

The Rise of the Killer Drones: How America Goes to War in Secret

An inside look at how killing by remote control has changed the way we fight

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One day in late November, an unmanned aerial vehicle lifted off from Shindand Air Base in western Afghanistan, heading 75 miles toward the border with Iran. The drone's mission: to spy on Tehran's nuclear program, as well as any insurgent activities the Iranians might be supporting in Afghanistan. With an estimated price tag of \$6 million, the drone was the product of more than 15 years of research and development, starting with a shadowy project called DarkStar overseen by Lockheed Martin. The first test flight for DarkStar took place in 1996, but after a crash and other mishaps, Lockheed announced that the program had been canceled. According to military experts, that was just a convenient excuse for "going dark," meaning that DarkStar's further development would take place under a veil of secrecy.

The drone that was headed toward Iran, the RQ-170 Sentinel, looks like a miniature version of the famous stealth fighter, the F-117 Nighthawk: sleek and sand-colored and vaguely ominous, with a single domed eye in place of a cockpit. With a wingspan of 65 feet, it has the ability to fly undetected by radar. Rather than blurring out its location with a constant stream of radio signals - the electronic equivalent of a trail of jet exhaust - it communicates intermittently with its home base, making it virtually impossible to detect. Once it reached its destination, 140 miles into Iranian airspace, it could hover silently in a wide radius for hours, at an altitude of up to 50,000 feet, providing an uninterrupted flow of detailed reconnaissance photos - a feat that no human pilot would be capable of pulling off.

Not long after takeoff - a maneuver handled by human drone operators in Afghanistan - the RQ-170 switched into a semiautonomous mode, following a preprogrammed route under the guidance of drone pilots sitting at computer screens some 7,500 miles away, at Creech Air Force Base in Nevada. But before the mission could be completed, something went wrong. One of the drone's three data streams failed, and began sending inaccurate information back to the base. Then the signal vanished, and Creech lost all contact with the drone.

Today, even after a 10-week investigation by U.S. officials, it's unclear exactly what happened. Had the Iranians, as they would later claim, hacked the drone and taken it down? Did the Chinese help them? If so, had they pulled off a sophisticated attack - breaking open the drone's encrypted brain and remotely piloting it to the ground - or a cruder assault that jammed the drone's signal, causing it to crash? Or did the drone operators back at Creech simply make a mistake, sparking a glitch that triggered the aircraft to land? "After a technical fuck-up, people panic and start trying to fix it, doing things they shouldn't have done," says Ty Rogoway, a drone expert who runs an industry website called Aviation Intel. "It was fishy from Day One."

What we do know is that the government lied about who was responsible for the drone. Shortly after the crash on November 29th, the U.S.-led military command in Kabul put out a press release saying it had lost an “unarmed reconnaissance aircraft that had been flying a mission over western Afghanistan.” But the drone wasn’t under the command of the military – it was operated by the CIA, as the spy agency itself was later forced to admit.

Ten days after the crash, the missing drone turned up in a large gymnasium in Tehran. The Iranian military displayed the captured aircraft as a trophy; an American flag hung beneath the drone, its stars replaced with skulls. The drone looked nearly unscathed, as if it had landed on a runway. The Iranians declared that such surveillance flights represented an “act of war,” and threatened to retaliate by attacking U.S. military bases. President Obama demanded that Iran return the drone, but the damage was done. “It was like when someone from Apple left a prototype of the next iPhone at a bar,” says Peter Singer, a defense specialist at the Brookings Institute and the author of *Wired for War: The Robotics Revolution and Conflict in the 21st Century*. “It was a propaganda win for Iran.”

The incident also underscored the increasingly central role that drones now play in American foreign policy. During the invasion of Iraq in 2003, the military conducted only a handful of drone missions. Today, the Pentagon deploys a fleet of 19,000 drones, relying on them for classified missions that once belonged exclusively to Special Forces units or covert operatives on the ground. American drones have been sent to spy on or kill targets in Iran, Iraq, Afghanistan, Pakistan, Yemen, Syria, Somalia and Libya. Drones routinely patrol the Mexican border, and they provided aerial surveillance over Osama bin Laden’s compound in Abbottabad, Pakistan. In his first three years, Obama has unleashed 268 covert drone strikes, five times the total George W. Bush ordered during his eight years in office. All told, drones have been used to kill more than 3,000 people designated as terrorists, including at least four U.S. citizens. In the process, according to human rights groups, they have also claimed the lives of more than 800 civilians. Obama’s drone program, in fact, amounts to the largest unmanned aerial offensive ever conducted in military history; never have so few killed so many by remote control.

The use of drones is rapidly transforming the way we go to war. On the battlefield, a squad leader can receive real-time data from a drone that enables him to view the landscape for miles in every direction, dramatically expanding the capabilities of what would normally have been a small and isolated unit. “It’s democratized information on the battlefield,” says Daniel Goure, a national security expert who served in the Defense Department during both Bush administrations. “It’s like a reconnaissance version of Twitter.” Drones have also radically altered the CIA, turning a civilian intelligence-gathering agency into a full-fledged paramilitary operation – one that routinely racks up nearly as many scalps as any branch of the military.

But the implications of drones go far beyond a single combat unit or civilian agency. On a broader scale, the remote-control nature of unmanned missions enables politicians to wage war while claiming we’re not at war – as the United States is currently doing in Pakistan. What’s more, the Pentagon and the CIA can now launch military strikes or order assassinations without putting a single boot on the ground – and without worrying about a public backlash over U.S. soldiers coming home in body bags. The immediacy and secrecy of drones make it easier than ever for leaders to unleash America’s military might – and harder than ever to evaluate the consequences of such clandestine attacks.

“Drones have really become the counterterrorism weapon of choice for the Obama

administration,” says Rosa Brooks, a Georgetown law professor who helped establish a new Pentagon office devoted to legal and humanitarian policy. “What I don’t think has happened enough is taking a big step back and asking, ‘Are we creating more terrorists than we’re killing? Are we fostering militarism and extremism in the very places we’re trying to attack it?’ A great deal about the drone strikes is still shrouded in secrecy. It’s very difficult to evaluate from the outside how serious of a threat the targeted people pose.”

The idea of aerial military surveillance dates back to the Civil War, when both the Union and the Confederacy used hot-air balloons to spy on the other side, tracking troop movements and helping to direct artillery fire. In 1898, during the Spanish-American War, the U.S. military rigged a kite with a camera, producing the first aerial reconnaissance photos. When airplanes were introduced to warfare in the First World War, they charted the same pattern later followed by drones – technology deployed first as a means of surveillance, then as a means to kill the enemy.

During World War II, Nazi scientists experimented with radio-controlled missiles for their bombardment of England – creating, in essence, the first kamikaze drones. But it wasn’t until the end of the 1950s, when America and Russia were competing to conquer space, that scientists figured out how to fly things without a human onboard: launching satellites, for instance, or remotely controlling the path of rockets and missiles. There were also significant technological shifts that began to make drones feasible. “We were building smaller engines and guidance systems, and we were upgrading our communication and computing abilities,” says Goure.

The first use of modern drones came during the Vietnam War, when the Pentagon tested unmanned aerial vehicles for what the military called ISR: intelligence, surveillance and reconnaissance. “Vietnam was decisive to the development of drones as the perfect tools to perform dangerous missions without the risk of losing a pilot,” says aviation historian David Cenciotti. By the war’s end, drones had flown some 3,500 recon missions in Vietnam. The Air Force also developed two attack drones – the BGM-34A and BGM-34B Firebee – but never used them in combat: The sensors weren’t yet capable of identifying and hitting camouflaged targets with the accuracy the military needed.

In the years after Vietnam, many of the technological advances on drones were made by Israel, which has used them to monitor the Gaza Strip and carry out targeted assassinations. During the 1980s, the Israeli air force sold several of its models to the Pentagon, including a drone called the Pioneer. The Pioneer, which could be launched from naval vessels or from military bases, had a flight range of 115 miles. The Americans quickly put it to use during the First Gulf War: In one of the more absurd moments of the conflict, a group of Iraqi soldiers surrendered to a Pioneer, waving white bedsheets and T-shirts at the drone as it circled overhead. The Pioneer would eventually be used in more than 300 missions in the Persian Gulf, and would later be deployed in efforts to stabilize Haiti and the Balkans during the 1990s.

By 2000, the Pentagon was pushing for a massive expansion of the drone program, hoping to make a third of all U.S. aircraft unmanned by 2010. But it was the War on Terror that finally enabled the military to weaponize drones, giving them the capability to take out designated targets. The first major success of killer drones was a Predator strike on a convoy in 2002, which assassinated the leader of Al Qaeda in Yemen. By 2006, the Pentagon had upped its goal, aiming to convert 45 percent of its “deep-strike” aircraft into drones. “Before drones, the way you went after terrorists was you sent your troops,” says

Goure. "You sent your Navy, you sent your Marines, like Reagan going after Qaddafi in the Eighties. You bombed their camp. Now you have drones that can be operated by the military or the CIA from thousands of miles away."

The low cost and lethal convenience of drones – death by remote control – have made them a must-have item for advanced military powers and tin-pot despots alike. The global market for unmanned aerial vehicles is now \$6 billion a year, with more than 50 countries moving to acquire drones. Over the past decade, the military has tested a wide variety of unmanned aircraft – from microdrones that run on tiny batteries to those with 200-foot wingspans, powered by jet fuel or solar energy. The drones used in Iraq and Afghanistan – the Predator and the Reaper – look like large model planes and cost \$13 million apiece. A drone the size of a 727, the Global Hawk, was used after the tsunami in Japan and the earthquake in Haiti to provide rescue operations with a bird's-eye view of the disasters. One of the largest drones in development today is the SolarEagle, designed by Boeing and DARPA, the experimental research wing of the Defense Department. With a wingspan of more than 400 feet, the SolarEagle will be able to stay in the air for five years at a time, essentially replacing surveillance satellites, which are costly to put into orbit.

At first, many pilots resisted the advance of drones, viewing them as nothing but a robotic replacement for highly trained fighter jocks. "There is a strong cultural struggle," says Doug Davis, director of the Global Unmanned Aircraft Systems Strategic Initiatives program at New Mexico State University, the nation's only civilian test area for drones. "No one likes to think of being phased out of their job." The tensions were only exacerbated when the Air Force selected drone operators on a "nonvoluntary basis," yanking them out of a cockpit and placing them in a control room against their will. Now, given the high profile and future prospects of drones, pilots are lining up to operate them, volunteering for an intensive, one-year training course that includes simulated missions. "There is more enthusiasm for the job," says Lt. Gen. David Deptula, a fighter pilot who ran the Air Force's surveillance drone program until 2010. "Many pilots are excited about operating these things."

For a new generation of young guns, the experience of piloting a drone is not unlike the video games they grew up on. Unlike traditional pilots, who physically fly their payloads to a target, drone operators kill at the touch of a button, without ever leaving their base – a remove that only serves to further desensitize the taking of human life. (The military slang for a man killed by a drone strike is "bug splat," since viewing the body through a grainy-green video image gives the sense of an insect being crushed.) As drone pilot Lt. Col. Matt Martin recounts in his book *Predator*, operating a drone is "almost like playing the computer game *Civilization*" – something straight out of "a sci-fi novel." After one mission, in which he navigated a drone to target a technical college being occupied by insurgents in Iraq, Martin felt "electrified" and "adrenalized," exulting that "we had shot the technical college full of holes, destroying large portions of it and killing only God knew how many people."

Only later did the reality of what he had done sink in. "I had yet to realize the horror," Martin recalls.

Both the Pentagon and the CIA like to brag about drone strikes that have successfully taken out enemy combatants in the War on Terror. The RQ-170 Sentinel was deployed in the raid that killed bin Laden, and U.S. officials boast of eliminating two more of Al Qaeda's top operatives in Pakistan in recent months. Defense Secretary Leon Panetta has called drones "the only game in town," and President Obama recently dismissed concerns about civilian

casualties, insisting that he is not ordering “a whole bunch of strikes willy-nilly.”

But for every “high-value” target killed by drones, there’s a civilian or other innocent victim who has paid the price. The first major success of drones – the 2002 strike that took out the leader of Al Qaeda in Yemen – also resulted in the death of a U.S. citizen. More recently, a drone strike by U.S. forces in Afghanistan in 2010 targeted the wrong individual – killing a well-known human rights advocate named Zabet Amanullah who actually supported the U.S.-backed government. The U.S. military, it turned out, had tracked the wrong cellphone for months, mistaking Amanullah for a senior Taliban leader. A year earlier, a drone strike killed Baitullah Mehsud, the head of the Pakistani Taliban, while he was visiting his father-in-law; his wife was vaporized along with him. But the U.S. had already tried four times to assassinate Mehsud with drones, killing dozens of civilians in the failed attempts. One of the missed strikes, according to a human rights group, killed 35 people, including nine civilians, with reports that flying shrapnel killed an eight-year-old boy while he was sleeping. Another blown strike, in June 2009, took out 45 civilians, according to credible press reports.

Obama actually inherited two separate drone programs when he took office – and at the urging of Vice President Joe Biden, who has pressed hard for a greater emphasis on counterterrorism tactics, he has dramatically expanded them both. The first program, under the purview of the Pentagon, is focused primarily on providing reconnaissance and airstrikes to protect U.S. troops on the ground. “The major success of the drones is in keeping American soldiers alive,” says Goure. The Pentagon’s program, which operates more or less in the open, is based at more than a dozen military centers around the globe, from Nevada to Iraq. In one large hangar at Al Udeid Air Force Base in Qatar, three JAG lawyers are on call around the clock, ready to sign off on drone strikes. The lawyers, who are required to take a class about complying with the Geneva Conventions, follow standard operating procedures similar to those used in calling in a traditional airstrike. “There’s a set of legal checks and balances that the Air Force does each time,” says Pratap Chatterjee, an investigative reporter who sits on the board of Amnesty International. “It’s an open secret – the manual is online.”

A video presentation of the targeting process exposed by Chatterjee offers a window into the military’s decisionmaking apparatus. The footage, taken from a drone strike in Iraq or Afghanistan and used as part of a “post-strike analysis,” shows two men setting up and firing a mortar at a U.S. military base. A “target package” – information hastily assembled by U.S. soldiers – identifies the men as insurgents, and provides details on the location of the strike and the proximity to civilian areas. When the insurgents drive away from the base, the drone follows them until military commanders watching the real-time images determine that they have reached an area where collateral damage will be limited. Then the drone unleashes a laser-guided missile called a Hellfire AGM-114 with 100 pounds of yield. “You’re going to destroy the car, but you’re not going to create a crater,” Col. James Bitzes can be heard explaining on the video. “It’s very, very accurate.” The entire strike, from identifying the insurgents to launching the missile, is over in a matter of minutes.

The CIA’s drone program, by contrast, has evolved in secrecy. Agency lawyers are required to sign off on drone strikes, but the process remains classified, and oversight is far less restrictive than that provided on the military side. To make matters even murkier, the CIA is conducting its drone strikes in places where the U.S. is not officially at war, including Yemen, Somalia and Pakistan. “If you’re in Afghan territory, it’s going to be the Air Force calling in the strike,” says a former CIA official with knowledge of the drone program. “If you’re fully within Pakistan, it’s going to be left to the CIA.”

According to John Rizzo, who served as chief counsel at the CIA for six years, the process of approving drone strikes effectively required him and 10 other lawyers at the agency to “murder” people from the CIA’s counterterrorism center in Langley, Virginia. Most of the lawyers are either down the hall from the CIA director’s office on the seventh floor – the “power floor,” as it’s known within the agency – or embedded in different services, including those designated as “clandestine” and “forward deployed.” When the agency wants to launch a drone strike, Rizzo explained in an interview with Newsweek, it asks a lawyer to provide legal cover for the assassination by signing off on a five-page dossier laying out the justification for the attack. The cable usually contains a list of 30 people targeted for death. Occasionally, the memos are rejected for not containing enough information. More often, Rizzo would approve the kill, writing the word “concur” following the phrase, “Therefore we request approval for targeting for lethal operation.” In his six years as chief counsel, Rizzo says, he signed off on about one kill list per month.

Drone assaults on high-value targets – known as “personality strikes” – usually require approval from a lawyer like Rizzo, the CIA chief and sometimes the president himself. But the CIA’s more common use of drones – known as “signature strikes” – involves attacks on groups of alleged militants who are behaving in ways that seem suspicious. Such strikes are reportedly the brainchild of the CIA veteran who has run the agency’s drone program for the past six years, a chain-smoking convert to Islam who goes by the code name “Roger.” In a recent profile, The Washington Post called Roger “the principal architect of the CIA’s drone campaign.” When it comes to signature strikes, say insiders, the decision to launch a drone assault is essentially an odds game: If the agency thinks it’s likely that the group of individuals are insurgents, it will take the shot. “The CIA is doing a lot more targeting on a percentage basis,” says the former official with knowledge of the agency’s drone program.

But to countries like Pakistan, what America considers a legitimate strike against terrorists appears to be little more than a militarized version of homicide. “From the perspective of Pakistani law, we probably committed a murder,” says the former CIA official. “We commit espionage every day, breaking the laws of other countries.” To absolve itself in the most sensitive strikes, the CIA has become skilled at using lawyers to cover its tracks. “They use paper when it is going to help them,” says the former official. “Or they get on the secure phone. Or they get in an elevator casually with a lawyer and ask for his advice, like, ‘There’s nothing preventing me from destroying those tapes, is there?’”

From the moment Obama took office, according to Washington insiders, the new commander in chief evinced a “love” of drones. “The drone program is something the executive branch is paying a lot of attention to,” says Ken Gude, vice president of the Center for American Progress. “These weapons systems have become central to Obama.” In the early days of the administration, then-chief of staff Rahm Emanuel would routinely arrive at the White House and demand, “Who did we get today?”

To Obama – a man famous for valuing both precision and restraint – drones represented a more targeted way of waging war, one with the potential to take out those guilty of conducting terrorism while limiting U.S. casualties. “Fewer U.S. personnel are at risk,” says Brooks, the legal scholar who advised the Pentagon. “The technology makes it seem logical to go with the choice that reduces the cost of using lethal force.” A senior U.S. official with intimate knowledge of the drone program says that remote-control strikes are particularly helpful in Pakistan, where there’s fierce resistance to any overt U.S. presence. “We can do drone strikes without any help from the Pakistanis,” says the official, noting that the missions also provoke no “political cost” in the U.S.

Over the past year, however, the president's increasing reliance on drones has caused a growing rift within the administration. According to sources in the U.S. Embassy in Pakistan, Ambassador Cameron Munter was furious that the CIA was conducting drone strikes without consulting him over the potential diplomatic fallout. The strikes had stopped briefly in January 2011 after Raymond Davis, a CIA contractor, was taken into custody for killing two Pakistanis in broad daylight; the day after Davis was released, the CIA drone strikes began again. Munter, according to U.S. officials, complained to Secretary of State Hillary Clinton and senior military officials about the drone program, and his concerns were brought to the White House. At issue was a particularly deadly drone strike in March 2011 that the Americans claimed killed 21 militants, and the Pakistanis claimed killed 42 civilians.

The crisis sparked a miniature blowup in the White House between the president's national security team and the CIA. Last spring, National Security Adviser Tom Donilon ordered a review of the drone program - not to halt it, but to figure out a way to deploy drones that might ease the concerns of Munter and other diplomats. The prospect of any additional oversight, however modest, set off alarms at the CIA. When first confronted with the idea of the review, according to administration officials, the agency flipped out. "One CIA guy gave Donilon the 'You want me on that wall' speech," says a senior U.S. official familiar with the exchange, referring to the scene in the movie *A Few Good Men* in which a Marine commandant played by Jack Nicholson argues that he's above the law. Donilon tried to assuage the CIA's fears. "No - you know that's not right," he told the official, according to a White House source who witnessed the exchange. "We all are on the same side here, trying to make the country safe."

At the center of the debate was Obama's newly appointed CIA chief, Gen. David Petraeus. Petraeus sided with the White House, recognizing the need to strike a balance between maintaining a strong relationship with Pakistan and aggressively pursuing a military strategy that includes drone strikes. "Petraeus wants to be more careful," says one senior U.S. official involved in the drone program. Agency veterans struck back, complaining to *The New York Times* that the drone program had ground to a halt under Petraeus. Much of the slowdown, in fact, was due to political necessity: A NATO airstrike that killed 24 Pakistani soldiers in November 2011 had forced the CIA to put drone strikes on a temporary hiatus. But the media campaign appears to have had the intended effect: Two days after the *Times* story appeared, drone strikes in Pakistan resumed.

In the end, though, the CIA lost the larger battle over drones. After Donilon completed the White House review, Ambassador Munter and the State Department were granted more say in decisions over the timing and targeting of drone strikes. Although the move was intended to provide more civilian oversight of covert attacks, it outraged human rights activists, who blasted the White House for putting a U.S. ambassador in the position of signing off on extralegal death warrants in a foreign country. "Giving a civilian diplomat veto power on an assassination campaign is incredible," says Clive Stafford Smith, the executive director of Reprieve, a human rights group that is suing over the use of drones. "Can you imagine what the reaction would be if the Pakistani ambassador in Washington was overseeing a campaign of targeted killing in America?"

It remains unclear what role the White House itself plays in selecting the names that wind up placed on the kill lists. Some U.S. officials have described a secret panel within the National Security Council that keeps a list of targets to kill or capture. The panel, which has no paperwork authorizing its existence, is said to involve top counterterrorism adviser John Brennan, who was a staunch advocate of the Bush administration's decision to torture

prisoners at Guantánamo. Other U.S. officials familiar with the targeting process say the idea of a secret panel overstates the case. The NSC, they insist, isn't involved in the vast majority of drone strikes on a daily basis – especially the majority of “signature strikes” launched by the CIA. That means the CIA still has broad authority to curate its own kill lists, with limited oversight from the White House. As one former CIA official put it: “The NSC decides when the president needs to be involved – and what fingerprints to leave, if any.”

The 72-year-old man, a Fulbright scholar who spent 11 years living in New Mexico and Minnesota, had been expecting the news of his son's death. After all, it had already been falsely reported several times over the past two years. So Nasser al-Awlaki couldn't claim to be shocked on a Friday afternoon last fall when a cable news outlet reported that his worst fear had finally been realized: His son Anwar al-Awlaki, a U.S. citizen and alleged member of Al Qaeda, had been killed on September 30th, 2011 – the first American to be specifically targeted by a drone strike.

In the days following the killing, Nasser and his wife received a call from Anwar's 16-year-old son, Abdulrahman al-Awlaki, who had run away from home a few weeks earlier to try to find his now-deceased father in Yemen. “He called us and gave us his condolences,” Nasser recalls. “We told him to come back, and he promised he would. We really pressed him, me and his grandmother.”

The teenage boy never made it home. Two weeks after that final conversation, his grandparents got another phone call from a relative. Abdulrahman had been killed in a drone strike in the southern part of Yemen, his family's tribal homeland. The boy, who had no known role in Al Qaeda or any other terrorist operation, appears to have been another victim of Obama's drone war: Abdulrahman had been accompanying a cousin when a drone obliterated him and seven others. The suspected target of the killing – a member of Al Qaeda in the Arabian Peninsula – is reportedly still alive; it's unclear whether he was even there when the strike took place.

The news devastated the family. “My wife weeps every day and every morning for her grandson,” says Nasser, a former high-ranking member of the Yemenite government. “He was a nice, gentle boy who liked to swim a lot. This is a boy who did nothing against America or against anything else. A boy. He is a citizen of the United States, and there are no reasons to kill him except that he is Anwar's son.”

Anwar al-Awlaki was born in 1971 in Las Cruces, New Mexico, where Nasser was earning a master's degree in agricultural economics from New Mexico State University. As an adult, he lived in Colorado and Virginia, becoming an imam at an Islamic center in Falls Church. After September 11th, he began peddling the most noxious brands of jihadist rhetoric, coming very close to calling for attacks on the West. At least one of the 9/11 hijackers was said to have visited his mosque. He had left the United States for good in 2002, his father says, because he'd been “interrogated many times” by the FBI about his connections to terrorist groups.

Once in Yemen, Anwar made a series of propaganda videos for Al Qaeda that were widely viewed on YouTube. According to U.S. authorities, he also communicated directly with two individuals who committed acts of terrorism, including Nidal Hasan, the U.S. Army officer accused of gunning down 13 people and wounding 32 others at Fort Hood in 2009, and Umar Farouk Abdulmuttallab, the so-called Underwear Bomber. After a two-year manhunt, the CIA tracked Anwar down and launched a drone strike that killed him and another

American citizen, Samir Khan, along with two others. The day al-Awlaki was killed, President Obama hailed his death as another victory in the War on Terror, calling it a “major blow” and a “significant milestone.”

Anwar’s son, who was born in Denver, had also grown up in America. (After his death, U.S. officials claimed he was 20 or 21, until his family provided his birth certificate from a Colorado hospital.) He had left the United States with his father at the age of seven, and lived with his grandparents in Sana’a, the capital of Yemen. Like others in the southern part of the country, he lived in terror of the constant buzz of drones overhead. “Every night, they don’t sleep,” says his grandfather. “They make unbelievable noise, and people are suffering.”

Based on press reports, Nasser had suspected for more than a year that his son had been put on a kill list by the Obama administration. What made Anwar al-Awlaki unique was that he was still an American citizen – a status that posed a legal and ethical dilemma for lawyers at the White House and the State Department. The administration lawyers – many of whom had been outspoken critics of George W. Bush’s policies against terrorists – spent months figuring out how to justify the killing of a U.S. citizen. By the summer of 2010, two attorneys in the Justice Department – Marty Lederman and David Barron – had authored a secret memo, select portions of which were leaked to the Times. An American, they argued, was eligible for targeted killing if he met certain criteria that the administration refused to reveal. The top legal adviser to the State Department, Harold Koh, also defended the policy of targeted killing. “It is the considered view of the administration,” he declared in a speech in March 2010, “that targeting practices, including lethal operations conducted with the use of unmanned aerial vehicles, comply with all applicable law, including the laws of war.”

The irony that Koh – a former dean of Yale Law School who spent years lambasting George W. Bush for violating international law with his policies of torture and extraordinary rendition – now proclaimed the right of his own administration to assassinate an American citizen was not lost on either his friends or his critics. “Many of the people like Harold Koh and Marty Lederman who were criticizing Bush, and who should be criticizing targeted killings now, went into the Obama administration,” says Mary Ellen O’Connell, a law professor at Notre Dame who has known Koh for 25 years. “They are close friends to those in the administration – and it’s hard to criticize your friends.” Says another lawyer who knows Koh well: “Harold turned out to be someone who put his personal relationships with Clinton and Obama ahead of the law. That has been a surprise to us.” Rizzo, the CIA attorney who signed off on Bush’s “enhanced interrogation” techniques, is even blunter in mocking the Obama administration for its intellectual dishonesty on drone strikes. “Stalking and killing a big-name terrorist evidently is less legally risky, and is viewed in many quarters as far less morally objectionable, than capturing and aggressively interrogating one,” Rizzo wrote in a journal published by the right-wing Hoover Institution.

For Nasser al-Awlaki, the news that his son was on a list for targeted killing was a matter of life and death. In August 2010, the American Civil Liberties Union filed a lawsuit on behalf of Nasser to prevent the U.S. government from killing his son – the first legal action taken against the drone program in the United States. The ACLU argued that “a targeted killing policy under which individuals are added to kill lists after a bureaucratic process and remain on these lists for months at a time plainly goes beyond the use of lethal force as a last resort to address imminent threats.” The policy also goes “beyond what the Constitution and international law permit,” the ACLU alleged.

The case, *Nasser al-Awlaki v. Barack Obama*, was argued before U.S. District Judge John Bates in November 2010. The transcript from the hearing reads like a Kafkaesque parody of a trial. The government's lawyer, Douglas Letter, repeatedly invoked the privilege of state secrecy, arguing that "as far as the allegations there is a kill list, et cetera, we're not confirming or denying." He also observed that Anwar would no longer be under the threat of "lethal force" if he turned himself in – an implicit non-acknowledgment that al-Awlaki was on a secret kill list. Jameel Jaffer, a lawyer for the ACLU, pushed back against the government's case, worrying that the president of the United States was being granted the sole and expansive power to decide "the question of whether an American falls within the category of people who can be assassinated." In the hearing's most surreal moment, the judge dismissed the case, ruling that Nasser had no legal standing to file a lawsuit on his son's behalf until Anwar was actually killed.

The Obama administration has repeatedly refused to release the secret Justice Department memo that outlines its legal justification for the attack on al-Awlaki. But on March 5th, in a speech at Northwestern University, Attorney General Eric Holder finally broke the official silence. A targeted killing against a U.S. citizen is legal, he said, only if the citizen cannot be captured, poses an imminent threat of violent attack against the U.S., and qualifies as a legitimate target consistent with the laws of war. "When such individuals take up arms against this country and join Al Qaeda in plotting attacks designed to kill their fellow Americans," Holder declared, "there may be only one realistic and appropriate response."

Brushing aside criticisms from civil libertarians, Holder rejected the idea that the due-process provision of the Constitution requires the president to get permission from a federal court before killing a U.S. citizen. And in a brazenly political double standard, he insisted that Congress had given the president the go-ahead to use lethal methods under a resolution passed a week after September 11th that authorizes the use of all necessary force to prevent future acts of terrorism against the United States – the exact same resolution that the Bush administration used to justify its illegal policy of torture and extraordinary rendition.

In the end, it appears, the administration has little reason to worry about any backlash from its decision to kill an American citizen – one who had not even been charged with a crime. A recent poll shows that most Democrats overwhelmingly support the drone program, and Congress passed a law in February that calls for the Federal Aviation Administration to "accelerate the integration of unmanned aerial systems" in the skies over America. Drones, which are already used to fight wildfires out West and keep an eye on the Mexican border, may soon be used to spy on U.S. citizens at home: Police in Miami and Houston have reportedly tested them for domestic use, and their counterparts in New York are also eager to deploy them. Given the NYPD's record of civil rights abuses, it's not hard to envision drones buzzing high above Zuccotti Park to provide surveillance on Occupy Wall Street, or being used to surreptitiously monitor the activities of Muslim-American students.

Many who oversee the drone program, in fact, seem to have little but contempt for those who worry about the potential dangers presented by drones. At a human rights seminar at Columbia University last summer, John Radsan, a former attorney for the CIA, admitted that the agency has no interest in debating the legal niceties of drone strikes. "The CIA is laughing at you guys," he told the assembled human rights lawyers. "You're worried about international law, and the CIA is laughing." A White House official I spoke with is even more dismissive. "If Anwar al-Awlaki is your poster boy for why we shouldn't do drone strikes," the official tells me, "good fucking luck."

If the targeted killing of al-Awlaki doesn't inspire sympathy, given his alleged connections to Al Qaeda, then consider the case of Tariq Aziz, a 16-year-old boy from Pakistan. In April 2010, one of Tariq's cousins was killed in a drone strike. Believing that his cousin was innocent, and not involved in any insurgent activities, Tariq joined a group of tribal elders last October at a meeting in Islamabad organized by Reprieve, the human rights group. Neil Williams, a volunteer for Reprieve, spent an hour speaking with Tariq at the meeting.

"We started talking about soccer," Williams recalls. "He told me he played for New Zealand. The teams they played with from the village had all taken names from football clubs, like Brazil or Manchester United."

Tariq and other teenagers at the meeting told Williams how they lived in fear of drones. They could hear them at night over their homes in Waziristan, buzzing for hours like aerial lawn mowers. An explosion could strike at any moment, anywhere, without warning. "Tariq really didn't want to be going back home," Williams says. "He'd hear the drones three or four times a day."

Three days after the conference, Williams received an e-mail. Tariq had been killed in a drone strike while he was on his way to pick up his aunt. It appears that he wasn't the intended target of the strike: Those who met Tariq suspect he was simply in the wrong place at the wrong time, especially since his 12-year-old cousin was also killed in the blast.

The Obama administration has no comment on the killing of Tariq Aziz, even though his death raises the most significant question of all. Drones offer the government an advanced and precise technology in its War on Terror - yet many of those killed by drones don't appear to be terrorists at all. In fact, according to a detailed study of drone victims compiled by the Bureau for Investigative Journalism, at least 174 of those executed by drones were under the age of 18 - in other words, children. Estimates by human rights groups that include adults who were likely civilians put the toll of innocent victims at more than 800. U.S. officials hotly dismiss such figures - "bullshit," one senior administration official told me. Brennan, one of Obama's top counterterrorism advisers, absurdly insisted last June that there hadn't been "a single civilian" killed by drones in the previous year.

For Nasser al-Awlaki, who lost his teenage grandson to a predator drone, such denials are almost as shocking as the administration's deliberate decision to wage a remote-control war that would inevitably result in the deaths of innocent civilians. "I could not believe America could do this - especially President Obama, who I liked very much," he says. "When he was elected, I thought he would solve all the problems of the world."

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