A Window of Opportunity

One ordinary day in 2010, I sat in an anonymous Pentagon conference room with a dozen other people, listening as briefers from the military’s Special Operations Command went over plans for an impending strike against a terrorist operative. Sending in special operations forces would be too risky, they said; we would therefore most likely strike the target using missiles fired from an unmanned aerial vehicle.

I can’t tell you the region or the identity of the target. During my twenty-six months working at the Defense Department, I signed dozens of papers promising to keep the secret stuff secret, and unlike Edward Snowden, I have no desire to give out classified information—or live life as a fugitive. But I think I can say that the target was a youngish man, probably not more than thirty. I dutifully studied the small photo displayed on the briefing slides. It showed an ordinary face, the kind you might see on any street in Sana’a or Karachi—or New York or London. But this, the briefers assured us, was no ordinary young man; there was solid evidence (not detailed) of his involvement in numerous terror plots (exhaustively detailed).

For months, they explained, we had been unable to track the target, but he had finally made one of those mistakes even hardened terrorists seem apt to make, like calling his mother on his cell phone, or arranging by email to meet an old friend in a café, or allowing his picture to be included in an otherwise innocuous Facebook post. One of our intelligence agencies had noticed the slip. (“Nice!” someone murmured from the back of the room.) The target was currently occupying a house in a populated area, but as soon as a window of opportunity opened up, the briefers promised—as soon as the target moved to an isolated location, reducing the danger to any innocent bystanders—we would strike.

We all nodded gravely. Of course. What was there to say? We were at war with al Qaeda and its far-flung “associated forces,” and
this man was an enemy combatant and a lawful target.

A day or two later, I was home eating dinner—spaghetti and meat-balls, my six-year-old daughter's favorite—when I got a phone call from a colleague. “You know that thing we were discussing?” he asked. “That window? It opened up a few hours ago.”

It was an open line, and he couldn’t say much. But I knew what he meant. The previous day, the young man whose photo I had studied was alive; now he was dead.

“Thanks for telling me know,” I said. “You can fill me in tomorrow.” And I went back to dinner with the kids.

That night, I dreamed about death: someone I loved, murdered. I woke up panicky and sweating.

War’s Tentacles

I knew already that I was part of a vast, bureaucratic death-dealing enterprise. Although I pulled no triggers and signed no military orders, I, like every single man and woman working at the Pentagon, was part of a machine that sent people off each day to kill and die. Each morning, I thumbed through the latest reports of U.S. troops killed in Iraq and Afghanistan, along with intelligence reports of terrorists, insurgents, and Taliban fighters killed or presumed dead. All this sobered and saddened me, but rarely disturbed my sleep.

Somehow, though, my mind had snagged on that distant, impersonal drone strike, far from the battlefields of Iraq and Afghanistan. It took me several more years to fully understand why. But even at the time, I sensed something disturbing: all our fine new technologies and fine new legal theories were blurring the boundaries of “war,” causing it to spread and ooze into everyday life. That young terror suspect we killed in that 2010 strike wore no uniform and was part of no state’s army; he carried no weapons, and he lived in a country with which the United States was not at war. From the outside, at least, he looked more or less like everyone else. But as he drove along an empty desert road one afternoon, someone sitting thousands of miles away entered a command
into a computer, and death rained down on him from the sky.

I assumed then, and I assume now, that the intelligence information leading to that strike was developed in good faith. But what if we got it wrong? What if we got the wrong young man, or had the wrong information about the right young man?

Wars kill innocent civilians all the time. The U.S. war in Iraq killed at least sixty-six thousand Iraqi civilians, and perhaps ten times that many, while the war in Afghanistan is estimated to have killed another twenty thousand civilians.1 For the most part, we accept some number of unintended civilian deaths as a tragic but inevitable by-product of war.

But somehow this one death seemed different. It wasn’t merely that we didn’t know for sure if the young man was a civilian or a combatant—certainty is often elusive in the fog of war—we didn’t even know for sure what the word “combatant” could possibly mean in the context of today’s shadowy conflicts. When it comes to terrorism, no one is quite sure who constitutes an “enemy,” who counts as a “civilian,” when isolated threats or attacks count as “war,” and whether modern wars can be said to have boundaries in either time or space. If the United States could reach down from the heavens and kill this one particular man out of millions of others in Yemen or Pakistan or Somalia, what would keep any of us safe? Could war’s tentacles reach into every place on earth?

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During the time I spent at the Pentagon, I was mostly too busy to think about these uncomfortable questions. As a senior advisor to Under Secretary of Defense Michèle Flournoy, one of the Pentagon’s highest-ranking civilian officials (and at the time the highest-ranking civilian woman in Pentagon history), I found myself quickly immersed in nearly every major defense policy issue.

It was an exhausting, inspiring, terrifying, and endlessly
fascinating twenty-six months: I watched General David Petraeus argue about Pakistan with Ambassador Richard Holbrooke, and slid down in my seat as Holbrooke launched into one of his infamous tantrums, bellowing at two hapless young officers who had outlined a less-than-impressive strategic communication plan for Pakistan. In a windowless basement conference room, I sat behind the chairman of the Joint Chiefs of Staff as he outlined counterpiracy options for the Horn of Africa. Traveling with Flournoy in Afghanistan, I gazed out through the tiny slitlike windows of our IED-resistant vehicle at endless fields of opium poppies, and watched Afghan Special Forces commandos stage mock hostage rescue raids.

Back in Washington, I sat in on discussions of raids and strikes. I spent hours briefing congressional staff on controversial Pentagon “information operations” programs, and more hours trying to make sense of Defense Department programs intended to promote the “rule of law.” I got a coveted intelligence community “blue badge,” enabling me to pass freely into the sacred precincts of the CIA and other agencies—and though I wasn’t nearly important enough to get face time with the president, I did manage to shake hands with Bo, the president’s dog, when I encountered him one day outside the White House Situation Room. (This is the only thing I did in those two years that truly impressed my children.)

I watched nighttime flight operations from the bridge of an aircraft carrier as it pitched in post-hurricane seas, experienced the electrifying jolt of a catapult launch off the carrier’s deck, and took helicopter rides from the Pentagon to a secret military bunker built beneath a mountain. (Yes, these Cold War relics still exist—and they’re every bit as weird as you’d expect, complete with underwater reservoirs, nuclear power plants, and a Holiday Inn–style bedroom suite for the secretary of defense.) I flew down to Guantánamo on a military jet with several members of Congress: at the detention center, looking on through one-way glass, I watched as a notorious terrorist exercised on a
StairMaster machine, climbing, climbing, climbing—and going nowhere.

Those two years were strange, almost surreal in their intensity. For me—a law professor and journalist brought up in a family of left-wing antiwar activists—working at the Pentagon was like conducting anthropological fieldwork in some exotic and unpredictable foreign tribe. The Pentagon was a world rich in mystery, full of arcane and bewildering new rituals and symbols. There was a complex code written in the ribbons and bits of metal adorning the uniforms of military personnel, for instance—and woe betide the fool who failed to understand the difference between a Navy captain and an Army captain. There was literally a new language to be learned: for several muddled months, I assumed that the constant references I heard to the “DOTMLPF Spectrum” (pronounced dot-mil P F) had something to do with websites or the military’s Internet domain; in fact, the acronym stood for “Doctrine, Organization, Training, Matériel, Leadership & Education, Personnel, and Facilities.”

Month by month, I learned to “speak DoD” as a second language. By the time I left the Pentagon, I could pontificate knowledgeably about OPSEC and MILDEC (operations security and military deception), wax eloquent about the importance of “shaping the battlespace” during “Phase Zero Operations,” and explain the difference between a D-FAC (the dining facility) and an MRAP (amine-resistant ambush-protected vehicle).

Like a total-immersion language course, my work at the Pentagon occupied every corner of my mind. For most of my first year, I dreamed about work every night. Aside from that one post-drone-strike night-mare, my dreams were tediously mundane: as I slept, my exhausted mind kept right on drafting memos and congressional testimony, designing PowerPoint slides, and trying to remember the difference between Navy and Marine Corps uniforms.

Somewhere during this exhausting period, I also met the man who would become my husband and the beloved stepfather of my
two young children. Joe, an Army Special Forces officer then serving on the Pen- tagon’s Joint Staff, had a sharp, skeptical intelligence and a well-honed sense of absurdity—both necessary attributes for career Special Forces soldiers, most of whom have been almost continuously deployed since 9/11. Joe was no exception: he had put in his time in Iraq and Afghan- istan, not to mention the Philippines, North Africa, Korea, the Cauca- sus, and the Balkans. Initially, some of his assumptions seemed as alien to me as those of any foreign tribe. But over time, he helped me gain a much deeper understanding of the new world in which I found myself temporarily resident.

Even so, it was only after I left the Pentagon that I could truly begin to make sense of what I had seen, heard, and learned. In fall 2011, I returned to my faculty position at Georgetown University Law Center, where I taught international and constitutional law. At first, this too was disor-:inting: I had finally gotten used to the Pentagon and its many subtribes, and it was tough to readjust to an ivory tower world where my students called me “Professor;” not “Ma'am,” and no one referred to the time as “2300 Zulu” or agreed to a request with a snappy “Roger that!” At the Pentagon, an organization with an annual budget in the hundreds of billions, decisions could have life or death consequences. At Georgetown, my faculty research budget didn’t even cover a new computer, and my most pressing problem was whether to give a borderline student a C or a more charitable B-minus.

But as my mind began slowly to reboot, I found myself thinking more and more about the same questions that had hovered just beneath the surface of my consciousness during my Pentagon years. In a world in which the push of a button can lead, within seconds, to the death of a specific man more than eight thousand miles away, is it possible to define “war” with any clarity? What line separates the lawful war-time targeting of an enemy combatant from the extrajudicial murder of a man suspected, but not convicted, of wrongdoing? And what is the military for, in a world in which future threats are as likely to come from computer
hackers, terrorists, and other nonstate actors as from the armies of foreign states?

Most of all: As the boundaries around war and the military grow ever more blurry, will we all pay a price?