

**Senate Judiciary Committee**  
**Subcommittee on Constitution, Civil Rights and Human Rights**  
**Hearing on “Drone Wars: The Constitutional and Counterterrorism Implications of**  
**Targeted Killing”**  
**April 23, 2013**

**Questions for the Record for General James Cartwright**

- The Department of Justice’s white paper on the targeted killing of U.S. citizens overseas articulates a novel, and some would say, dangerously broad standard for what would constitute an imminent threat. What do you think are the implications of such a broad standard for imminence?

*Committee witnesses, Rosa Brooks and Ilya Somin, are far more qualified than I to answer this question. I would only observe that if the criteria for imminence are too broad, they risk the inclusion of too many targets to be useful and/or responsible; if the criteria are too narrow in cases where the ability to act is fleeting, they risk the loss of opportunity to prevent serious harm.*

- The U.S. government has apparently conducted a number of “double tap” strikes, where we have targeted the same location in back-to-back strikes. I am concerned that these sorts of double-hits place victims of the initial strike, as well as the people running to help them, in great danger. Critics of these strikes contend they violate the Geneva Conventions. Do you agree, and if so, can you explain why?

*I do not advocate violating the Geneva Conventions. U.S. Air Force MQ-1/9 aircraft record all mission sensor data. If a violation of the engagement criterion or legal norms occurs, it would have been recorded and should be made available for review. I would not recommend the elimination of re-strike. There are many instances when re-strike is an appropriate action. I would recommend establishing the criteria for review of post-strike data for accountability and oversight purposes.*

- The U.S. government has conducted a number of signature strikes against alleged members of al- Qaeda. Do you know what the government’s process is for verifying that a target is indeed a member of al-Qaeda? Similarly, do you know how the administration determines what are “associated forces” of al-Qaeda?

*I retired from active service in 2011. I am not current on the criteria for target verification or determination of “associated forces”. Both are likely to be classified.*

- How has the adaptation of policy and law lagged behind implementation of the capabilities of drone technology, in your view? What is not adequately being considered, and how might policy on the use of drones be improved?

*Remotely piloted aircraft provide an unprecedented ability for target identification, management of collateral damage, persistence in the target area until all criteria are satisfied and post-strike accountability. The scenarios we addressed in the hearing (i.e., strikes against individuals or groups that pose a threat to the U.S. and/or its interests, outside of a normally declared area of hostility) are a very small segment of how the U.S. uses remotely piloted aircraft. I know of no better platform to perform this mission. A critical policy review is better focused on the scenario vice the weapon system. That said, to address the question -- improvements in the review and accountability requirements of post-strike records would enhance oversight of target identification, collateral damage management, and policy/legal compliance. Post-strike review could accomplish this without unduly risking the loss of an opportunity to prevent further harm to our interests arising from not acting against fleeting opportunities.*