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Is Obama's Drone Policy Really Morally Superior to Torture?

Bush was condemned for waterboarding. But this administration kills from above.

This article appeared in print as *Too Legit to Quit*



By Sara Sorcher
 February 14, 2013 | 8:10 p.m.



The spectacle: Protesters reenact waterboarding. (AP Photo/Mary Altaffer)

Here is the worst-kept secret in Washington: Instead of capturing and grilling suspected terrorists, as agents did during the 2000s, the United States now kills them from above. Yet where the morality of President Bush's tactics chewed up years of public debate, Congress and the press seem less interested in the legitimacy of drone strikes than in the process (and secrecy) that surrounds them. Members questioned John Brennan, the CIA nominee who helped build the administration's drone strategy, along exactly these lines. "[The debate] has really all been about the legality of targeting American citizens, not the overall moral issues raised by the drone program, or collateral casualties, or classifying any young men between a certain age-group default as terrorists," says Bruce Hoffman, director of Georgetown University's Center for Security Studies. In a *CBS News* poll last week, 71 percent of Americans said they support the strikes.

Compare that with the PR crisis unleashed by the Abu Ghraib prisoner-abuse photos in 2004. Congressional,

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military, and independent investigations sprang to life. The phrase “enhanced interrogation techniques” entered the lexicon. Bush first argued that these were legal, but a Reed College analysis of polls shows that the public broadly opposed torture during his presidency. So why are drone strikes—which have reportedly killed 2,500 in Pakistan alone—different? Why do people impute more legitimacy to killing from afar (which sometimes ensnares innocent bystanders) than interrogating up close?

Perhaps first and foremost: evidence. Abu Ghraib and Guantánamo produced photos, and released detainees described their interrogations; ex post facto drone-strike images look like any other war photo. “How does an incinerated vehicle or a completely demolished house convey the same ... understanding that this is being done to a fellow human being?” Hoffman says. We know government agents waterboarded Khalid Sheikh Mohammed, the 9/11 mastermind, 183 times. In a drone attack, “we don’t have the same details or knowledge.”

Then there’s the moral distinction. “If you kill somebody who is engaged in murderous activities—illegal, unjust, immoral activities like terrorism—in a certain sense, you’re treating him with respect,” says Michael Walzer, who wrote the seminal study *Just and Unjust Wars*. “You are doing something to him that follows from his own actions that you can possibly say he deserves. Torture is humanly degrading.” And, of course, if someone is dead, it solves the problem of where to incarcerate him. (The Bush administration fielded Supreme Court cases over habeas corpus and embarrassing exposés about extraordinary rendition.) Hoffman calls it “fire and forget.”

Another problem for drone critics: verifiability. It’s nearly impossible to challenge the current White House claim that civilian casualties are limited because the strikes are effective and well supervised. So the public debate is one-sided, says Hina Shamsi, the American Civil Liberties Union’s National Security Project director. “The government [is] ... refusing to provide any official count of the number of strikes, number of alleged militants killed, or their identities, and how many innocent civilian bystanders have died.”

At any rate, the legality of drone strikes is still a matter of interpretation. “If you believe that waterboarding was torture, as many people did, then the president was sanctioning the basic violations of domestic and international law,” says Daniel Klaidman, author of *Kill or Capture*. The Obama administration has not released its legal analysis, but it contends that the Authorization for Use of Military Force in 2001 allows drone attacks against terrorists. The less people know about the rationale, the fewer objections they can raise. “It is not as clearly illegal,” Klaidman says. (Although Bush’s final CIA director, Michael Hayden, insists there were legal, “well-run” interrogation techniques during the Bush years, too, which people commonly conflated with the “truly criminal” ones. “They talk about the CIA waterboarding at Guantánamo; that never happened. You’ve got in *Zero Dark Thirty* the dog-collar thing. We never used dog collars; that was Abu Ghraib.”)

It’s also hard to argue with success: Drones decimated key Qaida militants in recent years, including Abu Yahya al-Libi in Pakistan and Anwar al-Awlaki in Yemen. It’s a low-risk, low-intensity strategy—a fitting combat mode for a war-weary public, an irregular enemy, and a budget crisis. “If you have weaponry that is reasonably precise, and can go after those threats without having to occupy countries and send thousands of troops to faraway places,” Klaidman says, “that makes a lot of sense. That’s certainly Obama’s view.”

One final difference between then and now is the way people perceive the president. Bush’s “global war on terror” cost thousands of lives and his high approval rating. Obama will have ended the Iraq and Afghanistan wars, killed Osama bin Laden, stopped torture, and even tried to close Gitmo. “By a certain point, virtually nothing President Bush did was going to win approval by anybody,” former Defense Secretary Robert Gates told *CNN* Sunday, explaining public support for drone strikes but not enhanced interrogation. If George Bush had killed an American citizen without a court order, Hayden adds, referring to Awlaki, “the bonfires would still be burning in Lafayette Park.”

Save for a few Code Pink activists at Brennan’s hearing, there is little visible domestic dissent from Obama’s drone program. In Pakistan, however, demonstrations are frequent. That may be the most important commonality between drones and torture: The people whose hearts and minds we still want to win hate them both.

This article appeared in the Saturday, February 16, 2013 edition of National Journal.

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Perplexed

This obvious hypocrisy by the MSM is evidenced by their total failure to criticize drone killing without due process while continuously and fervently criticizing waterboarding which left people intact and very much alive. They also conveniently left out the fact that our own troops are subjected to waterboarding as a part of their training.

3 minutes ago

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g10011

Killing people has to be worst than making them uncomfortable. the difference in public opinion is probably due the press coverage. If you called drone strikes murder like they called water boarding torture you could get people to freak out. Just as note we didn't water board Khalid Sheikh Mohammed 183 time. you should check those numbers before you run them even as part of quote.

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Perplexed

If it is 'hard to argue with success' as a way of justifying the drone program then how do you condemn 'waterboarding' when it led to the elimination of bin laden? Seems like you are trying to rationalize something that cannot be justified using your own criteria of morality. The drone programs merely personifies the hypocrisy of leftists who enjoy support from the MSM.

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