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November 20, 2012

**BY FACSIMILE**

The Honorable Colleen McMahon  
United States District Court  
Southern District of New York  
Room 1350  
500 Pearl Street  
New York, NY 10007

Re: *American Civil Liberties Union v. U.S. Department of Justice et al.*  
Case No. 12 Civ. 794

Dear Judge McMahon:

In a recent letter to the Court, see Letter to Court, *Am. Civil Liberties Union v. U.S. Dep't of Justice*, No. 12 Civ. 794 (S.D.N.Y. Sept. 11, 2012), plaintiffs the American Civil Liberties Union and the American Civil Liberties Union Foundation (collectively, the "ACLU") called attention to several statements President Obama made about the government's targeted killing program after the submission of the parties' briefs supporting their cross-motions for summary judgment. The ACLU now submits for the Court's further consideration four recent articles from the *Washington Post*, attached hereto, in which high-ranking administration officials acknowledge and discuss the CIA's use of armed drones to carry out targeted killings, providing even further evidence that the government's position in this case is untenable.

The articles quote and paraphrase numerous statements about the CIA's drone program by Deputy National Security Advisor John Brennan and former National Counterterrorism Center Director Michael Leiter, and attribute numerous other statements to "officials," "administration officials," "high-ranking administration officials," and "senior administration officials."

The October 24 article is particularly notable because it quotes and paraphrases Mr. Brennan as he discusses the "playbook" that contains the government's procedures and criteria for its targeted killing program. Karen DeYoung, *A CIA Veteran Transforms U.S. Counterterrorism Policy*, WASH. POST, Oct. 24, 2012. Mr. Brennan also discussed his "efforts to curtail the CIA's primary responsibility for targeted killings" and, further, the article notes that "Brennan and others described a future in which the CIA is eased out of the clandestine-killing business." The government has admitted, through Mr. Brennan's statements, that the CIA is involved in the government's targeted killing program. In light of that disclosure, the defendant agencies' continued reliance upon "Glomar" and "No Number, No List" responses is unsustainable.

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In addition to the admissions made by Mr. Brennan, the series of articles also provide various additional details, at a granularly specific level, regarding the targeted killing program, including the process set up to approve such killings and the military's increasing involvement in them. The October 23 article explains that the approval process for targeted killings has been codified and streamlined, that a database of potential targets is maintained, and that the program is being institutionalized and is expected to continue operating for at least a decade. See Greg Miller, *Plan for Hunting Terrorists Signals U.S. Intends to Keep Adding Names to Kill Lists*, WASH. POST, Oct. 23, 2012. The October 25 article discusses a military facility in Djibouti that the government has admitted is a base for remotely piloted aircraft used for "regional security missions," and that hosts drone missions. Craig Whitlock, *Remote U.S. Base at Core of Secret Operations*, WASH. POST, Oct. 25, 2012. And the October 18 article details a proposal by then-CIA Director David Petraeus to "significant[ly] expan[d] . . . the agency's fleet of armed drones." Greg Miller, *CIA Seeks to Expand Drone Fleet, Officials Say*, WASH. POST, Oct. 18, 2012.

The government has argued throughout this litigation that the CIA should not be required to satisfy its usual obligations under FOIA because even acknowledging the existence of the agency's targeted killing program—or its "interest" in targeted killings—would jeopardize national security. It is simply impossible to square that contention with the administration's ongoing campaign of selective disclosure, exemplified, most recently, by the *Washington Post* articles. If national-security officials can discuss the CIA's targeted killing and drone programs with journalists, the government should be required to respond to requests submitted under FOIA and should not be permitted to pretend that its litigation position is based on legitimate considerations of national security.

In the past and in the attached articles, the government has admitted that there is a targeted killing program, that there are various procedures and criteria that govern the program (which are now being compiled into a "playbook"), and that the CIA and DOD are involved in the program. Given those disclosures (along with the various earlier acknowledgments), the government's claimed bases in this FOIA litigation for its withholding of information and documents are not logical or credible. The government's own disclosures show it has determined that information beyond what was provided to the ACLU can be released without endangering the public or violating the law.

Sincerely,

  
Colin Wicker

Enclosures

cc: Sarah S. Normand, Esq., Assistant United States Attorney (by Email)  
David McGraw, Esq., Counsel for The New York Times (by Email)

# The Washington Post

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## CIA seeks to expand drone fleet, officials say

By [Greg Miller](#), Published: October 18

The CIA is urging the White House to approve a significant expansion of the agency's fleet of armed drones, a move that would extend the spy service's decade-long transformation into a paramilitary force, U.S. officials said.

The proposal by CIA Director David H. Petraeus would bolster the agency's ability to sustain its campaigns of lethal strikes in Pakistan and Yemen and enable it, if directed, to shift aircraft to emerging al-Qaeda threats in North Africa or other trouble spots, officials said.

If approved, the CIA could add as many as 10 drones, the officials said, to an inventory that has ranged between 30 and 35 over the past few years.

The outcome has broad implications for counterterrorism policy and whether the CIA gradually returns to being an organization focused mainly on gathering intelligence, or remains a central player in the targeted killing of terrorism suspects abroad.

In the past, officials from the Pentagon and other departments have raised concerns about the CIA's expanding arsenal and involvement in lethal operations, but a senior Defense official said that the Pentagon had not opposed the agency's current plan.

Officials from the White House, the CIA and the Pentagon declined to comment on the proposal. Officials who discussed it did so on the condition of anonymity, citing the sensitive nature of the subject.

One U.S. official said the request reflects a concern that political turmoil across the Middle East and North Africa has created new openings for al-Qaeda and its affiliates.

"With what happened in Libya, we're realizing that these places are going to heat up," the official said, referring to the Sept. 11 attack on a U.S. diplomatic outpost in Benghazi. No decisions have been made about moving armed CIA drones into these regions, but officials have begun to map out contingencies. "I think we're actually looking forward a little bit," the official said.

White House officials are particularly concerned about the emergence of al-Qaeda's affiliate in North Africa, which has gained weapons and territory following the collapse of the governments in Libya and Mali. Seeking to bolster surveillance in the region, the United States has been forced to rely on small, unarmed turboprop aircraft disguised as private planes.



Meanwhile, the campaign of U.S. airstrikes in Yemen has heated up. Yemeni officials said a strike on Thursday — the 35th this year — killed at least seven al-Qaeda-linked militants near Jaar, a town in southern Yemen previously controlled by al-Qaeda in the Arabian Peninsula, as the terrorist group's affiliate is known.

The CIA's proposal would have to be evaluated by a group led by President Obama's counterterrorism adviser, John O. Brennan, officials said.

The group, which includes senior officials from the CIA, the Pentagon, the State Department and other agencies, is directly involved in deciding which alleged al-Qaeda operatives are added to "kill" lists. But current and former officials said the group also plays a lesser-known role as referee in deciding the allocation of assets, including whether the CIA or the Defense Department takes possession of newly delivered drones.

"You have to state your requirements and the system has to agree that your requirements trump somebody else," said a former high-ranking official who participated in the deliberations. "Sometimes there is a food fight."

The administration has touted the collaboration between the CIA and the military in counterterrorism operations, contributing to a blurring of their traditional roles. In Yemen, the CIA routinely "borrows" the aircraft of the military's Joint Special Operations Command to carry out strikes. The JSOC is increasingly engaged in activities that resemble espionage.

The CIA's request for more drones indicates that Petraeus has become convinced that there are limits to those sharing arrangements and that the agency needs full control over a larger number of aircraft.

The U.S. military's fleet dwarfs that of the CIA. A Pentagon report issued this year counted 246 Predators, Reapers and Global Hawks in the Air Force inventory alone, with hundreds of other remotely piloted aircraft distributed among the Army, the Navy and the Marines.

Petraeus, who had control of large portions of those fleets while serving as U.S. commander in Iraq and Afghanistan, has had to adjust to a different resource scale at the CIA, officials said. The agency's budget has begun to tighten, after double-digit increases over much of the past decade.

"He's not used to the small budget over there," a U.S. congressional official said. In briefings on Capitol Hill, Petraeus often marvels at the agency's role relative to its resources, saying, "We do so well with so little money we have." The official declined to comment on whether Petraeus had requested additional drones.

Early in his tenure at the CIA, Petraeus was forced into a triage situation with the agency's inventory of armed drones. To augment the hunt for Anwar al-Awlaki, a U.S.-born cleric linked to al-Qaeda terrorist plots, Petraeus moved several CIA drones from Pakistan to Yemen. After Awlaki was killed in a drone strike, the aircraft were sent back to Pakistan, officials said.

The number of strikes in Pakistan has dropped from 122 two years ago to 40 this year, according to the New America Foundation. But officials said the agency has not cut back on its patrols there, despite the killing of Osama bin Laden and a dwindling number of targets.

The agency continues to search for bin Laden's successor, Ayman al-Zawahiri, and has carried out dozens of strikes against the Haqqani network, a militant group behind attacks on U.S. forces in Afghanistan.

The CIA also maintains a separate, smaller fleet of stealth surveillance aircraft. Stealth drones were used to

monitor bin Laden's compound in Abbottabad, Pakistan. Their use in surveillance flights over Iran's nuclear facilities was exposed when one crashed in that country last year.

Any move to expand the reach of the CIA's fleet of armed drones probably would require the agency to establish additional secret bases. The agency relies on U.S. military pilots to fly the planes from bases in the southwestern United States but has been reluctant to share overseas landing strips with the Defense Department.

CIA Predators that are used in Pakistan are flown out of airstrips along the border in Afghanistan. The agency opened a secret base on the Arabian Peninsula when it began flights over Yemen, even though JSOC planes are flown from a separate facility in Djibouti.

Karen DeYoung contributed to this report.

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## A CIA veteran transforms U.S. counterterrorism policy

By [Karen DeYoung](#), Published: October 24

*This is the second of three articles.*

In his windowless White House office, presidential counterterrorism adviser John O. Brennan is compiling the rules for a war the Obama administration believes will far outlast its own time in office, whether that is just a few more months or four more years.

The “playbook,” as Brennan calls it, will lay out the administration’s evolving procedures for the targeted killings that have come to define its fight against al-Qaeda and its affiliates. It will cover the selection and approval of targets from the “[disposition matrix](#),” the designation of who should pull the trigger when a killing is warranted, and the legal authorities the administration thinks sanction its actions in Pakistan, Yemen, Somalia and beyond.

“What we’re trying to do right now is to have a set of standards, a set of criteria, and have a decision-making process that will govern our counterterrorism actions — we’re talking about direct action, lethal action — so that irrespective of the venue where they’re taking place, we have a high confidence that they’re being done for the right reasons in the right way,” Brennan said in a lengthy interview at the end of August.

A burly 25-year CIA veteran with a stern public demeanor, Brennan is the principal architect of a policy that has transformed counterterrorism from a conventional fight centered in Afghanistan to a high-tech global effort to track down and eliminate perceived enemies one by one.

What was once a disparate collection of tactics — drone strikes by the CIA and the military, overhead surveillance, deployment of small Special Forces ground units at far-flung bases, and distribution of military and economic aid to threatened governments — has become a White House-centered strategy with Brennan at its core.

Four years ago, Brennan felt compelled to [withdraw from consideration](#) as President Obama’s first CIA director because of what he regarded as unfair criticism of his role in counterterrorism practices as an intelligence official during the George W. Bush administration. Instead, he stepped into a job in the Obama administration with greater responsibility and influence.

Brennan is leading efforts to curtail the CIA’s primary responsibility for targeted killings. Over opposition from the agency, he has argued that it should focus on intelligence activities and leave lethal action to its



more traditional home in the military, where the law requires greater transparency. Still, during Brennan's tenure, the CIA has carried out hundreds of drone strikes in Pakistan and opened a new base for armed drones in the Arabian Peninsula.

Although he insists that all agencies have the opportunity to weigh in on decisions, making differing perspectives available to the Oval Office, Brennan wields enormous power in shaping decisions on "kill" lists and the allocation of armed drones, the war's signature weapon.

When operations are proposed in Yemen, Somalia or elsewhere, it is Brennan alone who takes the recommendations to Obama for a final sign-off.

As the war against al-Qaeda and related groups moves to new locations and new threats, Brennan and other senior officials describe the playbook as an effort to constrain the deployment of drones by future administrations as much as it provides a framework for their expanded use in what has become the United States' permanent war.

"This needs to be sustainable," one senior administration official said, "and we need to think of it in ways that contemplate other people sitting in all the chairs around the table."

### **A critical player**

There is widespread agreement that Obama and Brennan, one of the president's most trusted aides, are like-minded on counterterrorism policy.

"Ever since the first couple of months, I felt there was a real similarity of views that gave me a sense of comfort," Brennan said. "I don't think we've had a disagreement."

But the concentration of power in one person, who is unelected and unconfirmed by Congress, does not sit well with critics.

To many in the international legal community and among human rights and civil liberties activists, Brennan runs a policy so secret that it is impossible for outsiders to judge whether it complies with the laws of war or U.S. values — or even determine the total number of people killed.

"Brennan says the administration is committed to 'greater transparency,'" Human Rights Watch said in response to a speech he gave in May about drones. But despite "administration assertions that 'innocent civilians' have not been injured or killed, except in the 'rarest of circumstances,' there has been no clear accounting of civilian loss or opportunity to meaningfully examine the administration's assertions."

Although outsiders have criticized the policy itself, some inside the administration take issue with how Brennan has run it. One former senior counterterrorism official described Brennan as the "single point of failure" in the strategy, saying he controls too much and delegates too little.

A former top Defense Department official sounded a similar note. "He holds his cards incredibly close," he said. "If I ask for the right one to be seen, he'll show it to me. But he's not going to show me everything he's got in his hand."

Michael E. Leiter, who headed the National Counterterrorism Center until mid-2011, described Brennan as a forceful leader and "a critical player in getting this president comfortable with the tools of the trade."

Leiter said that he and Brennan "disagreed not infrequently" on fleeting issues, including interpretations of a piece of intelligence or how to respond to a specific threat. But there was a more significant issue: Leiter

said Brennan was less focused on root causes of radicalization, in part because of how Brennan and the White House defined his job.

Leiter was one of the few people who allowed his name to be used among the nearly dozen current and former senior national security officials interviewed for this article. Most spoke on the condition of anonymity under restrictions imposed by the administration or because they were not authorized to discuss certain issues.

For each of Brennan's critics, there are many associates who use the words "moral compass" to describe his role in the White House. It is Brennan, they say, who questions the justification for each drone attack, who often dials back what he considers excessive zeal by the CIA and the military, and who stands up for diplomatic and economic assistance components in the overall strategy.

Brennan's bedrock belief in a "just war," they said, is tempered by his deep knowledge of the Middle East, Islam and the CIA, and the critical thinking forged during a classic Jesuit education.

Some White House aides describe him as a nearly priest-like presence in their midst, with a moral depth leavened by a dry Irish wit.

One CIA colleague, former general counsel John Rizzo, recalled his rectitude surfacing in unexpected ways. Brennan once questioned Rizzo's use of the "BCC" function in the agency's e-mail system to send a blind copy of a message to a third party without the primary recipient's knowledge.

"He wasn't joking," Rizzo said. "He regarded that as underhanded."

Brennan, 57, was born in the gritty New Jersey town of North Bergen, across the Hudson River from Midtown Manhattan. His Irish-immigrant parents, now in their early 90s, were strict and devout Catholics, traits his brother Tom said Brennan embodied from an early age. "It was almost like I had two fathers," Tom Brennan said.

John Brennan's formative experiences at Fordham University, where he earned a degree in political science, included a summer in Indonesia, which has the world's largest Muslim population, and a junior year at the American University in Cairo, where he studied Arabic and the region that would dominate his intelligence career and greatly influence his White House tenure.

In 1980, soon after receiving a master's degree in government from the University of Texas at Austin, Brennan answered a CIA recruitment ad in a newspaper. By the middle of the decade, he had spent two years in Saudi Arabia and was among the agency's leading Middle Eastern analysts.

"He was probably the hardest-working human being I ever encountered," said a former senior CIA official who worked for Brennan on the Middle East desk. Brennan, he said, was regarded as insightful, even imaginative, but had a seriousness that set him apart.

In 1999, after a second tour in Saudi Arabia as CIA station chief, he returned to headquarters as chief of staff for then-Director George J. Tenet. In 2001, he became deputy executive director, just months before a team of al-Qaeda operatives — most of them from Saudi Arabia — used four hijacked U.S. airliners to kill nearly 3,000 people on Sept. 11.

### **'I ... do what I think is right'**

Brennan's belief in his competence and probity has sometimes led to political blind spots. Tenet tapped him in 2003 to build the new CIA-based Terrorist Threat Integration Center to bridge pre-Sept. 11 intelligence



gaps. But Brennan was bypassed by the Bush administration a year later for two key jobs — head of the National Counterterrorism Center and deputy to the new director of national intelligence — largely because of his criticism of the Iraq war.

As a private citizen after leaving government, Brennan spoke publicly about counterterrorism controversies of the day. He defended the CIA's rendition of suspected terrorists as "an absolutely vital tool" but described waterboarding as within "the classic definition of torture." Brennan also criticized the military as moving too far into traditional intelligence spheres.

His career in government appeared to be over until he was invited in late 2007 to join the nascent presidential campaign of Barack Obama. Although Obama and Brennan did not meet until after the election, their first conversation during the transition revealed profound harmony on issues of intelligence and what the president-elect called the "war against al-Qaeda."

But when Brennan's name circulated as Obama's choice to head the CIA, he again came under political fire — this time from liberals who accused him of complicity in the agency's use of brutal interrogation measures under Bush. Spooked by the criticism, Obama quickly backtracked and Brennan withdrew.

"It has been immaterial to the critics that I have been a strong opponent of many of the policies of the Bush administration such as preemptive war in Iraq and coercive interrogation tactics, to include waterboarding," he wrote in an angry withdrawal letter released to the media.

Several former intelligence colleagues said that, although Brennan had criticized the CIA interrogation methods after he left the government, they could not recall him doing so as a senior executive at the agency.

Brennan was given responsibility in the White House for counterterrorism and homeland security, a position that required no Senate confirmation and had no well-defined duties. At the outset, colleagues said they wondered what his job would be.

But to a young administration new to the secret details of national security threats and responsibilities, Brennan was a godsend.

And for the man passed over for other posts, it was vindication. "I've been crucified by the left and the right, equally so," and rejected by the Bush administration "because I was not seen as someone who was a team player," Brennan said in the interview.

"I'm probably not a team player here, either," he said of the Obama administration. "I tend to do what I think is right. But I find much more comfort, I guess, in the views and values of this president."

Brennan and others on the inside found that Obama, hailed as a peacemaker by the left and criticized by the right as a naive pacifist, was willing to move far more aggressively than Bush against perceived extremists.

### **Yemen is a 'model'**

From the outset, Brennan expressed concern about the spread of al-Qaeda beyond South Asia, particularly to Yemen, according to administration officials involved in the early talks.

U.S. counterterrorism policy had long been concentrated on Pakistan, where the Bush administration had launched sporadic CIA drone attacks against senior al-Qaeda and Taliban leaders. Within two years, Obama had more than tripled the number of strikes in Pakistan, from 36 in 2008 to 122 in 2010, according to the New America Foundation.

Eventually, Obama and Brennan decided the program was getting out of hand. High-value targets were becoming elusive, accusations of civilian deaths were rising, and strikes were increasingly directed toward what the angry Pakistanis called mere “foot soldiers.”

But with Pakistan’s adamant refusal to allow U.S. military operations on its soil, taking what was considered a highly successful program out of CIA hands was viewed as counterproductive and too complicated. Although CIA strikes in other countries and military strikes outside Afghanistan require Obama’s approval, the agency has standing permission to attack targets on an approved list in Pakistan without asking the White House.

Although the administration has “wrestled with” the Pakistan program, it was always considered an initiative of the previous administration, a senior official said. In Yemen, the Obama team began to build its own counterterrorism architecture.

The turning point came on Christmas Day in 2009, when a Nigerian trained by Yemen-based al-Qaeda in the Arabian Peninsula, an offshoot of Osama bin Laden’s terrorist group, penetrated post-Sept. 11 defenses and nearly detonated a bomb aboard a Detroit-bound airliner.

In the wake of the failed attack, Brennan “got more into tactical issues,” said Leiter, the former NCTC head. “He dug into more operational stuff than he had before.”

Brennan made frequent visits to Yemen and Saudi Arabia, its closest neighbor and the dominant regional power. He used his longtime contacts in the region to cement a joint U.S.-Saudi policy that would ultimately — with the help of Yemen’s Arab Spring revolt — bring a more cooperative government to power. He often spoke of the need to address “upstream” problems of poverty and poor governance that led to “downstream” radicalization, and pushed for economic aid to buttress a growing military and intelligence presence.

Yemen quickly became the place where the United States would “get ahead of the curve” on terrorism that had become so difficult to round in Pakistan, one official said. As intelligence and military training programs were expanded, the military attacked AQAP targets in Yemen and neighboring Somalia using both fixed-wing aircraft and drones launched from a base in Djibouti on the Horn of Africa.

Despite Brennan’s professed dismay at the transformation of the CIA into a paramilitary entity with killing authority, the agency was authorized to operate its own armed aircraft out of a new base in the Arabian Peninsula.

Beginning in 2011, discussions on targeting, strikes and intelligence that had been coordinated by a committee set up by Adm. Mike Mullen, then the chairman of the Joint Chiefs of Staff, were gradually drawn into the White House under Brennan, who, according to several accounts, struggled to pare back increasingly expansive target lists in Yemen. At one meeting last year, one senior official said, Obama weighed in to warn that Yemen was not Afghanistan, and that “we are not going to war in Yemen.”

Today, Brennan said, “there are aspects of the Yemen program that I think are a true model of what I think the U.S. counterterrorism community should be doing” as it tracks the spread of al-Qaeda allies across Northern Africa.

As targets move to different locations, and new threats “to U.S. interests and to U.S. persons and property” are identified in Africa and elsewhere, Brennan described a step-by-step program of escalation. “First and foremost, I would want to work through local authorities and see whether or not we can provide them the intelligence, and maybe even give them some enhanced capability, to take action to bring that person to justice,” he said.

For those governments that are “unwilling or unable” to act, he said, “then we have an obligation as a government to protect our people, and if we need then to take action ourselves . . . we look at what those options are as well.”

In late August, Brennan said he saw no need “to go forward with some kind of kinetic action in places like Mali,” where al-Qaeda allies have seized control of a broad swath of territory. Since then, Brennan and other officials have begun to compare the situation in Mali to Somalia, where drone and other air attacks have supplemented a U.S.-backed African military force.

### **An opaque process**

Where Obama and Brennan envision a standardized counterterrorism program bound by domestic and international law, some others see a secretive killing machine of questionable legality and limitless expansion.

Many civil libertarians and human rights experts disdain claims by Brennan and others that the drone program has become increasingly transparent, noting that the administration has yet to provide even minimal details about targeting decisions or to take responsibility for the vast majority of attacks.

“For more than two years, senior officials have been making claims about the program both on the record and off. They’ve claimed that the program is effective, lawful and closely supervised,” Jameel Jaffer, deputy legal director of the American Civil Liberties Union, said last month in appealing repeated court refusals to force the administration to release more information.

Some critics have described it as immoral, rejecting the administration’s claims that few civilians have been among the nearly 3,000 people estimated to have been killed in drone attacks. There is ample evidence in Pakistan that the more than 300 strikes launched under Obama have helped turn the vast majority of the population vehemently against the United States.

None of the United States’ chief allies has publicly supported the targeted killings; many of them privately question the administration’s claim that it comports with international law and worry about the precedent it sets for others who inevitably will acquire the same technology.

To the extent that it aspires to make the program’s standards and processes more visible, the playbook has been a source of friction inside the administration. “Other than the State Department, there are not a lot of advocates for transparency,” one official said. Some officials expressed concern that the playbook has become a “default” option for counterterrorism.

The CIA, which declined to comment for this article, is said to oppose codifying procedures that might lock it into roles it cannot expand or maneuver around in the future. Directors at most national security agencies agree on targeting rules that are already in place, an official close to Brennan said. But “when it’s written down on paper, institutions may look at it in a different way.”

The CIA, which is preparing a proposal to increase its drone fleet, considers Brennan “a rein, a constrainer. He is using his intimate knowledge of intelligence and the process to pick apart their arguments that might be expansionary,” a senior official outside the White House said.

Two administration officials said that CIA drones were responsible for two of the most controversial attacks in Yemen in 2011 — one that killed American-born cleric Anwar al-Awlaki, a prominent figure in al-Qaeda in the Arabian Peninsula, and a second a few days later that killed his 16-year-old son, also an American citizen. One of the officials called the second attack “an outrageous mistake. . . . They were going after the guy sitting next to him.”

Both operations remain secret and unacknowledged, because of what officials said were covert-action rules that tied their hands when it came to providing information.

Some intelligence officials said Brennan has made little substantive effort to shift more responsibility to the military. But Brennan and others described a future in which the CIA is eased out of the clandestine-killing business, and said the process will become more transparent under Defense Department oversight and disclosure rules.

“Deniable missions” are not the military norm, one official said.

Said Brennan: “I think the president always needs the ability to do things under his chief executive powers and authorities, to include covert action.” But, he added, “I think the rule should be that if we’re going to take actions overseas that result in the deaths of people, the United States should take responsibility for that.”

One official said that “for a guy whose reputation is focused on how tough he is on counterterrorism,” Brennan is “more focused than anybody in the government on the legal, ethical and transparency questions associated with all this.” By drawing so much decision-making directly into his own office, said another, he has “forced a much better process at the CIA and the Defense Department.”

Even if Obama is reelected, Brennan may not stay for another term. That means someone else is likely to be interpreting his playbook.

“Do I want this system to last forever?” a senior official said. “No. Do I think it’s the best system for now? Yes.”

“What is scary,” he concluded, “is the apparatus set up without John to run it.”

Greg Miller and Julie Tate contributed to this report.

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## Plan for hunting terrorists signals U.S. intends to keep adding names to kill lists

By [Greg Miller](#), Published: October 23

Over the past two years, the Obama administration has been secretly developing a new blueprint for pursuing terrorists, a next-generation targeting list called the “disposition matrix.”

The matrix contains the names of terrorism suspects arrayed against an accounting of the resources being marshaled to track them down, including sealed indictments and clandestine operations. U.S. officials said the database is designed to go beyond existing kill lists, mapping plans for the “disposition” of suspects beyond the reach of American drones.

Although the matrix is a work in progress, the effort to create it reflects a reality setting in among the nation’s counterterrorism ranks: The United States’ conventional wars are winding down, but the government expects to continue adding names to kill or capture lists for years.

Among senior Obama administration officials, there is a broad consensus that such operations are likely to be extended at least another decade. Given the way al-Qaeda continues to metastasize, some officials said no clear end is in sight.

“We can’t possibly kill everyone who wants to harm us,” a senior administration official said. “It’s a necessary part of what we do. . . . We’re not going to wind up in 10 years in a world of everybody holding hands and saying, ‘We love America.’ ”

That timeline suggests that the United States has reached only the midpoint of what was once known as the global war on terrorism. Targeting lists that were regarded as finite emergency measures after the attacks of Sept. 11, 2001, are now fixtures of the national security apparatus. The rosters expand and contract with the pace of drone strikes but never go to zero.

Meanwhile, a significant milestone looms: The number of militants and civilians killed in the drone campaign over the past 10 years will soon exceed 3,000 by certain estimates, surpassing the number of people al-Qaeda killed in the Sept. 11 attacks.

The Obama administration has touted its successes against the terrorist network, including the death of Osama bin Laden, as signature achievements that argue for President Obama’s reelection. The



administration has taken tentative steps toward greater transparency, formally acknowledging for the first time the United States' use of armed drones.

Less visible is the extent to which Obama has institutionalized the highly classified practice of targeted killing, transforming ad-hoc elements into a counterterrorism infrastructure capable of sustaining a seemingly permanent war. Spokesmen for the White House, the National Counterterrorism Center, the CIA and other agencies declined to comment on the matrix or other counterterrorism programs.

Privately, officials acknowledge that the development of the matrix is part of a series of moves, in Washington and overseas, to embed counterterrorism tools into U.S. policy for the long haul.

White House counterterrorism adviser John O. Brennan is seeking to codify the administration's approach to generating capture/kill lists, part of a broader effort to guide future administrations through the counterterrorism processes that Obama has embraced.

CIA Director David H. Petraeus is pushing for an expansion of the agency's fleet of armed drones, U.S. officials said. The proposal, which would need White House approval, reflects the agency's transformation into a paramilitary force, and makes clear that it does not intend to dismantle its drone program and return to its pre-Sept. 11 focus on gathering intelligence.

The U.S. Joint Special Operations Command, which carried out the raid that killed bin Laden, has moved commando teams into suspected terrorist hotbeds in Africa. A rugged U.S. outpost in Djibouti has been transformed into a launching pad for counterterrorism operations across the Horn of Africa and the Middle East.

JSOC also has established a secret targeting center across the Potomac River from Washington, current and former U.S. officials said. The elite command's targeting cells have traditionally been located near the front lines of its missions, including in Iraq and Afghanistan. But JSOC created a "national capital region" task force that is a 15-minute commute from the White House so it could be more directly involved in deliberations about al-Qaeda lists.

The developments were described by current and former officials from the White House and the Pentagon, as well as intelligence and counterterrorism agencies. Most spoke on the condition of anonymity because of the sensitivity of the subject.

These counterterrorism components have been affixed to a legal foundation for targeted killing that the Obama administration has discussed more openly over the past year. In a series of speeches, administration officials have cited legal bases, including the congressional authorization to use military force granted after the Sept. 11 attacks, as well as the nation's right to defend itself.

Critics contend that those justifications have become more tenuous as the drone campaign has expanded far beyond the core group of al-Qaeda operatives behind the strikes on New York and Washington. Critics note that the administration still doesn't confirm the CIA's involvement or the identities of those who are killed. Certain strikes are now under legal challenge, including the killings last year in Yemen of U.S.-born al-Qaeda operative Anwar al-Awlaki and his 16-year-old son.

Counterterrorism experts said the reliance on targeted killing is self-perpetuating, yielding undeniable short-term results that may obscure long-term costs.

"The problem with the drone is it's like your lawn mower," said Bruce Riedel, a former CIA analyst and Obama counterterrorism adviser. "You've got to mow the lawn all the time. The minute you stop mowing, the grass is going to grow back."

## An evolving database

The United States now operates multiple drone programs, including acknowledged U.S. military patrols over conflict zones in Afghanistan and Libya, and classified CIA surveillance flights over Iran.

Strikes against al-Qaeda, however, are carried out under secret lethal programs involving the CIA and JSOC. The matrix was developed by the NCTC, under former director Michael Leiter, to augment those organizations' separate but overlapping kill lists, officials said.

The result is a single, continually evolving database in which biographies, locations, known associates and affiliated organizations are all catalogued. So are strategies for taking targets down, including extradition requests, capture operations and drone patrols.

Obama's decision to shutter the CIA's secret prisons ended a program that had become a source of international scorn, but it also complicated the pursuit of terrorists. Unless a suspect surfaced in the sights of a drone in Pakistan or Yemen, the United States had to scramble to figure out what to do.

"We had a disposition problem," said a former U.S. counterterrorism official involved in developing the matrix.

The database is meant to map out contingencies, creating an operational menu that spells out each agency's role in case a suspect surfaces in an unexpected spot. "If he's in Saudi Arabia, pick up with the Saudis," the former official said. "If traveling overseas to al-Shabaab [in Somalia] we can pick him up by ship. If in Yemen, kill or have the Yemenis pick him up."

Officials declined to disclose the identities of suspects on the matrix. They pointed, however, to the capture last year of alleged al-Qaeda operative Ahmed Abdulkadir Warsame off the coast of Yemen. Warsame was held for two months aboard a U.S. ship before being transferred to the custody of the Justice Department and charged in federal court in New York.

"Warsame was a classic case of 'What are we going to do with him?'" the former counterterrorism official said. In such cases, the matrix lays out plans, including which U.S. naval vessels are in the vicinity and which charges the Justice Department should prepare.

"Clearly, there were people in Yemen that we had on the matrix," as well as others in Pakistan and Afghanistan, the former counterterrorism official said. The matrix was a way to be ready if they moved. "How do we deal with these guys in transit? You weren't going to fire a drone if they were moving through Turkey or Iran."

Officials described the matrix as a database in development, although its status is unclear. Some said it has not been implemented because it is too cumbersome. Others, including officials from the White House, Congress and intelligence agencies, described it as a blueprint that could help the United States adapt to al-Qaeda's morphing structure and its efforts to exploit turmoil across North Africa and the Middle East.

A year after Defense Secretary Leon E. Panetta declared the core of al-Qaeda near strategic defeat, officials see an array of emerging threats beyond Pakistan, Yemen and Somalia — the three countries where almost all U.S. drone strikes have occurred.

The Arab spring has upended U.S. counterterrorism partnerships in countries including Egypt where U.S. officials fear al-Qaeda could establish new roots. The network's affiliate in North Africa, al-Qaeda in the Islamic Maghreb, has seized territory in northern Mali and acquired weapons that were smuggled out of Libya.

“Egypt worries me to no end,” a high-ranking administration official said. “Look at Libya, Algeria and Mali and then across the Sahel. You’re talking about such wide expanses of territory, with open borders and military, security and intelligence capabilities that are basically nonexistent.”

### **Streamlining targeted killing**

The creation of the matrix and the institutionalization of kill/capture lists reflect a shift that is as psychological as it is strategic.

Before the attacks of Sept. 11, 2001, the United States recoiled at the idea of targeted killing. The Sept. 11 commission recounted how the Clinton administration had passed on a series of opportunities to target bin Laden in the years before the attacks — before armed drones existed. President Bill Clinton approved a set of cruise-missile strikes in 1998 after al-Qaeda bombed embassies in East Africa, but after extensive deliberation, and the group’s leader escaped harm.

Targeted killing is now so routine that the Obama administration has spent much of the past year codifying and streamlining the processes that sustain it.

This year, the White House scrapped a system in which the Pentagon and the National Security Council had overlapping roles in scrutinizing the names being added to U.S. target lists.

Now the system functions like a funnel, starting with input from half a dozen agencies and narrowing through layers of review until proposed revisions are laid on Brennan’s desk, and subsequently presented to the president.

Video-conference calls that were previously convened by Adm. Mike Mullen, then-chairman of the Joint Chiefs of Staff, have been discontinued. Officials said Brennan thought the process shouldn’t be run by those who pull the trigger on strikes.

“What changed is rather than the chairman doing that, John chairs the meeting,” said Leiter, the former head of the NCTC.

The administration has also elevated the role of the NCTC, which was conceived as a clearinghouse for threat data and has no operational capability. Under Brennan, who served as its founding director, the center has emerged as a targeting hub.

Other entities have far more resources focused on al-Qaeda. The CIA, JSOC and U.S. Central Command have hundreds of analysts devoted to the terrorist network’s franchise in Yemen, while the NCTC has fewer than two dozen. But the center controls a key function.

“It is the keeper of the criteria,” a former U.S. counterterrorism official said, meaning that it is in charge of culling names from al-Qaeda databases for targeting lists based on criteria dictated by the White House.

The criteria are classified but center on obvious questions: Who are the operational leaders? Who are the key facilitators? A typical White House request will direct the NCTC to generate a list of al-Qaeda operatives in Yemen involved in carrying out or plotting attacks against U.S. personnel in Sanaa.

The lists are reviewed at regular three-month intervals during meetings at the NCTC headquarters that involve analysts from other organizations, including the CIA, the State Department and JSOC. Officials stress that these sessions don’t equate to approval for additions to kill lists, an authority that rests exclusively with the White House.



With no objections — and officials said those have been rare — names are submitted to a panel of National Security Council officials that is chaired by Brennan and includes the deputy directors of the CIA and the FBI, as well as top officials from the State Department, the Pentagon and the NCTC.

Obama approves the criteria for lists and signs off on drone strikes outside Pakistan, where decisions on when to fire are made by the director of the CIA. But aside from Obama's presence at "Terror Tuesday" meetings — which generally are devoted to discussing terrorism threats and trends rather than approving targets — the president's involvement is more indirect.

"The president would never come to a deputies meeting," a senior administration official said, although participants recalled cases in which Brennan stepped out of the situation room to get Obama's direction on questions the group couldn't resolve.

The review process is compressed but not skipped when the CIA or JSOC has compelling intelligence and a narrow window in which to strike, officials said. The approach also applies to the development of criteria for "signature strikes," which allow the CIA and JSOC to hit targets based on patterns of activity — packing a vehicle with explosives, for example — even when the identities of those who would be killed is unclear.

### **A model approach**

For an administration that is the first to embrace targeted killing on a wide scale, officials seem confident that they have devised an approach that is so bureaucratically, legally and morally sound that future administrations will follow suit.

During Monday's presidential debate, Republican nominee Mitt Romney made it clear that he would continue the drone campaign. "We can't kill our way out of this," he said, but added later that Obama was "right to up the usage" of drone strikes and that he would do the same.

As Obama nears the end of his term, officials said the kill list in Pakistan has slipped to fewer than 10 al-Qaeda targets, down from as many as two dozen. The agency now aims many of its Predator strikes at the Haqqani network, which has been blamed for attacks on U.S. forces in Afghanistan.

In Yemen, the number of militants on the list has ranged from 10 to 15, officials said, and is not likely to slip into the single digits anytime soon, even though there have been 36 U.S. airstrikes this year.

The number of targets on the lists isn't fixed, officials said, but fluctuates based on adjustments to criteria. Officials defended the arrangement even while acknowledging an erosion in the caliber of operatives placed in the drones' cross hairs.

"Is the person currently Number 4 as good as the Number 4 seven years ago? Probably not," said a former senior U.S. counterterrorism official involved in the process until earlier this year. "But it doesn't mean he's not dangerous."

In focusing on bureaucratic refinements, the administration has largely avoided confronting more fundamental questions about the lists. Internal doubts about the effectiveness of the drone campaign are almost nonexistent. So are apparent alternatives.

"When you rely on a particular tactic, it starts to become the core of your strategy — you see the puff of smoke, and he's gone," said Paul Pillar, a former deputy director of the CIA's counterterrorism center. "When we institutionalize certain things, including targeted killing, it does cross a threshold that makes it harder to cross back."

For a decade, the dimensions of the drone campaign have been driven by short-term objectives: the degradation of al-Qaeda and the prevention of a follow-on, large-scale attack on American soil.

Side effects are more difficult to measure — including the extent to which strikes breed more enemies of the United States — but could be more consequential if the campaign continues for 10 more years.

“We are looking at something that is potentially indefinite,” Pillar said. “We have to pay particular attention, maybe more than we collectively have so far, to the longer-term pros and cons to the methods we use.”

Obama administration officials at times have sought to trigger debate over how long the nation might employ the kill lists. But officials said the discussions became dead ends.

In one instance, Mullen, the former Joint Chiefs chairman, returned from Pakistan and recounted a heated confrontation with his counterpart, Gen. Ashfaq Parvez Kayani.

Mullen told White House and counterterrorism officials that the Pakistani military chief had demanded an answer to a seemingly reasonable question: After hundreds of drone strikes, how could the United States possibly still be working its way through a “top 20” list?

The issue resurfaced after the U.S. raid that killed bin Laden. Seeking to repair a rift with Pakistan, Panetta, the CIA director, told Kayani and others that the United States had only a handful of targets left and would be able to wind down the drone campaign.

A senior aide to Panetta disputed this account, and said Panetta mentioned the shrinking target list during his trip to Islamabad but didn’t raise the prospect that drone strikes would end. Two former U.S. officials said the White House told Panetta to avoid even hinting at commitments the United States was not prepared to keep.

“We didn’t want to get into the business of limitless lists,” said a former senior U.S. counterterrorism official who spent years overseeing the lists. “There is this apparatus created to deal with counterterrorism. It’s still useful. The question is: When will it stop being useful? I don’t know.”

Karen DeYoung, Craig Whitlock and Julie Tate contributed to this report.

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## Remote U.S. base at core of secret operations

By [Craig Whitlock](#), Published: October 25

*This is the third of three articles.*

DJIBOUTI CITY, Djibouti — Around the clock, about 16 times a day, drones take off or land at a U.S. military base here, the combat hub for the Obama administration's counterterrorism wars in the Horn of Africa and the Middle East.

Some of the unmanned aircraft are bound for Somalia, the collapsed state whose border lies just 10 miles to the southeast. Most of the armed drones, however, veer north across the Gulf of Aden to Yemen, another unstable country where they are being used in an increasingly deadly war with an al-Qaeda franchise that has targeted the United States.

Camp Lemonnier, a sun-baked Third World outpost established by the French Foreign Legion, began as a temporary staging ground for U.S. Marines looking for a foothold in the region a decade ago. Over the past two years, the U.S. military has clandestinely transformed it into the busiest Predator drone base outside the Afghan war zone, a model for fighting a new generation of terrorist groups.

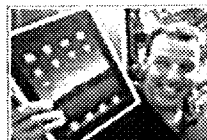
The Obama administration has gone to extraordinary lengths to conceal the legal and operational details of its targeted-killing program. Behind closed doors, painstaking debates precede each decision to place an individual in the cross hairs of the United States' perpetual war against al-Qaeda and its allies.

Increasingly, the orders to find, track or kill those people are delivered to Camp Lemonnier. Virtually the entire 500-acre camp is dedicated to counterterrorism, making it the only installation of its kind in the Pentagon's global network of bases.

Secrecy blankets most of the camp's activities. The U.S. military rejected requests from The Washington Post to tour Lemonnier last month. Officials cited "operational security concerns," although they have permitted journalists to visit in the past.

After a Post reporter showed up in Djibouti uninvited, the camp's highest-ranking commander consented to an interview — on the condition that it take place away from the base, at Djibouti's lone luxury hotel. The commander, Army Maj. Gen. Ralph O. Baker, answered some general queries but declined to comment on drone operations or missions related to Somalia or Yemen.

Despite the secrecy, thousands of pages of military records obtained by The Post — including construction blueprints, drone accident reports and internal planning memos — open a revealing window into Camp



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Lemonnier. None of the documents is classified and many were acquired via public-records requests.

Taken together, the previously undisclosed documents show how the Djibouti-based drone wars sharply escalated early last year after eight Predators arrived at Lemonnier. The records also chronicle the Pentagon's ambitious plan to further intensify drone operations here in the coming months.

The documents point to the central role played by the Joint Special Operations Command (JSOC), which President Obama has repeatedly relied on to execute the nation's most sensitive counterterrorism missions.

About 300 Special Operations personnel plan raids and coordinate drone flights from inside a high-security compound at Lemonnier that is dotted with satellite dishes and ringed by concertina wire. Most of the commandos work incognito, concealing their names even from conventional troops on the base.

Other counterterrorism work at Lemonnier is more overt. All told, about 3,200 U.S. troops, civilians and contractors are assigned to the camp, where they train foreign militaries, gather intelligence and dole out humanitarian aid across East Africa as part of a campaign to prevent extremists from taking root.

In Washington, the Obama administration has taken a series of steps to sustain the drone campaign for another decade, developing an elaborate new targeting database, called the "disposition matrix," and a classified "playbook" to spell out how decisions on targeted killing are made.

Djibouti is the clearest example of how the United States is laying the groundwork to carry out these operations overseas. For the past decade, the Pentagon has labeled Lemonnier an "expeditionary," or temporary, camp. But it is now hardening into the U.S. military's first permanent drone war base.

### Centerpiece base

In August, the Defense Department delivered a master plan to Congress detailing how the camp will be used over the next quarter-century. About \$1.4 billion in construction projects are on the drawing board, including a huge new compound that could house up to 1,100 Special Operations forces, more than triple the current number.

Drones will continue to be in the forefront. In response to written questions from The Post, the U.S. military confirmed publicly for the first time the presence of remotely piloted aircraft — military parlance for drones — at Camp Lemonnier and said they support "a wide variety of regional security missions."

Intelligence collected from drone and other surveillance missions "is used to develop a full picture of the activities of violent extremist organizations and other activities of interest," Africa Command, the arm of the U.S. military that oversees the camp, said in a statement. "However, operational security considerations prevent us from commenting on specific missions."

For nearly a decade, the United States flew drones from Lemonnier only rarely, starting with a 2002 strike in Yemen that killed a suspected ringleader of the attack on the USS Cole.

That swiftly changed in 2010, however, after al-Qaeda's network in Yemen attempted to bomb two U.S.-bound airliners and jihadists in Somalia separately consolidated their hold on that country. Late that year, records show, the Pentagon dispatched eight unmanned MQ-1B Predator aircraft to Djibouti and turned Lemonnier into a full-time drone base.

The impact was apparent months later: JSOC drones from Djibouti and CIA Predators from a secret base on the Arabian Peninsula converged over Yemen and killed Anwar al-Awlaki, a U.S.-born cleric and prominent al-Qaeda member.

Today, Camp Lemonnier is the centerpiece of an expanding constellation of half a dozen U.S. drone and surveillance bases in Africa, created to combat a new generation of terrorist groups across the continent, from Mali to Libya to the Central African Republic. The U.S. military also flies drones from small civilian airports in Ethiopia and the Seychelles, but those operations pale in comparison to what is unfolding in Djibouti.

Lemonnier also has become a hub for conventional aircraft. In October 2011, the military boosted the airpower at the base by deploying a squadron of F-15E Strike Eagle fighter jets, which can fly faster and carry more munitions than Predators.

In its written responses, Africa Command confirmed the warplanes' presence but declined to answer questions about their mission. Two former U.S. defense officials, speaking on the condition of anonymity, said the F-15s are flying combat sorties over Yemen, an undeclared development in the growing war against al-Qaeda forces there.

The drones and other military aircraft have crowded the skies over the Horn of Africa so much that the risk of an aviation disaster has soared.

Since January 2011, Air Force records show, five Predators armed with Hellfire missiles crashed after taking off from Lemonnier, including one drone that plummeted to the ground in a residential area of Djibouti City. No injuries were reported but four of the drones were destroyed.

Predator drones in particular are more prone to mishaps than manned aircraft, Air Force statistics show. But the accidents rarely draw public attention because there are no pilots or passengers.

As the pace of drone operations has intensified in Djibouti, Air Force mechanics have reported mysterious incidents in which the airborne robots went haywire.

In March 2011, a Predator parked at the camp started its engine without any human direction, even though the ignition had been turned off and the fuel lines closed. Technicians concluded that a software bug had infected the "brains" of the drone, but never pinpointed the problem.

"After that whole starting-itself incident, we were fairly wary of the aircraft and watched it pretty closely," an unnamed Air Force squadron commander testified to an investigative board, according to a transcript. "Right now, I still think the software is not good."

### **Prime location**

Djibouti is an impoverished former French colony with fewer than 1 million people, scarce natural resources and miserably hot weather.

But as far as the U.S. military is concerned, the country's strategic value is unparalleled. Sandwiched between East Africa and the Arabian Peninsula, Camp Lemonnier enables U.S. aircraft to reach hot spots such as Yemen or Somalia in minutes. Djibouti's port also offers easy access to the Indian Ocean and the Red Sea.

"This is not an outpost in the middle of nowhere that is of marginal interest," said Amanda J. Dory, the Pentagon's deputy assistant secretary for Africa. "This is a very important location in terms of U.S. interests, in terms of freedom of navigation, when it comes to power projection."

The U.S. military pays \$38 million a year to lease Camp Lemonnier from the Djiboutian government. The base rolls across flat, sandy terrain on the edge of Djibouti City, a somnolent capital with eerily empty

streets. During the day, many people stay indoors to avoid the heat and to chew khat, a mildly intoxicating plant that is popular in the region.

Hemmed in by the sea and residential areas, Camp Lemonnier's primary shortcoming is that it has no space to expand. It is forced to share a single runway with Djibouti's only international airport, as well as an adjoining French military base and the tiny Djiboutian armed forces.

Passengers arriving on commercial flights — there are about eight per day — can occasionally spy a Predator drone preparing for a mission. In between flights, the unmanned aircraft park under portable, fabric-covered hangars to shield them from the wind and curious eyes.

Behind the perimeter fence, construction crews are rebuilding the base to better accommodate the influx of drones. Glimpses of the secret operations can be found in an assortment of little-noticed Pentagon memoranda submitted to Congress.

Last month, for example, the Defense Department awarded a \$62 million contract to build an airport taxiway extension to handle increased drone traffic at Lemonnier, an ammunition storage site and a combat-loading area for bombs and missiles.

In an Aug. 20 letter to Congress explaining the emergency contract, Deputy Defense Secretary Ashton B. Carter said that 16 drones and four fighter jets take off or land at the Djibouti airfield each day, on average. Those operations are expected to increase, he added, without giving details.

In a separate letter to Congress, Carter said Camp Lemonnier is running out of space to park its drones, which he referred to as remotely piloted aircraft (RPA), and other planes. "The recent addition of fighters and RPAs has exacerbated the situation, causing mission delays," he said.

Carter's letters revealed that the drones and fighter aircraft at the base support three classified military operations, code-named Copper Dune, Jupiter Garret and Octave Shield.

Copper Dune is the name of the military's counterterrorism operations in Yemen. Africa Command said it could not provide information about Jupiter Garret and Octave Shield, citing secrecy restrictions. The code names are unclassified.

The military often assigns similar names to related missions. Octave Fusion was the code name for a Navy SEAL-led operation in Somalia that rescued an American and a Danish hostage on Jan. 24.

## Spilled secrets

Another window into the Djibouti drone operations can be found in U.S. Air Force safety records.

Whenever a military aircraft is involved in a mishap, the Air Force appoints an Accident Investigation Board to determine the cause. Although the reports focus on technical questions, supplementary documents make it possible to re-create a narrative of what happened in the hours leading up to a crash.

Air Force officers investigating the crash of a Predator on May 17, 2011, found that things started to go awry at Camp Lemonnier late that night when a man known as Frog emerged from the Special Operations compound.

The camp's main power supply had failed and the phone lines were down. So Frog walked over to the flight line to deliver some important news to the Predator ground crew on duty, according to the investigators' files, which were obtained by The Post as part of a public-records request.

“Frog” was the alias chosen by a major assigned to the Joint Special Operations Command. At Lemonnier, he belonged to a special collection of Navy SEALs, Delta Force soldiers, Air Force commandos and Marines known simply as “the task force.”

JSOC commandos spend their days and nights inside their compound as they plot raids against terrorist camps and pirate hideouts. Everybody on the base is aware of what they do, but the topic is taboo. “I can’t acknowledge the task force,” said Baker, the Army general and highest-ranking commander at Lemonnier.

Frog coordinated Predator hunts. He did not reveal his real name to anyone without a need to know, not even the ground-crew supervisors and operators and mechanics who cared for the Predators. The only contact came when Frog or his friends occasionally called from their compound to say it was time to ready a drone for takeoff or to prepare for a landing.

Information about each Predator mission was kept so tightly compartmentalized that the ground crews were ignorant of the drones’ targets and destinations. All they knew was that most of their Predators eventually came back, usually 20 or 22 hours later, earlier if something went awry.

On this particular night, Frog informed the crew that his Predator was returning unexpectedly, 17 hours into the flight, because of a slow oil leak.

It was not an emergency. But as the drone descended toward Djibouti City it entered a low-hanging cloud that obscured its camera sensor. Making matters worse, the GPS malfunctioned and gave incorrect altitude readings.

The crew operating the drone was flying blind. It guided the Predator on a “dangerously low glidepath,” Air Force investigators concluded, and crashed the remote-controlled plane 2.7 miles short of the runway.

The site was in a residential area and fire trucks rushed to the scene. The drone had crashed in a vacant lot and its single Hellfire missile had not detonated.

The Predator splintered apart and was a total loss. With a \$3 million price tag, it had cost less than one-tenth the price of an F-15 Strike Eagle.

But in terms of spilling secrets, the damage was severe. Word spread quickly about the mysterious insect-shaped plane that had dropped from the sky. Hundreds of Djiboutians gathered and gawked at the wreckage for hours until the U.S. military arrived to retrieve the pieces.

One secret that survived, however, was Frog’s identity. The official Air Force panel assigned to investigate the Predator accident couldn’t determine his real name, much less track him down for questioning.

“Who is Frog?” one investigator demanded weeks later while interrogating a ground crew member, according to a transcript. “I’m sorry, I was just getting more explanation as to who Frog — is that a person? Or is that like a position?”

The crew member explained that Frog was a liaison officer from the task force. “He’s a Pred guy,” he shrugged. “I actually don’t know his last name.”

The accident triggered alarms at the upper echelons of the Air Force because it was the fourth drone in four months from Camp Lemonnier to crash.

Ten days earlier, on May 7, 2011, a drone carrying a Hellfire missile had an electrical malfunction shortly after it entered Yemeni airspace, according to an Air Force investigative report. The Predator turned back

toward Djibouti. About one mile offshore, it rolled uncontrollably to the right, then back to the left before flipping belly up and hurtling into the sea.

"I've never seen a Predator do that before in my life, except in videos of other crashes," a sensor operator from the ground crew told investigators, according to a transcript. "I'm just glad we landed it in the ocean and not someplace else."

### **Flying every sortie**

The remote-control drones in Djibouti are flown, via satellite link, by pilots 8,000 miles away in the United States, sitting at consoles in air-conditioned quarters at Creech Air Force Base in Nevada and Cannon Air Force Base in New Mexico.

At Camp Lemonnier, conditions are much less pleasant for the Air Force ground crews that launch, recover and fix the drones.

In late 2010, after military cargo planes transported the fleet of eight Predators to Djibouti, airmen from the 60th Air Force Expeditionary Reconnaissance Squadron unpacked the drones from their crates and assembled them.

Soon after, without warning, a microburst storm with 80-mph winds struck the camp.

The 87-member squadron scrambled to secure the Predators and other exposed aircraft. They managed to save more than half of the "high-value, Remotely Piloted Aircraft assets from destruction, and most importantly, prevented injury and any loss of life," according to a brief account published in *Combat Edge*, an Air Force safety magazine.

Even normal weather conditions could be brutal, with summertime temperatures reaching 120 degrees on top of 80 percent humidity.

"Our war reserve air conditioners literally short-circuited in the vain attempt to cool the tents in which we worked," recalled Lt. Col. Thomas McCurley, the squadron commander. "Our small group of security forces personnel guarded the compound, flight line and other allied assets at posts exposed to the elements with no air conditioning at all."

McCurley's rare public account of the squadron's activities came in June, when the Air Force awarded him a Bronze Star. At the ceremony, he avoided any explicit mention of the Predators or Camp Lemonnier. But his narrative matched what is known about the squadron's deployment to Djibouti.

"Our greatest accomplishment was that we flew every single sortie the Air Force asked us to fly, despite the challenges we encountered," he said. "We were an integral part in taking down some very important targets, which means a lot to me."

He did not mention it, but the unit had gotten into the spirit of its mission by designing a uniform patch emblazoned with a skull, crossbones and a suitable nickname: "East Africa Air Pirates."

The Air Force denied a request from The Post to interview McCurley.

### **Increased traffic**

The frequency of U.S. military flights from Djibouti has soared, overwhelming air-traffic controllers and making the skies more dangerous.



The number of takeoffs and landings each month has more than doubled, reaching a peak of 1,666 in July compared with a monthly average of 768 two years ago, according to air-traffic statistics disclosed in Defense Department contracting documents.

Drones now account for about 30 percent of daily U.S. military flight operations at Lemonnier, according to a Post analysis.

The increased activity has meant more mishaps. Last year, drones were involved in “a string of near mid-air collisions” with NATO planes off the Horn of Africa, according to a [brief safety alert](#) published in Combat Edge magazine.

Drones also pose [an aviation risk next door in Somalia](#). Over the past year, remote-controlled aircraft have plunged into a refugee camp, flown perilously close to a fuel dump and almost collided with a large passenger plane over Mogadishu, the capital, according to a United Nations report.

Manned planes are crashing, too. An Air Force [U-28A surveillance plane](#) crashed five miles from Camp Lemonnier while returning from a secret mission on Feb. 18, killing the four-person crew. An Air Force investigation attributed the accident to “unrecognized spatial disorientation” on the part of the crew, which ignored sensor warnings that it was flying too close to the ground.

Baker, the two-star commander at Lemonnier, played down the crashes and near-misses. He said safety had improved since he arrived in Djibouti in May.

“We’ve dramatically reduced any incidents of concern, certainly since I’ve been here,” he said.

Last month, the Defense Department awarded a \$7 million contract to retrain beleaguered air-traffic controllers at Ambouli International Airport and improve their English skills.

The Djiboutian controllers handle all civilian and U.S. military aircraft. But they are “undermanned” and “over tasked due to the recent rapid increase in U.S. military flights,” according to the contract. It also states that the controllers and the airport are not in compliance with international aviation standards.

Resolving those deficiencies may not be sufficient. Records show the U.S. military is also scrambling for an alternative place for its planes to land in an emergency.

Last month, it awarded a contract to install portable lighting at the only backup site available: a tiny, makeshift airstrip in the Djiboutian desert, several miles from Lemonnier.

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