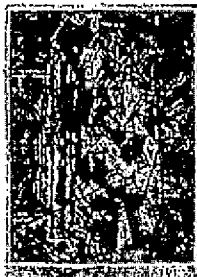


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Pablo Picasso, *L'Homme à la Cigarette*, engraving, 1935. Estimate \$15,000 to \$20,000. At auction Nov 9.

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36 THE NEW YORKER, OCTOBER 26, 2009

THE POLITICAL SCENE

THE PREDATOR WAR

What are the risks of the C.I.A.'s covert drone program?

BY JANE MAYER

On August 5th, officials at the Central Intelligence Agency, in Langley, Virginia, watched a live video feed relay- ing closeup footage of one of the most wanted terrorists in Pakistan. Binallah Mehsud, the leader of the Taliban in Pak- istan, could be seen reclining on the rooftop of his father-in-law's house, in Zanghara, a hamlet in South Waziristan. It was a hot summer night, and he was joined outside by his wife and his uncle, a medic; at one point, the remarkably crisp images showed that Mehsud, who suffered from diabetes and a kidney ail- ment, was receiving an intravenous drip.

The video was being captured by the infrared camera of a Predator drone, a re- motely controlled, unmanned plane that had been hovering, undetected, two miles or so above the house. Pakistan's Interior Minister, A. Rehman Malik, told me re- cently that Mehsud was resting on his back, Malik, using his hands to make a picture frame, explained that the Preda- tor's targeters could see Mehsud's entire body, not just the top of his head. "It was a perfect picture," Malik, who watched the videotape later, said. "We used to see James Bond movies where he talked into his shoe or his watch. We thought it was a fairy tale. But this was fact." The image remained just as stable when the C.I.A. remotely launched two Hellfire missiles from the Predator. Authorities watched the fiery blast in real time. After the dust cloud dissipated, all that remained of Mehsud was a detached torso. Eleven others died: his wife, his father-in-law, his mother-in-law, a lieutenant, and seven bodyguards.

Pakistan's government considered Mehsud its top enemy, holding him re- sponsible for the vast majority of recent terrorist attacks inside the country, in- cluding the assassination of former Prime Minister Benazir Bhutto, in December, 2007, and the bombing, last September, of the Marriott Hotel in Islamabad, which killed more than fifty people. Mehsud was

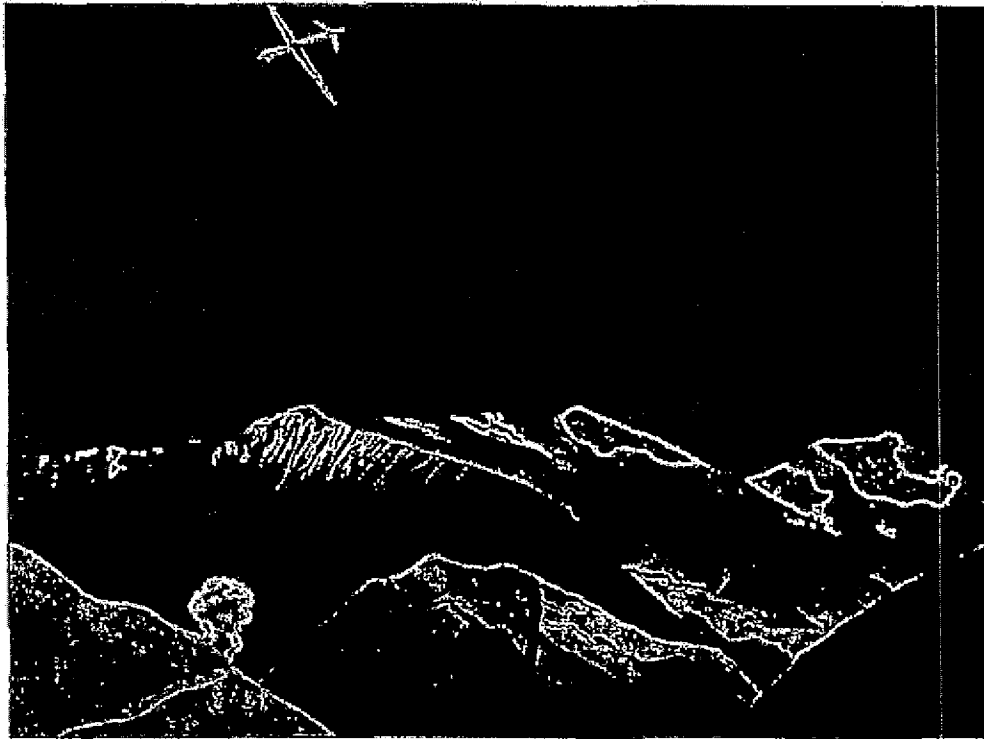
also thought to have helped his Afghan confederates attack American and coalition troops across the border. Roger Cressey, a former counterterrorism official on the National Security Council, who is now a partner at Good Harbor, a consult- ing firm, told me, "Mehsud was someone both we and Pakistan were happy to see go up in smoke." Indeed, there was no controversy when, a few days after the missile strike, CNN reported that Presi- dent Barack Obama had authorized it.

However, at about the same time, there was widespread anger after the *Wall Street Journal* revealed that during the Bush Administration the C.I.A. had con- sidered setting up hit squads to capture or kill Al Qaeda operatives around the world. The furor grew when the *Times* reported that the C.I.A. had turned to a private contractor to help with this highly sensi- tive operation: the controversial firm Blackwater, now known as Xe Services. Members of the Senate and House Intel- ligence committees demanded investiga- tions of the program, which, they said, had been hidden from them. And many legal experts argued that, had the program become fully operational, it would have violated a 1976 executive order, signed by President Gerald R. Ford, banning Ameri- can intelligence forces from engaging in assassination.

Hina Shamsi, a human-rights lawyer at the New York University School of Law, was struck by the inconsistency of the public's responses. "We got so upset about a targeted-killing program that didn't happen," she told me. "But the drone program exists." She said of the Predator program, "These are targeted in- ternational killings by the state." The pro- gram, as it happens, also uses private con- tractors for a variety of tasks, including flying the drones. Employees of Xe Ser- vices maintain and load the Hellfire mis- siles on the aircraft. Vicki Dvorkin, a former C.I.A. lawyer, who now teaches at the U.S. Naval Academy, in Annapolis, ob-

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The "push-button" approach to fighting Al Qaeda represents a radically new use of state-sanctioned lethal force.

erved, "People are a lot more comfortable with a Predator strike that kills many people than with a throat-slitting that kills one." But she added, "mechanized killing is still killing."

The U.S. government runs two drone programs. The military's version, which is publicly acknowledged, operates in the recognized war zones of Afghanistan and Iraq, and targets enemies of U.S. troops stationed there. As such, it is an extension of conventional warfare. The C.I.A.'s program is aimed at terror suspects around the world, including in countries where U.S. troops are not based. It was initiated by the Bush Administration and, according to Juan Zarate, a counterterrorism adviser in the Bush White House, Obama has left in place virtually all the key personnel. The program is classified as covert, and the intelligence agency declines to provide any information to the public about where it operates, how it selects targets, who is in charge, or how many people have been killed.

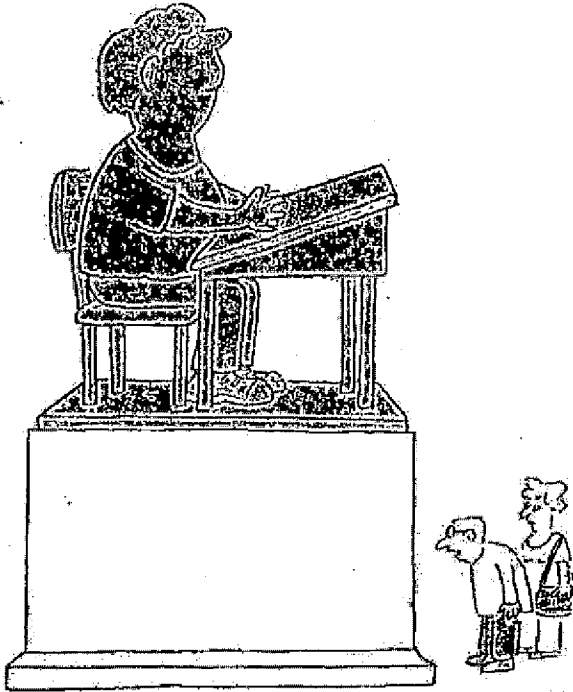
Nevertheless, reports of fatal air strikes in Pakistan emerge every few days. Such stories are often secondhand and difficult to confirm, as the Pakistani government and the military have tried to wall off the tribal areas from journalists. But, even if a precise account is elusive, the outlines are clear: the C.I.A. has joined the Pakistani intelligence service in an aggressive campaign to eradicate local and foreign militants, who have taken refuge in some of the most inaccessible parts of the country.

The first two C.I.A. air strikes of the Obama Administration took place on the morning of January 23rd—the President's third day in office. Within hours, it was clear that the morning's bombings, in Pakistan, had killed an estimated twenty people. In one strike, four Arabs, all likely affiliated with Al Qaeda, died. But in the second strike a drone targeted the wrong house, hitting the residence of a pro-government tribal leader six miles outside the town of Wana, in South Waziristan. The blast killed the tribal leader's entire family, including three chil-

dren, one of them five years old. In keeping with U.S. policy, there was no official acknowledgment of either strike.

Since then, the C.I.A. bombardments have continued at a rapid pace. According to a just completed study by the New America Foundation, the number of drone strikes has risen dramatically since Obama became President. During his first nine and a half months in office, he has authorized as many C.I.A. aerial attacks in Pakistan as George W. Bush did in his final three years in office. The study's authors, Peter Bergen and Katherine Tiedemann, report that the Obama Administration has sanctioned at least forty-one C.I.A. missile strikes in Pakistan since taking office—a rate of approximately one bombing a week. So far this year, various estimates suggest, the C.I.A. attacks have killed between three hundred and twenty-six and five hundred and thirty-eight people. Critics say that many of the victims have been innocent bystanders, including children.

In the last week of September alone,



"He works and plays well with others."

S. GROSS

there were reportedly four such attacks—three of them in one twenty-four-hour period. At any given moment, a former White House counterterrorism official says, the C.I.A. has multiple drones flying over Pakistan, scouting for targets. According to the official, "there are so many drones" in the air that arguments have erupted over which remote operators can claim which targets, provoking "command-and-control issues."

General Atomics Aeronautical Systems, the defense contractor that manufactures the Predator and its more heavily armed sibling, the Reaper, can barely keep up with the government's demand. The Air Force's fleet has grown from some fifty drones in 2001 to nearly two hundred; the C.I.A. will not divulge how many drones it operates. The government plans to commission hundreds more, including new generations of tiny "nano" drones, which can fly after their prey like

a killer bee through an open window.

With public disenchantment mounting over the U.S. troop deployment in Afghanistan, and the Obama Administration divided over whether to escalate the American military presence there, many in Washington support an even greater reliance on Predator strikes. In this view, the U.S., rather than trying to stabilize Afghanistan by waging a counter-insurgency operation against Taliban forces, should focus purely on counterterrorism, and use the latest technology to surgically eliminate Al Qaeda leaders and their allies. In September, the conservative pundit George Will published an influential column in the *Washington Post*, "Time to Get Out of Afghanistan," arguing that "America should do only what can be done from offshore, using intelligence, drones, cruise missiles, air strikes, and small, potent Special Forces units, concentrating on the porous 1,500-mile bor-

der with Pakistan, a nation that actually matters." Vice President Joseph Biden reportedly holds a similar view.

It's easy to understand the appeal of a "push-button" approach to fighting Al Qaeda, but the embrace of the Predator program has occurred with remarkably little public discussion, given that it represents a radically new and geographically unbounded use of state-sanctioned lethal force. And, because of the C.I.A. program's secrecy, there is no visible system of accountability in place, despite the fact that the agency has killed many civilians inside a politically fragile, nuclear-armed country with which the U.S. is not at war. Should something go wrong in the C.I.A.'s program—last month, the Air Force lost control of a drone and had to shoot it down over Afghanistan—it's unclear what the consequences would be.

The Predators in the C.I.A. program are "flown" by civilians, both intelligence officers and private contractors. According to a former counterterrorism official, the contractors are "seasoned professionals—often retired military and intelligence officials." (The intelligence agency outsources a significant portion of its work.) Within the C.I.A., control of the unmanned vehicles is split among several teams. One set of pilots and operators works abroad, near hidden airfields in Afghanistan and Pakistan, handling takeoffs and landings. Once the drones are aloft, the former counterterrorism official said, the controls are electronically "slewed over" to a set of "reachback operators," in Langley. Using joysticks that resemble video-game controls, the reachback operators—who don't need conventional flight training—sit next to intelligence officers and watch, on large flat-screen monitors, a live video feed from the drone's camera. From their suburban redoubt, they can turn the plane, zoom in on the landscape below, and decide whether to lock onto a target. A stream of additional "signal" intelligence, sent to Langley by the National Security Administration, provides electronic means of corroborating that a target has been correctly identified. The White House has delegated trigger authority to C.I.A. officials, including the head of the Counter-Terrorist Center, whose identity remains veiled from the public because the agency has placed him under cover.

People who have seen an air strike live



*Drone will allow me to return the limo if my investments go bad.*

missile, that, too, is weighed  
 after algorithm before a lethal  
 authorized. According to the re-  
 Foreign Relations Commit-  
 the U.S. military places no  
 targeting list until there are  
 human sources" and "sub-  
 tional evidence" that the per-  
 son is a threat.

which conducts unmanned  
 the Palestinian territories, the  
 identifying targets, in theory at  
 more exacting. Military law-  
 convinced that the target  
 can be captured, and that he  
 is a national security. Mili-  
 in Arab culture also have to  
 that the hit will do more  
 harm than good. "You have to be incred-  
 ible," says Amos Guora, a law pro-  
 fessor at the University of Utah, says.  
 In 1997, he advised Israeli  
 officials to stop targeted killings in the  
 West Bank. "If everyone is at the level  
 of targeted killing," he says.  
 Predator, the hub with many  
 Predator who follows the Preda-  
 tor, fears that national-  
 security agencies lack a clear policy  
 for the use of Predator. "Once  
 you start killing, you better make

damn sure there's a policy guiding it," he  
 says. "It can't be just catch-as-catch-can."  
 Daniel Bynan, the director of George-  
 town University's Center for Peace and  
 Security Studies, argues that, when possi-  
 ble, "it's almost always better to arrest ter-  
 rorists than to kill them. You get intelli-  
 gence then. Dead men tell no tales." The  
 C.I.A.'s killing of Saad bin Laden, Osa-  
 ma's son, provides a case in point. By the  
 time that Saad bin Laden had reached  
 Pakistan's tribal areas, late last year, there  
 was little chance that any law-enforce-  
 ment authority could capture him alive.  
 But, according to Hillary Mann Leverett,  
 an adviser to the National Security Coun-  
 cil between 2001 and 2003, the Bush Ad-  
 ministration would have had several op-  
 portunities to interrogate Saad bin Laden  
 earlier, if it had been willing to make a  
 deal with Iran, where, according to U.S.  
 intelligence, he lived occasionally after  
 September 11th. "The Iranians offered to  
 work out an international framework for  
 transferring terror suspects, but the Bush  
 Administration refused," she said. In De-  
 cember, 2008, Saad bin Laden left Iran  
 for Pakistan; within months, according to  
 NPR, a Predator missile had ended his  
 life. "We absolutely did not get the most  
 we could," Leverett said. "Saad bin Laden

would have been very, very valuable in terms of what he knew. He probably would have been a gold mine."

Byman is working on a book about Israel's experiences with counterterrorism, including targeted killing. Though the strikes there have weakened the Palestinian leadership, he said, "if you use these tools wrong, you can lose the moral high ground, which is going to hurt you. Inevitably, some of the intelligence is going to be wrong, so you're always rolling the dice. That's the reality of real-time intelligence."

Indeed, the history of targeted killing is marked by errors. In 1973, for example, Israeli intelligence agents murdered a Moroccan waiter by mistake. They thought that he was a terrorist who had been involved in slaughtering Israeli athletes at the Munich Olympics, a year earlier. And in 1986 the Reagan Administration attempted to retaliate against the Libyan leader Muammar Qaddafi for his suspected role in the deadly bombing of a disco frequented by American servicemen in Germany. The U.S. launched an air strike on Qaddafi's household. The bombs missed him, but they did kill his fifteen-month-old daughter.

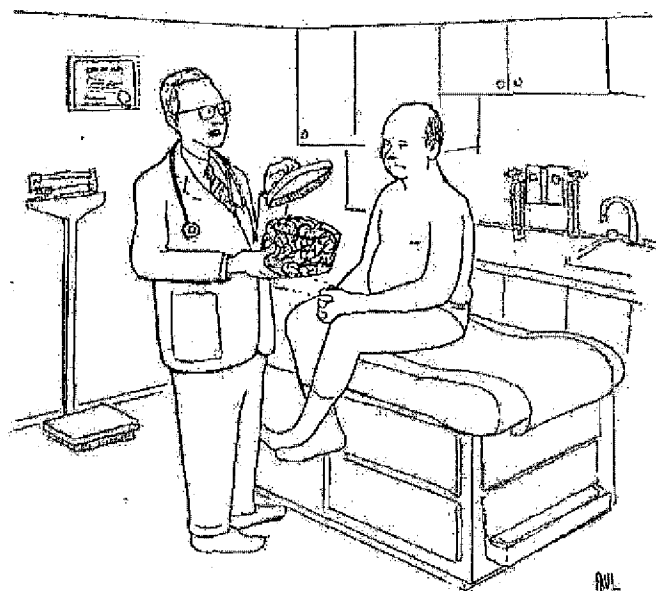
The C.I.A.'s early attempts at targeting Osama bin Laden were also problematic. After Al Qaeda blew up the U.S. Embassies in Tanzania and Kenya, in August, 1998, President Bill Clinton retaliated, by launching seventy-five Tomahawk cruise missiles at a site in Afghanistan where bin Laden was expected to attend a summit meeting. According to reports, the bombardment killed some twenty Pakistani militants but missed bin Laden, who had left the scene hours earlier.

The development of the Predator, in the early nineteen-nineties, was supposed to help eliminate such mistakes. The drones can hover above a target for up to forty hours before refueling, and the precise video footage makes it much easier to identify targets. But the strikes are only as accurate as the intelligence that goes into them. Tips from informants on the ground are subject to error, as is the interpretation of video images. Not long before September 11, 2001, for instance, several U.S. counterterrorism officials became certain that a drone had captured footage of bin Laden in a locale he was known to frequent in Afghanistan. The video showed a tall man in robes, surrounded by armed bodyguards in a dis-

mond formation. At that point, drones were unarmed, and were used only for surveillance. "The optics were not great, but it was him," Henry Crumpton, then the C.I.A.'s top covert-operations officer for the region, told *Time*. But two other former C.I.A. officers, who also saw the footage, have doubts. "It's like an urban legend," one of them told me. "They just jumped to conclusions. You couldn't see his face. It could have been Joe Schmo. Believe me, no tall man with a beard is safe anywhere in Southwest Asia." In February, 2002, along the mountainous eastern border of Afghanistan, a Predator reportedly followed and killed three suspicious Afghans, including a tall man in robes who was thought to be bin Laden. The victims turned out to be innocent villagers, gathering scrap metal.

In Afghanistan and Pakistan, the local informants, who also serve as confirming witnesses for the air strikes, are notoriously unreliable. A former C.I.A. officer who was based in Afghanistan after September 11th told me that an Afghan source had once sworn to him that one of Al Qaeda's top leaders was being treated in a nearby clinic. The former officer said that he could barely hold off an air strike after he passed on the tip to his superiors. "They scrambled together an elite team," he recalled. "We caught hell from headquarters. They said 'Why aren't you moving on it?' when we insisted on checking it out fast." It turned out to be an intentionally false lead. "Sometimes you're dealing with tribal chiefs," the former officer said. "Often, they say an enemy of theirs is Al Qaeda because they just want to get rid of somebody. Or they made crap up because they wanted to prove they were valuable, so that they could make money. You couldn't take their word."

The consequences of bad ground intelligence can be tragic. In September, a NATO air strike in Afghanistan killed between seventy and a hundred and twenty-five people, many of them civilians, who were taking fuel from two stranded oil trucks; they had been mistaken for Taliban insurgents. (The incident is being investigated by NATO.) According to a reporter for the *Guardian*, the bomb strike, by an F-15E fighter plane, left such a tangle of body parts that village elders resorted to handing out pieces of unidentifiable corpses to the grieving families, so that they could have some-



"Diagnosis cookie?"