



Committee on International Justice and Peace

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May 11, 2015

Ambassador Susan Rice
National Security Advisor
The White House
Washington, DC 20270

Dear Ambassador Rice:

In May 2013, my predecessor as Chair, Bishop Richard E. Pates, sent a letter to Thomas Donilon raising serious moral questions about the use of lethal drones. Those concerns have not abated. Many more countries are acquiring drones and worldwide spending on drone technology is growing rapidly.

In a May 2013 speech, President Barack Obama noted that the use of drones would be “heavily constrained” so that “before any strike is taken, there must be near-certainty that no civilians will be killed or injured.” A recent report that a U.S. drone deployed in January 2015 by the Central Intelligence Agency was responsible for the inadvertent deaths of an American and an Italian aid worker demonstrates that intelligence failed in this case and innocents were killed. In light of this tragedy and cognizant that this technology has the potential for much harm, our Committee has adopted a policy framework on the use of armed drones in targeted killings that I offer for your consideration:

Armed Drones for Targeted Killings Should Be Limited by International Standards

International law strongly prohibits the use of force by one state in the territory of another, except during war or with the explicit consent of the other state. Using armed drones for targeted killings should be limited to those areas of intense, active, and protracted conflict where there have been declarations of war, where there is multilateral agreement that such action is needed to counter extreme violence being perpetrated on non-combatants, and when the target is a combatant who is likely soon to launch an attack. Armed drones may be used outside of areas of open and protracted fighting if it is determined that the person targeted poses an **imminent** threat, if the use of lethal force is **proportionate** and there is no other means to prevent the threat to life (i.e. “**last resort**”),ⁱ and if civilian casualties can be avoided as much as possible. Otherwise targeted killings are considered assassinations, extrajudicial killings which the United States has itself condemned since there is a lack of due process. There should be a clear and transparent line of authority and oversight regarding the use of armed drones in targeted killings, and specifically over any decision to use them in situations where there has been no declaration of war, so that in cases of humanitarian violations, the appropriate individuals and offices may be held accountable.

More Transparency Needed in Targeted Killing Program

Attacks by armed drones have often occurred in remote locations, where it is difficult for ground troops to operate and likewise, difficult to independently verify whether the casualties inflicted are extremists or civilians. Questions have been raised as to whether civilians killed are being counted as extremists. The Administration’s justification of “signature strikes” in which individuals are targeted by drones, not because of who they are, but because of their behavior or associations runs contrary to Catholic social teaching on **discrimination** as it increases the likelihood of more civilian casualties. The Holy See has said: “It is essential to understand and lay out the criteria to identify legitimate

targets and distinguish targets from innocent civilians”ⁱⁱ and these criteria should be made public. Establishing and adhering to these criteria can reduce the hostility and radicalization that comes when civilians are harmed. At the same time, there needs to be more Congressional oversight and monitoring of any targeted killing program and of the expanded use of technology to conduct long-range attacks.

International Norms Must be Developed on Drones

With so many nations acquiring drones given their low financial and manpower operating cost, they may be used to excess as in the case of “signature strikes.” While the United States may argue that it has safeguards in place governing the use of drones and the selection of targets, non-democratic societies may have fewer constraints. These nations and terrorist groups may soon be able to use armed drones for targeted killings against us or our interests. Since the United States has led in the use of armed drones, it should take the lead in advancing international policies, standards and restrictions on the production, use and proliferation of drones in general, and of armed drones in targeted killings in particular. As weapons technology becomes more sophisticated, the need for an internationally recognized ethical and moral framework governing their use becomes more urgent.

Awareness that Drones Lower Conflict Threshold

Unlike standard ground combat or even combat missions flown by an air force, drone operators are physically far removed from any possible retaliation that may arise from firing on targets. This apparent “no or low cost” factor can make it that much easier to use armed drones in conflicts, leading to political decisions to bypass other ways of dealing with security concerns and go directly to an expansion of the conflict zone, increasing the likelihood of war. This can be seen in East Asia where even the increased use of surveillance drones by the People’s Republic of China, Japan and the Philippines has exacerbated tensions over long-disputed maritime territories. It is incumbent on a nation’s leaders to recognize that the use of drones can lower the threshold on conflict and take appropriate steps to not succumb to their use, simply because it is “easier” and “cheaper.”

Calculating the Full Cost of Drones

From a simple budget perspective, the cost of drones seems relatively inexpensive compared to putting combat forces on the ground. However, policymakers need to factor in other costs: to those affected by drone attacks, to those who operate drones, and to our nation in terms of the **probability of success** of achieving longer-term U.S. security goals. Drones provoke anxiety among populations where there are targets, inflicting psychological damage on innocent civilians who live in constant fear they may be hurt or killed and listed as “collateral damage.” This fear and civilian casualties feed into increasing hostility towards the United States so that many say the use of armed drones in these targeted killings is counterproductive to establishing and sustaining longer-term security relationships with countries where drones are used. In addition, drone operators, who spend long hours observing their targets and seeing up close the damage they inflict, are likely to suffer high levels of stress. The Holy See maintains: “Costs to civilian life and property, as well as the psychological and economic cost of living in constant fear of future mistaken strikes, should not be ignored.”ⁱⁱⁱ

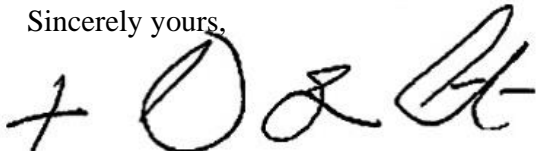
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Humans Need to Remain in Control of Armed Drones

In the face of efforts to create fully autonomous weapon systems, the Holy See has said that humans should always be involved in the use of armed drones, because “pre-programmed, automated technical systems” lack the ability “to make moral judgments over life and death, to respect human rights and to comply with the principle of humanity.”^{iv} This is especially so in decisions related to the targeting of individuals and the assessment of the possible injury to non-combatants. Drone operators must be trained and given the necessary intelligence, background information and time to make sound ethical decisions. The use of fully autonomous killer drones raises serious questions of moral accountability: In wrongful deaths, who is morally responsible? The persons who deployed the drone? Those who programmed it? Those who manufactured it? Who is morally culpable in wrongful civilian deaths from an autonomous drone?

Archbishop Silvano Tomasi, the Holy See’s Permanent Observer to the United Nations in Geneva, said in a November 13, 2014 statement regarding armed drones: “We are witnessing a certain proliferation of this technology and a growing use of it in various conflicts. The challenges are multiple and related to international humanitarian law, to human rights, and to international law. The ethical implications are not insignificant. The choice of indifference in relation to this question is counter-productive. The fact of not addressing problems at the right moment can have disastrous consequences and make them almost insoluble, as experience in other domains teaches us.” He went on to urge those attending the UN meeting on Certain Conventional Weapons to “become interested in drones before they become an additional source of greater destabilization when the international community needs more than ever stability, cooperation and peace.”

Sincerely yours,



Most Reverend Oscar Cantú
Bishop of Las Cruces
Chair, Committee on International Justice and Peace

ⁱ Report of the Special Rapporteur on extrajudicial, summary and arbitrary executions, Philip Alston, Study on Targeted Killings, 32, UN Doc A/HRC/14/24/Add.6 (May 28, 2010).

ⁱⁱ Statement by H.E. Archbishop Silvano Tomasi at the Annual Meeting on the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW), Geneva, 14 November 2013.

ⁱⁱⁱ Ibid.

^{iv} Ibid.