showed the administration’s public acceptance of both drones and the preference to kill.

Later in 2011, the administration chose to kill from afar instead of engaging in a capture operation in the case of Anwar al-Awlaki. Al-Awlaki was born an American citizen in New Mexico in 1971 to Yemeni parents. In 1996, he began serving as an imam in San Diego. He moved to a Virginia suburb of Washington, D.C. in 2001. Following 9/11, al-Awlaki was in many ways the face of moderate Islam in the United States. He “defended the right of the United States to go into Afghanistan to destroy al-Qaeda and denounced al-Qaeda as fake Muslims.”¹³⁸ He was even lauded by the U.S. government and was invited to meet with Department of Defense employees at the Pentagon in 2002.¹³⁹ He was featured in an October 2001 PBS *NewsHour* segment. In the segment, al-Awlaki stated, “We [Muslim-Americans] disagree with a lot of issues when it come to foreign policy...but we also cherish a lot of the values that are in America. Freedom is one of them; the opportunity is another.”¹⁴⁰ He continued, “the fact that the U.S. is supporting the deaths and killing of thousands of Palestinians does not justify the killing of one U.S. civilian...the deaths of 6,000 civilians in New York...does not justify the death of one civilian in Afghanistan.”¹⁴¹

In late 2002 al-Awlaki left the U.S., proceeded to spend time in the United Kingdom and eventually returned to Yemen in 2004. The Yemeni government imprisoned al-Awlaki at the request of the U.S. for over a year—largely in solitary confinement. After al-Awlaki was released, he officially joined AQAP. Following his

move to Yemen, al-Awlaki's message became far more radical. In 2005, al-Awlaki published a set of CDs called "Constraints" wherein he stated, "any Muslim today who is not fighting *jihad*...is supporting the enemy by giving him victory for free."¹⁴² By 2005, "Awlaki's message had become overtly approving of violence, openly hostile to those he called *kuffar* [a pejorative term for non-Muslims], and dismissive of less martial interpretations of Islam."¹⁴³ In 2008 al-Awlaki created a website where he could share his sermons, lectures and write new blogs.¹⁴⁴ Al-Awlaki's website facilitated the spread of his political message worldwide.

From 2008 onward, al-Awlaki's lectures and sermons continued with an unabated hate for America that urged listeners, viewers, and readers to take action to violently combat the U.S. On October 7, 2009 al-Awlaki released a blog that directly stated that the U.S. should be a target for jihad. Al-Awlaki, explained "America cannot win. The tables have turned and there is no rolling back of the worldwide Jihad movement."¹⁴⁵ Al-Awlaki not only urged individuals to take violent action against the U.S., but also praised those who did so. A blog post that al-Awlaki published on November 9, 2009 applauded the Fort Hood Shooter, stating simply, "Nidal Hasan Did the Right Thing."¹⁴⁶ In June 2010 al-Awlaki created a new medium to disseminate his message. Al-Awlaki and another American named Samir Khan created an English AQAP magazine called *Inspire* modeled on modern American pop-culture magazines. In the first issue, al-Awlaki wrote an article decrying images of Mohammed created in the west. Al-Awlaki specifically advocated the assassination of individuals involved, stating,

The medicine prescribed by the Messenger of Allah is the execution of those involved...a cartoonist out of Seattle, Washington, named Molly Norris started the 'Everybody Draw Mohammed Day.' This snowball rolled out from between her evil fingers. She should be taken as a prime

target of assassination along with others who participated in her campaign.¹⁴⁷

Al-Awlaki advocated general attacks on the U.S., praised the killing of innocent Americans, as well as encouraged specific assassinations of individuals he deemed to be desecrating Islam.

Anwar al-Awlaki was killed by an American drone strike in Yemen on September 30, 2011. Obama recognized in 2013 that it was the “one instance where we targeted an American citizen.”¹⁴⁸ There was a lot of secrecy surrounding the killing. When Obama announced his death on September 30, he neglected to note that al-Awlaki was either an American citizen nor specifically killed by a drone strike. Substantial debate followed the strike that killed al-Awlaki because there were questions about the legality of killing an American citizen. To dispel some transparency concerns, the administration leaked a Department of Justice white paper on February 4, 2013 that detailed the legal justification for killing an American abroad, with drones or more traditional military air strikes. Immediately preceding the final Senate vote on Brennan’s confirmation to become Director of the CIA on March 6, Senator Rand Paul of Kentucky filibustered the vote for over 12 hours because “it really bothers me he won’t say that he won’t...drop a hellfire missile on a café in Houston.”¹⁴⁹ Following the death of al-Awlaki, pressure mounted on the Obama administration to more fully explain and justify the U.S. drone program.

At the National Defense University on May 23, 2013, Obama gave his first major address on the drone program in which he presented a robust defense of the the killing of al-Awlaki and the drone program more generally:

When a U.S. citizen goes abroad to wage war against America and is actively plotting to kill U.S. citizens and when neither the United States, nor our partners are in a position to capture him before he carries out a plot, his citizenship should no more serve as a shield than a sniper shooting down on an innocent crowd should be protected from a SWAT team. That's who Anwar Awlaki was; he was continuously trying to kill people. He helped oversee the 2010 plot to detonate explosive devices on two U.S.-bound cargo planes. He was involved in planning to blow up an airliner in 2009. When Farouk Abdulmutallab, the Christmas Day bomber, went to Yemen in 2009, Awlaki hosted him, approved his suicide operation, helped him tape a martyrdom video to be shown after the attack, and his last instructions were to blow up the airplane when it was over American soil. I would have detained and prosecuted Awlaki if we captured him before he carried out a plot, but we couldn't. And as President, I would have been derelict in my duty had I not authorized the strike that took him out.¹⁵⁰

Obama continued by stating that there is a “high threshold that we’ve set for taking lethal action applies to all potential terrorist targets, regardless of whether or not they are American citizens.”¹⁵¹ Obama justified the killing al-Awlaki by arguing that he had betrayed his own country and become just another operative of al-Qaeda. Nonetheless, debate continued about the legality of strikes that targeted American citizens and if they could be carried out within American borders. The killing of al-Awlaki sparked more controversy regarding the American UAV program than any death before or since.¹⁵²

Justification for the Drone Wars

While the war on terror during the Obama administration looked much different than it did during Bush’s tenure, the justifications continued to be the same. The Obama administration utilized the Bush administration’s argument that the conflict against al-Qaeda did not end with the wars in Afghanistan and Iraq to widen the scope of the war on terror. Obama used the two main justifications that the Bush administration employed to justify the war on terror: (1) strong American values; and (2) an unparalleled military.

While the Obama administration decried the ways that the Bush administration attempted to achieve these goals, the goals during during Obama's tenure remained the same.

Throughout Obama's 2008 campaign it seemed that the election of a liberal president would result in the end of the beliefs that undergirded the war on terror. Once in office, Obama quickly determined that so drastically shifting American foreign policy as well as its justifications was an uphill battle. Harold Koh, a U.S. Department of State Legal Advisor, stated in 2010, "you simply cannot turn the ship of state 360 degrees from administration to administration every four to eight years, nor should you."¹⁵³ He continued, "government lawyers should begin with a presumption of *stare decisis*--that an existing interpretation of the Executive Branch should stand—unless after careful review, a considered reexamination of the text, structure, legislative or negotiating history, purpose and practice under the treaty or statute firmly convinces us that a change to the prior interpretation is warranted."¹⁵⁴ While Obama came in with lofty hopes to fundamentally alter the justifications for the war on terror, nearly a year later it was clear that the fundamental ideas that led to the war on terror could not so easily be retracted.

Throughout Obama's tenure, the administration has held that the war on terror transcends the declared combat zones in Afghanistan and Iraq. The administration has repeatedly argued that there are no bounds to the conflict with al-Qaeda. On December 1, 2009, Obama stated, "Where Al Qaida and its allies attempt to establish a foothold, whether in Somalia or Yemen or elsewhere, they must be confronted by growing pressure."¹⁵⁵ The National Security Strategy of 2010 noted, "The United States is waging a global campaign against al-Qa'ida and its terrorist affiliates."¹⁵⁶ It continued by arguing that the U.S. "must deny these groups the ability to conduct operational plotting from any

locale, or to recruit, train, and position operatives.”¹⁵⁷ In his announcement of the killing of Anwar al-Awlaki in September 2011, Obama stated, “Al Qaida and its affiliates will find no safe haven anywhere in the world.”¹⁵⁸ In the 2012 Department of Defense document “Sustaining U.S. Global Leadership,” Secretary of Defense Leon Panetta asserted, “The Joint Force will be prepared to confront and defeat aggression anywhere in the world.”¹⁵⁹ Just as the American military could fight threats around the globe so could the CIA. Brennan stated that the CIA had “this responsibility on global coverage.”¹⁶⁰

The Obama administration relied upon two main legal arguments to justify a global war against al-Qaeda and other terrorist groups. The war was justified under domestic law through the AUMF and under international law by the right to defense. Brennan stated in 2012 that “the use of force against members of al-Qa’ida is authorized under both international and U.S. law, including both the inherent right of national self-defense and the 2001 Authorization for Use of Military Force, which courts have held extends to those who are part of al-Qa’ida, the Taliban, and associated forces.”¹⁶¹ A Department of Justice White Paper leaked in 2013 laid out the same legal basis. The war was justified because of the “President’s constitutional responsibility to protect the nation and the inherent right to national self-defense.”¹⁶² Obama reiterated at the National Defense University that “America’s action are legal...under domestic law and international law.”¹⁶³

Under domestic law, the AUMF, passed September 14, 2001, provides the president with broad authority to combat terrorism globally. Koh argued in 2010 that “Congress authorized the use of all necessary and appropriate forces through the 2001 Authorization for Use of Military Force (AUMF). These domestic and international legal

authorities continue to this day.”¹⁶⁴ Jeh Johnson, General Counsel of the Department of Defense, in a speech at Yale Law School in 2012 stated that

there is nothing in the wording of the 2001 AUMF or its legislative history that restricts this statutory authority to the ‘hot’ battlefields of Afghanistan. Afghanistan was plainly the focus when the authorization was enacted in September 2001, but the AUMF authorized the use of necessary and appropriate force against the organizations and persons connected to the September 11th attacks—al Qaeda and the Taliban—without a geographic limitation.¹⁶⁵

The Department of Justice White Paper explained that “the AUMF itself does not set forth an express geographic limitation on the use of force it authorizes.”¹⁶⁶ It continued, “none of the three branches of the U.S. Government has identified a strict geographical limit on the permissible scope of the AUMF’s authorization.”¹⁶⁷ Senator Ron Paul noted the administration took the “authorization of use of force to mean pretty much anything. And so they have now said that the war has no geographical limitations, so it’s really not a war in Afghanistan, it’s a war in Yemen, Somalia, Mali. It’s a war in unlimited places.”¹⁶⁸

Furthermore, the Obama administration has argued that a global war on terror was also legal under international law. Koh noted that “the United States is in an armed conflict with al-Qaeda, as well as the Taliban and associated forces, in response to the horrific 9/11 attacks, and may use force consistent with its inherent right to self-defense under international law.”¹⁶⁹ Brennan argued in 2012 that drone use was specifically legal under international law.

As a matter of international law, the United States is in an armed conflict with al-Qa'ida, the Taliban, and associated forces, in response to the 9/11 attacks, and we may also use force consistent with our inherent right of national self-defense. There is nothing in international law that bans the use of remotely piloted aircraft for this purpose or that prohibits us from using lethal force against our enemies outside of an active battlefield, at

least when the country involved consents or is unable or unwilling to take action against the threat.¹⁷⁰

Thus, the administration has held that counterterrorism operations generally, and drone use more precisely, were legal outside of declared combat zones under both domestic and international law. Just as Bush argued in 2001 that Afghanistan would not be the end of the war on terror, Obama claimed over a decade later that even after the end of the war in Afghanistan it was legal for the U.S. to operate under the same justification in Pakistan, the Middle East, and North Africa.

Threats to the American homeland that existed during the Bush administration did not disappear with the end of Bush's presidency. Brennan noted during his Confirmation Hearing to become the Director of the CIA on February 7, 2013 that "al-Qa'ida has been metastasizing in different parts of the world."¹⁷¹ The National Security Strategy of 2015 stated, "Our adversaries are not confined to a distinct country or region. Instead, they range from South Asia through the Middle East and into Africa."¹⁷² Moreover, in a speech at the National Defense University on May 23, 2013, Obama pointed out the threats that exist within the United States:

We face a real threat from radicalized individuals here in the United States. Whether it's a shooter at a Sikh temple in Wisconsin, a plane flying into a building in Texas, or the extremists who killed 168 people at the Federal Building in Oklahoma City, America has confronted many forms of violent extremism in our history. Deranged or alienated individuals—often U.S. citizens or legal residents—can do enormous damage, particularly when inspired by larger notions of violent jihad. And that pull towards extremism appears to have led to the shooting at Fort Hood and the bombing of the Boston Marathon.¹⁷³

Continual threats to Americans from abroad and at home meant that the administration was justified in going beyond traditional battlefields to root them out.

While Obama was never quite as explicit as Bush that the conflict would continue indefinitely, some of Obama's statements point to that belief. Obama was clear from the beginning of his administration that there was a time table for removal of troops from Afghanistan and Iraq, but there has been no such declaration regarding the drone wars. Speaking at the National Archives on May 21, 2009, Obama stated, "Right now, in distant training camps and in crowded cities, there are people plotting to take American lives. That will be the case a year from now, 5 years from now, and in all probability, 10 years from now."¹⁷⁴ At the National Defense University in May 2013, he reiterated this message:

Neither I, nor any President, can promise the total defeat of terror. We will never erase the evil that lies in the hearts of some human beings, nor stamp out every danger to our open society. But what we can do—what we must do—is dismantle networks that pose a direct danger to us and make it less likely for new groups to gain a foothold.¹⁷⁵

For Obama, like Bush, the bounds of the war on terror were not limited by location or time.

Al-Qaeda was the only organization that directly orchestrated 9/11, but the Bush administration nonetheless justified the invasion of Afghanistan by arguing that the Taliban were as responsible as al-Qaeda because they harbored them. Similarly, the Bush administration went to war in Iraq under the pretense that Saddam Hussein was supporting al-Qaeda and, therefore, was a legitimate target under the AUMF. While Obama decried the war in Iraq, he used a similar justification to broaden the scope of the AUMF beyond those explicitly affiliated with al-Qaeda in Afghanistan. The administration has held that legitimate targets of the war on terror are al-Qaeda and affiliated or associated forces. In 2012, Johnson defined associated forces as follows:

An ‘associated force,’ as we interpret the phrase, has two characteristics to it: (1) an organized, armed group that has entered the fight alongside al Qaeda, and (2) is a co-belligerent with al Qaeda in hostilities against the United States or its coalition partners. In other words, the group must not only be aligned with al Qaeda. It must have also entered the fight against the United States or its coalition partners.¹⁷⁶

This definition meant that a target for a drone strike or military action did not have to be in any way directly related to the attacks of 9/11. Rather, it simply had to be affiliated with any force that aligned with an al-Qaeda organization. Brennan explicitly stated that AQAP, al-Qaeda in the Islamic Maghreb (AQIM), and al-Shabaab were associated forces of al-Qaeda in Afghanistan.¹⁷⁷ While Obama condemned the use of the AUMF to invade Iraq, he relied upon a similar logic to justify the drone wars throughout the Middle East and North Africa.

Like Bush, the Obama administration argued that the U.S. has to uphold the values of freedom and justice in everything that it did. Obama took issue not with the values that Bush espoused following 9/11, but with the way he attempted to further those values. On May 21, 2009 at the National Archives, Obama argued that torture and the existence of detention facilities at places like Guantanamo Bay had undermined American values. He stated, “over the last 8 years established an ad hoc legal approach for fighting terrorism that was neither effective nor sustainable, a framework that failed to rely on our legal traditions and time-tested institutions and that failed to use our values as a compass.”¹⁷⁸ The same sentiment existed in Obama’s 2013 address at the National Defense University: “In some cases, I believe we compromised our basic values, by using torture to interrogate our enemies and detaining individuals in a way that ran counter to the rule of law.”¹⁷⁹ In his first major address on the Middle East while in Cairo Obama criticized the Bush administration and offered a new way forward:

just as America can never tolerate violence by extremists, we must never alter or forget our principles. Nine-eleven was an enormous trauma to our country. The fear and anger that it provoked was understandable, but in some cases, it led us to act contrary to our traditions and our ideals. We are taking concrete actions to change course. I have unequivocally prohibited the use of torture by the United States, and I have ordered the prison at Guantanamo Bay closed by early next year.¹⁸⁰

Obama idolized the same American values that Bush relied upon to establish the framework for the war on terror and the invasions of Afghanistan and Iraq. Obama took issue not with the values themselves, but rather with the approaches—notably torture and indefinite detention—that Bush utilized to further freedom and justice during his presidency.

Throughout his tenure, Obama reiterated the necessity to uphold and further American values internationally. At the National Archives Obama argued that to keep the country safe the United States must “enlist the power of our most fundamental values.”¹⁸¹ He continued, “the foundation of liberty and justice in this country and a light that shines for all who seek freedom, fairness, equality, and dignity around the world.”¹⁸² Upon reception of the Nobel Peace Prize on December 10, 2009, Obama said of freedom, democracy, and justice: “America will always be a voice for those aspirations that are universal.”¹⁸³ The National Security Strategy of 2010 argued that the U.S. needed to be effective at “steering those currents in the direction of liberty and justice—so that nations thrive their responsibilities and face consequences when they don’t.”¹⁸⁴ Hammering home the importance of American values in relation to the war on terror, the two main administration addresses on UAVs—Brennan in April 2012 and Obama in May 2013—finished by reiterating that America must uphold and further its values. Brennan stated that the administration is “staying true to the values that define us as Americans.”¹⁸⁵

Drawing upon patriotic imagery, Obama argued, “long after the current messengers of hate have faded from the world’s memory—alongside the brutal despots and deranged madmen and ruthless demagogues who litter history—the flag of the United States will still wave from small-town cemeteries to national monuments to distant outposts abroad. And that flag will still stand for freedom.”¹⁸⁶

Similar to the National Security Strategy of 2002, the National Security Strategy of 2015 was the best articulation of the continued focus on American values. It stated that “underpinning it all, we are upholding our enduring commitment to the advancement of democracy,” and that U.S. must always act “in line with American values.”¹⁸⁷ Finally, the National Security Strategy exclaimed the absolute nature of American values and the necessity of the U.S. to defend and spread them: “There is no substitute for American leadership...in the cause of universal values.”¹⁸⁸ While the Obama administration disagreed with the Bush administration about how to further American values, both administrations justified their policies as necessary for the protection and advancement of American values of freedom, democracy, and justice.

While the U.S. was portrayed as standing for universal values that facilitate security, al-Qaeda and terrorists more generally were characterized as lawless and immoral. The administration justified the use of drones by arguing that terrorists were continually attempting to kill innocents and Americans. In his Nobel Peace Prize speech in December 2009, Obama said that al-Qaeda is a “vicious adversary that abides by no rules” and has carried out “senseless attacks.”¹⁸⁹ In September 2011 he noted the universal opposition to such an ideology: “Targeting of innocent civilians has been rejected by the vast majority of Muslims and people of all faiths.”¹⁹⁰ Brennan, continually

referenced al-Qaeda as murders of civilians and Americans. Brennan stated, “al-Qa’ida’s killing of innocents—mostly Muslim men, women and children—has badly tarnished its image and appeal in the eyes of Muslims around the world.”¹⁹¹ Bringing together the attacks on innocents and Americans, Brennan argued that America’s enemy was an “al-Qa’ida that has brutally murdered thousands of Americans—men, women and children—as well as thousands of other innocent people around the world.”¹⁹² Specifically justifying the use of drones, he explained that the United States was “sometimes obliged to take lives—the lives of terrorists who seek to murder our fellow citizens.”¹⁹³ Obama in his National Defense University address similarly decried al-Qaeda, stating that they are “a group of terrorists” he continued, who “came to kill as many civilians as they could.”¹⁹⁴ “Remember” he declared, “that the terrorists we are after target civilians and the death toll from their acts of terrorism against Muslims.”¹⁹⁵

While there was an implicit binary between the values of freedom, democracy, and justice that the U.S. upheld and the murderous ideology of al-Qaeda, at times the administration made an explicit comparison. Reminiscent of the binaries that Bush articulated in 2001, the National Security Strategies of the Obama administration made explicit comparisons of values. The National Security Strategy of 2010 stated, “While violent extremists seek to destroy, we will make clear our intent to build.”¹⁹⁶ The 2015 National Security Strategy argued that the purpose of American foreign policy was to show “a stark contrast between what we stand for and the heinous deeds of terrorists.”¹⁹⁷ While the comparison of values upheld by the U.S. and terrorists was repeatedly made in an implicit manner by the Obama administration, occasionally the administration relied

upon the same type of binaries that Bush used to establish the framework for the war on terror immediately following 9/11.

The second argument that the Obama administration relied upon to justify the continuation of the war on terror through drone use was the necessity to have a strong military. Taking office over seven years after 9/11, Obama could not explain a specific link between American drone use and the attacks of September 11 other than a general connection to al-Qaeda. Therefore, the administration adopted as a justification a version of preemptive war to track and kill terrorists. While not seeking to justify the all out invasion of another state—as Bush did with Iraq in 2003—the Obama administration justified the use of drones strikes to kill individuals not explicitly planning an attack on the U.S.

While Bush argued that the invasion of Afghanistan was necessary to bring the perpetrators of 9/11 to justice for their crimes committed against the U.S., the Obama administration explicitly stated that drones were used to prevent future attacks. On January 30, 2012, Obama participated in a Google+ hangout where he answered questions about his administration. In response to a question, Obama recognized the existence of the CIA drone program for the first time.¹⁹⁸ *New York Times* correspondent David E. Sanger pointed out in his book *Confront and Conceal* that

what was surprising about Obama's answer was his embrace—without quite using the word—of a modified version of Bush's preemption doctrines. Not preemption against a state, which was the logic of the Iraq invasion...Obama's preemption argument was significantly different. He wasn't making the case for an invasion or multibillion-dollar occupation. He was making the case for narrow, preemptive strikes against terrorists who had struck before or who, intelligence showed, were suspected of planning attacks.¹⁹⁹

In line with this commentary, Brennan in April 2012 stated that not all lethal action was “about punishing terrorists for past crimes; we are not seeking vengeance. Rather, we conduct targeted strikes because they are necessary to mitigate an actual ongoing threat—to stop plots, prevent future attacks, and save American lives.”²⁰⁰ He noted in his confirmation hearing nearly a year later that “there is a misimpression on the part of some of American people who believe that we take strikes to punish terrorists for past transgressions.”²⁰¹ Obama made the same point at the National Defense University, stating, “America does not take strikes to punish individuals; we act against terrorists who pose a continuing and imminent threat to the American people and when there are no other governments capable of effectively addressing the threat.”²⁰²

While not everything is known about the legal justification for the Obama administration’s version of preemptive warfare, some information has been released. Attorney General Eric Holder, speaking at Northwestern University School of Law on March 5, 2012, noted that “the Constitution does not require the President to delay action until some theoretical end-stage of planning—when the precise time, place, and manner of an attack become clear. Such a requirement would create an unacceptably high risk that our efforts would fail, and that Americans would be killed.”²⁰³ The Justice Department White Paper was meant to specifically address when it was legal to use a drone strike to kill an American citizen abroad, but much of the language also applies to non-citizen targets. It argued that for someone to pose an imminent threat to the U.S. they did not have to be specifically plotting an attack on the U.S. or its interests. The paper explained that “the condition that an operational leader present an ‘imminent’ threat of violent attack against the United States does not require the United States to have clear

evidence that a specific attack on U.S. persons and interests will take place in the immediate future.”²⁰⁴ It continued by arguing that “a terrorist ‘war’ does not consist of a massive attack across an international border, nor does it consist of one isolated incident that occurs and is then past. It is a drawn out, patient, sporadic patter of attacks. It is very difficult to know when of where the next incident will occur” and therefore,

Members of al-Qa’ida (including any potential target of lethal force) are continually plotting attacks against the United States; that al-Qa’ida would engage in such attacks regularly to the extent it were able to do so; that the U.S. Government may not be aware of all al-Qa’ida plots as they are developing and thus cannot be confident that none is about to occur.²⁰⁵

In concludes that:

Where the al-Qa’ida member in question has recently been involved in activities posing an imminent threat of violent attack against the United States, and there is no evidence suggesting the he has renounced or abandoned such activities, that member’s involvement in al-Qa’ida’s continuing terrorist campaign against the Untied States would support the conclusion that the member poses an imminent threat.²⁰⁶

When it comes down to it, all an imminent threat really entailed was that the individual posing the threat was a known member of al-Qaeda or its affiliated forces. While Obama criticized the preemptive war Bush waged in Iraq as early as 2002, his administration used a similar justification to allow the U.S. government to carry out drone strikes around the world.

Like the Bush administration, the Obama administration has argued that the U.S. must use all tools at its disposal to destroy terrorism and ensure an unparalleled military force. In the Department of Defense document “Sustaining U.S. Global Leadership,” published in January 2012, an introduction by President Obama laid out the foundations of American defense policy. He argued that the U.S. must “remember the lessons of history and avoid repeating the mistake of the past when our military was left ill-prepared

for the future.”²⁰⁷ He promised that “as we end today’s wars and reshape our Armed Forces, we will ensure that our military is agile, flexible, and ready for the full range of contingencies.”²⁰⁸ Obama concluded, “We will keep our Armed Forces the best-trained, best-led, best-equipped fighting force in history.”²⁰⁹ Holder in an address in March 2012 more specifically noted that “disrupting and preventing...[terrorists plans]– and using every available and appropriate tool to keep the American people safe – has been, and will remain, this Administration’s top priority.”²¹⁰ Brennan in 2012 said, “in this fight, we are harnessing every element of American power—intelligence, military, diplomatic, development, economic, financial, law enforcement, homeland security and the power of our values, including our commitment to the rule of law.”²¹¹ Explicitly linking the use of new technologies to the American use of UAVs Brennan noted, “I think the American people expect us to use advanced technologies, for example, to prevent attacks on U.S. forces and to remove terrorists from the battlefield.”²¹² Further, the National Security Strategy of 2015 stated that “we will lead with all the instruments of U.S. power.”²¹³

While the United States used new technologies, the result of its use in concert with other traditional weapons meant that the United States would continue to be an unrivaled military power. As Journalist David E. Sanger put it, drones were a way the U.S. could “ensure its military predominance around the globe without resorting the lengthy, expensive, and unpopular wars and occupations that dominated the past decade.”²¹⁴ In Obama’s Nobel Peace Prize speech in 2009, he noted that the America was “the world’s sole military superpower.”²¹⁵ The National Security Strategy of 2010 stated that even in the “face of multiple threats—from nations, nonstate actors, and failed states” the U.S. “will maintain military superiority that has secured our country, and

underpinned global security, for decades.”²¹⁶ It continued, “The United States remains the only nation able to project and sustain large-scale military operations over extended distances. We maintain superior capabilities to deter and defeat adaptive enemies and to ensure the credibility of security partnerships that are fundamental to regional and global security.”²¹⁷ In “Sustaining U.S. Global Leadership” Obama wrote, “I am determined that we meet the challenges of this moment responsibly and that we emerge even stronger in a manner that preserves American global leadership, maintains our military superiority.”²¹⁸ In the National Security Strategy of 2015, the administration noted that the U.S. has “the strongest military,” and that they “possess a military whose might, technology, and geostrategic reach is unrivaled in human history.”²¹⁹

While Obama argued that the U.S. must have the world’s strongest military, his administration departed from the Bush administration by arguing that the purpose of military might was to produce peace largely through legitimizing diplomatic efforts. Obama in December 2009 noted, “all responsible nations must embrace the role that militaries with a clear mandate can play to keep the peace.”²²⁰ The National Security Strategy of 2010 stated that the American “military continues to underpin our national security and global leadership.”²²¹ Even more explicitly, the National Security Strategy of 2015 argued that America’s “influence is greatest when we combine all our strategic advantages. Our military will remain ready to defend our enduring national interests while providing essential leverage for our diplomacy.”²²² While the Obama administration was clear that the U.S. must have an unparalleled military force, the main purpose of that traditional military strength was to further diplomatic efforts. While Obama won the White House by criticizing Bush’s war on terror, his administration

utilized the same core beliefs to justify a continued—albeit differently focused—war on terror.

¹ Barack Obama, “Illinois Sen. Barack Obama’s Announcement Speech,” *Washington Post*, February 10, 2007, <http://www.washingtonpost.com/wp-dyn/content/article/2007/02/10/AR2007021000879.html>.

² Klaidman, *Kill or Capture*, 15.

³ Gardner, *Killing Machine*, 25.

⁴ Barack Obama quoted in Gardner, *Killing Machine*, 2.

⁵ Barack Obama, “Obama’s Speech at Woodrow Wilson Center,” *Council on Foreign Relations*, August 1, 2007, <http://www.cfr.org/elections/obamas-speech-woodrow-wilson-center/p13974>.

⁶ Barack Obama, “Obama’s Remarks on Iraq and Afghanistan,” *New York Times*, July 15, 2008, <http://www.nytimes.com/2008/07/15/us/politics/15text-obama.html>.

⁷ Obama, “Obama’s Speech at Woodrow Wilson Center.”

⁸ Gardner, *Killing Machine*, 23.

⁹ Obama, “Obama’s Speech at Woodrow Wilson Center.”

¹⁰ Obama, “Obama’s Speech at Woodrow Wilson Center.”

¹¹ Obama, “Obama’s Speech at Woodrow Wilson Center.”

¹² Obama, “Obama’s Speech at Woodrow Wilson Center.”

¹³ Obama, “Obama’s Speech at Woodrow Wilson Center.”

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Conclusion

The American war on terror persists to this day, albeit in a different form than in did in 2001. Upon taking office in 2009, Barack Obama attempted to separate his foreign policy from that of George W. Bush by shifting tactics in the war on terror from a reliance on ground troops and catch and release to drones and kill and capture. While Obama significantly altered American counterterror strategies, the core beliefs that drove the war on terror were strikingly similar. Both presidents based their policy on the need to uphold American values and ensure the continuity of United States military dominance. They argued that the U.S. stood for freedom, democracy, and justice while al-Qaeda and its allies stood for oppression and evil. Often, the administrations would utilize direct binaries to make their moral conclusions clearer. Furthermore, to ensure American military superiority, both presidents argued that the war on terror should not be limited by scope in terms of location or time of commitment.

Following 9/11, Bush crafted a broad framework for the ensuing war on terror. The vagueness was purposeful on Bush's part and allowed him, and later President Obama to wage the war on terror in different ways but with the same justification. Bush utilized a catch and release strategy that necessitated ground wars and black sites to facilitate interrogations. To obtain actionable intelligence, the administration captured, questioned (at times using enhanced interrogations techniques) and then released thousands of individuals. Persons determined to be enemy combatants were held at black sites, or shipped to Guantanamo Bay under the policy of extrajudicial rendition. Obama shifted away from large scale information gathering missions toward a strategy of kill or capture that required a far smaller footprint. Instead of hundreds of thousands of group

troops in the declared warzones of Afghanistan and Iraq, Obama placed the Predator drone at the center of his war on terror policy. Using predominately the CIA, the Obama administration carried out drone strikes and other kill or capture operations inside declared warzones and outside in places like Pakistan, Somalia, and Yemen. The change that Obama made in the war on terror was largely in response to public outcry during Bush's second term because of American casualties and the costs of war. The targeted nature of drone use, and other kill or capture mechanisms, resolved many of the concerns expressed by Bush's opponents. Targeted operations did not require a military occupation, thus fulfilling the American concern over troop casualties as well as international concerns over civilian deaths and the potential for American colonialism.

While Obama based his arguments on the same beliefs that Bush did, his rhetoric was far less bombastic. Bush, in speeches that set up the framework for the war on terror and its application to Iraq, was unapologetically certain in his beliefs. The language, particularly in the Address to a Joint Session of Congress on September 21, 2001, the 2002 State of the Union Address, Bush's speech at West Point on June 1, 2001, and the 2002 National Security Strategy was notably to the point and boisterous. Obama's language, on the other hand, particularly early in his administration was far more toned down. In March 2009, a message sent from the White House to Pentagon staff instructed them to stop using the phrase "war on terror" that the Bush administration had crafted and repeated over and over. The message stated that "this administration prefers to avoid using the term Long War or Global War On Terror."¹ Instead, they were told to use the phrase "overseas contingency operations."² Oliver Burkeman, a journalist at *The Guardian*, noted that "they have been asked to use a bureaucratic phrase that could hardly

be further from the fiery rhetoric of the months immediately following the 9/11 terrorist attacks.”³ In line with this change, Obama’s addresses at the National Archives on May 21, 2009, in Cairo on June 4, 2009 and after receiving the Nobel Peace Prize in Oslo, Norway on December 10, 2009 critiqued the way that U.S. had fought the war on terror and acknowledge that in many instances American strategy had failed to live up to the lofty ideologies espoused by Bush.

As Obama crafted his own version of the war on terror, dominated by drone use, his rhetoric became stronger. He took a middle ground between his early administration and the Bush administration. Obama’s May 2, 2011 address on the killing of Osama bin Laden, his September 30, 2011 mention of the death of Anwar al-Awlaki, his May 23, 2013 address at the National Defense University, and the National Security Strategy of 2015 argued for the effectiveness, legality, and necessity of the kill and capture policy. Further, these documents reiterate the commitment to the values espoused during the Bush administration. The application of the war on terror to a new location and strategy required the Obama administration—much like the Bush administration leading up to the Iraq War—to explicate the link to 9/11 and justify the general ideology of the war on terror in a way that criticism of the Bush administration’s policies did not.

Thus, many of the major addresses on the war on terror during the Obama administration were focused more on the legality of the war on terror and less on the morality of it. Bush used strong rhetoric to justify policies to the American public and the international community. The AUMF, USA PATRIOT Act, and congressional authorization for the Iraq War meant that the Bush administration did not have to justify the legality of the wars in Afghanistan and Iraq. Further, controversial legal opinions,

such as the torture memos and National Security Agency spying justifications, were kept secret. Contrarily, many of the key Obama administration addresses focus on the legality of drone use. Prominently, the speeches by Koh, Johnson, and Holder were given at law schools and dominated by legalese. While not an address, another essential document, the Department of Justice White Paper, used similar language.

The Obama administration spent far more time than Bush arguing for the legality of his version of the war on terror. Obama had to justify the legality of drone use and other policies because of the length of time since the AUMF, the lack of direct connection to 9/11, and legal controversies that had engulfed the Bush administration. Perhaps most importantly, the Obama administration did not have to devote time to developing moral arguments about American values and military strength. The Bush administration had already done the necessary work to the point where Obama only briefly mentioned September 11 in many of his addresses because Americans already knew the connection to al-Qaeda, the wars in Afghanistan and Iraq, and the global war on terror. Bush, and the American media, had repeated the same arguments so many times that by the time Obama was in office they were enthymemes for most Americans.

The war on terror during the the Obama administration looked very different than it did during the Bush administration. Obama in many ways attempted to present the image to the American public and the world that his policy was fundamentally different and thus the correct version of the war on terror that the U.S. should have began in the days following 9/11. Nevertheless, the Obama administration relied upon Bush's two neoconservative beliefs in the necessity to spread American values and uphold a preeminent military to continue to justify the war on terror. As these ideas continue to be

circulated, the powerful appeal of American exceptionalism will remain after President Obama leaves office.

¹ Oliver Burkeman, “Obama Administration says Goodbye to ‘War on Terror,’” *The Guardian*, March 25, 2009, <http://www.theguardian.com/world/2009/mar/25/obama-war-terror-overseas-contingency-operations>.

² Burkeman, “Obama Administration says Goodbye to ‘War on Terror.’”

³ Burkeman, “Obama Administration says Goodbye to ‘War on Terror.’”

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