

**Senate Judiciary Committee  
Subcommittee on Constitution, Civil Rights and Human Rights**

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

**From Senator Durbin**

**Questions for the Record for Gen. James Cartwright**

1. In a speech in April of last year, CIA Director John Brennan, who was then serving as a senior counterterrorism advisor to President Obama, discussed “the rigorous standards and process of review to which [the Administration holds itself]... when considering and authorizing strikes against a specific member of al-Qaida outside the hot battlefield of Afghanistan.” Brennan asserted that lethal force is used only when an individual is a legitimate target who “poses a significant threat to U.S. interests” and capture is infeasible. Some national security experts argue that this assertion is not entirely consistent with the use of so-called signature strikes. In signature strikes, anonymous, suspected militants are reportedly targeted on the basis of descriptions, behavioral patterns, and other characteristics that bear similarities to terrorist leaders on the run.

**What is publicly known about the criteria used to select the targets of signature strikes and confirm that these individuals are, in fact, militants?**

*I cannot answer what is publicly known about the criteria used to select the target of signature strikes. What I can provide is that the U.S. Air Force MQ-1/9 aircraft record all mission sensor data. Consideration should be given for establishing guidelines on retention and review of this mission sensor data.*

**Do the tactical and strategic consequences of signature strikes risk undermining the overall counterterrorism goals or moral authority of the United States?**

*If strategy, tactics, and techniques imposed are perceived to do more harm than good, we risk undermining the overall counterterrorism goals and moral authority. There is reasonable evidence, in the public reporting, this may be the case. How accurate a reflection the reporting is, is not conclusive however, it is sufficiently prevalent to cause concern.*

2. There are reportedly a series of policies, procedures, and safeguards currently in place that Defense Department officials must follow before carrying out a drone strike, in order to ensure legal authorization, reduce the potential for error, verify the target, and limit civilian casualties.

**Would you please provide an unclassified overview of those policies and procedures and provide your recommendations on how they can be enhanced?**

*I retired from active duty in 2011. I recommend the committee ask DOD to provide established policies, procedures, and safeguards, currently in place, for any strike inside and outside of declared Areas of Hostility. I would also recommend a request for DOD to provide any remotely piloted aircraft-unique procedures and safeguards.*