

Targetting US Citizens: Obama's Five Rules for Covert Drone Strikes

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In his most comprehensive public comments yet on the US covert drone war, President Barack Obama has laid out the five rules he says the United States uses to target and kill alleged terrorists - including US citizens.

The president has also warned of the need to avoid a 'slippery slope' when fighting terrorism, 'in which you end up bending rules, thinking that the ends always justify the means.'

Obama's comments were made in an on-camera interview with CNN's chief White House correspondent Jessica Yellin. Only once before has the president publicly discussed the US covert drone policy, when he [spoke briefly](#) about strikes in Pakistan's tribal areas.

Now Obama says there are five rules that need to be followed in covert US drone attacks. In his own words:

- 1 'It has to be a target that is authorised by our laws.'
- 2 'It has to be a threat that is serious and not speculative.'
- 3 'It has to be a situation in which we can't capture the individual before they move forward on some sort of operational plot against the United States.'
- 4 'We've got to make sure that in whatever operations we conduct, we are very careful about avoiding civilian casualties.'
- 5 'That while there is a legal justification for us to try and stop [American citizens] from carrying out plots... they are subject to the protections of the constitution and due process.'

'Misreporting'

Obama twice referred to what he claims has been 'misreporting' by the media of his drones policy.

Apparently responding to recent allegations that his administration prefers to kill rather than capture suspects, the president said that 'our preference has always been to capture when we can because we can gather intelligence' but that it's sometimes 'very difficult to capture them.'

CNN's Yellin did not bring up the issue of civilian casualties - despite CNN itself reporting

multiple civilian deaths in a suspected Yemen drone strike just hours earlier. However Obama insisted that ‘we are very careful about avoiding civilian casualties, and in fact there are a whole bunch of situations where we will not engage in operations if we think there’s going to be civilian casualties involved.’

Obama also took on the contentious targeted killing of US citizens – the subject of a number of [high profile legal cases](#). Insisting that there was ‘legal justification’ for such killings, the president conceded that ‘as an American citizen, they are subject to the protections of the constitution and due process.’

The US Department of Justice (DoJ) is presently trying to block publication of administration legal opinions which allegedly provided the justification for the killing of US citizen Anwar al Awlaki and others.

In a [recent court submission](#) the DoJ insisted that Obama’s January comments on the covert drone war could not be taken as an admission that it was taking place: ‘Plaintiffs speculate that the president must have been speaking about CIA involvement in lethal operations.... This is insufficient to support a claim of official disclosure.’

With Obama now publicly laying out the ground rules for the covert drone war, the DoJ’s position appears further damaged.

‘Slippery slope’

The president also discussed in some detail his moral concerns regarding the campaign, admitting that he ‘struggle[s] with issues of war and peace and fighting terrorism.’

Our preference has always been to capture when we can because we can gather intelligence. US President Barack Obama

He said that he and his national security team needed to ‘continually ask questions about “Are we doing the right thing? Are we abiding by the rule of law? Are we abiding by due process?”’

If that failed to happen, the president warned, there was the risk of a ‘slippery slope... in which you end up bending rules, thinking that the ends always justify the means.’

The continuing [deaths of civilians](#) – and CIA tactics such as the [deliberate targeting of rescuers](#) – have led some to argue that the US is [already bending or even breaking those rules](#).

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Full transcript of President Obama’s comments to CNN

Jessica Yellin: On April 30 your homeland security adviser John Brennan acknowledged for the first time that the US uses armed drones to attack terrorists. My question to you is, do you personally decide who is targeted and what are your criteria if you do for the use of lethal force?

Obama: I’ve got to be careful here. There are classified issues, and a lot of what you read in the press that purports to be accurate isn’t always accurate. What is absolutely true is that

my first job, my most sacred duty as president and commander in chief, is to keep the American people safe. And what that means is we brought a whole bunch of tools to bear to go after al Qaeda and those who would attack Americans.

Drones are one tool that we use, and our criteria for using them is very tight and very strict. It has to be a target that is authorized by our laws; that has to be a threat that is serious and not speculative.



It has to be a situation in which we can't capture the individual before they move forward on some sort of operational plot against the United States. And this is an example of where I think there has been some misreporting. Our preference has always been to capture when we can because we can gather intelligence. But a lot of terrorist networks that target the United States, the most dangerous ones operate in very remote regions and it's very difficult to capture them.

And we've got to make sure that in whatever operations we conduct, we are very careful about avoiding civilian casualties, and in fact there are a whole bunch of situations where we will not engage in operations if we think there's going to be civilian casualties involved.

So we have an extensive process with a lot of checks, a lot of eyes looking at it. Obviously as president I'm ultimately responsible for decisions that are made by the administration. But I think what the American people need to know is the seriousness with which we take both the responsibility to keep them safe, but also the seriousness with which we take the need for us to abide by our traditions of rule of law and due process.

Yellin: Sir, do you personally approve the targets?

Obama: You know, I can't get too deeply into how these things work, but as I said as commander in chief ultimately I'm responsible for the process that we've set up to make sure that folks who are out to kill Americans, that we are able to disable them before they carry out their plans.

Yellin: Are the standards different when the target is an American?

Obama: I think there's no doubt that when an American has made the decision to affiliate himself with al Qaeda and target fellow Americans, that there is a legal justification for us to try and stop them from carrying out plots. What is also true though is that as an American citizen, they are subject to the protections of the constitution and due process.

Yellin: Finally on this topic even Brennan said that some governments struggle with this. Do you struggle with this policy?

Obama: Absolutely. Look, I think that - A president who doesn't struggle with issues of war and peace and fighting terrorism, and the difficulties of dealing with an opponent who has no rules, that's something that you have to struggle with. Because if you don't it's very easy to slip into a situation in which you end up bending rules, thinking that the ends always justify the means. And that's not been our tradition, that's not who we are as a country.

Our most powerful tool over the long term to reduce the terrorist threat is to live up to our values and to be able to shape public opinion not just here but around the world, that

senseless violence is not a way to resolve political differences.

And so it's very important for the president and the entire culture of our national security team to continually ask questions about 'Are we doing the right thing? Are we abiding by the rule of law? Are we abiding by due process?' And then set up structures and institutional checks so that you avoid any kind of slippery slope into a place where we're not being true to who we are.

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