

Targeted Killings: Justified Acts of War or Too Much Power for One Government?

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Abstract

Since 9/11, the United States has been involved in a war against al-Qaeda. One of the primary tools used in this unconventional war is targeted killing. Critics have argued that this policy is illegal and morally wrong. Furthermore, some have argued that the policy only makes the United States more vulnerable. Further investigation shows that although there are flaws with American targeted killings, especially regarding its secrecy, targeted killings are a legal and morally justified application of lethal force in modern day warfare. This paper examines targeted killings in greater detail and offers policy recommendations to make their use more transparent.

Key Words: Targeted Killings, Legal and Morality Questions, Secrecy, Policy Recommendations

I. Introduction

In the last decade, the United States has implemented a policy known as targeted killing. Since the attacks of September 11, 2001 and the subsequent “War on Terrorism,” many have taken strongly held and contrary stances on the role of targeted killings in American foreign policy. The policy has been both praised and criticized by different groups. *The Washington Post*'s Greg Miller discusses the increase in targeted killings conducted by drones. He goes on to examine the criticisms from both liberal and conservatives alike of the Obama administration's increasing reliance on drones to fight the war on terror.¹ Of these criticisms, objections range from the philosophical to the pragmatic and raise a number of issues concerning the appropriate use of lethal force by governments.

In favor of the policy, philosophy professor Dr. Daniel Statman reasons that if one accepts the moral justification of killing during a time of war, then one must accept targeted killings as a legitimate act of war.² He argues that most hold to the Orthodox View of warfare, which accepts that during a time of war armed forces can justifiably kill enemy soldiers with only a few exceptions. According to Statman, the United States' mission against al Qaeda is a war and not merely police enforcement against criminals. This assessment is based primarily on the “gravity of the threat” and the “impracticality” of trying to use law enforcement measures against al Qaeda. With the preface that the United States is at war with al Qaeda, he argues that

¹ Greg Miller. “Under Obama, An Emerging Global Apparatus for Drone Killing.” *The Washington Post*, Last modified 27 Dec. 2011. http://www.washingtonpost.com/national/national-security/under-obama-an-emerging-global-apparatus-for-drone-killing/2011/12/13/gIQANPdILP_story.html

² Daniel Statman. “Targeted Killing.” *Theoretical Inquiries in Law* 5, No 1. (2008): 179-198

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there is no philosophical difference between the two types of killing. If one accepts this argument, then it follows logically that a government at war can use targeted killings as a morally justifiable way of modern-day warfare.

Statman's argument is not accepted by all. Political ethicist Michael Gross argues that these killings differ from those in conventional war.³ According to Gross, the major moral difference between killing in conventional war and in targeted killings is the naming of targets. He claims that these types of killings take the anonymity out of the killing. No longer are soldiers indiscriminately killed on the battlefield. Instead, individuals are specifically targeted by name. For Gross, the lack of anonymity and targeting specific individuals departs from conventional war and instead brushes up against premeditated murder because one specifically selects an individual to kill instead of just killing an unknown enemy soldier. He further explains that because these are so close to premeditated murder, they encourage retaliatory attacks, which only increases the cycle of violence further.

In addition to these disagreements regarding principles, others are also concerned with the practical implications of targeted killings. Dr. Daniel Byman, a senior fellow at the Brookings Institute, looks at both the United States and Israel, a country that also uses targeted killings in their fight against Palestinian terrorists, and how their targeted killings are actually implemented.⁴ For the United States, Byman argues that the procedures need to be made clear and transparent. Using the example of the attempted strikes on Osama bin Laden during the Clinton administration, Byman argues that if the decision to use targeted killing is not made clear, the government may move too slowly in making a decision to strike a known target. This allows for the target to escape, as bin Laden did. However, at the other extreme is a state that lacks the necessary oversight and transparency in its policy of targeted killing. This can cause a country to move too quickly and provokes international condemnation. This condemnation can strain relationships, which is especially problematic when intelligence sharing and trust between countries are so important for combating terrorism. Looking at Israel, he claims that their policy of targeted killings helped to reduce the effectiveness of terrorist attacks. By killing specifically selected and specially trained Palestinian terrorists, organizations like Hamas were forced to use less experienced terrorists, which directly correlated to less lethal attacks.

On the other hand, Steven David disagrees with Byman's assessment that targeted killings make Israel safer.⁵ He argues that targeted killings can actually make a state less safe from terrorism. He claims that when Israel adopted the policy of targeted killings, it led to an increase in not only retaliatory strikes but also deadlier suicide attacks. Additionally, he claims targeted killings can also put strains on intelligence agencies, lead to martyrdom, and harm future negotiations.

Targeted killing drew new criticisms in 2011 when Anwar al-Awalaki was the first American citizen to be killed by the United States government as a consequence of targeted

³ Michael L. Gross. "Fighting by Other Means in the Mideast: a Critical Analysis of Israel's Assassination Policy." *Political Studies*, 51 (2003): 362

⁴ Daniel Byman. "Do Targeted Killings Work?" *Foreign Affairs* 85, No 95 (2006): 95-111

⁵ Steven David, "Fatal Choices: Israel's Policy of Targeted Killing." *Mideast Security and Policy Studies* No 5. (2002): 1-26

killing. The killing of an American citizen brought the entire process of targeted killings under the microscope of public attention and demands by citizens that want to know how one actually becomes targeted. Investigatory journalist Mark Hosenball wrote a story about the process that places names on the list of persons to be targeted.⁶ In his piece, he notes how Obama has come under attack from both American liberals and conservatives. Liberals accuse him of extra-judicial murder, while conservatives attack Obama's refusing to release the justification for killing Awlaki. Hosenball also points out the hypocrisy of President Barack Obama running against George W. Bush's extensive use of executive power against terrorists in 2008, but then using the same authority for targeted killings.

Perhaps most importantly, this article exposes the lack of public knowledge about the killings and the lack of oversight. Even the oversight of the President himself could be inadequate or even totally absent since the decision to target an individual for killings can be made within the intelligence community. The *Wall Street Journal* ran a story discussing lawmakers' unease with the Obama administration's lack of transparency and legislative oversight for targeted killing programs.⁷ Though this article points out that members of Intelligence Committees claim to provide rigorous oversight, this does not satisfy other members of congress, such as Senator Patrick Leahy, who are not on those select committees. Furthermore, the article discusses how the CIA drones have killed more than 1,500 suspected militants since Obama took over as president, making this the most lethal program in the CIA's history. Additionally, former advisor to the State Department, John Bellinger, argues that the White House needs to formulate an acceptable legal framework for targeted killings so that when other countries use similar practices we still have a moral right to object.

Throughout the controversy, the White House has defended its position.⁸ In a 50-page document, it argued that killing al-Awlaki could be justified because he was taking part in an ongoing war and was considered an imminent threat. Since the death of al-Awlaki, social libertarians have been increasingly concerned about the government's role in targeted killings. Journalist Basil Katz discusses the ACLU's Freedom of Information Act lawsuit against the Justice Department asking a federal judge to order agencies to hand over paperwork that deals with targeted killing.⁹ Similarly, Cato Institute Julian Sanchez reminds us that al-Awlaki was only an accused terrorist.¹⁰ He also notes that because all of the evidence against al-Awlaki is classified, it is impossible to verify the Obama administration's claim of justified killing without releasing any damning evidence against him.

⁶ Mark Hosenball. "Secret Panel Can Put Americans 'Kill List.'" *Reuters*. Last modified October 5, 2011. <http://www.reuters.com/article/2011/10/05/us-cia-killlist-idUSTRE79475C20111005>

⁷ Adam Entous and Gorman Siobhan. "Tensions Rising Over Drone Secrecy." *The Wall Street Journal*. Last modified December 30, 2011. <http://online.wsj.com/article/SB10001424052970203899504577129014177012028.html>

⁸ Guy Adams. "White House justifies killing of al-Awlaki as 'the rules of war'." *The Independent*. Last modified October 10th, 2011. <http://www.independent.co.uk/news/world/americas/white-house-justifies-killing-of-alawlaki-as-the-rules-of-war-2368127.html>

⁹ Basil Katz. "Rights Group Sues U.S. for 'targeted killing' Memos." *Reuters*. Last modified February 1, 2012. <http://www.reuters.com/article/2012/02/02/us-usa-aclu-idUSTRE81102D20120202>

¹⁰ Julian Sanchez. "Four Thoughts on the Anwar Al-Awlaki Assassination." *The Cato Institute*. Last modified October 4, 2011.

II. Defining Targeted Killing

One of the problems that appear when targeted killings are discussed is the initial problem of a definition for targeted killings. According to William C. Banks and Peter Raven-Hansen, “The difficulty is that there are no consensus definitions in the literature, laws, or cases.”¹¹ Some, such as Texas Congressman and three time presidential candidate Ron Paul, have referred to targeted killings as assassinations.¹² Others, such as the American Civil Liberties Union’s (ACLU) Hina Shamsi, have referred to targeted killings as extrajudicial killings¹³. Though assassination, extrajudicial killings, and targeted killings are often used interchangeably, they are actually very different. Therefore, it is necessary to define the difference between these three actions in order to evaluate the legitimacy and legality of targeted killings.

Former Defense Intelligence Agency (DIA) officer and author Thomas B. Hunter is correct when he claims that targeted killings are not assassinations, which are banned in the United States by Executive Order 11905¹⁴. Hunter defines assassination as, “the premeditated killing of a prominent person for political or ideological reasons.”¹⁵ He goes on to make the distinction clearer by stating, “In sum, assassination is the killing of an individual or group of individuals for purely political or ideological reasons. Targeted killing, in contrast, is the killing of an individual or group of individuals without regard for politics or ideology, but rather exclusively for reasons of state self-defense.”¹⁶ This is a very clear distinction that must be made in order to lend moral credibility and legal authority to targeted killing.

Likewise, it is true that targeted killings are not extrajudicial killings. Amnesty International is a non-governmental organization (NGO) that is a leading expert on international human rights. Though they have characterized targeted killings as extrajudicial killings, they have done so erroneously.¹⁷ The reason they are wrong hinges on Amnesty International’s own definition of extrajudicial killing. According to Amnesty International, “Extrajudicial killings are killings which can reasonably be assumed to be the result of a policy at any level of government to eliminate specific individuals as an *alternative* to arresting them and bringing them to justice.”¹⁸ If a government has the opportunity to arrest yet chooses to kill instead, then that is an

¹¹ Peter Raven-Hansen William C. Banks, "Targeted Killing And Assassination: The U.S. Legal Framework," *University of Richmond Law Review* 37, No. 667 (March 2003): 669.

¹² Garance Franke-Ruta, "Ron Paul Condemns U.S. 'Assassination' of al-Awlaki; Perry, Romney Praise Obama," *The Atlantic*, Last modified September 30, 2011 <http://www.theatlantic.com/politics/archive/2011/09/ron-paul-condemns-us-assassination-of-al-awlaki-perry-romney-praise-obama/245949/>

¹³ Stephen C. Webster, “ACLU: Obama’s extra-judicial killings raise ‘profound legal and moral questions’” *The Raw Story*, Last modified Mar. 6, 2012. <http://www.rawstory.com/rs/2012/03/06/aclu-obamas-extra-judicial-killings-raise-profound-legal-and-moral-questions/>

¹⁴ CNN, “U.S. Policy on Assassinations,” Last modified November 4, 2002. http://articles.cnn.com/2002-11-04/justice/us.assassination.policy_1_assassination-prohibition-cia-lawyers?_s=PM:LAW

¹⁵ Thomas B. Hunter, *Targeted Killing: Self-Defense, Preemption, and the War on Terrorism* (Booksurge LLC, 2009), 5.

¹⁶ Hunter, 7

¹⁷ Amnesty International. *USA: An Extrajudicial Killing by the CIA*, Last modified May 18, 2005. <http://www.amnesty.org/en/library/asset/AMR51/079/2005/en/bcffa8d8-d4ea-11dd-8a23-d58a49c0d652/amr510792005en.html>

¹⁸ *Amnesty International*. Israel and the Occupied Territories: State Assassinations and Other Unlawful Killings, Emphasis added. Accessed on March 25, 2012.

illegal extrajudicial killing. However, targeted killings are done when the alternative of arrest is not present. The question of feasibility will be explored in greater depth in Section IV of this paper.

Since targeted killings are not assassinations or extrajudicial killings, then what exactly are they? For the purpose of this research, targeted killing is defined as a government's pursuit of unlawful combatants outside of the government's custody with the goal of specifically killing them for reasons of self-defense where the option of arrest is not practically feasible.

III. American Targeted Killings since September 11, 2001

On September 11, 2001, the United States of America faced horrific terrorist attacks never experienced before. Though this was not the first terrorist attack on American soil, it was by far the largest and most sophisticated. Islamic fundamentalists from a terrorist network known as al-Qaeda¹⁹ hijacked four planes. Three of these planes were used as weapons and flown into the World Trade Center's Twin Towers in New York City and the US Department of Defense's Pentagon Building. The fourth plane went down in Pennsylvania before it could reach its target. Close to 4,000 people died in the attacks and the United States quickly became a nation at war.²⁰

Less than a week after the attacks, Congress passed a joint resolution authorizing the president to use military force against those that he deemed responsible for the September 11th attacks:

That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.²¹

This open-ended power gave the president authority to go after al-Qaeda wherever they may be. Furthermore, President George W. Bush gave a speech on September 20th to a joint session of Congress. In his speech he said, "Our war on terror begins with Al Qaeda, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated."²² The United States was now authorized and committed to hunting down a global

<http://www.amnesty.org/en/library/asset/MDE15/005/2001/en/84859e22-dc4b-11dd-a4f4-6f07ed3e68c6/mde150052001en.html>

¹⁹ Because there is no direct translation from Arabic to English, al-Qaeda can also be spelled different ways to include Al Qaeda, which is used interchangeably throughout this research.

²⁰ To learn more about the attacks of September 11, 2001, please see September 11 attacks. (2012). In *Encyclopædia Britannica*. Retrieved from <http://www.britannica.com.proxy.campbell.edu/EBchecked/topic/762320/September-11-attacks> You can also see the National September 11 Memorial & Museum's website at <http://www.911memorial.org/>.

²¹ *Joint Resolution*, 107th Cong., 1st sess., *Congressional Record* 147 (2001). <http://www.gpo.gov/fdsys/pkg/PLAW-107publ40/html/PLAW-107publ40.htm>

²² *The Washington Post*, "Text: President Bush Addresses the Nation." Last modified September 20, 2001 http://www.washingtonpost.com/wp-srv/nation/specials/attacked/transcripts/bushaddress_092001.html

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organization without respect to international boundaries. The absence of territorial limits and the vagueness of this authorization would also become controversial later.

With the authorization from Congress, President Bush began preparations to go on the offensive against al-Qaeda. One approach the White House adopted to go on the offense was to implement a policy of targeted killings, especially with the use of Unmanned Aerial Vehicles (UAV or drones). Drones are remotely controlled planes that can conduct reconnaissance missions, provide live feeds to American forces, or conduct missile strikes.²³

The first known targeted killing to be conducted by the United States after the attacks of September 11th was on Qaed Salim Sinan al-Harethi.²⁴ Al-Harethi was thought to have been behind the October 2000 attacks on the Navy's USS Cole. He was traveling in Yemen when a Hellfire air-to-ground missile launched from a CIA drone struck his car on November 3, 2002. In the aftermath of the attack the newspaper *USA Today* ran a story in which they stated this strike was, "Opening up a visible new front in the war on terror."²⁵

Drone strikes and targeted killings did not stop in 2002. Instead, they continued to increase under the Bush administration, and further increased under the administration of President Barack Obama. Though other types of targeted killings occurred, such as the 2011 kill or capture missions that killed Osama bin Laden in Pakistan,²⁶ drone strikes account for the majority of targeted killings.²⁷ According to the Agence France-Presse, "The Pentagon now has some 7,000 aerial drones, compared with fewer than 50 a decade ago."²⁸ Furthermore, in the 2012 budget the Pentagon asked for nearly \$5 billion dollars just for drones. This increase in drones shows a policy shift in the way the United States will be conducting war in the future. The days of a large military footprint are over, and a time of a smaller, more mobile, and more versatile force is here.

Due to the secrecy of targeted killings, it is difficult for any organization to keep an accurate account of these strikes. However, one organization, the New America Foundation, has attempted such a feat. According to them, the place where more drones have been dropped than anywhere else in the world is in the lawless and mountainous regions of Pakistan. Graph #1 numerically shows the reported increase in the number of drone strikes from 2004 to 2010, which shows a heavy increase on the use of this type of warfare. Graph #2 shows the location of drone strikes, which are mostly found in Pakistan's North Waziristan region.

²³Tom Tschida. "Predator Drones and Unmanned Aerial Vehicles (UAVs)." *The New York Times*. Last modified March 20, 2012.

http://topics.nytimes.com/top/reference/timestopics/subjects/u/unmanned_aerial_vehicles/index.html

²⁴ John Diamond and Dave Moniz. "Missile Takes Out Cole Attack Suspect" *USA Today*. Last modified November 5, 2002. http://www.usatoday.com/news/world/2002-11-04-yemen-side-usat_x.htm

²⁵ *USA Today*. "U.S. Kills al-Qaeda Suspects in Yemen." Last modified November 5, 2012. http://www.usatoday.com/news/world/2002-11-04-yemen-explosion_x.htm

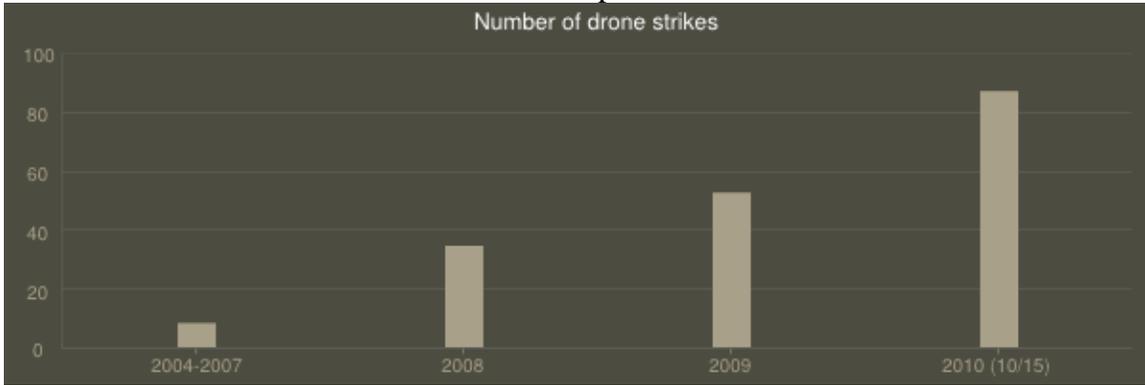
²⁶ Pauline Jelinek and Robert Burns. "Only Single Bin Laden Defender Shot at SEALs" *ABC News*. Last modified May 6, 2011. <http://abcnews.go.com/Politics/wireStory?id=13541431#.T2vOVsyp08>

²⁷ Jonathan Masters. "Targeted Killings." *Council on Foreign Relations*. Last modified March 6, 2012. <http://www.cfr.org/intelligence/targeted-killings/p9627>

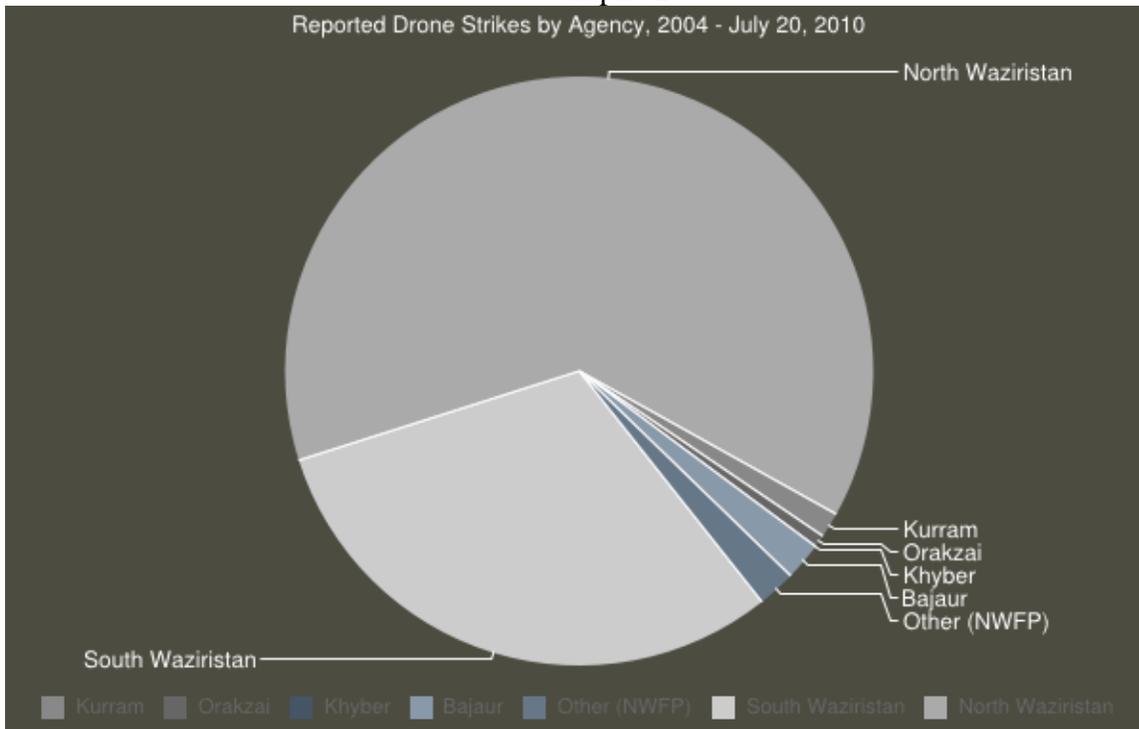
²⁸Tschida, see footnote 23 or

http://topics.nytimes.com/top/reference/timestopics/subjects/u/unmanned_aerial_vehicles/index.html

Graph #1 ²⁹



Graph #2 ³⁰



As mentioned above, what really brought the discussion of targeted killings to a national debate was the killing of American born citizen Anwar al-Awlaki. In a striking resemblance to al-Harethi, al-Awlaki was killed on September 30, 2011 by a Central Intelligence Agency (CIA) drone in Yemen. Also like al-Harethi, al-Awlaki was targeted while traveling in a vehicle convoy. However, the major difference between al-Harethi and al-Awlaki was that the latter was

²⁹ *New America Foundation*. “Drones - Fata: Inside Pakistan’s Tribal Regions.” Last modified March 20, 2012. <http://pakistanurvey.org/about/drones>

³⁰ *Ibid.*,

an American. This made him the first American targeted and killed by the United States.³¹ Prior to al-Awlaki's killing, his father, Nasser al-Awlaki, had contested his son being targeted for killing, but the case was thrown out because the case was considered a political question and, "As an initial matter, plaintiff fails to demonstrate that he has met the constitutional requirements for standing to bring this suit on behalf of his son."³²

IV. Legal Questions

One of the main questions that arises in the face of targeted killings is the legality of it on an international level. For this, we must look at *jus in bello*. According to the International Committee of the Red Cross, *jus in bello* "is the law that governs the way in which warfare is conducted."³³ According to Daniel Statman, targeted killings are "the most natural application of the principles of *jus in bello* in wars against terror."³⁴ His argument is based on accepting that the US's campaign against al-Qaeda is a war because of two reasons: "the gravity of the threat posed by Al Qaeda and... the impracticality of coping with this threat by conventional law-enforcing institutions and methods."³⁵ He further argues that if we accept the fight against al-Qaeda as war, then it follows that the "U.S. can use lethal means to kill Al Qaeda members."³⁶ Unlike soldiers in a conventional war, members of al-Qaeda are using homes, vehicles, and so forth as staging areas and as instruments of war. Therefore, targeting individuals in such locations becomes acceptable as part of *jus in bello*. To fight terrorism, the only alternative would be full-scale invasions of every area that harbors terrorists. This would only cause more death, destruction, and chaos, which is unlikely to be preferable.

To further this argument, Professor of Law Amos Guiora argues that targeted killings against terrorists are a state's right to active self-defense. He bases this largely on the 19th century *Caroline* doctrine. The *Caroline* doctrine came after an incident in which the British intercepted a U.S. Steamboat called the *Caroline* in 1837. The boat was transporting supplies to Canadian insurgents. In response to the support of the rebels, the British seized the boat, set it on fire, and let it float over Niagara Falls. Secretary of State Daniel Webster claimed that this was not self-defense and set out a standard of what would be called the *Caroline* doctrine.³⁷ Webster's *Caroline* doctrine "limited the right to self-defense to situations where there is a real threat, the response is essential and proportional, and all peaceful means of resolving the disputes have been exhausted."³⁸

³¹ Jennifer Griffin and Justin Fishel. "Two U.S.-Born Terrorists Killed in CIA-Led Drone Strike." *Fox News*. Last modified September 30, 2011. <http://www.foxnews.com/politics/2011/09/30/us-born-terror-boss-anwar-al-awlaki-killed/>

³² *Al-Aulaqi v. Obama*, 10-cv-1469, U.S. District Court, District of Columbia (2010)

³³ International Committee of the Red Cross. "About the International Committee of the Red Cross." Last modified October 29, 2010. <http://www.icrc.org/eng/who-we-are/overview-who-we-are.htm>

³⁴ Statman, 186

³⁵ *Ibid.*, 183

³⁶ *Ibid.*, 185

³⁷ For more information on the *Caroline*, please see British-American Diplomacy: The Carolina Case at http://avalon.law.yale.edu/19th_century/br-1842d.asp

³⁸ Amos Guiora. "Targeted Killing as Active Self-Defense." 36 *Case W. Res. J. Int'l L.* (2004): 323

The *Caroline* doctrine became custom international law until Article 51 of the United Nations Charter, which both defined and limited a state's right to self-defense. Article 51 reads: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."³⁹

Under this definition, the right of self-defense was restricted from when an attack is imminent to only after an attack has occurred.⁴⁰

Though Article 51 limited self-defense of states, this does not carry weight when one is dealing with terrorism because this was originally meant for states. Applying this definition to non-state actors is unsound because they were not contemplated when Article 51 was written. Instead, this new type of warfare has ushered in a rethinking of international law. According to Guiora, "Many experts have called for a 'new regime of international law' that specifically addresses circumstances unique to terrorism."⁴¹

Since non-state actors are involved with a non-traditional form of warfare, it is impossible to safely use the mechanisms of traditional diplomacy for self-defense. Therefore, this new type of mechanism, which Guiora terms "active self-defense," would simply apply the rules of the *Caroline* doctrine to non-state actors. Active self-defense and the "new regime" must continue to conform with *jus in bello*, but it allows for states to actively pursue imminent threats.

Another concern that has been raised about targeted killings is due process, which requires that the government must provide a person accused of a crime with an opportunity to contest the charges before being deprived of any rights. The United States Constitution guarantees due process to American citizens under the 5th and 14th Amendments. Some, such as Suzanne Ito from the American Civil Liberties Union, have raised concerns that targeted killings ignore due process.⁴² *New York Times* reporter Scott Shane wrote that due process, "In ordinary circumstances, a trial and conviction would be required before government officials could order an execution."⁴³ However, the Obama administration maintains that these are not "ordinary circumstances," and that due process has been served given the unusual circumstances. They contend that due process is exerted because "the Executive Branch regularly informs the appropriate members of Congress about [their] counterterrorism activities... where lethal force is

³⁹ United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI, available at: <http://www.unhcr.org/refworld/docid/3ae6b3930.html> [accessed 25 March 2012]

⁴⁰ Guiora, 323

⁴¹ Guiora, 323-324

⁴² Suzanne Ito. "Targeted Killings: Death Without Due Process." *American Civil Liberties Union*. Last modified August 30, 2010. <http://www.aclu.org/blog/national-security/targeted-killing-death-without-due-process>

⁴³ Scott Shane. "Judging a Long, Deadly Reach." *The New York Times*, Last modified September 30, 2011. http://www.nytimes.com/2011/10/01/world/american-strike-on-american-target-revives-contentious-constitutional-issue.html?_r=1

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used.”⁴⁴ Accordingly, they believe that the oversight that Congress provides fulfills the due process requirements of the United States Constitution.

Instead, what Ito and others actually desire is judicial process, which they try to use interchangeably. However, only due process, and not judicial process, is guaranteed by the United States Constitution. In the case of imminent threats and national security, due process becomes a little more blurred than in typical domestic cases. For example, if an officer shoots and kills a suspect who is pointing a gun at him, this is within the confines of the law. This is because the law was clear that an individual has no right to point a gun at the officer. To require that the officer take the matter up with a court before shooting the gunman would be demanding judicial process. Judicial process in this case is not reasonably feasible because the gunman is an imminent threat and cannot be pragmatically arrested at this point. The Obama administration believed that al-Awlaki was an imminent threat because, “First, he posed an imminent threat to the lives of Americans, having participated in plots to blow up a Detroit-bound airliner in 2009 and to bomb two cargo planes last year. Second, he was fighting alongside the enemy in the armed conflict with Al Qaeda. And finally, in the chaos of Yemen, there was no feasible way to arrest him.”⁴⁵

As previously explained (and similarly to our previous example), in order to keep targeted killings from being extrajudicial and illegal, there must not be the option of arresting the accused. However, this does not require that the government must try to arrest the individual by all means. Instead, it simply means that a government must determine whether an arrest is a reasonable possibility. This becomes crucial because when attempts are made to arrest an individual, government officials might be killed. In Yemen, where many terrorists hide in remote locations, state officials have lost control of certain areas. On March 4, 2012 it was reported that dozens of Yemeni troops had been killed in clashes with al-Qaeda.⁴⁶ These deaths showed what happens when state officials go into locations where they do not have complete control.

Furthermore, sometimes arresting an individual terrorist is impossible because either a foreign government is harboring the terrorist or lacks the capability to arrest the individual. In the specific case of al-Awlaki, Yemeni soldiers previously tried to arrest him, but he had escaped. Many in Yemen “believe that their government could have killed or even captured Mr. Awlaki at any time, and chose to do so only now for political reasons.”⁴⁷ It is in cases like these that deadly force is authorized and targeted killings are a legitimate way of neutralizing targets.

V. Morality Questions

⁴⁴ “Attorney General Eric Holder's National Security Speech.” *Forbes*. Last modified March 5, 2012. <http://www.forbes.com/sites/gregorymneal/2012/03/05/holder-national-security-speech-targeted-killing/>

⁴⁵ Shane, see footnote 42 or http://www.nytimes.com/2011/10/01/world/american-strike-on-american-target-revives-contentious-constitutional-issue.html?_r=1

⁴⁶ *BBC News*. “Dozens of Yemen Troops Die in Clashes with al-Qaeda.” Last modified March 4, 2012 <http://www.bbc.co.uk/news/world-middle-east-17251661>

⁴⁷ Mark Mazzetti, Eric Schmitt, and Robert F. Worth. “Two-Year Manhunt Led to Killing of Awlaki in Yemen.” *The New York Times*. Last Modified on September 30, 2011. <http://www.nytimes.com/2011/10/01/world/middleeast/anwar-al-awlaki-is-killed-in-yemen.html?pagewanted=print>

There are two basic models for dealings with threats. The first is the war model, and the second uses the non-war model. The non-war model envisions criminal law, police forces, and others of the like dealing with threats of terrorist violence. As previously mentioned, when using targeted killings that option is not available and one is forced to use the war model. In the war model, “soldiers of all sides are permitted to kill any soldier of the adversary, unless the latter surrenders or in limited exceptional circumstances.”⁴⁸ This is based on the “Orthodox View” of moral theorists. According to the Jeff McMahan of Rutgers University:

...the *Orthodox View* among moral theorists is that, while it is normally or even always wrong intentionally to attack or kill the innocent, people may, because of what they do, render themselves relevantly noninnocent, thereby losing their moral immunity to intentional attack and instead becoming liable, or morally vulnerable, to attack. To be innocent, on this view, is to be harmless; correspondingly, one ceases to be innocent if one poses an imminent threat of harm to, or is engaged in harming, another person.⁴⁹

Therefore, if terrorists present themselves as imminent threats, they lose their right to innocence during a time of war and can therefore be killed within the law of war.

However, for the Orthodox View to apply one must be able to use the war model and, therefore, one must be at war. It has already been established in this research that the United States is at war with al-Qaeda because of the seriousness of the threat posed and practicability of using law-enforcement to combat them. The scale of the threat posed by al-Qaeda is not overstated. They have killed thousands of people and injured many more. There is an easily identifiable difference between thugs that aim to kill in the dozens (significant itself) and an organization that aims to kill in the thousands. Because of difference in scale and their remote locations, conventional domestic law-enforcement is not equipped to deal with such a threat. For these reasons, the United States’ actions against al-Qaeda and other terrorist organizations is war.

Some question whether the analogy of war applies to the targeted killing of terrorists. Michael Gross, Chair of the Department of International Relations at The University of Haifa, Israel claims that:

Soldiers fight anonymously, as agents for the political communities they defend, and without any ‘personal’ grievances against their adversary. This is part of the veil that soldiers must wear to override the normal human aversion to murder. But naming names lifts the veil, pushing self-defence perilously close to premeditated murder and beyond the pale of permissible warfare.⁵⁰

What he is claiming is that the difference between what happens in war and through targeted killings is the naming of the target. According to him, no longer is the battle soldier simply fighting soldiers, but now people are being named, which is somehow

⁴⁸ Statman, 181

⁴⁹ Jeff McMahan. “Innocence, Self-Defense, and Killing in War.” 2, No. 3. *The Journal of Political Philosophy*. 2, no 3. (1994): 193. Can be accessed at www.fas.rutgers.edu/cms/phil/dmdocuments/Innocence_Self-Defense_&_Killing_in_War.pdf

⁵⁰ Michael L. Gross. “Fighting by Other Means in the Mideast: a Critical Analysis of Israel's Assassination Policy.” *Political Studies*, 51 (2003): 362

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different than conventional war. He claims that naming your target is akin to murder.

Though Gross claims that this is somewhat different than conventional warfare, he is wrong. In many circumstances in warfare soldiers specifically select their targets, and sometimes name them. For example, according to the United States Army's Sniper Training manual, snipers are trained to take out specific targets first.⁵¹ Their key targets are other snipers, dog tracking teams, scouts, officers, noncommissioned officers, and so on. To find these targets, soldiers must specifically look for certain traits or markings. The soldiers in this case are not just simply indiscriminately killing other soldiers. Instead, this is a form of naming their targets.

The naming argument fails on another level as well. Contrary to Gross's assumption, going after specific individuals during past wars has occurred. During World War II, the United States shot down the plane carrying Yamamoto Isoroku. Isoroku was one of Japan's best naval officers and had originally conceived the idea for a surprise attack on the United States at Pearl Harbor. When intelligence was gathered on Isoroku's flight plan, the Americans shot down the admiral's plane and killed him.⁵² Similarly, during the Persian Gulf War with Iraq, the United States "launched 260 missions against sites where they thought [Saddam Hussein] might be hiding."⁵³ Though he was not killed, these attempts show that targeting specific individuals is not exclusively a post September 11th concept and has been used during conventional wars.

Gross's claim that the practice of targeted killing is "morally abhorrent"⁵⁴ is quite hypocritical. His acceptance of killing during conventional war, yet not this type of killing because of the naming aspect is puzzling at best. If a state is attacked by a terrorist and decides to invade a third party state where that terrorist finds a safe haven, this is an acceptable practice. Yet, if the same country strategically eliminates only the threat through the use of technology without invading the entire country, this is a questionable practice. The U.S. invasion of Afghanistan has shown over the last decade that with conventional war comes a multitude of other problems. It is a safe assumption that during times of conventional war there will be collateral damage. Naming targets attempts to lessen that collateral damage and minimize the indiscriminate killing that is often associated with war. By doing this, countries are actually bringing more dignity to human life because they are attempting to attack only the specific threats. This minimizes collateral damage and loss of life. For Gross to insinuate that indiscriminate killing is morally allowable in war, yet going after specific threats is reprehensible is a false and absurd claim.

The claim that targeted killings are similar to premeditated murder is also preposterous. What Gross is trying to do is paint a picture of a malevolent country killing people without regard for humanity and acting out of vengeance. However, this is a completely false picture. In

⁵¹ *United States Department of the Army*. "Field Manual No. 23-10: Sniper Training." (1994): 4-35

⁵² *Encyclopædia Britannica Online*, s. v. "Yamamoto Isoroku," accessed March 23, 2012, <http://www.britannica.com.proxy.campbell.edu/EBchecked/topic/651516/Yamamoto-Isoroku>.

⁵³ *Frontline*. "Assassination Attempts." Last accessed on April 7, 2012 <http://www.pbs.org/wgbh/pages/frontline/shows/longroad/etc/assassination.html>

⁵⁴ Gross, 364

an interview with the US television show *60 Minutes*, former head of the Mossad (the Israeli intelligence agency) Meir Dagan gave a very candid glimpse into how he felt about missions where targeted killings were used. He said, “There is no pleasure in killing. There is no joy in killing people.”⁵⁵ He also said, “I never, ever, killed nobody, or [Israeli intelligence] were engaged in killing somebody, who was unarmed.”⁵⁶ This is drastically different than a premeditated murder that is used for revenge. Instead, this shows a country involved in self-defense, which uses all necessary military tools. Because of these reasons, Gross’s claims fall short on many levels.

VI. Practical Applications

Though so far this paper has defended the practice of targeted killings from a legal and moral standpoint, there are some practical application questions that should be answered as well. These will be categorized into two types of problems: modest problems and major problems. A very obvious problem in the modest category is retaliatory strikes. In the 1980s, Hezbollah increased suicide attacks against Israel in response to Israeli killings of Hezbollah leaders.⁵⁷ Likewise, immediately following the killing of Osama bin Laden, United States’ leaders feared that retaliatory attacks might occur. Senator Susan Collins of Maine was quoted as saying, “One of the concerns that I most have is that a homegrown terrorist will choose this moment to strike in an attempt to retaliate for Osama bin Laden’s death.”⁵⁸ Daniel Byman wrote, “Many terrorist groups do not operate at their full potential and can up the stakes in horrific ways when subjected to a targeted-killing campaign.”⁵⁹

Though retaliation should be taken seriously and all necessary precautions should be followed, states cannot simply allow terrorists to roam free due to fear of retaliation. To do so would cause a failure in self-defense. Moreover, these attacks do not always take place. In the case of bin Laden, the United States did not have an immediate retaliation, and few would argue that the world is more dangerous without such a prominent terrorist. For these reasons, retaliation is only a modest concern.

The other modest concern is the decentralization of terrorist organizations. Because terrorist organizations tend to be more loosely affiliated alliances as compared to a hierarchy structure, one could argue that taking out a particular individual is not a very effective tool.⁶⁰ Though this can be a problem in combating terrorists on any level, this is not a legitimate argument against targeted killings specifically. When a terrorist is neutralized, it does eliminate at least a small part of the threat, and it specifically eliminates whatever the special skill of that terrorist might have been. In the case of al-Awlaki, specific traits made him more dangerous than other terrorists. His knowledge of the English language gave him a platform to communicate

⁵⁵ *60 Minutes*. “The Spymaster: Meir Dagan on Iran’s threat.” Last modified March 11, 2012. <http://www.cbsnews.com/video/watch/?id=7401688n>

⁵⁶ *Ibid.*

⁵⁷ Byman, 99

⁵⁸ Sara Just and Russell Goldman. “Osama Bin Laden: Experts Fear Revenge By Al Qaeda or ‘Lone Wolf.’” *ABC News*. Last modified May 2, 2011. <http://abcnews.go.com/US/osama-bin-laden-triggers-security-alert-recall-marine/story?id=13505844#.T24LEI6lPo8>

⁵⁹ Byman, 100

⁶⁰ *Ibid.*

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with a group of people that others may not have been able to reach. International terrorism expert Jeremy Binnie said, "Awlaki will be difficult to replace. It's a blow for AQAP's [al-Qaeda in the Arabian Peninsula] international operations. Awlaki has helped the group build its international profile."⁶¹ Therefore, decentralization is a problem in combating terrorism, but targeted killings can still have real benefits in many cases.

Other major problems merit consideration with targeted killings. One of these problems is the political repercussions that occur with targeted killing. Even the United States, which now uses this method of warfare, has in the past been critical of other countries - most notably Israel-- for using such policies. In 2001, American ambassador to Israel Martin Indyk was asked about Israel's targeted killings and said, "The United States government is very clearly on the record as against targeted assassinations. They are extrajudicial killings, and we do not support that."⁶²

Although the United States has changed its stance on targeted killing, other countries have not. In a time where intelligence is critical in the fight against terrorism, countries fighting amongst themselves over what policies will be used can only impede this critical aspect of cooperation.

International cooperation. Nearly all terrorist plots... have an international connection. This could include overseas support elements, training camps, or movement of funds. The sharing of information among allies appears from our analysis to have a positive impact on interdicting attack plans as well as apprehending members of larger networks.⁶³

Countries that do not share critical information are more likely to miss attacks. "States must be willing to risk the most severe forms of international condemnations... should they choose to pursue targeted killing as a tool in their counterterrorism arsenals."⁶⁴ If a country does choose to use targeted killings, they must be able to clearly express why, especially to countries that do not agree with the policy.

Another major problem is what is known as the Martyrdom Effect. "This well-known dynamic occurs when a terrorist, particularly one held in high esteem by group members and followers, is killed at the hands of security forces. This can result in the perceptual uplifting of that terrorist to near mythic status."⁶⁵ This can help recruitment and garner sympathy. Some have even claimed that these sorts of counterterrorism measures can increase a movement's popularity.⁶⁶

⁶¹ Erika Solomon and Mohammed Ghobari. "CIA drone kills U.S.-born al Qaeda cleric in Yemen." *Reuters*. Last modified September 30, 2011. <http://www.reuters.com/article/2011/09/30/us-yemen-awlaki-idUSTRE78T0W320110930>

⁶² Joel Greensberg. "Israel Affirms Policy of Assassinating Militants." *The New York Times*. Last modified July 5, 2001. <http://www.nytimes.com/2001/07/05/world/israel-affirms-policy-of-assassinating-militants.html>

⁶³ Edward McCleskey and others. "Underlying Reasons for Success and Failure of Terrorist Attacks: Selected Case Studies." *Homeland Security Institute*. (2007): 2

⁶⁴ Hunter, 67

⁶⁵ *Ibid.*, 64

⁶⁶ Byman, 100

Lastly, the possible biggest concern with targeted killing, especially drone attacks, is the absolute loss to critical intelligence. When a drone is fired at a car in the Yemeni desert, there is almost no chance that intelligence is gathered. As the saying goes, “Dead men tell no tales.” Instead, the intelligence that could have been gathered by capturing the terrorist or his possession (such as documents, disks, or other sensitive materials), is now gone. However, when a suspect is followed and arrested, critical intelligence through interrogation and observation can be gathered. Even when an individual is killed, information can still be gathered. This is possibly the most serious problem with targeted killings and should be of the greatest concern. The loss of intelligence also incentivizes states to use targeted killing as only a last resort.^{67 68}

Despite these problems with targeted killings, certain states continue to use them for the simple reason that they believe the benefits outweigh the problems. The most obvious success of targeted killings is the immediate killing of an external threat to a country. However, more than just taking out targets, these killings have additional effects. For example, a major success of targeted killings is to force the enemy into hiding, which denies the enemy terrain and freedom of movement. This can harm a terrorist organization’s mobility, communication, and even training. It is known that prior to the attacks of September 11th, some of the hijackers had training from camps in Afghanistan.⁶⁹ If these camps are not open because terrorist organizations do not feel comfortable with having a regular meeting place, then training for future attacks is disrupted. Of this, Byman writes:

Contrary to popular myth, the number of skilled terrorists is quite limited. Bomb makers, terrorism trainers, forgers, recruits, and terrorist leaders are scarce; they need many months, if not years, to gain enough expertise to be effective. When these individual are arrested or killed, their organizations are disrupted. The groups may still be able to attract recruits, but lack expertise, these new recruits will not pose the same kind of threat.⁷⁰

Extending this point, Byman shows that there is a correlation between targeted killings and less lethal attacks. Between 2001-2005, although Israel had an increase in the number of attacks, the lethality of the attacks decreased. According to Byman, this pattern indicates the success of targeted killings by making it difficult for Hamas to carryout more effective missions because lesser trained operatives are going to be carrying out these types of operations.

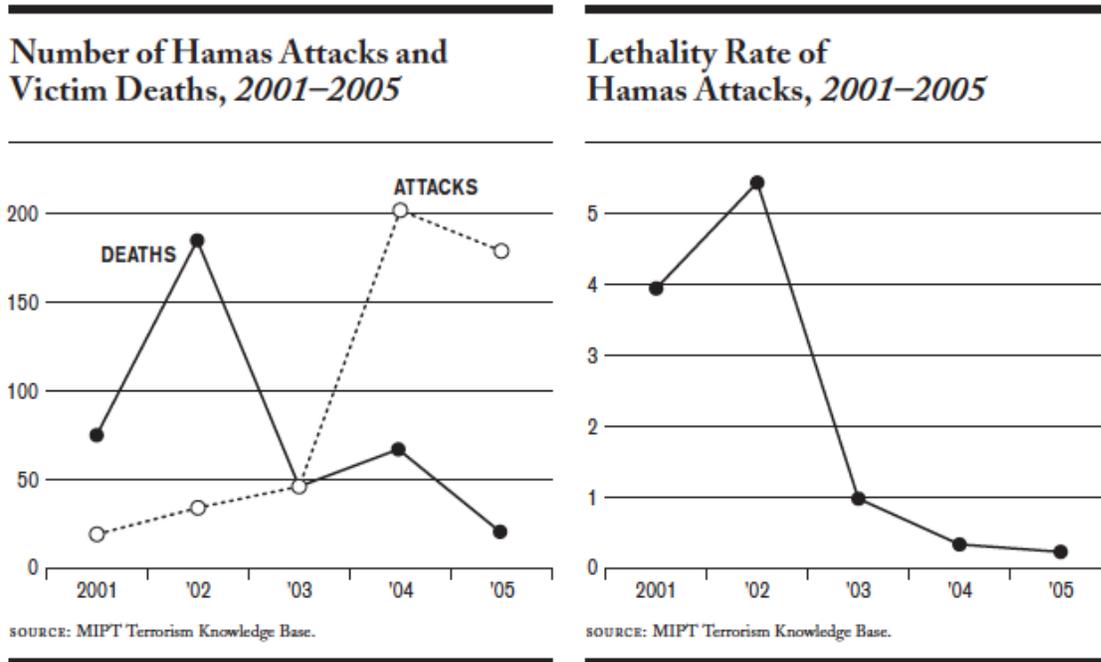
⁶⁷ Ibid., 98-99

⁶⁸ Hunter, 65

⁶⁹ McCleskey, 73

⁷⁰ Byman, 103-104

Graph #3⁷¹



Targeted killings also harm recruitment. Though the martyrdom effect can counter the disruption, hiding from a militarily superior enemy is hardly a way to recruit new faces. This does not inspire the type of bravery that the recruiters are asking the recruits to display.⁷²

VII. The Secrecy of American Targeted Killing

Up until this point, this paper has largely defended the practice of targeted killing as implemented by the United States since September 11th, 2001. Targeted killings fall within the legal parameters of a state’s responsibility to protect its citizens and a right to self-defense. Morally, there is very little difference between this type of practice and that of killing in traditional warfare. Practically speaking, the benefits outweigh the costs. However, there has been one major problem with how these targeted killings have been conducted that this paper will not seek to justify: secrecy.

The State Secrets Doctrine “permits the government to block the release of any information in a lawsuit that, if disclosed, would cause harm to national security.”⁷³ Though the United States has long agreed upon a necessity for state secrets through common law, the Supreme Court first articulated this necessity in the 1953 landmark case *United States v Reynolds*.⁷⁴ Since the attacks of September 11th, the United States has increasingly used it to

⁷¹ Byman, 103

⁷² *Ibid.*, 104

⁷³ “Background on the State Secrets Privilege.” *American Civil Liberties Union*. Accessed on March 25, 2012. <http://www.aclu.org/national-security/background-state-secrets-privilege>

⁷⁴ Todd Garvey and Edward C. Liu. “The State Secrets Privilege: Preventing the Disclosure of Sensitive National Security Information During Civil Litigation.” *Congressional Research Service*. August 16, 2011.

protect cases from being decided by courts. Obama originally campaigned against the Bush's increasing use of the state secret privilege, but since he became president he has become more favorable to its use.⁷⁵

First, the need for state secrets is evident, and state secrets are a necessary part of government. A country does not want information about how intelligence is gathered being leaked to terrorist organizations. Operations could be disrupted and government agents could be compromised. However, there is a significant difference between state secrets and a lack of credible accountability by the public. In the case of targeted killings, we are too close to, and possibly in clear violation of, the latter account.

Arguably the largest problem with targeted killings is how one actually becomes targeted, because this process is still largely kept secret. According to a 2011 Reuters article: Militants... are placed on a kill or capture list by a secretive panel of senior government officials, which then informs the president of its decisions, according to officials. There is no public record of the operations or decisions of the panel, which is a subset of the White House's National Security Council, several current and former officials said. Neither is there any law establishing its existence or setting out the rules by which it is supposed to operate... The role of the president in ordering or ratifying a decision to target a citizen is fuzzy. White House spokesman Tommy Vietor declined to discuss anything about the process.⁷⁶

Under increasing pressure from civil libertarians since the killing of al-Awlaki, Attorney General Eric Holder gave a speech at Northwestern University's School of Law and outlined the three principles considered when placing someone on the list.

- 1) "the U.S. government has determined, after a thorough and careful review, that the individual poses an imminent threat of violent attack against the United States."
- 2) "capture is not feasible"
- 3) "the operation would be conducted in a manner consistent with applicable law of war principles"⁷⁷

Although these principles are a good start, the question of how one is actually put on the kill list is still largely unanswered. This lack of public knowledge leaves the door wide open for abuse. When the government is actively targeting its own citizens for killing, every precaution should be taken to minimize this power while still allowing the state to protect its citizens from harm. At this time, the details of how one actually becomes targeted are still so secretive that it is impossible to know if the necessary safeguards are in place to prevent abuse of this program.

VIII. Policy Recommendations

<http://www.fas.org/sgp/crs/secretcy/R41741.pdf>

⁷⁵ "Times Topics: The State Secrets Privilege." *The New York Times*. Last modified May 24, 2011.

http://topics.nytimes.com/topics/reference/timestopics/subjects/s/state_secrets_privilege/index.html

⁷⁶ Hosenball, see footnote 6 or <http://www.reuters.com/article/2011/10/05/us-cia-killlist-idUSTRE79475C20111005>

⁷⁷ "Attorney General Eric Holder's National Security Speech." see footnote 43 or <http://www.forbes.com/sites/gregorymneal/2012/03/05/holder-national-security-speech-targeted-killing/>

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The most important change that the United States' government needs to apply in its implementation of the targeted killings policy is greater transparency. First, in a liberal democracy, such as the United States, the government is accountable to the people. Yet the lines of accountability to citizens in the United States have continued to blur as states are granted more unquestionable authority under the State Secrets doctrine. As a key element of self-defense, killing is sometimes necessary. However, the aim should always be to minimize this necessity. In order to make sure that this has been minimized, people must hold their governments accountable. However, people cannot hold their government accountable to policies of which they are unaware. Abraham Lincoln called the United States a “government of the people, by the people, and for the people.”⁷⁸ If this is the case, then it is hard to argue that the people do not deserve to know what is required to put them on a list for execution.

The issue of transparency goes beyond the theory of liberal democracy; it also has very practical applications. The lack of transparency creates a credibility gap between what the United States is doing and how other countries perceive its actions. This gap strains diplomatic relations and will have both short-term and long-term effects. For example, if a country refuses to share critical intelligence with the United States because it does not understand its policy of targeted killing, this lack of cooperation could allow terrorists to continue to cause harm.

To improve the transparency, the government should give a detailed account of who actually places people on the list. They need to explain the process and inform the public of what type of failsafe instruments are implemented to prevent casual use of this power. The United States can use Israel as an example.

Israel's targeted-killing policy... is surprisingly transparent. Shin Bet has worked with the Israeli media to ensure public awareness of what the operations involve. Several nongovernmental organizations track the number of targeted killings and the policy is challenged in the media and the courts. As a result, mistakes in implementation have not shaken the Israeli public's support for the policy. Indeed, if anything, they have strengthened it—by highlighting the policy's risks and difficulties and educating the public about its practical and moral tradeoffs.

By making the policy more transparent, the United States would strengthen the legitimacy of targeted killings.

Although Eric Holder was right when he distinguished between judicial process and due process, there is more than legality to this question. If the United States continues to ignore judicial oversight, this could also cause a loss of credibility and create a legitimacy problem. To prevent this, the United States needs to include judicial oversight while still maintaining national security and not revealing specific intelligence to the public. This could be done with a special court, similar to the Foreign Intelligence Surveillance Court.⁷⁹ A court like this would also be able to act quickly in situations requiring immediate action.

⁷⁸ Abraham Lincoln said these words at during his famous Gettysburg Address speech.

⁷⁹ “Congress in 1978 established the Foreign Intelligence Surveillance Court as a special court and authorized the Chief Justice of the United States to designate seven federal district court judges to review applications for warrants related to national security investigations.” For more information, visit their webpage at http://www.fjc.gov/history/home.nsf/page/courts_special_fisc.html

Lastly, if the United States wants to claim that targeted killings are just acts of war, it should stop criticizing other countries, especially Israel, for using similar tactics. When other countries rightly point out the hypocrisy and double standards of the United States, it weakens the program and subjects it to ignominy. In 2001, the State Department released their annual Country Reports on Human Rights Practices. In it they stated:

Israeli security forces committed numerous serious human rights abuses during the year. Security forces killed 307 Palestinians and four foreign nationals and injured at least 11,300 Palestinians and other persons during the year. Israeli security forces targeted for killing a number of Palestinians whom the Israeli Government stated had attacked or were planning future attacks on Israeli settlements or military targets; a number of bystanders reportedly also were killed during these incidents.⁸⁰

The day after the May 2, 2011 raid on Osama bin Laden's compound, the Israeli newspaper *Israel Today* ran a story satirically headlined, "Israel to US: Congrats on bin Laden Kill, Now Stop Criticizing Us!"⁸¹ They are right. The United States cannot continue to criticize other countries while using the same policies.

IX. Conclusion

For all the problems and easily identifiable faults of targeted killings, the simple truth is that they are the best option for a bad situation. What people often forget is that when combating terrorism, a country has no excellent options and a number of bad options. Terrorism spans the globe and finds haven in places where the state authority is weak or nonexistent. To actually go after terrorists in many of these countries would require placing troops in a number of inhospitable locations. This large and extremely visible military footprint would complicate alliances and strain diplomatic relationships with countries that are too weak to deal with terrorism problems on their own. Imagine the United States asking for permission from a number of countries to send troops wherever they feel it is necessary because they feel that the host country is not adequate to properly police itself. This almost humorous situation is an unacceptable option for many obvious reasons.

Instead, the United States, through the use of its technology and special operations capabilities, has implemented a policy that allows it to take out threats around the world, minimize collateral damage, and reduce its military presence. As a consequence, terrorists have found fewer hiding places in a world where they can be tracked and killed without a moment's notice. Though problems with the policy do exist and need to be minimized, this policy has been largely successful and should continue to be implemented.

⁸⁰ "Country Reports on Human Rights Practices: Occupied Territories." *US Department of State*. Last modified February 23, 2001. <http://www.state.gov/j/drl/rls/hrrpt/2000/nea/index.cfm?docid=882>

⁸¹ Ryan Jones. "Israel to US: Congrats on bin Laden kill, now stop criticizing us!" *Israel Today*. Last modified May 3, 2011. <http://www.israeltoday.co.il/tabid/178/nid/22773/Default.aspx>