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Open Secrets, Congressional Oversight, and the Geopolitics of the CIA Drone Program

Marita C. Murphy

University of Kentucky, maritacmurphy@gmail.com

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Marita C. Murphy, Student

Dr. Patricia Ehrkamp, Major Professor

Dr. Tad Mutersbaugh, Director of Graduate Studies

OPEN SECRETS, CONGRESSIONAL OVERSIGHT, AND THE
GEOPOLITICS OF THE CIA DRONE PROGRAM

THESIS

A thesis submitted in partial fulfillment of the
requirements for the degree of Master of Arts in the
College of Arts and Sciences
at the University of Kentucky

By

Marita C. Murphy

Lexington, Kentucky

Director: Dr. Patricia Ehrkamp, Professor of Geography

Lexington, Kentucky

2019

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ABSTRACT OF THESIS

OPEN SECRETS, CONGRESSIONAL OVERSIGHT, AND THE GEOPOLITICS OF THE CIA DRONE PROGRAM

Analyzing four congressional hearings that publicly discuss the CIA's 'secret' drone program, this thesis considers the interaction between publicity and secrecy in facilitating practices of later-modern warfare. Specifically, I examine the content of these drone hearings within the broader context of leaks, Obama administration speeches, and public interest in CIA drones to better understand how open secrecy engages with public oversight. I argue these hearings are deceptively productive. While they largely fail as oversight events, the hearings facilitate numerous unexpected outcomes—including the normalization and entrenchment of the CIA drone program. Paradoxically then, publicity proves essential to the maintenance and acceptance of secret programs. This project concludes by raising questions about the geopolitical implications of the changing spatiality of war when traditional means of oversight and accountability may no longer prove effective.

KEYWORDS: Geopolitics, Drones, Open Secrecy, Security Studies, Human Geography, Warfare

Marita C. Murphy

December 9, 2019

Date

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By
Marita C. Murphy

Dr. Patricia Ehrkamp

Director of Thesis

Dr. Tad Mutersbaugh

Director of Graduate Studies

December 9, 2019

Date

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This thesis has been researched, constructed, and written across several continents and many time zones. Though it was started in Kentucky, it really came into existence elsewhere: in Ohio dining rooms, Turkish cafes, Toronto libraries, Scottish farmhouses, and tables overlooking the San Francisco Bay. While I suspect projects such as these are rarely straight forward, this one traveled a more circuitous path than most. It had a rocky start, a seemingly endless middle, and a rather fragmented end. It took a very long time.

This unconventional trajectory has highlighted the generosity, empathy, and brilliance of the friends, family, and peers that saw me through to the end. The completion of this project is a testament to their combined efforts and contributions—which were far more than I can reasonably or reliably mention here. But, to all that I've encountered along the way: thank you.

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CHAPTER 1. INTRODUCTION

The Rise of Drones

On October 7, 2001 the United States launched its first combat strike from a Predator drone in Kandahar, Afghanistan. The strike was part of a broader campaign of airstrikes signaling the start of the US war in Afghanistan and Operation Enduring Freedom. That night, US intelligence officials tracked Taliban Supreme Leader Mullah Mohammed Omar and his cadre to Omar's home in a joint mission of the US Air Force and the Central Intelligence Agency (CIA) (Woods 2015b). This activity was overseen by US Central Command (CENTCOM) in Florida, though most operations were housed in the newly minted Combined Air Operations Center (CAOC) based in Saudi Arabia. As the Air Force stood by with an F-16 prepared to hit Omar's compound, a voice over the radio unexpectedly cleared a drone to strike.

The strike order was the first moment personnel in the CAOC became aware of a drone in the midst of their operation (Woods 2015). The resulting strike, piloted by Navy personnel under the guidance of CIA analysts, hit a vehicle just outside the compound walls. Thus warned, the militants scattered, Omar got away, and the involved agencies were left volleying blame for the botched mission (Woods 2015b; Kaplan 2016; Woods 2015a).

Or so goes the most recent version of the first drone strike. Reports of this event have changed considerably over time, with Chris Woods' account—as corroborated by military personnel—representing the most recent, and broadly widely reported iteration. A different version, based on a CIA analyst's account, was released by *NBC News* in September 2013 (Windrem 2013). In this alternative telling, the drone targeting Omar never even strikes due to hesitation by a CENTCOM lawyer. Here again, the intended

target gets away. This time, however, the different agencies are left to question when a drone strike may be deemed legally legitimate.

Questions about policy, legality, and oversight have surrounded the drone program from its inception. While the perspectives, politics, and facts of the incident vary in these accounts, the circumstances of this initial strike (or not-strike) highlight two issues that continue to influence the US' use of drones, particularly the CIA drone program. First, policy and procedure have consistently lagged behind application of drones in the field of battle. That is, drones were deployed and targeted killings set into motion well before there was clarity about who, how, and where drones would be used. This reactive approach to drone operations positions drones as an instrument through which new maps of threat as well as understandings of the space and scale of war are enacted. Second, the variable accounts of this incident demonstrate the open secrecy and narrative malleability characteristic of the CIA drone program. Despite widespread acknowledgement of the CIA drone program, its covert status makes verifying or disputing information about the CIA drone program challenging. The frequently changing—and sometimes contradictory—reports about the program and its operations, in conjunction to the absence of clear policy, contribute to ongoing haziness about drone operations.

Indeed, despite considerable public attention, the CIA drone program continues to exist in a state of semi-secrecy with limited accountability and occasional, but contested, moments of 'transparency.' This thesis examines how the CIA drone program continues to operate in semi-secrecy and simultaneously cultivate support and legitimacy through highly mediated and selective forms of transparency. Specifically, this analysis focuses on how secrecy interacts with public discourse assumed to hold the program to account. I will argue that increasing public awareness about the program has, paradoxically, proven essential to legitimating, entrenching, and widening the use of CIA drones in contemporary warfare. Furthermore, such drone use helps construct a new map of the world based on US perceptions of insecurity and threat that reflect and embody shifting conceptions of the spatiality of war. I advance this argument based on an analysis of four congressional hearings aimed at examining and regulating drone use. These hearings,

though ostensibly designed to regulate or possibly limit the use of armed drones by the CIA, have operated as key mechanisms through which US publics have gained knowledge about drones and come to accept the normality or necessity of the practices of drone warfare.

Background

Understanding how the current iteration of CIA drones have become an ‘open secret’ is essential to understanding the entrenchment of the covert drone program. The sections below discuss the development of drones with strike capability, outline where they fit within a larger scheme of covert operations, as well as situate these developments within the evolution of public awareness about the CIA’s covert drone program.

Arming Drones

In the fall of 2000, a Predator drone flying over an al-Qaeda military camp in Afghanistan captured imagery of a “a tall figure in flowing white robes” widely believed to be Osama bin Laden (Myers 2004). This footage would serve a key piece of material for those promoting the arming of drones. Throughout the 1990s, both the CIA and the US military had been using GPS enabled drones for surveillance or real-time targeting assistance for fighter jets or artillery, primarily for assistance in the Balkans. However, in the months leading up to September 11, 2001, many in President George W. Bush’s National Security Council (NSC) Principals Committee sought to ambitiously expand the use of drones and covert-action operations more broadly. Arming drones was part of this expansion in a larger effort to respond to the purported growing terrorist threat abroad (Scahill 2013).

Accordingly, in June 2000, General Atomics was commissioned by the US Air Force to build and test armed versions of their Predator drone (Whittle 2015). Meanwhile, the Bush administration worked through numerous drafts of presidential

directives and policies aimed at navigating around barriers to covert intelligence actions (Scahill 2013).

Not all of the NSC principals were equally gung-ho. Some raised concerns about money or program ownership and implementation. Sitting CIA Director George Tenet was one of the most vocal skeptics of the initiative to arm drones. He had questions about chain of command, public perception, and if the CIA could even be legally involved in lethal strikes¹ (Scahill 2013). However, these concerns from Tenet and a few other NSC principals ultimately did little to stall the development of the armed Predator drone. Testing began in the summer of 2001 and, as summarized by National Security Advisor Condoleezza Rice at a counterterrorism meeting on September 4, 2001, “armed Predators’ capability was needed but not ready.” Accordingly, deployment was anticipated for the spring of 2002 (*9/11 Commission* 2004: 214).

The attacks of September 11, 2001 served to significantly hasten armed drone development and to justify an accelerated timeline for implementation of armed drones. The presidential Authorization for Use of Military Force (AUMF) issued on September 14, 2001 served as a catchall for the unfinished policy Bush’s counterterrorism team had been working to draft. This AUMF left unanswered key questions about where and when drones could be used, as well as the circumstances in which targeted strikes were legally or politically acceptable. Uncertainty about what agency would operate drones persisted, as did haziness about procedure and oversight. Consequently, when armed drones were deployed in early October 2001, they still operated in an uncertain no man’s land

¹ In the months before September 11, 2001, President Bush’s counterterrorism team was eager to mobilize drone strikes and was developing and testing the technology. However, Tenet and other CIA personnel questioned not only the CIA’s authority to strike relative to Executive Orders 11905 and 12036 (issued by Presidents Ford and Carter that explicitly ban assassination by US intelligence agencies) but also where drones would fit within larger US operations (Scahill 2013). The operation on October 7, 2001 saw the manifestation of these uncertainties.

between intelligence and military spheres, piloted and overseen by multiple agencies but accountable to no one in particular.

In this murky emergent space of armed drone operations, Tenet's concerns about legality and chain of command proved prescient. The nebulosity surrounding accountability and norms for armed drone use, however, was conducive to the expansion of covert action as desired by others in Bush's counterterrorism team. Indeed, the lack of clarity about boundaries, operations, and oversight likely facilitated the steady evolution of two armed drone fleets: one for the military and one for the CIA. Although it would be years before the CIA's covert program would be publicly acknowledged by either Congress or the executive branch, both fleets were adopted as a central component of strategic counterterrorism imperatives and emerged as *the* definitive high technology of later-modern warfare (Shaw 2013; Singer 2009).

The Evolving CIA/Military Drone Divide

In the decades prior to the War on Terror, drone development was defined by stops and starts, with programs and initiatives vacillating between the military and the CIA. As such, separate but simultaneous drone programs are not without precedent in the US. What is unprecedented, however, is that the separation of these programs is largely defined by geography, rather than by technology or implementation.

Early iterations of US drones were first explored and used by the military. This includes the WWI era Kettering Bug that functioned like an unmanned aerial torpedo, the U.S. Army's WWII "Project Aphrodite" that loaded old B-17s and B-24s with explosives and used pilot planes to deploy from above, and the Navy's remote control Interstate TDRs, code named "Operation Option," intended for use in the Pacific Theater (Kindervater 2016; Ehrhard 2010; Sullivan 2006). These early programs mostly focused on drones as weapons or vehicles for target practice. Interest in using drones for surveillance and reconnaissance developed with the onset of the Cold War. Military and non-military programs were catalyzed by the 1960 capture of downed U-2 pilot Francis

Gary Powers by the Soviets—a keen reminder of the vulnerability of pilots and the intelligence they may have to share. The resulting drone development initiatives were led by a number of different agencies, such as the Air Force, the CIA, and the National Reconnaissance Office (NRO). Some of these programs yielded aircraft that proved useful, like the Ryan Firebee and Lightning Bug that respectively saw extensive use in the Vietnam War as target and reconnaissance drones. Others, like the NRO's ambitious and expensive Compass Arrow project, were ultimately unsuccessful (Ehrhard 2010; Sullivan 2006; Tarantola 2013). Drone development continued cycling through failed, unimplemented, or defunded programs through the 1970s and 1980s. Then, in the early 1990s, the CIA needed surveillance in Bosnia that exceeded the capabilities of satellite imagery. This objective expedited the design of a precursor to the Predator drone—the Gnat 750—already in development by General Atomics. The Gnat was launched in 1994, and the Predator MQ-1 in 1995. Early issues with information relay in the Gnat were resolved by the Predator's ability to be controlled by satellite from anywhere in the world. This GPS capability served as the necessary breakthrough for distinguishing drones as a standout technology. The CIA's early success with Predators in Bosnia soon spurred the US Air Force to amass its own fleet of Predator reconnaissance UAVs, these dual fleets laying the groundwork for the distinct military and CIA programs that exist today (Benjamin 2013; Ehrhard 2010; Shaw 2013; Whittle 2015).

Though both the modern military and CIA drone fleets cut their teeth in the Balkans, in the ensuing years, these two programs became increasingly distinct, most notably for the different spaces they occupy. While the tale of the first US drone strike in Afghanistan reflects overlap between CIA and military, such collaboration was seemingly short lived (Scahill 2013). In the months to follow the introduction of armed drones, the two drone programs developed quickly but separately. Situated under the umbrella of the Department of Defense, military-operated drones became relegated to Afghanistan and Iraq where the United States was overtly engaged in battle. Meanwhile, the CIA drone program was deployed to countries like Pakistan, Yemen, and Somalia where the US was not at war (Shaw 2013). Both programs used drones to surveil and strike, though the military had operational frameworks into which their drone program could be situated. The CIA drone program, however, served as a manifestation of

changing interpretations of the boundaries and scale of war (Kindervater 2017). Operating covertly and outside of formal frameworks, it both reacted to and reinforced a changing view of the world, one fixated on security and insecurity. In this capacity, the CIA drone program has been critical to expanding the global reach of the US and redefining the spatiality of war itself (Shaw 2013).

A Covert Program Goes Public

By November 2002, the CIA launched a strike in Yemen aimed at Abu Ali al Harithis—a suspected terrorist involved with the 2000 bombing of the USS Cole—that also killed US citizen Kamal Derwish (Williams 2010). This strike marked not only the first armed drone attack on al-Qaeda outside Afghanistan, but also the first strike approved on a US citizen. By 2004, strikes were extended to Pakistan’s Federally Administered Tribal Areas (FATA) and before long, the secret program would become not so secret.

While Yemen and Pakistan claimed responsibility for early CIA strikes within their borders, the nature and outcomes of these strikes eventually confirmed regional suspicions of US involvement. A December 2005 strike in Pakistan’s FATA left physical evidence of Hellfire missiles, making deniability difficult. Efforts to keep this evidence under wraps led to evasive claims by Pakistan and to the death of a journalist investigating the events (Williams 2010; Scahill 2013; Frontline 2006). Despite such efforts to maintain secrecy, drones were increasingly understood to be operated by the US and becoming increasingly controversial in the regions where they operated. As such, Pakistan and Yemen’s commitment to and complicity in maintaining the US’ secret began to erode (Scahill 2013). This ultimately resulted in the CIA prioritizing its desire to continue drone strikes over the maintenance of absolute deniability. The drone program continued, even as it became increasingly less secret.

Despite occasional news dispatches on US drone operations outside of warzones, concern and awareness of the CIA program remained relatively specialized for over a

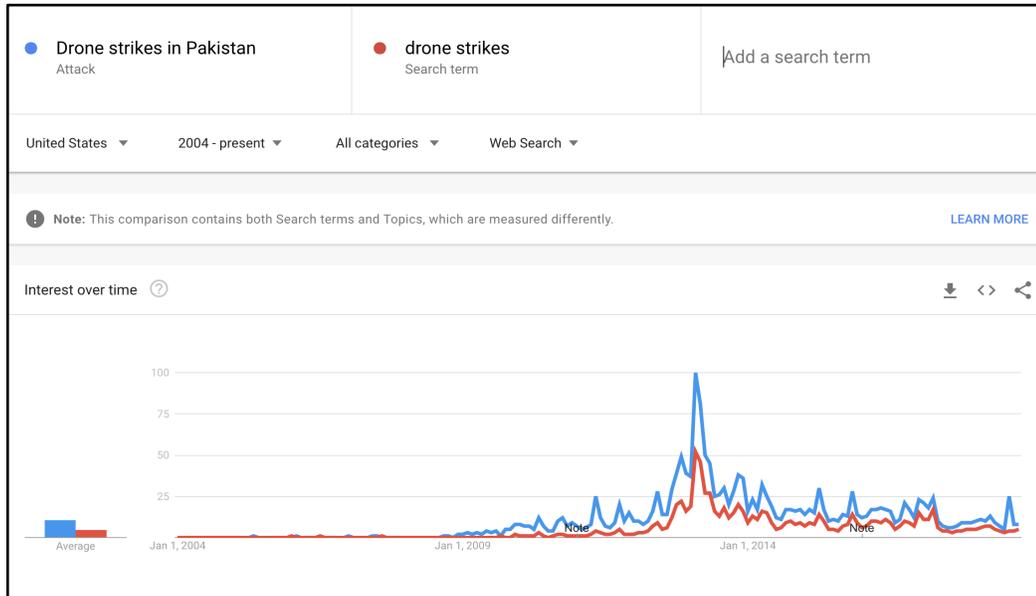
decade. Though some activists called for transparency (Benjamin 2013) and NGOs issued reports on civilian impacts (“Civilian Impact” 2012), interrogation and detainment scandals overshadowed the early days of the CIA drone program. This allowed the program to operate for years, largely unfettered by questions about legality or policy from lawmakers or the general public (Ingber 2013; Pozen 2015).

By the beginning of the Obama administration in 2009, drones were creeping into broad public consciousness. Campaigns to raise drone awareness by groups like the Bureau for Investigative Journalists or the Center for Civilians in Conflict dovetailed with the high-profile strike on American born Anwar al-Awlaki in 2011 and prompted a change in tone for the CIA drone program. On April 30, 2012, the Obama administration acknowledged for the first time the existence of the secret drone program, sparking some unsuccessful congressional efforts to trigger further disclosures (Kucinich November 28, 2012; Miller 2012; Conyers, Nadler, and Scott 2012). By 2013, the Daily Beast dubbed the CIA’s use of drones as “Washington’s worst-kept secret” (Dzieza 2013), a distinction supported by high profile events such as Senator Rand Paul’s drone-related filibuster of John Brennan’s confirmation hearing for CIA Director or the leak of the Justice Department white paper outlining the parameters of targeted killings by drone (Isikoff 2013; Johnson 2013). Indeed, a Gallup poll run a few months after Paul’s filibuster in May 2013 confirmed that at least fifty percent of Americans were now following drone events, though this figure still hit below the mean for news awareness in the US (Gallup, Inc 2013).

The heightened attention on drones did not necessarily spur major public outcry. Drones also did not turn into an enduring topic of political concern to most Americans. Instead, public attention to drone strikes gained some momentum and then faded away as other (related though distinct) stories, like the leaks of Edward Snowden, rose to prominence. While drones occasionally reemerge in the news cycle—often in relation to the heretofore unresolved consolidation of the military and CIA fleets—they have not since received the degree of national attention that they had in 2013 (Entous 2016; Greenwald 2017; Jaffe 2018; Miller 2016; Penney et al. 2018; Savage 2019). The below

chart from Google Trends demonstrates, through several key word searches, this short-lived spike in drone awareness and drone concern:

Figure 1.1 Search and topic trends from 2004-2018 (Google Trends, October 29, 2018) ²



The period of heightened drone awareness inspired polling of public opinion about drones absent in the early years of drone use. Polls conducted by the Pew Research Center in 2012, 2013, and 2015 reflect a fairly consistent opinion about the use of drones “to target extremists in countries such as Pakistan, Yemen, and Somalia” with support for drone use increasing modestly from fifty-five percent to fifty-eight percent over four

² This Google Trends chart considers the frequency of searches and web traffic between 2004 and 2018 related to the search term ‘drone strikes’ and the topic ‘drone strikes in Pakistan.’ These are two search terms that elicited detailed numbers whereas other terms like ‘CIA drone,’ ‘secret drone,’ ‘drone war,’ ‘kill list,’ or ‘targeted killings’ did not yield enough searches for analysis. Other terms like ‘drone’ or ‘UAV’ were too general to be meaningful. These terms are intended as examples rather than precise indicators of the trajectory of public awareness about the CIA drone program. The peak time for both searches occurs around 2013, reflecting a level of interest in drones that fails to reappear in subsequent years. Note that ‘drone strikes in Pakistan’ is a topic search, therefore reflects interest within the US even if the term was searched in a different language. Meanwhile ‘drone strikes’ only culls numbers as related to that specifically typed and spelled term. The 1-100 scale reflects relative popularity of term (with 100 representing max) within the defined period.

years (Pew Research Center 2015, 2013).³ Notably, between 2012 and 2013 the favorability of drone use outside officially declared battlefields increased only modestly from fifty-five percent to fifty-six percent. These numbers suggest that the outcome of the period of increased attention and scrutiny on drones had a small, though positive, impact on public opinion.

Thus, as drones become more public, they appear to become more entrenched. This thesis argues that this correlation reflects how making secrets partially public serves to both normalize and tacitly justify the continuation of the CIA drone program. Focusing on public forums of oversight for the CIA drone program, I show below how formal mechanisms of making public shape the way the CIA drone program is understood and, seemingly, accepted by American policymakers and the American public.

Problem

The US drone program has attracted a wealth of scholarly attention but the question of how the ‘secret’ CIA drone program moved from relative obscurity into a visible and publicly acknowledged position remains understudied. Scholars have instead focused on changing landscapes of war and security (Shaw 2013), reinterpretations of territory (Kindervater 2017), and the dehumanizing nature of war waged from afar (Wall and Monahan 2011; Gregory 2011b, 2014). In this context, the CIA drone program is often discussed either for its lack of transparency or for its failure to sustain a veil of secrecy surrounding its inner workings.

The 2012 Defense Strategic Guidance (DSG) report by the Obama administration articulates a clear shift in policy from ground war to less traditional means of warfare stating, “U.S. forces will no longer be sized to conduct large-scale, prolonged stability

³ The wording of this poll is indeed significant, as it implicitly references targeted strikes and imposes the assumption that such strikes are directed at “extremists.” It does not account for the seemingly more controversial signature strikes that became a talking point in the years following 2013.

operations.” (The White House 2012). This focus on diffuse, networked warfare reflects a changing view of the world that emphasizes global interconnection as key to US security, wherein regions that are viewed as politically and economically disconnected represent danger (Roberts, Secor, and Sparke 2004). Accordingly, the 2012 DSG not only challenges traditional modalities of war but also reflects changing conceptions of the space of war itself. Herein, bounded battlefields give way to whole regions defined by perceived insecurity, lawlessness, or disconnection from the US and its allies. In turn, war becomes increasingly discrete, networked, and continuous (Niva 2013). Drones are critical to this evolution, both facilitating and reflecting these changing conceptions of warfare and battlespace. Emphasizing agility and development of “innovative, low-cost, and small-footprint approaches to achieve our security objectives,” the 2012 DGS does not explicitly mention drones, yet drones lie just below the surface as the report stresses inter-agency collaboration, access to unfriendly regions, and reliance on technology. Ian Shaw (2013: 7) argues that this document, paired with the 2010 National Security Strategy “set in motion powerful national strategies that legitimise the geopolitical conditions for the current drone wars.”⁴ This groundwork established, the CIA drone program soon entered mainstream US public discourse. Fortified by official acknowledgement by the Obama administration in 2012, before long, drones were being heralded by the administration as the future of counterterrorism and security (Anderson and Wittes 2015).

Absent in this evolution of official acknowledgement, however, is visible and discernable policy that defines or constrains execution of the new form of warfare. Though drones are increasingly presented as the future of US security policy, the

4 Despite language from Obama administration that suggests otherwise, the 2010 National Security Strategy (NSS) is noteworthy for its surprising similarity to Bush’s 2006 National Security Strategy that promotes American leadership in global security (Feaver 2010). In fact, the 2010 NSS actually broadens the scope of threat. Whereas the 2006 NSS specifically sites “militant Islamic radicalism” as a top priority, the 2010 NSS uses less specific phrasing “we are fighting a war against a far-reaching network of hatred and violence,” leaving open the door of possibility as to who and what might be considered a threat to American security (Bush 2006; Obama 2010).

structures for oversight remain unclear as do their intended ranges of potential uses. The many US drones housed outside of the military and overseen by the executive branch blur the boundaries of warfare and policing while continuing to operate under substantial degrees of secrecy.⁵ Herein, we see the centralization of power to the executive branch, security conflated with war, and lethal targeting become a normalized response to perceived threat (Kindervater 2015; Shaw 2013).

Research Questions

This thesis argues that the open secrecy of the CIA drone program promotes its continuation by allowing it to hide in plain sight. I propose that the slow evolution towards visibility has been instrumental in establishing the CIA drone program as a legitimate but necessarily opaque facet of US security strategy. To better understand the interaction between secrecy and publicity in relation to the CIA drone program, I analyze four congressional hearings that engage with the CIA drone program.

⁵ While geographic and organizational distinctions between the CIA and military drone fleets have been widely discussed and analyzed, it has become increasingly apparent that these programs did not and do not operate entirely independent of one another. As Jeremy Scahill writes in *Dirty Wars*, “Although the CIA would take much of the credit and criticism for the US drone program in Pakistan...JSOC [Joint Special Operations Command] had its own intelligence operations inside Pakistan and, at times, conducted its own drone strikes” (Scahill 2013: 251). While operations overseen by the executive branch are widely attributed to the CIA, it is increasingly evident that sometimes military teams are also responding to these directives. Increasingly, overlap and collaboration between military and intelligence operations has been identified and even promoted as improving transparency (Miller 2016; Entous 2016; Williams 2010). However, this evolution of a “largely autonomous networked command” (Niva 2013: 185) complicates assumptions about the distinctive and bounded drone fleets that shape early discussions of US usage of armed drones. Further, it raises significant questions related to oversight (Niva 2013; Chesney 2016).

My analysis aims to answer the following three research questions:

1. How do the public hearings engage with the (secret) CIA drone program?
 - a. *What aspects of the CIA drone program are discussed, and how?*
 - b. *How successful are the hearings in pursuing their stated objectives?*
 - c. *How do these hearings help elicit information about the CIA drone program?*

2. In what ways does secrecy inform the process of these public hearings?
 - a. *How is secrecy addressed or used throughout the hearings?*
 - b. *How does secrecy limit what is discussed in these hearing?*
 - c. *What secrets or aspects of secrets remain undiscussed?*

3. What can public hearings about the CIA drone program reflect about the interface between secrecy and publicity relative to later-modern war?
 - a. *How is the secret program shaped by the process of making public?*
 - b. *What, if any, unexpected outcomes emerge from this practice of oversight?*
 - c. *How does secrecy interact with questions of legality and security?*
 - d. *What do these hearings tell us about the efficacy of conventional means of oversight in nontraditional wars that rely upon secrecy?*

Purpose of Study

Using the CIA's drone program as a case study, this thesis explores the interaction between publicity and secrecy in facilitating practices of later-modern warfare. The slow emergence and short-lived domestic attention paid to the covert drone program reflects the efficacy of mechanisms of normalization and official reliance on policies of semi-secrecy in the pursuit of national security goals.

This thesis considers these mechanisms of state power and their exercise by examining four congressional hearings occurring during the period of heightened drone awareness between 2010 and 2013 that were positioned as public oversight events. Through these events, it explores how a program that remained obscure for nearly a decade was brought into the public eye, and the particular outcomes served in this process of becoming (more) public. Specifically, it considers how publicity and secrecy work together to make space for covert technology and an increasingly centralized structure of later modern warfare. Analyzing publicity and secrecy, in turn, this outcome allows for new insights into the broader framework of evolving US geopolitical understanding, one that emphasizes sites of threat and insecurity over traditional territorial boundaries and battlefields.

Analyzing the practice and practical outcomes of publicly justifying secret programs, this project questions the efficacy of traditional mechanisms of oversight like congressional hearings for programs buffered by secrecy. It argues that the performance of public oversight actually serves to legitimize and reinforce the need for continued secrecy and increased security. Ultimately, the congressional hearings serve as a platform for the normalization of controversial extra-military practices rather than the exercises of accountability we assume them to be. This project concludes that, paradoxically, publicity proves essential to the maintenance and acceptance of secret programs. As such, the interface between secrecy and publicity serves as a key conduit through which certain practices of later-modern war becomes entrenched.

Project Outline

The following chapters explore the above research questions through a careful analysis of four congressional hearing occurring between 2010 and 2013. My literature review considers key writings about drones, late modern warfare, secrecy and security as well as performativity from which my analysis is shaped. The methods chapter outlines the project's dataset as well as the various applications of Content Analysis applied to respond to the research questions. My findings are broken into two chapters. The first explores what is said in the hearings, paying attention to how themes, language, and word

choice shape the content and outcome of the hearings. The second empirical chapter considers how secrecy informs the hearings and how the hearings serve to legitimize the continuation of secrets. In my concluding chapter, I argue that the hearings are deceptively productive. Though they fail to achieve much in the way of oversight, they do effectively normalize and reproduce particular practices of later modern war that emphasize security and secrecy as well as demonstrate the changing spatiality of ongoing war.

CHAPTER 2. LITERATURE REVIEW

War, Security, Performativity and Drones

Since 2011, drones have received significant attention in geography, geopolitics, and security scholarship. Key scholars have explored drones' historical evolution, their central role in the reconceptualization of war, and how they reframe traditional notions of sovereignty, territory, and threat (Gregory 2011a, 2011b, 2014; Crandall 2014; Kindervater 2015). Others have analyzed what drones reflect about law and global security politics in later-modern war (Shaw 2013; Anderson and Wittes 2015; Grayson 2016). Drones appear in literature about the othering of regions and groups of people (Shaw and Akhter 2012; Gregory 2010; Wall and Monahan 2011) and in analyses of the role of distance and humanness in modern warfare (Gregory 2011b; Adey, Whitehead, and Williams 2011; Crandall 2014). They are also featured in analyses of the biopolitical and governmentality, as well as the complexities of verticality and air power (Adey, Whitehead, and Williams 2011; Sloterdijk 2009; Graham 2016). This section provides an overview of key literatures surrounding drones, focusing particularly on how they are situated in later-modern warfare. It then engages with works that consider secrecy and performativity as these concepts create the framework for analysis in this thesis.

Later Modern War & Drones

Geographical scholarship relating to drones emphasizes the changing shape and nature of warfare. Gone are the clear enemies and state boundaries that once formed our understanding of war (Münkler 2003; Gregory 2010). The 2001 Authorization for Use of Military Force (AUMF) is a prime example of this evolving interpretation of conflict. Waging war against an amorphous group and its affiliates, the AUMF identifies enemies

and objectives that are indiscrete and potentially infinite. Herein, the tactics and metrics for wartime success are changed and constantly changing. Drones fit naturally into this new, unbounded paradigm of war. Their operations are low profile and nearly invisible to the country waging the war. Meanwhile, their technology transfers risk away from pilots to those living in the spaces of exception—that is, places where standard laws are assumed to not apply (Gregory 2010). Drones also challenge discernable boundaries for policing and security in what Stuart Elden (2013) encourages us to consider as a connected, voluminous space. Ian Shaw (2013) argues a key objective of drone operations is the ongoing reminder of the United States’ enduring surveillance and lethal capability offered by the lingering drone. Consequently, drones do more than collect information and occasionally strike, they also materially represent the persistent gaze of a United States influenced by a “well-rehearsed imaginative geography” (Shaw and Akhter 2012: 1495) that performs and perpetuates the ongoing subjectivity (and vulnerability) of those living under drones. This, many argue, elicits a significant and enduring psychological and political impact (“Civilian Impact” 2012; Adey 2010; Holmqvist 2013). It also reflects the asymmetrical privilege of air power that favors those with the technology and obscures the violent reality of those most impacted by drones (Graham 2016; Chamayou 2015; Gregory 2014, 2016). Herein, drones represent more than lethal surveillance, they also act as a dynamic reminder of the United States’ global influence (Kindervater 2015, 2016).

Drones reflect the changing execution of war and conflict but also shifting conceptions of war and the spaces of new war (Gregory 2010; Münkler 2004). Drones lengthen and expand the US’ global reach, collapse distance, and eschew traditional boundaries of war (Kindervater 2017). Derek Gregory (2011a: 239) calls this the “everywhere war,” a term that encompasses both material and conceptual space. Within this all-encompassing ‘war,’ drones are the realization of an end long desired in US security policy—to conduct war from all corners of the globe (Kindervater 2015). This both speeds up the pace of war but also demands faster analysis of always expanding data gathered from drone surveillance. To both assess and respond to such information, technology, calculation, and establishing patterns of life have taken hold as strategic necessities (Münkler 2003; Shaw 2013; Kindervater 2016).

Yet, the increased speed of war and reliance on data presents new operational challenges. Unsurprisingly, the wealth of information gathered by drones and its subsequent analysis have contextual and interpretative limitations that result in mistakes (Kurgan 2013; Akhter 2019; Gregory 2017). While rhetorically promoted as ‘surgical’ and ‘precise,’ drones’ impact is neither neutral nor unproductive. Just as the calculative gaze of a drone is far from rational, the interaction between those operating drones and those living under them is informed by perspective and interpretation (Adey 2010, 2013). The very presence of drones in a space reiterates and recreates particular understandings of the people and places living under drones (Akhter 2019). In surveilling and responding to perceived threat, drones make real ongoing and potential insecurity (Wall 2013; Bialasiewicz et al. 2007). Accordingly, as drones become the US’ preferred technology for conducting strategic warfare, they also operate as an instrument through which perpetual war and security begin to converge (Shaw 2013).

The compact operational footprint afforded by drones also contributes to a fluid understanding of war/security. Steve Niva (2013) argues the low-profile of drones has advanced a new landscape of warfare that emphasizes small, discreet, and less accountable global commands. Ultimately this contributes to a more diffuse, less visible profile of war and security based in the executive branch (Niva 2013; Shaw 2013). Accordingly, US drone operations throughout the War on Terror have come to communicate a longer view of war, one that accepts conflict and threat as ever present and ongoing. In this environment, war and security become interwoven, with drone programs attendant to both the present and future.

Mariana Valverde (2011) theorizes security as a process of self-reinforcement and contradiction. Security practices highlight existing and future insecurities, always justifying more security. Meanwhile, technologies of security simultaneously introduce new vulnerabilities for security breaches. Security, then, is rarely achievable, remaining as it does, always just out of reach (Zedner 2003). Later-modern war reflects this dynamic. Shaw (2013) explains that the very exercise of surveilling and striking engenders hostility and blowback towards the United States that also justifies the continued need for war. As late modern war increasingly blurs warfare and security, these

paradoxical qualities lay the groundwork for a paradigm of ongoing security as war (Gregory 2011a; Wall 2013; Shaw 2013). It is into this paradoxical and contradictory environment that we must consider the meaning and impact of the covert drone program going public. This is crucial for understanding how policies developed in the name of ‘security’ are politically mediated through forms of secrecy and publicity. Below I outline how the drone programs’ central role in the pursuit of security is perpetuated by both secrecy and publicity.

Security, Secrecy & Drones

An important aspect of the CIA’s drone program in US security efforts is its pretense of secrecy. Drones are openly used by the US military in declared battle zones, but they are also used to extend the reach of war into other geographic regions. It is outside the declared spaces of war that the slippage between the military and CIA, war and security is most evident (Niva 2013; Scahill 2013). And, it is in these spaces that CIA drones have risen to prominence as an open secret (Tahir 2012).

Secrecy, like security, is a slippery and difficult concept to pin down. Knowing about secrets implies a certain lack of secrecy. By this logic, the more people that know about a secret, the further from secrecy a secret becomes (Lee 2011). Still, the spectacle of the secrecy holds power, power that is reinforced by what is made known and what is kept secret (Bratich 2006). In this sense, secrets rely on an element of publicity.

Drones have become a definitive example of what Pamela Lee (2011: 221) terms an “open secret.” Some of this public awareness of a secret program may be by necessity in the sense that it is difficult to covertly drop a bomb in the contemporary era. However, open secrecy also offers the benefit of controlling a narrative around a ‘secret’ program. Rather than challenging “uncomfortable truths” in the style of Foucault’s Parrhesia (Walters 2014: 277), the guise of secrecy surrounding the drone program facilitates a muted version of critique that limits risk to those in power (Tahir 2012). What is made visible works to diffuse and redirect critique while also implicitly endorsing the

continued need for secrecy (Pozen 2015). Thus, much like security, secrecy also reproduces itself.

In the case of the CIA drone program, selective disclosure serves to curate narratives of threat and security and to shape the public imaginary (Bialasiewicz et al. 2007; Bratich 2006). By strategically disclosing drone successes, the CIA drone program also provides evidence of ongoing insecurity and facilitates the use of bureaucratic rationales to shape the discussion surrounding drones (Ferguson 1990; Gregory 2010; Pozen 2015). Such knowledge management has practical outcomes like ensuring ongoing program funding (Kindervater 2016; Paglen 2010) or giving the state the last word in confirming or denying reports about drone operations (Tahir 2012). Jack Bratich (2006) posits that secrecy also purposefully misdirects. That is, the spectacle of secrecy itself helps direct attention towards one ‘secret’ so as to keep others hidden. In essence, to know one secret is to not know another.

Public discourse around secrets contributes to an illusion of transparency that is easily conflated with accountability (Tahir 2012). Transparency, however, is not tantamount to accountability. Lee (2011) argues that the notion of ‘transparency’ is but a fantasy of free-information exchange that is unrealistic in the era of information saturation. Moreover, as Bratich (2006) emphasizes, public acknowledgment of secrets no longer evokes public outcry so much as it normalizes or reinforces the continued need for secrets. Paglen (2010) underscores this point arguing that the abundance of secrecy in the current US securityscape reflects a cultural and political shift. Focusing the conversation about drones in the legal and political concerns of Washington, public narratives about drones fixate on questions far removed from violence happening in the spaces actually occupied by drones (Gregory 2014). In this way, public acknowledgement of the secret program is filtered through mundane considerations that both depoliticize and reinforce the ongoing necessity of drones and the secrecy surrounding drones (Ferguson 1990).

Publicity & Performativity

Formal and popular geopolitics rarely exist independently of one another (Dittmer 2005). Though public hearings have all the trappings of formal politics, popular or imagined understandings of geopolitics influence formal geopolitical realities. In the case of the CIA drone program, these popular imaginings prove especially potent given the conditions of open secrecy wherein drones are formally denied or (later) suppressed.

In order to better understand how the CIA's drone program is able to maintain its operational status quo despite increased public awareness, my thesis uses the concept of performativity to examine the relationship between public congressional oversight and the continuation of the drone program. While public performance of regulation and inquiry is always productive (Hughes 2015), Butler (1993) argues that regulation itself is a productive and performative process. That is, the discursive reiteration embodied in the practice of regulation serves to materialize and normalize—to produce—the very thing it seeks to regulate. Drawing from Butler, Gregory suggests later-modern warfare is specifically constructed to always (already) rationalize and justify its continuation (Gregory 2010). These discursive constructions are at the center of my analysis. I argue that the performative act of public oversight as displayed in the drone hearings manages and constitutes interpretation of the CIA's drone program.

Conclusion

In the next chapters, I show how the drone hearings function more as a performative demonstration of accountability than as a mechanism to attain actual accountability. Drawing on the above literature I demonstrate that language in the drone hearings is key to normalizing and reinforcing narratives of ongoing, boundaryless war. Further, that semi-secrecy interacts with publicity to both validate and perpetuate the need for continued security and continued secrecy. Finally, I argue that the performative, and thereby reiterative, nature of the hearings lend shape to a secret program, and in so doing, help entrench and endorse its continuation.

CHAPTER 3. METHODS

Evaluating Drone Hearings

Since the start of the War on Terror, the covert CIA drone program has grown progressively more overt. My research draws on a period of heightened awareness about drones and the CIA drone program in particular. Between 2010 and 2013, four congressional hearings took place that directly engaged with the CIA drone program. The hearings represent an important public record of the discussion between lawmakers and panels of experts about an ostensibly covert program.

Using Content Analysis, this project examines how lawmakers talk about and interrogate US drone programs in these hearings. Through coding and word frequency analysis, I explore key themes and ideas as well as absences across the four hearings. I also situate these hearings within the contextual backdrop of leaks, speeches, and reporting that shape the public moment in which the hearings take place.

Setting/Rationale

Congressional hearings are events fueled by socio-political necessity. The majority of hearings take place because lawmakers, the public, or some combination of the two, are interested in a topic (Heitshusen 2012). Moreover, hearings are often the byproduct of political movements, public discourses, and legislative agendas which put pressure on public authorities to respond to public demands (King, Bentele, and Soule 2007; Whittier 2016).

The drone hearings offer a record through which to examine policy-makers' public engagement with the CIA's drone program. Analyzing this record allows us to better understand what components of the drone program are openly discussed as well as

what remains unsaid. The hearings also highlight which aspects of the CIA's drone program elicit policymaker curiosity and critique. Finally, analysis of the hearings provides insight into the security narratives underlying these events and how these narratives are reiterated, challenged or otherwise mediated through this series of hearings.

After operating for nearly a decade without overt congressional scrutiny, it is notable that the four hearings addressing CIA and military drones which took place between March 2010 and April 2013 emerged at all. While drones were their ostensible focus, these hearings also take place amid broader public concern about national security, presidential authority, and the shape of modern warfare (Ackerman 2011; Afzal 2013; Seale 2011). In this context, the hearings represented a potential opportunity to provide congressional oversight over the drone program. In practice, however, in putting this program under scrutiny, they effectively endorse and normalize it. By focusing on language within the hearings, this project seeks to examine how and what is explicitly spoken, and to explore the effects or implicit outcomes of these events (Prasad 2008).

Dataset

To identify relevant hearings, I used three criteria. The first was date range. The time frame selected for the research considered the time at which armed drones were first implemented by the US to the conclusion of 2018. The second criterion for hearing analysis was the specific topic pursued. I sought all drone-related hearings within the identified date range. A comprehensive search of congressional hearings between 2000 and 2018, for 'drone,' 'RPV' (remotely piloted vehicle), and 'UAV' (unmanned aerial vehicle)⁶ revealed a specific sample of hearings relating to drone technology during this particular period. The final step was refining the search to hearings that addressed international, rather than domestic use of drones. By reading through the introductory comments and transcripts of each drone-related hearing, I identified the specific hearings

⁶ These terms were searched both in the abbreviated and long form.

that addressed questions or concerns relative to international drone use. This narrowed the results to just four hearings, all of which specifically engaged with the CIA drone program in some way.⁷ The first hearing considering the use of armed drones by the CIA took place on March 23, 2010—more than nine years after armed US drones were introduced abroad. The three subsequent hearings occurred between April of 2010 and April of 2013.

What began as a broad search for hearings ultimately produced only four relevant hearings carried out over the course of three years. This outcome did more than simply identify hearings, it also defined a narrower period of analysis. Between 2010 and 2013, the CIA drone program became a national topic of conversation, spurring open discussion of the covert program by the Obama administration and Congress, as well as high profile leaks, and political activism. Speeches, texts, and information emerging during this time—often referenced within the hearings—are incorporated into my analysis. This represents a contextual addition to the dataset to supplement interpretation and assessment of the four hearings (Gee 2014).

⁷ *Rise of the Drones* is a hearing broken into two parts. For the purposes of this project, the hearings will be addressed separately. Notated as “Rise of the Drones I” and “Rise of the Drones II.”

The identified hearings are as follows:

Rise of the Drones: Unmanned Systems and the Future of War

(March 23, 2010)

Rise of the Drones II: Examining the Legality of Unmanned Targeting

(April 28, 2010)

Drones and the War on Terror: When Can the U.S. Target Alleged American Terrorists Overseas

(February 27, 2013)

Drone Wars: The Constitutional and Counterterrorism Implications of Targeted Killings

(April 23, 2013)

For each hearing, there are two transcripts. The first transcript is made up of the spoken proceedings at the hearings. These include opening remarks, witness testimonies, additional statements by committee members, as well as the question and answer component of the hearings. The second transcript is composed of the submitted statements of committee members, witnesses, and interested parties. These are included in the formal record of the hearings and provide more background and contextual information than spoken testimonies, especially in terms of the witness statements.

For the purposes of this project, I focus on spoken testimonies, as they offer a distilled version—the points deemed most germane—of witness' statement. They also highlight congressional interest and priorities in the course of questioning that follow witness testimonies. However, the submitted statements were also analyzed for word frequency and thematic differences. Where notable, discrepancies between submitted and spoken transcripts are highlighted in the analysis.

Spoken transcripts were retrieved from congressional committee websites with the exception of *Drone Wars* for which no official transcript available. As such, I created a transcript from the televised hearing coverage provided by C-SPAN. All submitted transcripts of the hearings were retrieved from ProQuest' Congressional Publications database. Three of the four hearings are published and made available by the US Government Publishing Office (GPO). Statements and testimony for *Drone Wars* were not published by the GPO but made available in pre-published format.^{8 9}

Content Analysis

Once relevant hearings were identified, I reviewed each to catalog content, contributors, and scope of discussion. The process of cataloging informed my understanding of the distinct content and boundaries of each hearing while also revealing thematic similarities or differences between the four events.

To dig deeper into the content and constitution of these hearings, I focused my analysis in two ways. First, I looked at specific terms and language used in these hearings within the framework of larger hearing themes. Second, I explored questions about absence and obfuscation by considering what is not discussed in the hearings and how covert aspects of the drone program are addressed. In so doing, I aim to recognize the influence or biases of those producing the hearings as well as draw out meaning from any patterns of omission (Schein 2010; Dixon 2010). Informed by RQ1 and RQ2 my methods are directed at understanding how drones are discussed within the hearings, what aspects

⁸ Congressional Publications collects written statements of witnesses and selected hearing transcripts provided by various third parties who cover Capitol Hill on the occasion that the GPO does not or has not yet published hearing transcripts. These unpublished statements are termed 'pre-published.'

⁹ Congressional committees are under no obligation to make available hearing transcripts and the GPO typically does not exceed two years to publish hearings. As such, it is likely this will remain the most formal accounting of the *Drone Wars* hearing.

of drones are not discussed, and how these events contribute to broader interpretations of the secret drone program. The specific procedures of word frequency analysis, keyword selection, coding, and thematic grouping are discussed below.

Word Frequency

My first step in addressing the content of the hearings was to find what words and terms appeared most frequently throughout the hearing transcripts. This approach allowed me to get a broad grasp of what was being said in the hearings, then to assess and categorize this information hearing by hearing.

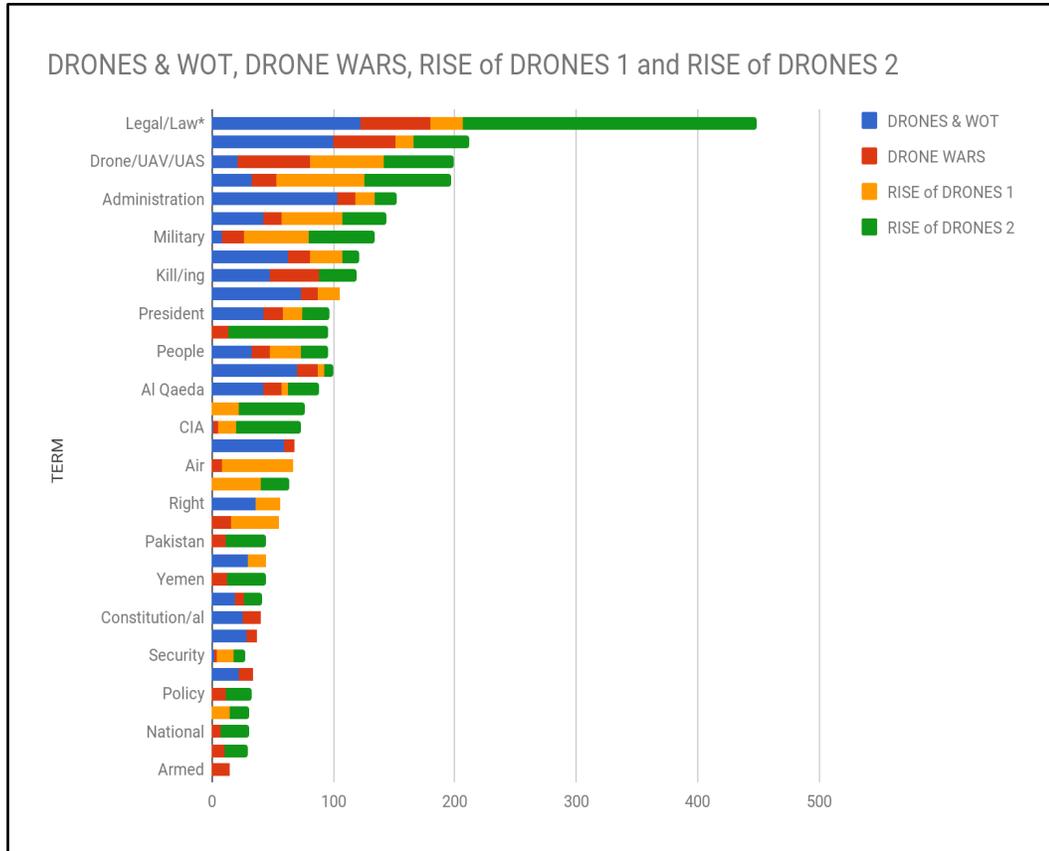
To gather my sample, I applied a Python-enabled word frequency generator to the spoken and submitted transcripts of each hearing. This generator provided a comprehensive output of words and terms used in each text, ranked by frequency. I focused on the top 100 appearing words in each hearing as these typically encompassed all the words that appeared more than a few times. I then read through the respective reports, extracting words and terms relevant to my analysis. This weeded out prepositions or procedural terms like *thank you*, it also eliminated direct addresses to members of the committee.

My approach in analyzing frequent word and terms was to err on the side of inclusivity rather than exclusivity. Words that may seem to carry little meaning, with repetition, can be informative (Dixon 2010). For example, the word *process* stands out in the chart below for its frequency across three of the hearings. A word that is not terribly meaningful in of itself, provides some information when it appears where a more substantial term, such as *policy*, is noticeably absent. In this example, the heavy use of the term *process* may highlight that the hearings in practice are less action-driven than their opening statements may suggest.

Word frequency results were compiled and compared to identify what terms appeared regularly in all or most of the hearings. Reviewing these findings also allowed for a

critical assessment of absence or terms that appeared infrequently or only in particular hearings.

Figure 3.2 Word Frequency Findings



Keywords

After my initial survey of the hearings using word frequency, I then read through each hearing to identify keywords. These are words or terms reflecting important themes or ideas expressed in the hearings or explored in this project. Many overlap with words already identified through the initial word frequency assessment. However, those that do not appear frequently informed my assessment of absence or change over the course of the four hearings.

A list of keywords follows:

Accurate/cy	Anti-Americanism	Al-Qaeda
Casualty/ies	CIA	Civilian/s
Combatant/s	Covert	Kill/ing
Law/Legality	Oversight	Policy
Precise/Precision	Safe/ty	Secret/cy
Security	Strike/s	Target/s
Terror/ism	Terrorist/s	Threat
Victim	War	

In addition to tracking when keywords did and did not appear, I also focused on how the terms were applied. These words were selected for the weight they carry within the hearings or their pertinence to the research questions. As such, they directed a more granular analysis of what happened in each hearing. For example, when the word *precision* appears, is it used to laud the existing drone program or demand better functionality? Using keywords as analytical anchors, I could assess the trajectory of the hearings and pinpoint some of the ways in which the hearings functioned outside of their stated objectives (Gee 2014).

Coding

Coding was primarily employed for the purpose of evaluating how the hearings are introduced by lawmakers and what aims are articulated. Further, to identify features in the text not immediately evident. In this way, coding aided in simplifying as well as expanding and reconceptualizing the data (Coffey and Atkinson 1996).

To refine and consider the stated intentions of each hearing, I reviewed and coded the opening statements by committee chairs and ranking members. I paid particular attention to objectives and concerns provided in statements as they make up the rationale informing the hearings. I also recorded external references from these statements, such as the leak of a Justice Department white paper, that served as additional context and impetus for each hearing.

These were compiled into tables and used to identify overarching themes and focal points for the hearings. With the help of the thematic grouping discussed below, I used this as a baseline for assessing the overt, presented intention of the hearings. Word frequency and keywords were then compared to these findings to consider what remains consistent and what discrepancies appear in content, objectives, and outcomes for these hearings.

Grouping

Thematic grouping was used to aid in analyzing and comparing the various types of data described above. The five groups reflect themes that emerged in my initial review of the hearing transcripts and were solidified as I conducted my coding and word analysis.

In choosing groups and the keywords discussed above, I was aware of the role my own biases and positionality may play (Dixon 2010; Rose 1997; Haraway 1988). While objectivity may be impossible (Harding 1991) I strove to be reflexive throughout the process of project design and in my methodological choices. To this end I tried to approach the texts disinterestedly and to allow the content to inform my choices rather than imposing my expectations or opinions on information within the texts. My grouping selections were a byproduct of careful readings of the texts but also information gathered from the word frequency and coding practices. As I compiled information, it began to flow naturally into the designations that would eventually become my groups.

That said, natural divisions for me may not be the same for others. Certainly, some may view security concerns as a humanitarian end in and of itself. However, these groups are intended not as value judgements but as shorthand for thematic tendencies within the hearings. I attempted to extract terms based not on particular research objectives with the hearings but, instead, on the issues and topics raised by members of the committees and witnesses throughout the hearings and the scope of my research questions. I then used these findings to inform my analysis.

The five areas into which I sorted my data are as follows:

Security

Legal

Secrecy

Policy

Humanitarian

These groups allow for easier visualization of the content of the hearing. For example, to aid in comparing the thematic emphasis of opening statements in different hearings:

Table 3.1 Opening Statement Content by Group Comparison

Drone Wars	Security	Secrecy	Legality	Policy	Humanitarian
Objectives	2	0	6	1	1
Concerns	4	4	5	4	1
Outside References	1	1	4	2	0

Drones & WoT	Security	Secrecy	Legality	Policy	Humanitarian
Objectives	3	0	2	5	0
Concerns	4	2	5	5	0
Outside References	5	0	8	0	0

The use of groups made for easier analysis of differing types of data, such as word frequency and coded statements. Further, it allowed me to take ideas that appeared frequently (such as *presidential authority*) and sort them according to usage.

Drawing on these groups, I compared stated objectives to outcomes. I also considered thematic emphases in the hearing as well as what themes received less attention. Finally, I was able to consider the tenor of the discussion. That is, in what context references were being made and information provided. The use of this grouping allowed me to see overall trends that I then dug into further using information from the keyword analysis and word frequency findings. These trends and outcomes are discussed in the following three chapters.

CHAPTER 4. ANALYSIS

Shaping Perceptions of Drones through Language

One of the most remarkable qualities of the hearings is the seemingly unremarkable quality of their content and generated outcomes. Despite ambitious opening statements about determining the legality of targeted killings or establishing better oversight of the drone programs, the core content of the hearings appears mostly mundane. Participants drill down on tedious legal details and security processes, making little progress towards stated hearing objectives that emphasize clarity, accountability, and oversight of the drone programs. However, the hearings are not unremarkable nor unproductive. The language used in the hearings, as well as their legal and security emphases, bound the conversation about and help normalize the use of drones. As such, the hearings prove instrumental in shaping public perception of drones, particularly as they normalize the use of drones and, counterintuitively, help buffer the program from critique.

Exploring language usage and hearing content, this chapter argues the hearings produce noteworthy outcomes even as they fall short of bringing about meaningful oversight. Considering the reiterative power of regulation and performative quality of public accountability (Hughes 2015; Butler 1993), it is evident that the hearings do work, namely to entrench the CIA drone program and make space for its perpetuation. This chapter starts by discussing the technical but sometimes simplified, sterile yet overly familiar, regulated but sometimes speculative nature of the discussions taking place in the hearings. These conversational trajectories are then considered against the discussion of legality that dominates all four hearings. Finally, it explores the hearings' central emphasis on security, suggesting this emphasis ultimately undermines critique and reiterates the need for expanded drone use.

How Language is Used in Drone Hearings

Language constructs a complicated and contradictory landscape within the hearings. It is at once saturated in detail but contextually simplified, remarkably technical but also noticeably vague. Throughout these events, objectives and assumptions shape and are shaped by myriad competing forces informed by politics, public perception, and secrecy (discussed at length in the next chapter). To consider these forces, the following section looks at the narrative construction that makes up the hearings, with a focus on the use of sterilized, technical, and colloquial language, as well as how the conversation around drones becomes bounded.

This section considers how hearing participants use simplified fictions to give meaning and a sense of order to complex and contingent environments. Within these distilled narratives, objectives appear clearer and more achievable. Moreover, the bureaucratic processes embodied by the hearings actively depoliticize security interventions and certain outcomes in a way that is analogous to what James Ferguson (1994) outlines in relation to development projects and discourses. The hearing participants' use of language is key to continuously creating space for ever more security intervention. Looking at shared objectives and the use of both technical and colloquial terminology reflects these processes at play.

Shared Objectives

Throughout the hearings, participants routinely rely on simplified narratives to make order of the complex and contingent socio-political environment surrounding the United States' use of drones abroad. One way this plays out in the hearings is that participants routinely present opinions relating to security and state power as shared objectives. This conversational style fuels and also reflects a strategic sensibility embedded in many of the hearing participants' comments as well as in the outlined objectives of the respective hearings. For example, in his opening testimony in *Rise of the Drones*, retired Marine Corps Colonel Michael Fagen states, "Our hope is that today's

hearing illuminates some of the ways that unmanned system technologies are changing and could change modern warfare...and strengthen national security at all levels” (*Rise of the Drones* 2010: 54). Fagan’s statement, offered as a common objective, reiterates particular assumptions that arise frequently throughout the hearings. He presumes the need for strengthened security, identifies technology as the preferred means to that end, and presents security by way of technology as a shared vision. In *Drones and the War on Terror* legal witness John Bellinger reminds participants, “We all face a common threat from terrorism” (*Drones and the War on Terror* 2013: 9). Meanwhile, Representative Bob Goodlatte makes a more loaded statement later in the same hearing: “We would all agree that there are some circumstances where the Government is allowed to use lethal force, even against its own citizens” (*Drones and the War on Terror* 2013: 55). In these statements war and policing are conflated, technology an assumed good, and security an assumed need.

Tucked into the banality of technical and bureaucratic language, the above quotes discursively connect drones to better security, reinforce the omnipresence of terrorism, recognize the United States’ right to kill its own citizens, and emphasize the presence of an ongoing threat to national security. Absent but assumed are a modification of the boundaries of war: civilians and combatants remain indistinct, lines of sovereignty ignored. Presented as part of the solution to insecurity, drones also become an assumption, aiding the steady normalization and depoliticization of a secret drone program.

The Technical and the Sterilized

The preceding quotes reflect not just shared assumptions, but how weighty comments are disguised in technical and sterilized language throughout the hearings. The consistent use of technical language in the hearings serves to both sterilize and depoliticize drone usage. Directing the discussion towards the technical helps reframe any critique of the drone program by recontextualizing drone violence, making it more mundane or assumed (Dalby 2010). Terms like ‘target,’ ‘collateral damage,’ ‘strike,’

‘lethal force,’ and ‘threat’ downplay violence and connote precision even in the absence of specifics. Such language makes space to engage with prevailing security and legal narratives while simultaneously separating drones from their corporeal affect (Gregory 2006). This effectively redirects the conversation from messier, more controversial concerns about drones, to the minutiae of process and efficiency. Such emphasis on the technical also fits into bureaucratic frameworks wherein programmatic failures are cast as failures of process or implementation, rather than of concept (Ferguson 1994).

A look at word usage and frequency in the hearings, reflects this technical, processual emphasis. Legality and security shape the discussions, and, as the below list of top 10 terms from combined word counts reflects (depicted in more detail by Figure 3.1 in Chapter 3), systems and operations are of particular interest:

Table 4.2 Frequency of Terms from Spoken Testimonies

Term	Total Occurrence
Legal/Law*	449
Target*	212
Drone/UAV/UAS	199
War	197
Administration	152
Force	144
Military	134
Government	121
Kill/ing*	119

* Includes multiple permutations of term

Reliance on language that is technical, processual, and bureaucratic ultimately achieves two noteworthy ends. The first, it models and encourages acquiescence to circumscribed language and narratives. The second, it draws attention to the *how* of drones which effectively distracts from questions about the *why*.

A selection from Representative John Tierney's opening statement in *Rise of the Drones II* demonstrates how detached language works with legal and security assumptions to both sterilize and instruct: "We must examine who can be a legitimate target, where that person can be legally targeted and when the risk of collateral damage is too high" (*Rise of the Drones II* 2010: 2). In this statement, Tierney calls into question the practice of using remote technology to target and kill humans. In essence, he asks just how many civilian deaths are acceptable in pursuit of someone deemed an enemy. This is a pertinent question, to be sure. Yet, Tierney immediately dulls the edge of his inquiry through his use of indirect and technical terminology. A person becomes a target and their crimes assumed through their status as a "legitimate target."¹⁰ Meanwhile, civilian deaths and injuries become "collateral damage," and the use of the word "risk" is noticeably vague. Risk could be a potentiality, or it could be the byproduct of collateral damage itself. Is Tierney's concern that the US could kill civilians or is it a question of backlash in response to the certainty of civilian deaths? Either way, the equivocation happening in this statement assumes much and demands little in the way of clarity or executive branch accountability.

Subscribing to pre-existing security narratives focused on risk, damage, legitimacy, and legality, Tierney's statement reflects how participants are subject to prevarication from the earliest moments of the hearings. Sterilized language helps establish discursive boundaries and paints the hearings as a neutral space through which shared objectives may be pursued. Further it helps rationalize the landscapes and people existing under drones (Gregory 2006; Dalby 2010). Ultimately, such language is self-reinforcing. As hearing participants engage in technical jargon, they recreate narratives that situate drones as a logical, necessary response to ongoing insecurity. As such, the hearings prove generative in ways that "exceed their practical and formal mandate" (Hughes 2015). Repeatedly presenting drones as a calculated necessity aids in the normalization and depoliticization of the secret drone program.

¹⁰ It is worth noting that, given the secrecy related to targeting protocols, a target's legitimacy operates more as an assumption than a verifiable classification.

In addition to reinforcing and modeling particular narratives, the hearings’ technical and processual emphases effectively serve to distract from and displace broader overarching questions about the legitimacy, utility, or implied necessity of drone usage. Herein, bureaucratic processes play out somewhat differently than as described by Ferguson (1994). Rather than alienate or exclude, technical specificity and detail become mechanisms of obfuscation as they engross and direct the course of conversation throughout the hearings.

For example, the hearings’ opening statements raise a wide range of questions and concerns from lawmakers. However, these questions and concerns are primarily posed in response to specific events or in pursuit of processual and technical information. The figure below reflects the most commonly cited objectives of the four hearings, grouped by thematic emphasis:

Table 4.3 Stated Hearing Objectives and Thematic Context

Topic/Question	Number of Time Raised in Opening Statements	Thematic Context
Efficacy of Drone	16	Security
Killing Americans / White Paper	14	Legal/Const.
Legality of Drones	13	Legal/Const.
Targeted Killings (non-American focus)	9	Security
Presidential Authority (for targeted killing)	9	Policy/Process
Oversight and Need for Information	8	Policy/Process
Justice Department Memo (and secrecy of)	8	Secrecy
Who Can be Killed by Drones	7	Legal/Const.
Need for more Law/Presidential Authority	7	Legal/Const.
Anti-Americanism	6	Security

While many of the above stated aims for the hearings are only partially addressed (if at all), it is worth noting the absence of any objectives that outright challenge the use of drones. Though hearing participants raise plenty of questions about legality and

efficacy, they overlook questions about the need for drones or desired outcomes of US drone programs. Before the hearings even begin, the US drone programs exist as an assumption.

Technical and sterilized language contributes to the depiction of drones as mundane and their continued use assumed. Further, it models how drones can and should be discussed. Focusing on the technical, processual, and legal rationalizes and reiterates the ongoing necessity of drones. Within the hearings, such linguistic assumption and abstraction shapes the conversation about drones while also cultivating a certain kind of contextual ignorance that promotes the continuation of processes and programs already underway (Bakonyi 2018).

Colloquialism

The major exception to the disaffected language discussed above is the hearings' reliance on the term 'drone.' Tracking usage of 'drone' throughout the hearings reflects a steady depoliticization and adaptation of this colloquial term over the course of the hearings. This evolution again demonstrates the simultaneously generative and reflective nature of the hearings. That is, the hearings help to make the 'drone' more familiar and commonplace through frequent usage. At the same time, the hearing proceedings reflect back an increasing public awareness of the fact and function of drones. Over the course of the hearings, 'drone' goes from a term often accompanied by descriptive or explanatory language, to one that is well-known, possibly even mundane.

All four hearings use the term 'drone' in their titles and descriptions, and almost all participating lawmakers use the term throughout the hearings (rather than others, like UAV). From these contributors, 'drone' is applied early on as an acceptable modality of national security. However, with the hearing witnesses, there is a more gradual progression towards comfort with the term 'drone.' In the early hearings, witnesses appear reluctant to adopt the term, relying instead on more technical terminology. Such a reliance on technical and varied terminology suggests industry professionals and scholars

are still grappling with the language and categorization of drone technology. This is supported in the nature and content of the first drone hearing, *Rise of the Drones*, where considerable time is taken to outline the functions and definition of drone technology. The hearing's subtitle itself is descriptive, explaining that drones are 'unmanned systems'—a nod to general unfamiliarity with the technology. Meanwhile, in this hearing, witnesses primarily refer to drones as 'unmanned aerial vehicles' (UAVs) or 'unmanned aircraft systems' (UASs) while lawmakers lean on the term 'drone.' In the subsequent hearing, *Rise of the Drones II*, 'drone' is used more consistently by witnesses though references to 'unmanned vehicles' persist and 'unmanned' frequently precedes the term 'drone,' once again underscoring unfamiliarity with the term.

The variability of terminology, particularly as used by witnesses, subsides in the final two hearings. In *Drones and the War on Terror*, references to UAVs are distinct from 'drone,' used to signify alternative technologies like Tomahawk missiles. Further, drones are treated as a specific and distinct technology, no longer grouped with other unmanned apparatus. By *Drone Wars*, the final hearing, lawmakers and witnesses alike use the term 'drone' with ease, with the exception of former Air Force Colonel Martha McSally's pointed use of 'remotely piloted vehicle' and 'RPV.' McSally justifies her choice of terminology as a response to al Qaeda's enthusiasm for the more colloquial term: "The word drone has a connotation that we've got these autonomous vehicles flying around and striking at will without a whole lot of scrutiny and oversight" (*Drone Wars* 2013). In using the term 'RPV,' McSally says she aims to highlight the role of human agency at work in the activities of drones—the pilots and support staff tied to the operation of each unit.

Further, in the time elapsing between the first and final hearing, 'drone' becomes a different kind of catchall term. While initially representing evolving and indefinite remote surveillance and strike technology, it comes to also reference recreational and commercial technology. With its multiple applications, 'drone' as a term gradually loses a direct connotation to combat. 'Drone' could as easily reference a Reaper flying over Pakistan as a toy that can take pictures of a birthday party from above. As such, defaulting to the term 'drone' in the hearings helps separate the technology from its

human impact and to reinforce the routine, established nature of the drones more generally. Ultimately this contributes to the promotion of a less visible, less controversial picture of US drone programs (Gregory 2011b; Shaw and Akhter 2014).

Language Bounds Critique

Within the hearings, the various processes of simplification, sterilization, and making familiar have the combined effect of bounding critique for the drone program. The public nature of the hearings finds them contributing to particular neo-realist imaginaries that shape understanding of the drone program. However, the hearings also leverage bureaucracy in a different way. Rather than simply gloss over complex structures and textured reality, they rely on the minutiae of policy and process to distract and captivate (Gregory 2014; Tahir 2012). In short, fixating on the particulars of legality and security effectively bounds the conversation about drones making it easier to normalize drones and associated exceptional measures—like the killing of Americans. Further, the technical emphasis pulls these hearings towards the political middle, skirting the more controversial critiques of the program. In this way, the hearings effectively place boundaries on what aspects of drones can be discussed and how. This has the comprehensive effect of shielding past action from critique and of clearing a path for continued drone use in the future.

On Legality

Legality is, without a doubt, the central topic of the hearings. Three of the four hearings directly address legality in their titles, with all four articulating a focus on legality in their opening statements. Analysis of word frequency and hearing content support that legal considerations are of singular importance throughout these events. ‘Legal/law’ has more than double as many mentions as the next most popular term,

‘target/ing/ed’—and, in a content analysis of opening statements, legality again is the most referenced subject.¹¹

This legal fixation is to be expected as the interrelatedness of law and violence is a trademark of later-modern war. Derek Gregory argues that immersing questions of war and violence in legal considerations serves many functions, including sanitizing “what otherwise might be deemed illegitimate” (2010: 178). Rachel Hughes (2015), meanwhile, suggests visible justice, rarely, if ever, achieves its stated aim. Rather, public events highlighting legal intervention serve more as a public deterrent—expressing what is and is not acceptable—than an effective tool for seeking justice. Exploring how the hearings interact with legality, demonstrates these processes at play.

The following section discusses three key legal questions interrogated throughout the hearings, particularly as they relate to the CIA drone program. Looking at how the hearings discuss legal frameworks for drones as well as the legality of extra-military drone use and targeted killing, it becomes clear such discussions complicate rather than clarify legal questions. Still, the legal emphasis of the hearings lends an air of credibility to proceedings, helps normalize opacity, and models various frameworks through which to retroactively justify drone processes already at play. As such, legal inquiry ultimately proves an important component of maintaining the status quo of CIA drone operations and promoting, rather than regulating, drone use.

Legal Standards

What legal standards or frameworks apply to the covert drone program? This question sits at the heart of legal discussions throughout the hearings. Witnesses and lawmakers alike reference International Law, Law of War, Just War, the War Powers Resolution, the Geneva Convention as well as the inclusivity of the 2001 Authorization

¹¹ See figure 3.2 in Chapter 3 to view the breakdown of opening statements for *Drones and the War on Terror* and *Drone Wars*

for Military Force (AUMF) to discuss, defend, and suggest possible legal standards for the CIA drone program. Despite lengthy discourse on the subject, the hearings produce no consensus. Rather, they reflect how, in the absence of clear legal frameworks, any standard may apply.

As Rosa Brooks and Peter Bergen highlight in *Drone Wars*, this legal malleability paired with covert status situates the CIA drone program in a uniquely defensible position. In her testimony, Brooks comments: “I believe it is absolutely possible to make a plausible legal argument justifying each and every US drone strike. But to me this just suggests that we’re working with a set of legal concepts that have outlived their usefulness” (*Drone Wars* 2013). Meanwhile, in response to lawmaker questions, Bergen points out the inherent difficulty of understanding and regulating a covert program: “we don’t even acknowledge that we have carried out these strikes, so I can’t answer about the mechanisms that they follow” (*Drone Wars* 2013). These statements underscore an unsettling conclusion that drones operating outside of declared battlefields are effectively fortified from strict legal frameworks or regulation that would exist in more conventional circumstances. Consequently, the opaque and amorphous space occupied by drones allows legal standards to act as an effective tool to justify but not regulate the program.

To this end, Gregory (2010, 2014) suggests the legal haziness surrounding drone use is by design. The ability to selectively justify and condemn action existing outside the historical bounds of warfare facilitates the continued expansion of the CIA drone program as well as conceptions of warfare itself. Katherine Kindervater (2015, 2017) points out the always evolving, shape-shifting space in which drones are used also complicates the legal matrix by collapsing distinctions between technology of surveillance and warfare. This slipperiness provides ongoing fodder for debates about legality that functionally keep the development of firm legal standards at bay.

This legal murkiness responds to and perpetuates the notion that the spaces occupied by the CIA program are exceptional because the places and people within them are viewed as outside the protections of the law (Gregory 2010). Making certain regions exempt from legality directly responds to and recreates US perceptions of threat, insecurity, or disconnection (Gregory 2017). As such, the very presence of CIA drones in

a space represents a response to, and ongoing justification of, lawlessness. Here, the need to secure a space, to integrate and observe certain parts of the world effectively trumps standards for legality and human rights.

As the below excerpt from *Rise of the Drones* reflects, these assumptions are built into the fabric of the hearings and made evident through the lengthy discussions of legal standards, piecemeal policy disclosures, and how drones have already been used. These assumptions that helped facilitate action in the field then become codified by the very process of retroactive legal interrogation. The hearings focus on what laws *could* be used to justify action (by the CIA, the Obama administration, the Justice Department), in effect, reinforcing an assumption of legality. Rather than ask *is* it legal, lawmakers question *how* (i.e. in what specific sense) is it legal. In the following exchange, Representative John Tierney references hypotheticals based on a real event, then solicits witness opinions of how the Obama administration might justify the lethal action it has already taken. This style of inquiry is common throughout the hearings:

Mr. TIERNEY. So, an individual like al-Awlaki,¹² if somebody were to go after him, are they using the combatant theory or the self-defense theory?

Mr. ANDERSON. I believe that the administration is using the self-defense theory at this point, because of where he is located and because I am not-actually, I can't tell you that. I wish I knew and I think it would be something where Congress should actually ask questions of the administration to find that out. I don't know.

Mr. TIERNEY. My concern there is if al-Awlaki goes back to Texas, is it then lawful to blow him up there?

¹² Here he is referencing the case of Anwar al-Awlaki, an American, who was killed by a US drone strike in Yemen on September 30, 2011.

Mr. ANDERSON. No. The territorial United States is a very, very different proposition from Yemen or any other place.

Mr. BANKS. For the practical reason that an arrest may be effected there in Texas.

Mr. TIERNEY. That presumes then an arrest couldn't be effected in some other country where he is.

Mr. BANKS. It does. If that alternative is available, we should pursue it.

Mr. TIERNEY. Is that generally agreed to by you, Mr. Anderson, as well?

Mr. ANDERSON. No, not entirely. I believe that as Harold Koh¹³ stated in his testimony, there is not an obligation to give process and there is not an obligation to give warning, once one has identified that person as being either a target in relation to an armed conflict or self-defense.

Mr. TIERNEY. And there is no obligation to arrest him, if that is possible, even if you could?

Mr. ANDERSON. There is no obligation to arrest him. Now, there is an obligation to identify him as a target and to show that there is some necessity about that. And the question of how much necessity may involve and probably should involve a question of, is this London and could we go to the authorities there in order to do that. But the reality is that Yemen and Britain are really different.

¹³ At the time of this exchange, Legal Advisor to the US Department of State. The referenced testimony was given on March 25, 2010 and outlined the Obama administration's justification for targeted killings (Zenko 2012a).

Mr. TIERNEY. Where does this, the imminence of the threat come in on this? I know Mr. Koh spoke about that. A definition of that would be helpful.

Mr. ANDERSON. He raises that as one of the considerations that has to be taken into account as part of self-defense. So he is referring to what has been referred to as the Caroline doctrine. But the United States has embraced for a very long time the idea that self-defense includes an "act of self-defense" where one is looking to the character of the threat and things they have done in the past and things that the group with which an individual is affiliated has done in the past, in order to decide that they constitute a threat. It is not some idea in the United States' mind, certainly, that it is looking and saying, "oh, they are about to cross the border with a nuclear weapon." It is not that kind of eminence. (*Rise of the Drones II* 2010)

A key component of the above legal discussion assumes particular geographies. While presented as implicit, the participants' classification of spaces and subsequent interpretation of legal frameworks outlines a map of the world that directs both the CIA drone program and its legal interpretations. Legal scholar Kenneth Anderson articulates this succinctly, stating "Yemen and Britain are really different" when it comes to the question of pursuing legal prosecution or simply killing a target. Here, Anderson voices an assumption underlying the drone hearings and CIA drone operations more broadly: different places call for different consideration. Britain may not technically be outside of the reach of drones, yet, perception of its lawfulness protects those within Britain from lethal action by US drone (Gregory 2010). Meanwhile, Yemen is viewed as a space of exception; a space in which the ambiguousness of the US' legal footing is of secondary importance to Yemen's perceived lawlessness.

The exception status imposed on particular spaces makes more acceptable the "hybrid of laws, authorisations and agreements through which the United State claims the right to extend its military actions" Gregory (2017: 35). Modeling the acceptability of this tangle of spatialized legal interpretation relative to the CIA drone program reinforces its continuation. Eyal Weizman (2009) argues that operating at the legal fringes helps evades formalized scrutiny while simultaneously expanding legal boundaries. The hearings

reflect this outcome, as standards for the CIA drone program remain elusive, and legal analysis of the program largely relegated to past events or hypotheticals, as above. Though the hearings purportedly aim to establish legal boundaries, their proceedings demonstrate the benefit of doing just the opposite. Ultimately, the lack of clear legal frameworks empowers the drone program to create and recreate its own rules.

The Battlefield

The second question frequently raised in the hearings relates to the use of drones outside conflict zones or declared battlefields. Use of drones in war zones is generally viewed as uncontroversial by hearing participants, as Rosa Brooks reiterates in *Drone Wars*: “In the context of the traditional battlefield...as we know and have already said, drones do not present any new legal rule of law issues” (*Drone Wars* 2013). However, the legality of using drones outside declared battlefields receives much attention. This question is primarily explored through discussions of laws that may apply outside ‘hot’ battlefields and the legality of the CIA overseeing lethal strikes. In *Rise of the Drones II*, Kenneth Anderson outlines these dual considerations:

The question here is, who and where. And it's the question, first of all, of whether it is lawful to target off of what one might consider a traditional battlefield, and whether there is in fact any legal distinction between going after your enemies, wherever they happen to be, on the one hand, and the CIA attacking people outside of traditional zones. (*Rise of the Drones II* 2010)

Witnesses offer an array of perspectives on the matter of drones outside warzones. Some view such usage as legally defensible given then changing technology and landscape of other war. Others, like Mary Ellen O’Connell, are more critical. In *Rise of the Drones II* she asserts that the US has no right to use drones outside of areas of armed conflict: “only a combatant, lawful combatant, may carry out the use of killing with combat drones. The CIA and civilian contractors have no right to do so.” O’Connell situates her indictment of the program in Just War theory—one of many legal frameworks that witnesses pull from in their testimonies. Interestingly, despite the clarity of O’Connell’s conviction on this

point, prevaricating forces are evident both in her presentation of and framework for critique. While asserting the US has “no right” to kill outside of battlefields, she does not explicitly call such action illegal. This may be because, in the absence of clear legal frameworks regulating the space occupied by the CIA drone program, it’s impossible to make such a statement. It may also be because the tendency to draw from traditional war ethics makes hearing respondents “prey to the logics of state violence implicit in the theory” (Dalby 2010: 282). That is, the assumption that the practice of war itself often trumps other more conventional frameworks of conduct—such as the law—informs participant responses (Megoran 2008). Here again, the limits of legal critique within the framework of the hearings are most evident. Even as O’Connell challenges the legality of the CIA drone program, she also implicitly acknowledges (and thereby reinforces) that it exists somewhat outside the formal rule of law.

As the case above reflects, the hearings prove a rather confounding and contradictory space in which to seriously raise legal concerns about drone usage outside battlefields. Still, this particular line of legal inquiry seems to offer participants an opportunity to underscore larger concerns about the amorphous nature and objectives of the War on Terror. For example, in his opening statement for *Drone Wars*, Senator Dick Durbin asks, “is it legal to use drones not just in warzones like Afghanistan, but also to target terror suspects in places where the U.S. is not involved in active combat?” (*Drone Wars* 2013). Representative John Conyers opens *Drones and the War on Terror* asserting he remains “unconvinced” that with the 2001 AUMF “Congress intended to sanction lethal force against a loosely defined enemy in an indefinite conflict with no borders or discernible end date” (*Drones and the War on Terror* 2013: 4). Hearing participants frequently allude to the increasingly blurred lines between war/security and the broadening interpretation of battlefield in the hearings. However, as with legal frameworks, lawmakers and witnesses must assume the role of observers, rather than regulators on this matter. And again, the primary effect of these discussions, rather than bringing about greater degrees oversight or accountability to the drone program, is instead to normalize the limitless nature of war that drone use makes possible.

Targeted Killing

The third legal question focuses on the legality of targeted killing, specifically the targeted killing of Americans. Almost without exception, the emphasis of targeted killing discussions is on when and where Americans can be targeted. Within this framework, participants also express concern about due process and what targeted killings reflect about presidential authority. *Drones and The War on Terror* explores these issues at length, paying particular attention to how to regulate the killing of Americans and matters of culpability in case that killing goes wrong. For example, a comment from Representative Andrew Chesney:

I am troubled with the concept that they are put on the kill list, they are killed, and then we are supposed to have a review after that to see if it was lawful? I mean, that doesn't do the dead guy much when we find out, oh, we made a mistake here, you know? (*Drones and the War on Terror* 2013: 89)

While some witnesses and lawmakers challenge aspects of targeted killing, these discussions carry with them an assumption of necessity of continuing such killings. Similarly, concerns about the expansion of presidential authority are often couched in language that privileges the need for security above other considerations, as reflected in a statement from Representative Bob Goodlatte:

And even though there is a little political tension over this issue, I don't want to disempower our commander-in-chief from protecting our Americans, wherever we might be. And neither do I want to delay his decision to act. (*Drones and the War on Terror* 2013: 75)

This mentality aligns with what Banka and Quinn (2018) argue is a steady normalization of the exceptional security measure of targeted killing. Heartened by the perpetual existence of threat reiterated throughout the hearings, witnesses and lawmakers routinely discuss extreme measures of war as they would any political process. Herein, drone usage is presented as a necessary function of securing the state, and targeted killings as essentially post-political (Shaw 2013).

Of course, witnesses and lawmakers do still grapple with the legality of targeted killing. However, the fixation on accountability, numbers, and legal framework

essentially just demands what is happening be made legal (Tahir 2012). Though critiques of targeted killing from activists, journalists, and scholars challenge the practice itself (as well as its human impact abroad), discussions within the hearings are largely concerned about ensuring legality, constitutionality, and protecting Americans. Further, lawmakers raise concerns about potential blowback or ability of other countries to exercise the same form of strike within American borders. These emphases help keep the discussion of drones firmly rooted in the US political and judicial system, rather than in the spaces where drones operate (Gregory 2014). Not only does this help reinforce the sense of insecurity that fuels targeted killings, it distracts from broader questions underlying targeted killings, by focusing on law and security. As articulated by Madiha Tahir (2012), “It is a sensibility of rules without a sense of principle. Rather than questioning from where we have come and where we are going, it simply asks that the trains run on time.”

Securitization

Though legality is the most visible emphasis of the hearings, security narratives play a similarly critical role throughout. Just as the legal fixation of the hearings directs attention away from larger ethical implications, security narratives reinforce notions of ongoing threat and, subsequently, the need for drones. Much of the attention to security is not nearly as overt as the discussions of legality. Instead, the pursuit of security exists as the context influencing language choice, topics discussed, and assumptions made by hearing participants.

To consider the role of security in the hearings, it is necessary to look beyond the word ‘security’ to other terms connected to the concept. The term ‘security’ appears in the hearings with a relatively low twenty-seven occurrences, however, security adjacent terms like ‘target’ (222 occurrences), ‘war’ (197 occurrences), or ‘force’ (144 occurrences) appear with frequency. Mariana Valverde (2011) suggests that the word security has little direct meaning other than as a catchall for differing pursuits responsive to risk. As such, security is best conceived as an umbrella term for numerous processes that are often dynamic and contradictory. Analyzing terms that evoke risk or insecurity helps bring to the surface the security narratives and assumptions that inform these

hearings. The below section considers how language reinforces an imaginary wherein threat and risk are imminent, and drones are a calculated and necessary response to such conditions. This constructed narrative then implicitly advocates for expansion of the drone program.

The 'Enemy'

Frequent mention of 'the enemy' is one way in which narratives of risk and ongoing threat are reinforced throughout the hearings. For example, 'al Qaeda'¹⁴ is referenced eighty-eight times over the course of the hearings. The repeated references to al Qaeda often act as a placeholder for a clear and present threat. The group is cited not just to discuss efficacy or legality, but as an example of an undisputed enemy. Accordingly, for some hearing participants, al Qaeda invokes a certain clarity of purpose. In *Rise of the Drones II*, Professor of Law David Glazier make the following comment: "There is no dispute that we are in an armed conflict with al Qaeda that therefore allows the United States to call upon the full scope of authority which is provided by the law of war." (*Rise of the Drones II* 2010). Here Glazier seems to view the laws of war as a vehicle through which the state can secure itself from its enemy. Per the 2001 AUMF, al Qaeda is that articulated, discernable enemy. Over a decade later, though the landscape of terrorism and threat has shifted considerably, hearing participants' routine references to al Qaeda act as an ongoing reminder of US vulnerability. This sense of vulnerability ultimately reinforces the continued need for ongoing security measures like the secret drone program.

The terms 'terror' and 'terrorist' similarly call up images of violent outcomes and enemy ideologies that reinforce the notion of ongoing threat. 'Terror' is a particularly

¹⁴ The spelling of al Qaeda used in this paper is consistent with the spelling provided by the GPO in official hearing transcripts. Submitted statements and unofficial hearing transcripts were all reviewed to capture the numerous spellings for the group to ensure proper documentation of frequency and use.

evocative term that underscores the need for security as it simultaneously references past atrocities like September 11, 2001 and the promise of future violence. Throughout the hearings members of al Qaeda and other Islamic forces are almost exclusively referred to as ‘terrorists.’ As Ilya Somin’s testimony in *Drone Wars* reflects, this label has laden connotations: “It would be perverse if terrorists deserved greater immunity somehow from targeting than that enjoyed by uniformed military officers who, at least, pretend to obey the laws of war. Whereas, terrorists clearly do not” (*Drone Wars* 2013).

The terms ‘terrorism’ and ‘terrorist’ also do interesting work in attending to what Rosa Brooks calls an “inchoate protean enemy” (*Drone Wars* 2013). That is, ideology and ideologists become conflated and somewhat interchangeable. Terrorists are not just people engaged in planning or conducting violence, but also those with the potential for violence. Accepting this, it becomes possible to include anyone not actively challenging an ideology or those operating under it as also endorsing or enabling violence (Jacobs 2015). This, it seems, is the very thought process used by the Obama administration for counting death by drones, as reported by the *New York Times* in 2012: “It [the Obama administration] in effect counts all military-age males in a strike zone as combatants...unless there is explicit intelligence posthumously proving them innocent” (Becker and Shane 2012).

US Precision and Insecurity

While the opposing side is regularly referred to with laden terminology, US drone operations abroad are discussed in terms of strategy, security, and efficacy. Further, language used in reference to US operations consistently downplays the corporeality of drone violence (Gregory 2011b). For example, ‘target’ (and variations of the term) is the second most frequently referenced term throughout the hearings. Despite the haziness of its denotation, functionally, ‘target’ suggests sterility and precision. While emotive terms like ‘terrorist’ shape the landscape of threat, surgical language like ‘target’ narrate US response. Discursively stripping the US lead war of its human costs facilitates an

imaginary of an efficient and technological security program devoid of the messiness of traditional warfare (Gregory 2011b, 2010).

Zedner (2003) suggests the pursuit of security often serves to heighten a sense of insecurity. Within the hearings, insecurity is specifically raised in two forms: anti-Americanism and technical vulnerability. On the first point, Farea al Muslimi provides the example of his home village that was hit by a drone six days prior to the *Drone Wars* hearing in which he testifies:

When they [the people of Wesseb] think of America, they think of the terror they feel from the drones that hover over their heads, ready to fire missiles at any time. What violent militants [AQAP] had previously failed to achieve, one drone strike accomplished in an instant. There is now an intense anger against America in Wesseb. (*Drone Wars* 2013)

Muslimi's testimony speaks to the ideological or social implications of drone strikes reinforced by numerous other hearing participants that raise the strategic issue of backlash. This idea of backlash and potential US vulnerability, notably, generates more discussion and concern amongst hearing participants than civilian deaths considered more generally.

Another concern cited about drones is specific to the technology itself. As several hearing participants point out, drones have the potential to be turned against the United States and its allies. Representative John Tierney's opening statement in *Rise of the Drones* references this potentiality:

During the Israeli-Lebanon war in 2006, Hezbollah deployed three surveillance UAVs that it acquired from Iran. A recent Air Force study concluded that a UAV is an ideal platform for a chemical or biological terrorist attack. As Peter Singer...wrote recently in *Newsweek*, "For less than \$50,000, a few amateurs could shut down Manhattan. (*Rise of the Drones* 2010: 3)

Paradoxically, within the scope of the hearings, the points above do not register as cause to discontinue drone usage. If anything, they appear to further justify the need for drone security and surveillance. Herein, the self-reproducing nature of security is most evident, and, as Valverde (2011: 4) explains "the project of achieving security takes the form of an ever-rising spiral."

Conclusion

While the hearings may not achieve their articulated objectives, they are still influential events that yield numerous outcomes. They serve as an important space through which existing security practices and narratives are perpetuated. Relying on the use of sanitized technical language and fixating on legality and risk, they effectively sidestep the questions about process, accountability, and regulation they purportedly seek to address and instead discursively reinforce the status quo. Further, the content of the hearings contributes to and indeed naturalizes the notion that ongoing, ceaseless war is the new normal. Threat is portrayed as ever present, thereby justifying extreme measures like targeted killings and perpetual surveillance. Herein, drones become an assumption by necessity, and technology articulated as the assumed approach to securing the future (Shaw 2013; Bratich 2006).

For all their productive outcomes, the hearings also highlight the limitations of traditional checks and balances within the context of later modern warfare. With covert operations overseen by the executive branch, Congress has little recourse by which to challenge the existing paradigm of drone operations (Pozen 2013). The impact of obfuscation on the interplay between the executive and legislative branch is explored in the next chapter.

CHAPTER 5. ANALYSIS

Drones and Open Secrecy

What exactly does a public interrogation of a secret program look like? In the case of the four drone hearings, not dissimilar to most other congressional hearings. There are remarks from committee members, witnesses provide brief statements, and a question and answer session concludes the event. Committee members express concern and ask questions about the topic, witnesses typically offer top-down perspectives. However, for all the formality and seeming normalcy, the hearings are different from other kinds of public proceeding because they are steeped in secrecy. Secrecy (or the lack thereof) shapes the content and context of the hearings. Whilst the hearings ostensibly scrutinize the CIA drone program, secrecy helps keep critique and clarity about the program at bay. This chapter considers how secrecy functions within the hearings, exploring what secrets are ignored, what secrets are reinforced, and how this affects the hearings' content, proceedings, and impacts.

Exploring how hearings interact with the open secrecy surrounding the CIA drone program reveals the efficacy of opacity for buffering the program from legal, processual, or even strategic interrogation. The below chapter explores how the hearings interrogate secrets, but also how such interrogations are structured by and structure secrecy. The first section considers how numbers relating to drone strikes and efficacy are emphasized yet remain obscured throughout the four hearings. The second section looks at moments within the hearings when secrecy is maintained and accepted as normal, thereby reinforced and reified. Finally, the third section explores the interplay between public disclosure and open discussion within the hearings. Exploring these topics reveals the often contradictory elements of secrecy and how, within the context of the hearings, it serves to legitimize and promote the continuation of the secret drone program even as aspects of it become more public or public in new ways.

How Secrecy Works

Contradiction is the watchword when thinking about secrecy within in the US. securityscape. Pamela Lee (2011) suggests secrets are inherently paradoxical in that they demand visibility to function. Secrets also require physical space and funds to maintain as such. Thus, some form of tacit acceptance and endorsement is implicit in the continuation of secrets. To this end, Trevor Paglen (2010: 761) argues the current landscape of secrets indicates “a deep transformation of American cultural and political geographies.” However, this transformation does not signal apathy about secrecy. Instead, Jack Bratich (2006: 497) argues that increased secrecy cultivates a market for revelation: “Revealing covert ops is itself part of a newly minted transparency and openness in governance. Or is it?...revealing covert ops does not put an end to the covert but increases mystery.” The hearings about the secret CIA drone program provide a rich forum for exploring how the competing and contradictory forces of secrecy play out in the public sphere.

Held in March and April of 2010, the first two drone hearings seemingly represent a significant departure from the Obama administration’s policy of silence on the matter of CIA’s use of drones. The four hearings evaluated in this project were chosen for the explicit mention or consideration of the CIA drone program. Given that the first two hearings take place before the Obama administration formally acknowledged the CIA drone program (Miller 2012), the very act of holding hearings addressing the CIA drone program shows considerable disregard, or at least skepticism, for the secrecy imposed by the executive branch. As such, holding these initial hearings could be viewed as pointed statement to the administration. Yet, Congress’ divergence from the Obama administration’s preservation of secrecy may be better viewed as a predictable outcome in the process of making the covert drone program more public. The late aughts saw an uptick in watchdog organizations, activism, and reporting on the CIA drone program. These forces effectively blazed the trail for congressional oversight, as the secret became more comprehensively known to more publics, and the need for intervention more frequently articulated by some of them. By the time the hearings took place, the covert

program had been operating for nearly a decade and Americans were becoming increasingly familiar with, or at least aware of, the covert drone program.

Accordingly, in *Rise of the Drones* and *Rise of the Drones II*, hearing participants discuss the CIA drone program not as a question but as a given. William Banks' testimony in *Rise of the Drones II* reflects this confidence:

New elements of targeted killing policy emerged in recent years in response to terrorism and to the threats against the United States. Among the new elements, of course, is the significant role for the CIA in controlling pilotless drones to carry out the targeted killing policy. (*Rise of the Drones II* 2010: 34)

By 2010, evidence from media and policy organizations asserting the existence of a covert program has become so overwhelming that participants do not need explicit acknowledgement from the executive branch to reference the program's existence with certainty. However, open acknowledgement of the secret should not be mistaken for transparency. Exposure legitimizes the covert drone program, as well as its various ambiguities and contradictions. Herein, the secret is exposed but maintained; the drone program is understood to exist but with unclear parameters. Lee (2011: 2) argues these are the conditions in which a secret thrives: "its visible withholding - is as critical to its power as whatever context we might imagine it conceals."

Follow the Numbers

Throughout the hearings and in coverage of drone strikes more generally, there is much talk of numbers: How many civilians have been killed? How many terrorists? How many high-level terrorists? Implicit in these questions are assumptions about a wartime quid pro quo. Civilian deaths might be acceptable if a certain number of terrorists were killed, or if there is a measurable impact on al Qaeda's dissolution. Of course, such bargaining is not clearly articulated nor defined, and neither are the numbers of those killed by drones. For all the talk of metrics, the absence of hard numbers reflects how much remains unknown about drones at the time of the hearings. As such, focusing on

numbers does not establish a firm moral standard. Rather, it obscures that standard and helps to normalize opacity both about the program and about its efficacy (Tahir 2012).

In *Rise of the Drones*, Peter Singer of the Brookings Institute outlines the complicated landscape of establishing civilian casualty numbers related to CIA drones:

You have estimates that range from 2,000 civilian casualties on the high end, to, I believe the smallest I have seen reported is 20. When you backtrack the sources, it is interesting the high end ones often track back to regional media...the low end are quoting our own intelligence officials. My guess is the truth lies somewhere in between. (*Rise of the Drones* 2010: 66)

The hearings primarily reference numbers provided by journalists and related research groups as these are the only figures readily available. Still, the hearing participants are careful with their use of numbers, often opting for generalizations rather than hard-to-confirm specifics. David Glazier does just this in *Rise of the Drones II*: “We know, for example, that some of the early attacks, which resulted in larger numbers of casualties, have caused significant fallout” (*Rise of the Drones II* 2010: 26). Representative Jeff Flake makes a similarly vague assertion in *Rise of the Drones* “To many, the increased number of suspected terrorists killed between 2008 and 2009 indicates that the Obama administration has used UAV technology with great success” (*Rise of the Drones* 2010: 4). Here we see how the effort to substantiate claims with metrics raises more questions than answers.

Between *Rise of the Drones II* and *Drones and the War on Terror* the Obama administration changed its approach with respect to publicly discussing the covert drone program. This began with indirect references that would eventually lead to open acknowledgement. One notable step in this progression was a 2011 speech given by John Brennan in which he made a thinly veiled reference to the CIA drone program’s accuracy and precision. Ten months before he formally acknowledged the program, the then counterterrorism advisor to the president, stated that there had “not been a single collateral death” by “the kind of operations the US has been involved in, in the counterterrorism realm” within the past year (C-SPAN 2011; Kelley 2013). This claim was met with incredulosity by the press and advocacy groups, many of whom

responded with evidence to counter the assertion (Woods 2011; Shane 2011). Though Brennan later adjusted his claim, he did not withdraw it. Instead, he applied a bit of obfuscation to leave more room for interpretation: “for more than a year...the U.S. government has not found credible evidence of collateral deaths resulting from U.S. counterterrorism operations outside of Afghanistan or Iraq” (Zenko 2012b). Here, it is evident that Brennan was taking advantage of the absence of clear frameworks for what might be considered a battlefield or who might be considered a combatant¹⁵ to prevaricate and hold his line. This incident highlights the evasiveness and contradiction of attempting to assign metrics to a program buffered by secrecy. While press, politicians, and civil society clamor for numbers relating to the drone program, the numbers prove far too elastic to be definitive one way or another.

On April 30, 2012, Brennan made another speech on counterterrorism which signaled the first open acknowledgement of the covert drone program by the Obama administration. Brennan approached this moment with considerable aplomb—the already very public nature of the secret program having effectively prepared his audience for this admission:

President Obama believes that—done carefully, deliberately, and responsibly—we can be more transparent and still ensure our nation’s security. So let me say it as simply as I can. Yes, in full accordance with the law—and in order to prevent terrorist attacks on the United States and to save American lives—the US government conducts targeted strikes against specific al Qaeda terrorists, sometimes using remotely piloted aircraft, often referred to publicly as drones. (Anderson and Wittes 2015: 472)

Despite bold claims from the Obama administration about this signaling a move towards transparency, this open acknowledgement did little to firm up ambiguous numbers related to the drone program as the two hearings that follow the Obama administration’s open acknowledgement show. For example, John Bellinger’s testimony in *Drones and the War*

¹⁵At this time, multiple reports suggest that the Obama administration viewed any military-age males in contested regions as combatants unless their status could be proven otherwise (Kelley 2013; Tahir 2012).

on Terror employs the same numerical haziness seen in earlier hearings: “Now other countries, including many of our close allies, are growing increasingly alarmed by the large number of U.S. drone strikes, which reportedly have killed many civilians” (*Drones and the War on Terror* 2013: 9). The program may be openly acknowledged but, clearly, that does not result more concrete information about the program itself.

As the discourse about numbers accumulates, it reinforces the notion that the numbers govern and are the key to understanding the moral legitimacy of the covert drone program. Yet things are not so straightforward. Indeed, the emphasis on numbers actively confuses details of efficacy with questions of ethics and justice (Tahir 2012). This inclination to conflate data and legitimacy is especially evident in discussions surrounding the February 2013 leak of a Justice Department memo (discussed at greater length in two sections below). The “white paper” outlines guidelines for targeting Americans, thereby providing a new framework for thinking through the numbers that hearing participants gamely apply.

The latter hearings engage heavily with the white paper’s guidelines for targeting Americans.¹⁶ Hearing participants use the combination of assumed policy and available numbers as a sort of litmus test for the covert program. For example, the white paper specifies that targets need to be a “senior operational leader” of al Qaeda or related forces (Isikoff 2013). In *Drone Wars*, this language seeps into witness Ilya Somin’s analysis: “The sheer number of targeted killings over the last several years, which include hundreds or even thousands of people...suggest that only a few of these individuals who were killed were actually senior al Qaeda leaders” (*Drone Wars* 2013). Somin’s comment addresses efficacy but also implies the legal guidelines of the white paper are, in fact, directing the program. Peter Bergen also engages with the leaked memo’s targeting criteria in *Drone Wars* using numbers from his New America Foundation to question CIA adherence to said guidelines: “Militant leaders are not really being killed in any

¹⁶ Though the memo lays out some framework for targeted killings it fails to adequately articulate a law applied to targeted killings (Pearlstein 2013). Instead, it outlines abstract criteria that leave much up to interpretation--arguably, by design (Pozen 2015).

great number. We calculated only 2% of the total number of casualties are people you could really term leaders” (*Drone Wars* 2013). As Somin and Bergen critique the administration’s fidelity to a hazy process, they simultaneously reinforce the legitimacy of the leaked white paper and the vague policy or process it espouses.

Hearing participants fixate on numbers in an effort to better understand the efficacy, legality, and process of the covert drone program. Applying a metric, albeit with difficult to verify data, creates the illusion of process and legitimacy. However, this emphasis on numbers actually serves as a distraction from larger ethical, operational, and political questions about the drone program. Further, it models a tacit acceptance of partial information devoid of context. By the final hearing, participants knowingly provide numbers as a range, without explaining or qualifying the inaccuracy. Though early hearings quibbled over specifics, by the *Drone Wars* hearing, inscrutable numbers are accepted as the norm when discussing the CIA drone program. This approach ultimately serves to compound opacity. Already vague numbers get applied to vague frameworks—like that provided in the leaked Justice Department memo—for which there is no additional context. The hearings’ evolving engagement with drone numbers thus illustrates how secrecy serves to curate analysis and revelation can serve as a means of information management (Bratich 2006). The numerical emphasis of the hearings ultimately aids the covert drone program in gaining acceptance, even as it fails to establish trust.

Preserving Secrecy

While the hearings may shine a public spotlight on the covert drone program, they also reinforce the premise that secrecy needs to be maintained, and the standards that it must abide by throughout. As discussed above, the hearings tend to explore what has already been leaked or publicly discussed rather than demanding new information. No doubt, this is partially due to Congress’ limited ability to requisition or access intelligence housed in the executive branch. Perhaps unsurprisingly, lawmakers routinely emphasize the need for or value of transparency in the hearings. In *Drones and the War on Terror*,

Representative Bob Goodlatte states “there should be as much transparency as possible...I think that is critical, and I think that is common ground for almost everybody here” (*Drones and the War on Terror* 2013: 76). In *Drone Wars*, Senator Dick Durbin says that more transparency would make it easier for the drone program “to maintain support of the American people and the international community” (*Drone Wars* 2013). He then suggests the hearing itself is “the first step in that process.” However, when presented with the opportunity to confront secrecy, lawmakers generally choose to make broad calls for transparency rather than directly addressing the secrecy they encounter regularly in the hearings, precluding any meaningful scrutiny or accountability.

Despite this discursive emphasis on transparency, lawmakers seem reluctant to confront the secrecy they encounter within the context of the hearings. In fact, allowances for secrecy seemed baked into the design of the hearings with the inclusion of military personnel as witnesses. In *Drone Wars*, both Martha McSally and James Cartwright reference their experience or knowledge of drone programs but also their obligation to respond in vagaries. McSally directly addresses this approach in the opening of her testimony, “I come to you today from an operational point of view and will speak in generalities at the unclassified level from my military experience related to the use of remotely piloted aircraft for targeted killings” (*Drone Wars* 2013). Cartwright, meanwhile, waits until directly questioned to openly withhold information in the following exchange:

Mr. DURBIN: Please, General Cartwright...are we trading short-term tactical success of killing individual targets for their long-term strategic failure by sowing widespread discontent and anger?

Mr. CARTWRIGHT: Senator, I can't talk to specific operations.

Mr. DURBIN: I understand.

Mr. CARTWRIGHT: But I am worried that we have lost the moral high ground for much of the reasons the witnesses have talked about and that some element of transparency--in process, in decision making, in the

understanding not just of those who actually make decisions, but of the people of this country, and the people of the countries that we are working in--is going to be essential to find our way back to that moral high ground. (*Drone Wars* 2013)

This interaction exhibits both how Durbin immediately acquiesces to need for secrecy and also the efficacy of the give-and-take afforded by open secrets. Durbin, while not asking for specifics, is reminded by Cartwright that he cannot be provided with specifics. Cartwright then goes on to question the efficacy and morality of the drone program. The nod and acknowledgement of secrecy, however, undermines the gravity of his critique by suggesting the absence of some critical context. Also, it reminds Durbin of the limitations of his ability to follow-up on Cartwright's statements. Here, it is clear that the rules of secrecy impact Cartwright's ability to substantiate his critique and Durbin's ability to dig deeper. Conversely, when McSally argues that targeting processes are already suitably rigorous, she can do so without any specifics, buffered by the need for secrecy:

Speaking broadly, and in my work in Africa Command...it was a very high level in order to make the case that individuals or organizations fit the criteria of AUMF. That bar was very high and those discussions were at the very highest level of the chain of command before anybody was approved. (*Drone Wars* 2013)

Secrecy, in short, is bad for critique but good for drumming up support for the drone program. David Pozen argues that this double standard of secrecy acts as a tool for shaping narratives in favor of the government. The ability to "obscure or omit significant facts, complications, and objections...is exacerbated in the national security field by the ready-made excuse of protecting classified information" (Pozen 2015: 3). The above examples reflect how this plays out in the hearings, contributing to outcomes skewed in favor of continuing the drone program. Further, the acquiescence to secrecy, embodied in Durbin's complacent "I understand," challenges the very premise of these hearings as a mechanism for oversight.

Exchanges like the one above present security as a zero-sum choice: to have oversight is to sacrifice secrecy, and hence national security. Rather than demand transparency, then, participating lawmakers accept secrecy as a necessary, indeed

inherent, component of security. This, in turn, legitimizes the ongoing practice of secrecy. In this contradictory landscape, the hearings begin to resemble something more like theatrical performance of accountability rather than meaningful oversight (Tahir 2012; Hughes 2015). Ultimately, this privileges the prevailing security narratives of the US state and national security establishment, and normalizes a process of deferring to presidential power in lieu of articulated, visible structures of accountability (Pozen 2015).

Post-Secrecy

The hearings also serve as a platform through which a number of un-secretings get some formal recognition. As such, they play an instrumental role in codifying and normalizing statements and processes that are less than formal. Considering how the hearings interact with revelations about the secret drone program gives insight into the complex interplay between secrets, publicity, and the performance of policymaking.

Rachel Hughes (2015) questions the utility of geopolitical events specifically aimed at visibility, arguing that they serve many masters. She emphasizes the interconnectedness of publicity and policy, and questions the distinction between practical and popular geopolitics. The drone hearings reflect this fluidity as they both respond to and shape public discussion about drones. Informed by what is circulating in the zeitgeist, the hearings act as a conduit through which unofficial policies or information is digested and, in turn, made to seem more official. In this way, the hearings behave less as a form of oversight and more as an avenue through which the executive branch can preserve the legitimacy of its secret drone program operations.

This section considers several key moments of drone disclosure and public appeal to explore how the hearings and hearing participants interact with secrets made unsecret or at least less secret. Homing in on the killing of US citizen Anwar al-Awlaki and the leak of a Justice Department memo, it becomes possible to see the complex and at times contradictory nature of disclosure or partial secrecy. Considering how these two events

interact with the hearings reveals that security, secrecy, and publicity serve to co-produce a bounded and opaque space in which to discuss and evaluate the covert drone program.

On September 30, 2011 Anwar al-Awlaki was killed by a US. drone strike. The first American known to be specifically targeted by drone, this event was immediately acknowledged by President Obama as part of a previously scheduled public speech:

Earlier this morning, Anwar al-Awlaki—a leader of al Qaeda in the Arabian Peninsula —was killed in Yemen...the death of al-Awlaki marks another significant milestone in the broader effort to defeat al Qaeda and its affiliates. Furthermore, this success is a tribute to our intelligence community, and to the efforts of Yemen and its security forces, who have worked closely with the United States over the course of several years.
(Obama 2011)

Though it would quickly become well known that al-Awlaki was killed by a drone, Obama does not make specific reference to the circumstances of al-Awlaki's death in his speech, signaling "that the operation in Yemen, though already reported around the globe, would remain officially unacknowledged" (Mazzetti, Savage, and Shane 2013). Such was the complicated landscape of knowing and not knowing in 2011, prior to the Obama administration's open acknowledgement of the drone program.

In the ensuing days and months, al-Awlaki's killing spurred a great deal of news coverage and political attention. In addition to al-Awlaki, another American, Samir Khan was also killed in the same strike. Though involved with al Qaeda, Khan "was not a significant enough threat to warrant being specifically targeted" as such, his death presumed accidental (Mazzetti, Savage, and Shane 2013). Two weeks after al-Awlaki's death, his American born 16-year-old son, Abdulrahman al-Awlaki, was killed on October 14th in a botched strike allegedly aimed at another operative, Ibrahim al-Banna. These proceedings raised questions about the right to target Americans but also about the accuracy of drone strikes and intelligence supporting the strikes. Yet, it was not until a Justice Department memo outlining the parameters for targeted killing was leaked on February 4, 2013, that a hearing was called to address both the case of Anwar al-Awlaki and targeted killing more generally.

February 2013 was a noteworthy month for the secret drone program as drones were high in the public consciousness.¹⁷ This public awareness was triggered by the nomination of “chief architect” of Obama’s drone program, John Brennan, for CIA Director (Shear and Shane 2013). However, several other related events would also contribute to increased attention on drones. On February 3rd, three days before Brennan’s hearing, a bipartisan group of senators publicly appealed directly to the president, asking for the administration’s justification of targeted killing. That same evening, *NBC News* released the aforementioned Justice Department white paper that provided details on administration criteria for targeted killings of Americans (McGreal 2013). Two days later, on February 6th, President Obama called Senator Ron Wyden—one of the appealing senators—and confirmed that some members of Congress would be shown two Justice Department memos explaining the administration’s rationale for targeted killing (Shear and Shane 2013). Brennan’s confirmation hearing the next day then became the first extensive public engagement with an Obama administration official on the matter of targeted killings (Mazzetti and Shane 2013). *Drones and the War on Terror*, however, would be the first public event called by lawmakers with the sole purpose of examining this topic. Held on February 27th, the hearing was organized within weeks of the leaked Justice Department memo, though nearly a year and a half after Anwar al-Awlaki’s death.

In his opening statement for *Drones and the War on Terror*, Chairman Bob Goodlatte references the killing of both al-Awlakis as well as the leak of the white paper as the rationale for the hearing. Later, witness Benjamin Wittes references a direct correlation between the Justice Department memos and al-Awlaki in his testimony: “the Anwar al-Awlaki case...is really the case that gave rise to these memos¹⁸ in the first

¹⁷ See Figure 1.33 from Chapter 1, early 2013 reflects a decided uptick in drone awareness.

¹⁸ Wittes refers to “memos,” plural, in his statement. While the hearing focuses on the leaked memo, presumably he’s referencing the second drone memo that was provided to some members of Congress. That second memo, drafted in 2010 was written before the memo that would later be leaked by *NBC News*. While many in the room may at this time be aware of the second memo it

place” (*Drones and the War on Terror* 2013: 74). Indeed, as would later become clear, the two Justice Department memos referenced above were both written specifically to rationalize and justify the targeting of al-Awlaki who was officially placed on the CIA ‘kill list’ in 2010. However, at the time of the hearing, the direct relationships between these memos and the al-Awlaki strike was not widely known. As such, these legal memos were interpreted as the legal framework not just for al-Awlaki but for subsequent targets. This was in part due to the redaction or removal of specific references to al-Awlaki from the documents. Mazzetti et al. (2013) argue that without the context of how these memos related to al-Awlaki, the leaked paper was “misunderstood as a general statement about the scope and limits of the government’s authority to kill citizens” and ultimately led to “widespread confusion.” Consequently, the proceedings of *Drones and the War on Terror* and the final hearing, *Drone Wars*, are almost immediately undermined by further revelations that then highlight misinterpretation by participants due to their limited access to information. Even so, there is much to be learned from how participants interact with the white paper in the hearings. This includes, of course, how the fluidity of revelation seems to consistently find lawmakers and the public one step behind the always changing situation and specifics of the secret drone program.

In *Drones and the War on Terror* Anwar al-Awlaki is mentioned twenty-four times in spoken testimony with nine additional references in submitted statements. The younger al-Awlaki, Abdulrahman, receives indirect mention three times in spoken testimony though he is never referred to by name. The leaked Justice Department white paper (also referred to as “the memo”), receives even greater attention, with forty-three references in the spoken hearing and nineteen additional mentions in submitted statements. Evident from the hearing proceedings is a reliance on information that is already in the public sphere. Hearing content is shaped by leaks from high level officials privy to classified details, public statements from members of the Obama administration,

had yet to become publicly available or widely circulated. As such, the 2010 memo remains virtually unexplored in both the *Drones and the War on Terror* and *Drone Wars* hearings.

and numbers or reports from outside agencies. This highlights the absence of information on this topic made available to legislators by the executive branch.

Unsurprisingly, the hearing discussions are structured by these informational gaps. Secrecy regularly replaces specificity and assumption acts as a substitute for evidence. The conversational trajectory also suggests a fascination with revelation itself—the leaked document garnering more interest in the secret drone program than the targeted strike that inspired it. Bratich (2006: 494) argues the spectacle of secrecy can prove an effective tool through which to distract from the “myriad ways generalized secrecy permeates the political body.” The fixation on the leaked memo supports this notion that revelation is an effective means of maintaining other secrets. As hearing participants parse the white paper, they are sufficiently distracted from larger questions—like why the legal reasoning of the executive branch need be secret in the first place.

Considering how the hearings interact with public disclosure, it is possible to observe several processes at play. First, the al-Awlaki strike represents what Rebecca Ingber (2013: 360) terms an “interpretation catalyst.” That is, a notable event that compels the US government to think about, and then assert, an interpretation of law that serves as a proxy for policy. In the case of al-Awlaki, the white paper is the legal interpretation that both retroactively justifies al-Awlaki’s death and, ostensibly, binds the administration to a particular interpretation of law for subsequent targeted killings of Americans. Ingber (2013: 361) argues that on matters of national security there is “broad judicial deference and sufficient congressional acquiescence” to executive interpretations. The proceedings of both *Drones and the War on Terror* and the later hearing, *Drone Wars*, support her argument, as participants further legitimize the memo with their careful debate and investigation of its contents.

The other notable process is the efficacy of secrecy for curating a particular narrative about the al-Awlaki strike. Not only does Obama’s acknowledgment of this event omit the circumstances of his death, it also presents him as a threat to US national security in need of elimination. When the hearings later engage with the question of al-Awlaki they discuss the legality of striking an American rather than the particulars of his case—no doubt in part because they are unknown. This both reflects how disclosure

allows for the crafting of story but also how partial secrecy aids in distilling information to make security actions more defensible (Pozen 2015). Obama's statement acknowledging Anwar al-Awlaki's death makes no mention of Khan, and in response to later questions about the death of al-Awlaki's son a few weeks later, Press Secretary Robert Gibbs provided a convoluted retort that seemed to blame the outcome on poor parenting: "I would suggest that you should have a far more responsible father if they are truly concerned about the well-being of their children. I don't think becoming an al Qaeda jihadist terrorist is the best way to go about doing your business" (Friedersdorf 2012).

Despite Abdulrahman al-Awlaki's killing being classified as accidental, and the boy presumed to be uninvolved in terrorist activities, narratively, he is presented as guilty by association (Greenwald 2017; Friedersdorf 2012). While Anwar al-Awlaki's tale is both complicated and many layered, his status as a threat to the US is widely accepted in the hearings and in public discourse.¹⁹ Today, more information is available to support claims that al-Awlaki was actively trying to promote violence (Shane 2015). Jeremy Scahill (2013) argues, however, that at the time of al-Awlaki's death and on through the subsequent drone hearings, evidence of his wrongdoing was, at best, circumstantial. Further, that the question is not one of guilt, rather, of the necessity of killing al-Awlaki by drone and the denial of due process. Regardless, the prevailing narrative about al-Awlaki in the hearings and in public discourse aligns with the Obama administration's version of events. That is, it emphasizes his complicity in terrorism and the necessity of killing him by drone. Even as more information about al-Awlaki became available in the years to follow—including the second Justice Department memo regarding his death—it

¹⁹ In the years since his death, this public interpretation of al-Awlaki (and the circumstances of his death), many argue, has fueled Islamic radicalization and extremism. In these circles, al-Awlaki is viewed as a martyr and his videos and teaching often linked to violent attacks in the West, including the Boston Marathon bombing as well as shootings in San Bernardino and Orlando (Shane 2015; Berger 2011; The Week Staff 2016). Scott Shane (2015) of the *New York Times* asserts "Awlaki's pronouncements seem to carry greater authority today than when he was living, *because* America killed him." Indeed, his enduring legacy is believed to be so influential, pressure to limit access to his teachings ultimately resulted in YouTube taking down his videos (Hern 2017).

remains piecemeal and somewhat obscured (Lauter and Phelps 2014; Savage 2014). This makes getting a handle on operations, objectives, and legal grounding surrounding his death challenging and difficult to verify.²⁰ Ultimately, partial secrecy helps to reinforce the executive branch's public account of the event and legitimize the white paper leak that retroactively justifies, and celebrates, al-Awlaki's death.

In sum, public acknowledgement of al-Awlaki's death and the leak of the white paper achieves several ends. The first is spurring a public hearing that visibly interrogates the heretofore secret rationale directing targeted drone strikes. In this effort, Congress effectively fields the responsibility of due diligence while the executive branch stays out of the fray (though, as members mention in both *Drones and the War on Terror* and *Drone Wars*, representatives of the Obama administration are invited and fail to show up). The public hearings benefit the CIA drone program as they serve to further situate it in the mainstream. In so doing, they make more ordinary the formerly secret program and, again, give the illusion of due process. Even so, the Obama administration's refusal to attend the hearings undermines their ability to effectively or credibly achieve their stated aims of oversight and legal clarity. Finally, the semi-secrecy around al-Awlaki's

²⁰ Accounts of the leaked Justice Department memos have changed over time making it difficult to fully understand the landscape and timeline of revelation (Leopold 2014). In February 2013, it was reported that the memos distributed prior to the Brennan confirmation, as well as two others, were also shown to members of the Senate and House Intelligence Committees in June, 2012 (ACLU 2013). The latter of the two white papers on targeted killings, entitled "Lawfulness of Lethal Operation Directed Against a U.S. Citizen Who Is a Senior Operational Leader of Al-Qa'ida or An Associated Force" would be the memo discussed at length in the hearings. The non-leaked memo, entitled "Memorandum for the Attorney General: Re: Applicability of Federal Criminal Laws and the Constitution to Contemplated Lethal Operational Against Shaykh Anwar al-Aulaqi" was written in 2010 and included many redacted pages outlining the evidence accumulated against al-Awlaki. This memo would be made public by court order in 2014 though a subsequent request for the release of other legal memos related to targeted killing was denied in 2015 (*Reuters* 2015). These cases have been applauded by groups like the ACLU as important steps in transparency (Lauter and Phelps 2014). Yet the ongoing difficulty of determining what information exists and having said information revealed (with the rationale of rulings on disclosure cases often being redacted themselves) suggests murkiness, rather than transparency, remains the norm. Further, in the process of pushing for revelation, not only are legal memos implicitly codified as policy, but also, the failure of formal and rigorous structures of legal interrogation and oversight are often overlooked (Pozen 2015).

death and the revelation of the Justice Department memo reflect how limited information serves to clarify narratives and shape public discourse in ways that ultimately benefit the secret drone program.

Conclusion

Secrecy works in ways that are contradictory but also slippery and hard to pin down. Open secrecy plays a pivotal role in the hearings and their multifaceted outcomes. Considering how secrets are maintained or revealed in and around the hearings reflects how partial secrecy helps to simultaneously obscure critique and frame public discourse about the CIA drone program. Further, that revelations—or careful unsecretings—help direct the way open secrets are understood, interpreted, and strategically protected by interested parties (as well as unwittingly by others seeking to make them public or scrutinize them). Lee (2011) reminds us that the visibility of a secret is critical to its power and the continuation of secrecy. The hearings are similarly paradoxical. The hearings set out to learn about, regulate, or exercise oversight over the US drone programs. However, they effectively undermine their own objectives by providing a forum through which secrets are acknowledged and fortified. Their proceedings help demonstrate the normality and necessity of ongoing secrecy that, in the end, does much to promote and protect the political status quo that makes the drone program possible in the first place. Instead of creating more transparency or accountability, they help reinforce the opacity that continues to define and protect the secret drone program.

CHAPTER 6. CONCLUSION

The Unexpected Outcomes of Failed Oversight

This project asserts that the four drone hearings that take place between 2010 and 2013 are deceptively productive. Though the hearings largely fail to achieve their articulated objectives of oversight, accountability, or increased transparency, they do produce other, unexpected, outcomes. To conclude this thesis, I review the results of my analysis and offer some final thoughts on implications and interpretations of these results.

My first question asked how the public drone hearings engaged with the secret CIA drone program. I found that the hearings relied on technical and sterilized language, fixated on legal details, and implicitly reinforced security narratives that emphasize persistent threat and insecurity. This includes promoting the exceptional nature of the spaces in which CIA drones operate, a narrative that both justifies and reinforces the continued need for US of drones to secure people and places outside of declared battlefields. Further, that publicly available leaks, speeches, and information shape but also limit the hearings' engagement with the secret drone program to what is already known. Overall, the hearings serve as mechanisms through which drones are made more familiar and their practices gradually depoliticized. Disaffected language, granular analysis, and the formal acknowledgement of strategic revelations all contribute to the normalization and perpetuation of practices of drone warfare and its surrounding structures.

My second question asked how secrecy informed the process of these public hearings. The hearings spend considerable time grappling with unknowns—like numbers relating to drone strikes or legal rationales behind strikes—and legitimizing the contents of leaks and disclosures through careful analysis. Their engagement with secrets already made public and maintenance of other (more secret) secrets undermines their articulated

aim of conducting meaningful oversight over the secret drone program. Instead, through the performance of regulation, the drone hearings ultimately materialize and produce the continued opacity and lack of accountability they seek to regulate (Butler 1993).

Finally, my third question asks what the hearings can reflect about the interface between secrecy and publicity in the context of later-modern war. From the above two points, it is evident that making certain aspects of the drone program more public, paradoxically, serves to diffuse critique and reinforce the necessity of a covert status quo (Pozen 2015; Valverde 2011). Further, that performative processes of oversight ultimately reproduce that which they seek to regulate (Bialasiewicz et al. 2007; Butler 1993). The hearings also demonstrate the necessity of publicity in the perpetuation of both secrecy and security. They reflect how open secrets serve to distract (to know one secret is to not know another) (Bratich 2006), and how the public pursuit of security is self-reinforcing (pursuing security always reveals and creates more insecurity) (Zedner 2003). This established, it becomes possible to see how these mechanisms of secrecy and security continuously reproduce a space for the CIA's covert drone program at the nexus of war, security, and secrecy. In this space of convergence, the CIA drone program acts as a natural conduit through which the increasingly blurry line between war and security can be further obscured (Kindervater 2015). The entrenchment of the drone program, then, aids in reinforcing the later-modern war paradigm through which war and security become essentially indistinguishable (Shaw 2013; Gregory 2011a).

Using the drone hearings as a case study through which to explore the open secrecy of the CIA drone program, this thesis aimed to better understand the role of secrecy in US security policy. My analysis makes clear that open secrecy facilitates numerous unexpected outcomes—including the entrenchment and perpetuation of the secret drone program. Further, that open secrecy cultivates an environment wherein traditional mechanisms of oversight and accountability may no longer prove effective. This seems especially true as the US increasingly embraces a model of war/security reflected in its growing reliance on drones and other diffuse and discrete modalities of war (Niva 2013; Shaw and Akhter 2014).

The Geopolitical Impact and Implications of CIA Drones

Between the start and end of the four drone hearings, drones move from relative obscurity to an openly discussed and heralded aspect of US security policy. The final hearing, *Drone Wars*, serves not only as a bookend to a series of drone hearings, but also as something akin to a marker for shifting policy and public perception of the US' secret drone program. This shift is most clearly reflected in a May 23, 2013 counterterrorism speech by President Obama that articulates a desire to scale back active conflicts and repeal the 2001 Authorization for the Use of Military Force, but also continue a "systematic effort to dismantle terrorist organizations." Kenneth Anderson and Benjamin Wittes (2015: 138) write that this speech represents a noteworthy pivot, moving the administration "away from simply seeking to declare and justify existing policy...to describing the future direction of counterterrorism." More broadly, the speech represents a public declaration of a changed view of war and the space of war, set into motion over a decade prior through the efforts of men like Donald Rumsfeld and Thomas Barnett (Roberts, Secor and Sparke 2003), but made real through the operations of the CIA drone program.

These operations have modeled a new spatiality of war divested from physical notions of territory or battlefields (Kindervater 2016; 2017), laid the groundwork for enduring, ever-present war (Shaw 2013), and reinforced the perpetuation of spaces of exception (Gregory 2010; 2017; Shaw and Akhter 2012). The changing model of war/security embodied in the CIA drone program reflects an interpretation of territory that is complex, always changing, and outside the bounds of physicality (Elden 2010; Kindervater 2017). This ephemeral view of territory operates as a basis of state power (Kindervater 2017). Accordingly, through the practice of lethal surveillance, the CIA drone program both demonstrates this influence and continuously justifies the need for ever more intervention (Kindervater 2015). This cycle perpetuates the power imbalance inherent to the occupation of a space by drones. As the US uses drones to exert its power, it does so at the expense of those living under drones. This cycle both reflects and perpetuates exceptionalism and Otherness fundamental to US security policy (Akhter 2017; Gregory 2017).

The changing spatiality of US war outlined in Obama's 2013 speech goes hand in hand with normalization and proliferation of drones. Drone technology facilitates a new vision of war: one that is smaller, more diffuse, and increasingly autonomous (Niva 2013). However, this changing shape and structure presents significant challenges, particularly in the absence of transparency, accountability, and effective measures of oversight. As the United States' approach to warfare grows increasingly centralized, covert, and security-focused, it is important to explore not just the functions of later-modern war, but the ways in which it may be challenged or disrupted.

APPENDIX: HEARING DETAILS

Timeline of Hearings

Rise of the Drones: Unmanned Systems and the Future of War
March 23, 2010

Rise of the Drones II: Examining the Legality of Unmanned Targeting
April 28, 2010

Drones and the War on Terror: When Can the U.S. Target Alleged American Terrorists
Overseas?
February 27, 2013

Drones Wars: The Constitutional and Counterterrorism Implications of Targeted Killing
April 23, 2013

Hearing Details

Rise of the Drones: Unmanned Systems and the Future of War March 23, 2010

Committee: House of Representatives Committee on Oversight and Government Reform:
Subcommittee on National Security and Foreign Affairs

Chair: John Tierney (MA, D)

Ranking Member: Jeff Flake (AZ, R)

Congress: 111th

Summary: Hearing before the Subcommittee on National Security and Foreign Affairs to examine modern warfare issues and developments, focusing on the tactical, ethical, and political implications of drones and weapons system usage trends.

Background and Context: The number of unmanned systems and their military applications has grown rapidly in the past decade, and the demand for them has increased likewise. In 2009, for the first time, AF trained more unmanned pilots than traditional fighter pilots. Unmanned aerial vehicles have been used to attack senior leaders of the Taliban and other insurgent groups, and targets have included at least one American citizen.

Witnesses:

SINGER, Peter W. - Senior Fellow and Director, 21st Century Defense Initiative, Brookings Institution

BARRETT, Edward - Director, Research, Stockdale Center for Ethical Leadership, Naval Academy

ANDERSON, Kenneth - Professor, Law, American University Washington College of Law

JACKSON, John E. - Professor, Unmanned Systems, Naval War College

FAGAN, Michael S. - Chair, Unmanned Aerial Systems Advocacy Committee, Association for Unmanned Vehicle Systems International

**Rise of the Drones: Unmanned Systems and the Future of War
March 23, 2010**

Committee.....House of Representatives Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs

Chair.....John Tierney (MA, D)

Ranking Member.....Jeff Flake (AZ, R)

Congress.....111th

Summary: Hearing before the Subcommittee on National Security and Foreign Affairs to examine modern warfare issues and developments, focusing on the tactical, ethical, and political implications of drones and weapons system usage trends.

Witnesses:

SULLIVAN, Michael J. - Director, Acquisition and Sourcing Management, GAO

WEATHERINGTON, Dyke D. - Deputy, UAV Planning Task Force, Office of the Under Secretary, Acquisition, Technology and Logistics, DOD

WOLF, Kevin J. - Assistant Secretary, Export Administration, Bureau of Industry and Security, also Department of Commerce

Drones and the War on Terror: When Can the U.S. Target Alleged American Terrorists Overseas?
February 27, 2013

Committee..... House of Representatives Committee on the Judiciary

Chair.....Bob Goodlatte (VA, R)

Ranking Member.....John Conyers (MI, D)

Congress.....113th

Summary: Hearing before the Subcommittee on National Security and Foreign Affairs to examine use of drones, to carry out targeted killings of alleged American terrorists overseas during war on terrorism operations, and to review related constitutional issues and legal justifications for unmanned aerial vehicles use.

Witnesses:

BELLINGER, John B. , III - attorney

CHESNEY, Robert M. - Professor, Law and Associate Dean, Academic Affairs,
University of Texas School of Law

WITTES, Benjamin - Senior Fellow, Brookings Institution

VLADECK, Stephen I. - Professor, Law and Associate Dean, Scholarship, American
University Washington College of Law

Drones Wars: The Constitutional and Counterterrorism Implications of Targeted Killing
April 23, 2013

Committee.....Senate Judiciary Committee Subcommittee on the Constitution,
Civil Rights and Human Rights

Chair.....Dick Durbin (IL, D)

Ranking Member.....Ted Cruz (TX, R)

Congress.....113th

Summary: Hearing before the Subcommittee on the Constitution, Civil Rights and Human Rights to examine the use of drones to target and kill terrorist suspects overseas, focusing on the constitutional and counterterrorism implications of drone strikes, particularly when used in undeclared warzones or against U.S. citizens.

Witnesses:

CARTWRIGHT, James, Gen.(ret.), USMC

AL-MUSLIMI, Farea - Resident, Sana'a, Yemen

BERGEN, Peter - Director, National Security Studies Program, New America Foundation

BROOKS, Rosa - Professor, Law, Georgetown University Law Center

MCSALLY, Martha, Col. (ret.), Air Force

SOMIN, Ilya - Professor, Law, George Mason University School of Law

Congresses Represented

111th Congress

2009-2011

Senate Majority: Democratic

House Majority: Democratic

113th Congress

2013-2015

Senate Majority: Democratic

House Majority: Republican

Note: The 111th Congress began during the last two weeks of the George W. Bush administration. The remainder of the Congress operated under the Barack Obama administration. The 113th Congress spanned the first two years of Obama's second term.

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VITA

MARITA C. MURPHY

Education

University of Kentucky, 2019 (*expected*)
Master of Arts in Geography

Salt Institute for Documentary Studies, 2015
Certificate in Radio and New Media

University of Notre Dame, 2004
Bachelor of Arts in Peace Studies and History

Publications

Murphy, M. with the University of Kentucky Critical Pedagogy Working Group, et al.
“Making Space for Critical Pedagogy in the Neoliberal University: Struggles and Possibilities.” *ACME*, v. 14, n.4, Dec. 2015