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AN END TO SIGNATURE STRIKES

*Austin Brittenham**

ABSTRACT

This paper will index the history of the United States' remote killings through signature strikes, from their inception in 2008 to the early 2020s. Then, it will analyze the legal regimes that render signature strikes a viable policy option for the United States. Next, it will contend that signature strikes are antithetical to U.S. policy objectives, detrimental to civilians and rife with cultural errors that increase their likelihood for error. It will conclude with a discussion of possible legal solutions that would stop the use of signature strikes and explore the domestic and international value in the ending of signature strikes as a method of remote killing.

I. A HISTORY OF THE MILITARY USE OF DRONE STRIKES

On October 7th, 2001, “nearly one month after the September 11 attacks on the World Trade Center, a U.S. Air Force pilot made history as the first person to conduct a lethal strike with a modern drone – the Predator.”¹ After it’s usage, it was not greeted with success or praise, but instead the phrase: “*Who the fuck did that?*”² This failed Hellfire-missile attack by a CIA Predator had just cost the United States a likely chance to kill Taliban Supreme Commander Mullah Mohammed Omar.³ In response, the U.S. Air Force general in charge of airstrikes in Afghanistan threatened to call off the

* J.D. University of Mississippi with concentration in air and space law. B.A. University of Puget Sound. May this paper free the children's dreams.

¹ Vicky Karyoti, *9/11's legacy of drone warfare has changed how we view the military*, THE CONVERSATION (Sept. 7, 2021), <https://theconversation.com/9-11s-legacy-of-drone-warfare-has-changed-how-we-view-the-military-167393> (last visited Aug. 6, 2025).

² Chris Woods, *The Story of America's Very First Drone Strike*, THE ATLANTIC (May 30, 2015), <https://www.theatlantic.com/international/archive/2015/05/america-first-drone-strike-afghanistan/394463/> (last visited Aug. 6, 2025).

³ See *id.*

entire opening campaign of the War on Terror, unless he was given control of the CIA's secret weapon.⁴ The American use of drones for remote killing started with a technical failure and administration contestation which has characterized its usage ever since.

Remote killing exists under two styles: targeted killing and signature strikes. "A targeted killing is, loosely defined, the intentional killing of a specific individual, often undertaken against enemy soldiers, but also used for other purposes."⁵ In recent years, the phrase "targeted killing" has commonly been used to refer to a deliberate lethal attack by government forces against a specific individual not in custody under the color of law."⁶ Depending on the circumstances, a particular targeted killing may or may not be lawful under international law. For instance, a sniper shooting at an enemy general on the battlefield would normally be a lawful targeted killing. Targeted killings should be considered distinctly from the summary execution of anyone in custody, which is never lawful.⁷

Signature strikes are a particular kind of remote killing by way of an unmanned ariel vehicle (UAV). These strikes are characterized by a military attack via a drone or drones in which people are targeted because their activities are believed to fit a particular behavioral profile, though their individual identities are unknown. In other words, signature strikes are "a drone strike where the identity of the person/persons targeted is not known but their "pattern of life" or behavior indicates they are involved in terrorist activity."⁸ This, at times, has been as vague as killing "military-aged males" in regions where terrorists operate.⁹ At other times, it has been

⁴ See *id.*

⁵ International Committee of the Red Cross, *Targeted Killings*, https://casebook.icrc.org/a_to_z/glossary/targeted-killings (last visited July 21, 2025).

⁶ Q & A: *US Targeted Killings and International Law*, HUMAN RIGHTS WATCH (Dec. 19, 2011), <https://www.hrw.org/news/2011/12/19/q-us-targeted-killings-and-international-law> (last visited Aug. 6, 2025).

⁷ See Center for Justice & Accountability, *Summary Execution*, <https://cja.org/human-rights-issues/summary-execution/> (last visited July 21, 2025).

⁸ *Glossary of Drone Warfare*, THE BUREAU OF INVESTIGATIVE JOURNALISM, <https://www.thebureauinvestigates.com/explainers/glossary-of-drone-warfare> (last visited Aug. 6, 2025).

⁹ Kristina Benson, "Kill 'em and Sort it Out Later:" *Signature Drone Strikes and International Humanitarian Law*, 27 *Pac. McGeorge Global Bus. & Dev. L. J.* 17, 31 (2014).

defined less broadly, for instance targeting ages, actions and locations inside countries known to house terrorist operatives.¹⁰

While the use of drone strikes for targeted killing began in 2001, signature strikes did not start until 2008 under the Bush administration.¹¹ Gone were the requirements of “confirm(ing) the identity of a suspected militant leader before attacking” and this shift allowed American operators to strike convoys of vehicles that bear the characteristics of Al Qaeda or Taliban leaders on the run, for instance, so long as the risk of civilian casualties is judged to be low.”¹² By 2008, “President Bush lowered the threshold even further for who could be targeted in Pakistan. According to a Bush administration official: “We got down to a sort of ‘reasonable man’ standard. If it seemed reasonable, you could hit it.”¹³

Drone strikes—both targeted killing and signature strikes—under the 2001 Congressional Authorization for the Use of Military Force (AUMF)—have been used in the following locations: Pakistan, Afghanistan, Yemen and Somalia;¹⁴ they have been used against the Taliban and Al Qaeda,¹⁵ Tehrik-i-Taliban Pakistan,¹⁶ Quetta Shura,¹⁷ Haqqani Network,¹⁸ the Tehrik-i-Taliban,

¹⁰ See generally Ruxandra Vlad & John Hardy, *Signature Strikes and the Ethics of Targeted Killing*, 38(4) INT’L J. OF INTELLIGENCE & COUNTERINTELLIGENCE 1202 (Sep. 4, 2024).

¹¹ See Micah Zenko, *Targeted Killings and Signature Strikes*, COUNCIL ON FOREIGN RELATIONS (July 16, 2012), <https://www.cfr.org/blog/targeted-killings-and-signature-strikes> (last visited Aug. 6, 2025).

¹² Eric Schmitt & David Sanger, *Pakistan Shift Could Curtail Drone Strikes*, N.Y.T. (Feb. 22, 2008).

¹³ Zenko, *supra* note 11.

¹⁴ See *Drone Warfare*, THE BUREAU OF INVESTIGATIVE JOURNALISM, <https://www.thebureauinvestigates.com/projects/drone-war> (last visited Aug. 6, 2025).

¹⁵ See *Most of those killed in drone attacks were terrorists: military*, DAWN (Mar. 8, 2011), <https://www.dawn.com/news/611717/most-of-those-killed-in-drone-attacks-were-terrorists-military> (last visited Aug. 6, 2025).

¹⁶ See Freeman Spogli Institute, *Tehrik-i-Taliban Pakistan*, STAN. CTR. INT’L SEC. AND COOPERATION, <https://cisac.fsi.stanford.edu/mappingmilitants/profiles/tehrik-i-taliban-pakistan> (last visited Aug. 6, 2025).

¹⁷ See International Human Rights and Conflict Resolution Clinic, *Living Under Drones: Death, Injury and Trauma to Civilians from US Drone Practices in Pakistan*, STAN. L. SCH. & NYU SCH. L. 1, 18 (Sept. 2012).

¹⁸ See *id.*

Pakistan (TTP),¹⁹ Uzbek Islamic Movement,²⁰ Turkistan Islamic Party,²¹ Lashkar-e-Islam,²² Foreign Mujahideen and Islamic State affiliates.²³

President Obama embraced the U.S. drone program, overseeing more strikes in his first year than Bush carried out during his entire presidency. A total of 563 strikes, largely by drones, targeted Pakistan, Somalia and Yemen during President Obama's two terms, compared to 57 strikes under Bush. Between 384 and 807 civilians were killed in those countries, according to reports logged by the Bureau.²⁴ Under President Trump, strike usage increased dramatically.²⁵ In Somalia, for instance, there were a total of 263 U.S. counterterrorism airstrikes, drone strikes and ground raids from 2003 to 2021.²⁶ Of the 263, the majority (202) occurred under the Trump administration.²⁷ Collectively, between 1,479 and 1,886 people have been killed in the U.S. strikes in Somalia: between 1,389 and 1,696 militants, between 34 and 121 civilians, and between 56 and 69 unknowns.²⁸

¹⁹ See *id.*

²⁰ See Freeman Spogli Institute, *Tehrik-i-Taliban Pakistan*, STAN. CTR. INT'L SEC. AND COOPERATION, <https://cisac.fsi.stanford.edu/mappingmilitants/profiles/islamic-movement-uzbekistan> (last visited Aug. 6, 2025).

²¹ See Jacob Zenn, *The Turkistan Islamic Party in Double-Exile: Geographic and Organizational Divisions in Uighur Jihadism*, TERRORISM MONITOR: THE JAMESTOWN FOUNDATION (Sept. 7, 2018), <https://jamestown.org/program/the-turkistan-islamic-party-in-double-exile-geographic-and-organizational-divisions-in-uighur-jihadism/> (last visited Aug. 6, 2025).

²² See Freeman Spogli Institute, *Tehrik-i-Taliban Pakistan*, STAN. CTR. INT'L SEC. AND COOPERATION, <https://cisac.fsi.stanford.edu/mappingmilitants/profiles/lashkar-e-islam> (last visited Aug. 6, 2025).

²³ See Jeff Seldin, *'Top Five' IS Leader in Syria Killed in US Drone Strike*, VOICE OF AMERICAN ENGLISH NEWS (July 12, 2022), <https://www.voanews.com/a/us-says-drone-strike-kills-islamic-state-leader-in-syria/6655491.html> (last visited Aug. 6, 2025).

²⁴ See Jessica Purkiss & Jack Serle, *Obama's covert drone war in numbers: ten times more strikes than Bush*, THE BUREAU OF INVESTIGATIVE JOURNALISM (Jan. 17, 2017), <https://www.thebureauinvestigates.com/stories/2017-01-17/obamas-covert-drone-war-in-numbers-ten-times-more-strikes-than-bush> (last visited Aug. 6, 2025).

²⁵ See generally S. E. Cupp, *Under Donald Trump, drone strikes far exceed Obama's numbers*, CHICAGO SUN TIMES (May 8, 2019), <https://chicago.suntimes.com/news/2019/5/8/18619206/under-donald-trump-drone-strikes-far-exceed-obama-s-numbers> (last visited Aug. 6, 2025).

²⁶ See *The War in Somalia*, NEW AMERICA, <https://www.newamerica.org/international-security/reports/americas-counterterrorism-wars/the-war-in-somalia/>.

²⁷ See *id.*

²⁸ See *id.*

The American Civil Liberties Union (ACLU) provides that:

...during the Trump administration, the [New York] Times and other media reported that the Trump rules weakened even the loose policy safeguards put in place by the Obama administration in 2013, which were also released in response to litigation in 2016. Despite redactions, the newly-revealed Trump rules show how far that administration went in casting aside any meaningful constraint on the United States' use of lethal force abroad without meaningful oversight by Congress or the judiciary, and with devastating consequences for people's lives.²⁹

The Trump administration called the Obama administration's rules "superfluous' and distracting."³⁰

President Biden dramatically reversed the use of drone strikes by the United States. In his first year in office, official military data showed a 54% decline in drone strikes across all U.S. conflicts.³¹ "Strikes in Somalia fell from roughly 75 in 2020 to fewer than 10 in 2021, with no civilian casualties."³² "In Yemen, the annual total dropped from about 18 to maybe four, with fewer than 10 casualties of any kind."³³ With respect to strikes in Yemen, "precise figures are unclear because some strikes are classified."³⁴ Where President Trump oversaw more than 1,600 air and artillery strikes in Iraq and Syria during his first 11 months in office, President Biden only had 4 during 2021.³⁵

²⁹ Hina Shamsi, *Trump's Secret Rules for Drone Strikes and Presidents' Unchecked License to Kill*, ACLU (May 5, 2021), <https://www.aclu.org/news/national-security/trumps-secret-rules-for-drone-strikes-and-presidents-unchecked-license-to-kill> (last visited Aug. 6, 2025).

³⁰ *Trump revokes Obama rule on reporting drone strike deaths*, BBC (Mar. 7, 2019), <https://www.bbc.com/news/world-us-canada-47480207> (last visited Aug. 6, 2025).

³¹ See Imogen Piper & Joe Dyke, *How do the 'forever wars' look under President Biden?*, AIRWARS (Dec. 22, 2021), <https://airwars.org/news-and-investigations/how-do-the-forever-wars-look-under-president-biden/> (last visited Aug. 6, 2025).

³² Ryan Cooper, *Biden nearly ended the drone war, and nobody noticed*, THE WEEK (Dec. 1, 2021), <https://theweek.com/foreign-policy/1007579/biden-nearly-ended-the-drone-war-and-nobody-noticed> (last visited Aug. 6, 2025).

³³ *Id.*

³⁴ *Id.*

³⁵ See e.g., Phil Stewart, *U.S. warplanes strike Iran-backed militia in Iraq, Syria*, REUTERS (June 28, 2021), <https://www.reuters.com/world/middle-east/us-carries-out-air-strikes-against-iran-backed-militia-iraq-syria-2021-06-27/> (last visited Aug. 6, 2025).

More recently, in October of 2022, Biden signed a classified policy that requires presidential authorization to add a terrorist to the list for “direct action,”³⁶ this process functionally ended the use of signature strikes because strikes could not be used against non-named targets.³⁷ This policy choice and classified strategy memo suggested that Biden intends to decrease the total use of drones as a feature of U.S. military policy.³⁸ To be clear, these new rules apply for strikes in “poorly governed places where Islamist militants are active but that the United States does not consider to be ‘areas of active hostilities.’”³⁹ This distinction then holds open Iraq and Syria – deemed conventional war zones – as exceptions to the rule so that commanders in the field can retain greater latitude to combat counterterrorism without seeking White House approval.⁴⁰

II. FUNCTIONAL PROCESS

Targeted killing and signature strikes are both used to kill enemies of the United States. Before discussing the legal conditions necessary to produce a targeted killing or signature strike, it is relevant to index how the authorization for either strike takes place. Unfortunately, a substantial amount of operative knowledge is kept secret to ensure the viability of future United States operations.⁴¹ However, because of the legal difference in targeting an American terrorist-affiliated person abroad, more information has been published that reveals the operative process of targeting.⁴²

As one legal writer has identified:

For an American citizen to be targeted, the intelligence community must get approval and “specific permission”⁴³ through

³⁶ Charlie Savage, *White House Tightens Rules on Counterterrorism Drone Strikes*, N.Y.T. (Oct. 7, 2022).

³⁷ *See id.*

³⁸ *See id.*

³⁹ *Id.*

⁴⁰ *See id.*

⁴¹ *See* Michael Walzer, *Just & Unjust Targeted Killing & Drone Warfare*, 145, *Dædalus*, 12, 17 (2016).

⁴² *See* Noah Oberlander, *Executive Process: The Due Process Of Executive Citizen Targeting By The Commander-In-Chief*, 1, *Nat'l Sec L. J.* 124, 125 (2013).

⁴³ Scott Shane, *U.S. Approves Targeted Killing of American Cleric*, *NYT* (Apr. 6, 2010), <http://www.nytimes.com/2010/04/07/world/middleeast/07yemen.html> (last visited July 21, 2025).

a two-tiered process at the National Security Council (NSC).⁴⁴ First, mid-level National Security Council (NSC) officials,⁴⁵ likely the NSC Deputies Committee, must recommend an American citizen terrorist for targeting. After this initial process, the NSC Principals Committee reviews the target recommendations.⁴⁶ Finally, the National Security Advisor notifies the President of the NSC's targeting decision and the President can unilaterally nullify the NSC's targeting decision for any reason. Consistent with the constitutional system of checks and balances, the Executive Branch regularly informs appropriate members of Congress⁴⁷ and the public⁴⁸ about lethal force used against American citizens. When reviewing an American terrorist target recommendation, Executive officials carefully determine whether (1) the citizen poses an imminent threat of violent attack against the United States, (2) capture is feasible and (3) the operation will be conducted in a way consistent with applicable law of war principles.⁴⁹

While it is unknown under what conditions targeted killings and signature strikes are authorized, or who makes the final decision, some information about non-American targets does exist. For instance, Brian Egan, the State Department legal advisor to the Obama administration in 2016 suggested that signature strike use is constrained by “certain operational activities, characteristics, and identifiers when determining whether an individual is taking a direct part in hostilities or whether the individual may formally or functionally be considered a member of an organized armed group with which we are engaged in an armed conflict.”⁵⁰ However,

⁴⁴ See *id.*

⁴⁵ See Mark Hosenball, *Secret Panel Can Put Americans on Kill List*, REUTERS (Oct. 5, 2011), <http://www.reuters.com/article/2011/10/05/us-cia-killlistidUSTRE79475C20111005> (last visited Aug. 6, 2025).

⁴⁶ See *id.*

⁴⁷ See Shane, *supra* note 43.

⁴⁸ See *id.*

⁴⁹ See U.S. Dep't Of Justice, *Lawfulness Of A Lethal Operation Directed Against A U.S. Citizen Who Is A Senior Operational Leader Of Al-Oa'ida Or An Associated Force* (Nov. 8, 2011), <http://www.fas.org/irp/eprint/doj-lethal.pdf> (last visited Aug. 6, 2025).

⁵⁰ Charlie Savage, Brian Egan's ASIL Speech and Questions about Rules for Drone Strikes in Tribal Pakistan and for Assessing Collateral Damage (Apr. 2, 2016), <https://charliesavage.com/2016/04/brian-egans-asil-speech-and-questions-about-rules-for-drone-strikes-in-tribal-pakistan-and-for-assessing-collateral-damage/> (last visited July 21, 2025).

senior U.S. officials characterized other working considerations. For instance, one U.S. official characterized signature strike use as “when we believe we have, for instance, a force protection issue or information to suggest a continued imminent threat,”⁵¹ which returns to a more comparable analysis to a targeted killing of an American. A different U.S. official described the process as presuming that unknown persons were non-combatants “until proved otherwise.”⁵² “Determining [if] someone is a member of a terrorist group involves looking at ‘a variety of signatures, from the information and intelligence that in some ways is unique to the U.S. government, for example, to the extent the individual performs functions to the benefit of a particular terrorist group, or to the extent an individual’s activities are analogous to those traditionally performed by a military.’”⁵³ Therefore, different non-legal considerations have been purported by legal writers, United States governmental officials, journalists and academics.

To be clear, the above characterizes the operational criteria for use of signature strikes and targeted killings, rather than legal considerations which are treated below.

III. CURRENT LEGAL REGIME

To understand the current legal regime, this paper will explain under what conditions states can engage in armed conflict with one another, and how states must conduct themselves during armed conflict. Then, it will analyze how the United States authorized itself to engage against non-state actor terrorist networks. Finally, there will be a brief distinction between remote killing such as targeted killings or signature strikes and assassination.

Internationally, the law of armed conflict (LOAC) determines under what conditions states may go to war, and how that war is to be waged legally. The main goals of LOAC are:

Protecting combatants, noncombatants, and civilians from unnecessary suffering; Providing certain fundamental

⁵¹ Spencer Ackerman, *US to continue ‘signature strikes’ on people suspected of terrorist links*, THE GUARDIAN (July 1, 2016), <https://www.theguardian.com/us-news/2016/jul/01/obama-continue-signature-strikes-drones-civilian-deaths> (last visited Aug. 6, 2025).

⁵² *Id.*

⁵³ Ackerman, *supra* note 51.

protections for persons who fall into the hands of the enemy, particularly prisoners of war, military wounded and sick, and civilians; Facilitating the restoration of peace; Assisting the commander in ensuring the disciplined, ethical, and effective use of military force; Preserving the professionalism and humanity of combatants; and Preventing the degeneration of warfare into savagery or brutality.⁵⁴

Jus ad bellum is the function of international law that regulates the circumstances in which States may resort to the use of force in international relations.⁵⁵ Jus in bello is the function of international law relating to the conduct of hostilities and the protection of war victims, from combatants who are wounded and out of combat, to prisoners of war and civilians.⁵⁶ Both are relevant for the use of drone strikes, and signature strikes in particular.

The United States is not engaged in a war between states as the target of U.S. military operations are instead terrorist actor networks (i.e., non-state actors). With respect to the authorization of remote killing against terrorist targets, in 2001 and shortly after September 11, the United States' Congress enacted the Authorization for Use of Military Force (AUMF), Pub. L. No. 107-40, 115 Stat. 224 (2001).⁵⁷ The AUMF granted the President the authority to "use all 'necessary and appropriate force' against those whom he determines 'planned, authorized, committed or aided' the September 11th attacks, or who harbored those persons or groups."⁵⁸ The United States, through Attorneys General Eric Holder and Harold Koh have asserted that the AUMF is the primary basis for its targeting authority.⁵⁹ "The United States Government has taken the position (for instance, in speeches by President Obama, Eric Holder, John Brennan and Harold Koh) that there is a valid and ongoing non-international armed conflict (NIAC) between the United

⁵⁴ US Army and US Marine Corps, *The Commander's Handbook on the Law of Land Warfare: Field Manual FM 6-27/MCTP 11-10c* at 1-7 (2019).

⁵⁵ *See id.* at 1-1.

⁵⁶ *See id.*

⁵⁷ Authorization for Use of Military Force Act, Pub. L. No. 107-40, 115 Stat. 224, codified 50 U.S.C. § 1541 note (2001).

⁵⁸ *Id.*

⁵⁹ *See* Robert Chesney, *Text of the Attorney General's National Security Speech*, LAWFARE (Mar. 5, 2021), <https://www.lawfareblog.com/text-attorney-generals-national-security-speech> (last visited Aug. 6, 2025).

States, the Taliban, Al Qaeda and associate forces, which consequently permits the USG to engage in at-will targeting of enemy belligerents. President Obama (in his May 23, 2013 speech on counterterrorism) reemphasized that view, stating that under both domestic and international law, the United States is at war with al Qaeda, the Taliban and their associated forces. Based on that assertion, it can be extrapolated that the USG claims that a *jus ad bellum* analysis need not be undertaken with respect to each individual targeting strike, as the *jus ad bellum* trigger is automatically satisfied more generally based on the existence of a continuing NIAC.”⁶⁰

Even if the President was not authorized for use of signature strikes or targeted killing under the 2001 AUMF, the President could in theory act against terrorists presenting an imminent threat under the Covert Action Statute (CAS), 50 U.S.C. § 3093.⁶¹ The CAS is potentially an important authorizing authority, as its scope extends beyond that of the AUMF, namely in that it is not limited to those terrorist groups linked to the September 11, 2001 attacks.⁶² Some legal critics argue that the CAS merely authorizes that which is otherwise lawful under Article II of the Constitution, and thus does not expand the scope of the President’s authority.⁶³ Consequently, the CAS, like the AUMF, may be insufficient to support the entire breadth of the U.S. government’s targeted killing policy.⁶⁴

Finally, some legal authors suggest, and the United States government has contended, that the United States could independently authorize targeted killing as an exercise of its national self-defense rights under Article 51 of the U.N. Charter.⁶⁵ Then Attorney General Eric Holder argued that the nations in which USG

⁶⁰ *Targeted Killing*, LAWFARE, <https://www.lawfareblog.com/legality-targeted-killing-program-under-international-law> (<https://web.archive.org/web/20210624183115/http://www.lawfareblog.com:80/legality-targeted-killing-program-under-international-law>) (archived URL).

⁶¹ Covert Action Statute, 50 U.S.C. § 3093 (2023).

⁶² *See id.*

⁶³ *See* Robert Chesney, *Military-Intelligence Convergence And The Law Of The Title 10/Title 50 Debate*, 5, NAT’L SEC L. AND POL’Y L. J. 539, 557 (Feb. 9, 2012).

⁶⁴ *See id.*

⁶⁵ *See* Harold Koh et. al, *Drone Strikes and Targeted Killings: Domestic and International Perspectives*, https://www.ca2.uscourts.gov/docs/jc_reports/2014/4_Drone_Strikes.pdf (last visited Aug. 6, 2025).

targeting has occurred have consented to the USG's strikes or have been unwilling or unable to quell the threat at issue.⁶⁶

The previous discussion, *jus ad bellum*, then explains the legal framework that allows the United States to be in an armed conflict. However, the next portion of analysis, *jus in bello*, determines the appropriateness of armed drones (both for targeted killings and signature strikes) as a valid method to engage in armed conflict. "The two central principles of *jus in bello*, discrimination and proportionality, establish rules of just and fair conduct during warfare. The principle of discrimination concerns who are legitimate targets in war, while the principle of proportionality concerns how much force is morally appropriate."⁶⁷ Particularly, distinction is the "idea that only military objectives may be intentionally targeted and that civilians are protected from being intentionally targeted,"⁶⁸ while proportionality is the "notion that the anticipated collateral damage of an action cannot be excessive in relation to the anticipated military advantage."⁶⁹ Distinction flows from:

7 Article 52, section 1 and section 2 of Protocol I of 1977 [which] authorizes armed attacks only if they are directed towards military objectives, and grants general protection to civilian objects. Although a number of states (including the United States) are not party to the Additional Protocol, this general principle of distinction is widely recognized as binding customary international law, meaning that states that have not signed the treaty are bound to the aspects recognized as customary.⁷⁰

The distinction principle is regularly the most contested element with respect to signature strikes. Given that signature strikes regularly conflate civilian, belligerent and combatant by presuming that any civilian near a known belligerent or combat is transmuted into the category of belligerent themselves,⁷¹ some authors contend

⁶⁶ See Chesney, *supra* note 59.

⁶⁷ Michell Maiese, *Jus In Bello*, BEYOND INTRACTABILITY (June 2003), https://www.beyondintractability.org/essay/jus_in_bello (last visited Aug. 6, 2025)..

⁶⁸ Robert Chesney, *Text of John Brennan's Speech on Drone Strikes Today at the Wilson Center*, LAWFARE (Apr. 30, 2012), <https://www.lawfareblog.com/text-john-brennans-speech-drone-strikes-today-wilson-center> (last visited Aug. 6, 2025).

⁶⁹ *Id.*

⁷⁰ Benson, *supra* note 9.

⁷¹ See Koh, *supra* note 65.

then that signature strikes violate the principle of distinction.⁷² The United States maintains instead that targeted killings (though not signature strikes) actually increase the ability to discriminate through superior technology and intel.⁷³

Some argue that the US government's targeted killing policy violates the domestic assassination ban. In other words, targeted killings by drones are an assassination.⁷⁴ Black's Law Dictionary defines assassination as murder committed for hire, without provocation or cause of resentment given to the murderer by the person upon whom the crime is committed.⁷⁵ In the United States, assassinations have been illegal since President Regan passed Executive Order 12,333 in 1981 wherein part 2.11 enacted a prohibition on assassination.⁷⁶ Those such as Harold Koh, have countered that under domestic law, those uses of force that are consistent with relevant laws of war—in other words those applying during an armed conflict or while acting in self-defense—do not constitute impermissible assassinations.⁷⁷ Certainly the discussion of assassination can be ignored with respect to signature strikes, because signature strikes are not motivated by resentment given that so few identifying criteria are known. They also cannot constitute murder-for-hire since they are enacted by the United States. Even if they were to be without provocation in the case of a wrongful signature strike target, the hiring element would not be met.

IV. THE CASE AGAINST STRIKES

U.S. signature strike practices are an ineffective tactic and strategy. They produce detrimental policy outcomes such as civilian casualties, the death of NGO aid and presumed faulty cultural homogeneity that increases the risk of civilian death. Victims of

⁷² See generally Molly McNab & Megan Matthews, *Clarifying the Law Relating to Unmanned Drones and the Use of Force: The Relationships between Human Rights, Self-Defense, Armed Conflict, and International Humanitarian Law*, 39 DENV. J. INT'L L. & POL'Y 661 (2011).

⁷³ See Chesney, *supra* note 69.

⁷⁴ See Avery Plaw *et al.*, *Practice Makes Perfect?: The Changing Civilian Toll of CIA Drone Strikes in Pakistan*, 5 PERSPECTIVES ON TERRORISM 51, 52 (Dec. 2011).

⁷⁵ See *Assassination*, BLACK'S LAW DICTIONARY (12th ed., 2024).

⁷⁶ Exec. Order No. 12,333, 46 F.R. 59941 (1981).

⁷⁷ See Kenneth Anderson, *Harold Koh Statements on Drone Warfare at ASIL Tonight*, THE VOLOKH CONSPIRACY https://volokh.com/2010/03/25/harold-koh-statements-on-drone-warfare-at-asil-tonight/?utm_source=chatgpt.com (last visited July 21, 2025).

wrongful strikes suffer from lack of legal recourse and monetary compensation.

In 2011, Obama told his aides with respect to remote killing: “Turns out I’m really good at killing people... [I] didn’t know that was gonna be a strong suit of mine.”⁷⁸ However, that would only be true if “really good” is measured by the quantity, not the quality, of the strikes. The intelligence used to pick targets was routinely atrocious,⁷⁹ and airstrikes blew up weddings,⁸⁰ markets and random civilian’s houses.⁸¹ An AC-130 gunship annihilated a Doctors Without Borders hospital in Afghanistan in 2015.⁸² “Many people in drone-ridden areas, especially children, developed chronic PTSD from the constant buzzing whine of a machine that could and quite often did kill them out of nowhere for no reason.”⁸³ Children dream of drone strikes.⁸⁴

Signature strike killings have been so notorious for improperly killing their primary targets that military operatives have developed a term to describe the accidental follow up deaths: double taps.

The “double tap,” occurs when the drone operator fires at an intended target, and then at rescuers offering assistance to any survivors... In the “double tap” method, missiles strike the initial target, and then strike rescuers and medical personnel who arrive at the scene to offer assistance.⁸⁵ According to a recent [2014] report that makes use of on-the-ground investigative reporting and eyewitness interviews, the double-tap has been used with growing frequency in Afghanistan and Pakistan to the point that “almost every

⁷⁸ Micah Zenko, *Obama’s Final Drone Strike Data*, COUNCIL ON FOREIGN RELS. (Jan. 20, 2017), <https://www.cfr.org/blog/obamas-final-drone-strike-data> (last visited Aug. 6, 2025).

⁷⁹ See generally Cora Currier & Peter Maass, *Firing Blind*, THE INTERCEPT (Oct. 10, 2015), <https://theintercept.com/drone-papers/firing-blind/> (last visited Aug. 6, 2025).

⁸⁰ See generally *Dozens dead as US-backed strike hits Afghan wedding*, DEUTSCHE WELLE (Sept. 23, 2019), <https://www.dw.com/en/dozens-killed-as-us-backed-strike-hits-afghan-wedding/a-50549512> (last visited Aug. 6, 2025).

⁸¹ See generally Chavala Madlena *et al.*, *We dream about drones, said 13-year-old Yemeni before his death in a CIA strike*, THE GUARDIAN (Feb. 10, 2015), <https://www.theguardian.com/world/2015/feb/10/drones-dream-yemeni-teenager-mohammed-tuaiman-death-cia-strike> (last visited Aug. 6, 2025).

⁸² See generally Michael Shear *et al.*, *Obama Issues Rare Apology Over Bombing*, N.Y.T. (OCT. 8, 2015).

⁸³ Cooper, *supra* note 32.

⁸⁴ See generally Madlena, *supra* note 84.

⁸⁵ Benson, *supra* note 9, at 48.

other” strike in certain regions of Pakistan is a double tap.... In addition to adding to the mounting death toll of non-combatants double taps have essentially trained first responders not to assist or rescue drone strike victims and to withhold emergency services and medical help from survivors.⁸⁶

The distinction analysis for combatants, belligerents, co-belligerents, and civilians presumes a western framework. The collapse of distinction risks improper striking (with respect to outcomes) and potentially unlawful striking because operators are not culturally educated. Signature strikes compound this problem relative to targeted killing because the inferences necessary to determine a signature strike involve behavioral analysis. For instance, consider the following:

Tribal elders hold a position in Pushtun culture that is difficult for the average American to appreciate. “Pushtunwali,” a Pushtun socio-legal system found in Afghanistan and Pakistan, is a series of local and cultural practices that regulate behavior and maintain social order that supplements formal law. Pushtunwali, among other things, obligates a villager to open his home to tribal elders, including those that the United States has designated as “militants” or “terrorists.” In homosocial societies like Pakistan and Afghanistan, it is also possible that a tribal leader would meet with military-aged men for reasons other than to “plan or conduct attacks, regroup for future hostilities, [or] train.” As a resident of Waziristan, a region in Pakistan, explained, “all the local people must offer [the Taliban] food” and, if they stop by, it is impossible to turn them away. Cultural practices such as this may lead drone operators to conclude civilians are part of the Taliban, when in fact they are simply bound to offer them hospitality as dictated by Pushtunwali.⁸⁷

Both the operative and legal frameworks discussed previously would risk misclassification of this kind of hospitality and instead could characterize it as belligerent behavior, rather than civilian behavior.

Even when a signature strike is accurate in killing terrorists, it can prove detrimental to the long-term policy objectives of the

⁸⁶ *Id* at 48-49.

⁸⁷ *Id.* at 37.

United States. In 2015, a group of Air Force whistleblowers called for a rethinking of the military tactics that they say has “fueled the feelings of hatred that ignited terrorism and groups like ISIS, while also serving as a fundamental recruitment tool similar to Guantánamo Bay.”⁸⁸ Empirically, however, drone usage, generally analyzed in Pakistan, has decreased terrorist violence,⁸⁹ but the persistent feeling of terror still seems to drive terrorist recruitment.⁹⁰ As described previously, drone strikes generally, and signature strikes particularly, kill or endanger the aid workers, and wrongfully kill non-combatants. It is easy to imagine why those suffering under these tactics might resent the United States. Even if one agrees with the military or police objectives of killing terrorists, this method risks contributing to future terrorism through such negative side effects.

Importantly, even if information were available for surviving community members of a strike victim, who was legally and “properly” targeted, this information is nearly never communicated to those persons. Strike victims and their communities living on the ground often do not have access to information channels that would help explain why a person was targeted for death by the United States. American secrecy produces condition such that even if someone were to have access to the internet and know where names and explanations might be published, this secrecy would reduce the likelihood that those names and explanations are made public. Signature strikes are the worst form of this process. Often, because of the very nature of signature strikes, there is no coherent reason outside of several vague factors. As discussed above – a gender, an age, being in the wrong place at the wrong time, associating with the wrong people (even when you must as per your cultural practices), could combine to be a death sentence.

⁸⁸ Ed Pilkington & Ewen MacAskill, *Obama's drone war a 'recruitment tool' for Isis, say US air force whistleblowers*, THE GUARDIAN (Nov. 18, 2015), <https://www.theguardian.com/world/2015/nov/18/obama-drone-war-isis-recruitment-tool-air-force-whistle-blowers> (last visited Aug. 6, 2025).

⁸⁹ See Patrick Jonston & Anoop Sarbahi, *The Impact of US Drone Strikes on Terrorism in Pakistan*, 60 INT'L STUDIES QUARTERLY, 203, 216 (Jan. 4, 2016).

⁹⁰ See Christopher Coyne & Abigail Hall, *The Drone Paradox: Fighting Terrorism with Mechanized Terror*, 23 THE INDEPENDENT REVIEW, 51, 62-63 (2018).

Signature strike and drone strike victims have very little legal redress. For instance, in *Ahmed Salem Bin Ali Jaber v. United States*, the surviving family of a drone strike victim in Yemen sued the United States government for a tort of wrongful death.⁹¹ The strike victims simply wanted their day in court and to win a declaratory judgement stating that their family members were killed in violation of international law, the Torture Victim Protection Act (“TVPA”) and the Alien Tort Statute (“ATS”).⁹² They were contending that even though there was legitimate authorization for a signature strike, the drone operator could have struck their target at a different time of day, when the target was alone or on another day.⁹³ The target had been traveling by car between villages and across large swathes of uninhabited land.⁹⁴ The family contended, then, that the death of their relative in the signature strike constituted an unlawful killing.⁹⁵ They lost on appellate review, *en banc*.⁹⁶ The court held that reviewing the strike was improper under the political question doctrine because the court would have to determine whether the strike was mistaken and/or unjustified, which fell within the province of the political branches.⁹⁷ Regardless of how a claim is styled, “[the political question doctrine bars the review of claims that] call into question the prudence of the political branches in matters of foreign policy or national security constitutionally committed to their discretion,” even when “a statute providing for judicial review does not override Article III’s requirement that federal courts refrain from deciding political questions.”⁹⁸ “Recasting [such] foreign policy and national security questions in tort terms” does not provide standards for making or reviewing foreign policy judgments.⁹⁹ The court also creates a distinction between acute political action such as a drone strike, and prolonged executive

⁹¹ See generally *Ahmed Salem Bin Ali Jaber v. U.S.*, 861 F.3d 241 (D.C. Circuit Ct. App. 2017).

⁹² See generally *id.*

⁹³ See *id.* at 244.

⁹⁴ See *id.* at 243-44.

⁹⁵ See generally *id.*

⁹⁶ See generally *id.*

⁹⁷ See *id.* at 250.

⁹⁸ *El-Shifa Pharm. Indus. Co. v. U.S.*, 607 F.3d 836, 842-43 (D.C. Circuit Ct. App. 2010).

⁹⁹ *Id.* at 843.

detention such as judicial review with respect to Guantanamo Bay.¹⁰⁰ “[T]he political question doctrine does not preclude judicial review of prolonged Executive detention predicated on an enemy combatant determination,” that is “because the Constitution specifically contemplates a judicial role in this area.”¹⁰¹

Furthering the lack of redress, internal investigations into wrongful drone strike usage seem to produce little meaningful justice. For instance, in 2021 the United States struck¹⁰² ten civilians.¹⁰³ First it contended that the killing of seven children and three adults was “necessary to prevent an Islamic State attack on troops [however, a] subsequent high-level investigation into the episode found no violations of law but stopped short of fully exonerating those involved, saying such decisions should be left up to commanders.”¹⁰⁴ However, “Defense Secretary Lloyd J. Austin III, who had the final word on any administrative action, such as reprimands or demotions, for the two senior commanders, approved their recommendation not to punish anyone,” and those commanders “found no grounds for penalizing any of the military personnel involved in the strike, said John F. Kirby, the Pentagon’s chief spokesman.”¹⁰⁵ In the two decades of drone usage against non-state actors, the United States “from time to time accepts responsibility for an errant airstrike or a ground raid that harms civilians, [and further] rarely does it hold specific people accountable.”¹⁰⁶

Strike victims often lack financial compensation, or the compensation is remarkably small. “Congress has authorized the Pentagon to pay up to \$3 million a year for payments to compensate for property damage, personal injury or deaths related to the actions of U.S. armed forces, as well as for “hero payments” to the family members of local allied forces, such as Afghan or Iraqi troops

¹⁰⁰ See *id.* at 848-49.

¹⁰¹ *Id.* at 848.

¹⁰² See generally Eric Schmitt & Helene Cooper, *Pentagon acknowledges Aug. 29 drone strike in Afghanistan was a tragic mistake that killed 10 civilians.*, N.Y.T. (Sept. 17, 2021).

¹⁰³ See generally Matthieu Aikins & Alissa Rubin, *First Tied to ISIS, Then to U.S.: Family in Drone Strike Is Tarnished Twice*, N.Y.T. (Sept. 18, 2021).

¹⁰⁴ Eric Schmitt, *No U.S. Troops Will Be Punished for Deadly Kabul Strike, Pentagon Chief Decides*, N.Y.T. (Dec. 13, 2021).

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

fighting Al Qaeda or ISIS.”¹⁰⁷ “Condolence payments for deaths caused by the American military have varied widely in recent years. In fiscal year 2019, for instance, the Pentagon offered 71 such payments — ranging from \$131 to \$35,000 — in Afghanistan and Iraq.”¹⁰⁸

In Pakistan, The Pakistani Civilian Assistance Fund was created and modeled after the ones that exist in Iraq and Afghanistan, where money was allocated to help alleviate the suffering of civilians harmed by U.S. military operations as part of a strategy to “win hearts and minds.”¹⁰⁹ “The money is supposed to go directly to the families of innocent drone victims, or for needs like medical expenses or rebuilding homes.”¹¹⁰ However, investigative journalism suggests that “[i]nstead, it appears that the Conflict Victims Support Fund gets farmed out to US-based non-governmental organizations like International Relief and Development that, after taking their cut, provide humanitarian assistance for Pakistanis who are not drone victims and are not even living in the tribal areas of Waziristan where the U.S. is carrying out the strikes.”¹¹¹ Even when funds are dispersed, they are not enough: “The family of 68-year-old Mamana Bibi, who was killed in North Waziristan while tending her crops, was furious when they were offered \$100, given that their costs for medical expenses, repairs to their home and loss of livestock totaled about \$9,500.”¹¹² While payments in active conflict regions like Afghanistan are also compensated with outrageously low values, they are at least entitled to “compensation for loss of life, medical problems and/or property damage. The payments in Afghanistan are usually small (about \$5,000 for a death or injury or \$5,000 for property damage), but this can make a big difference to a poor family.”¹¹³ Meanwhile, in Pakistan, inconstancy and non-payment are the norm:

¹⁰⁷ Eric Schmitt, *U.S. Pledges to Pay Family of Those Killed in Botched Kabul Drone Strike*, N.Y.T. (Oct. 15, 2021).

¹⁰⁸ *Id.*

¹⁰⁹ Medea Benjamin, *\$40 million allocated for drone victims never reaches them*, CODEPINK (Oct. 23, 2013), https://www.codepink.org/_40_million_allocated_for_drone_victims_never_reaches_them (last visited Aug. 6, 2025).

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

A 45-year-old Pakistani farmer told investigators of another report, *Living Under Drones*, that after his home was destroyed by a drone, he didn't have the \$1,000,000 rupees [US \$10,500] to build a new house, so he and his family live in a rented room. "I spent my whole life in that house, my father had lived there was well...I belong to a poor family. I'm just hoping that I somehow recover financially," he said.¹¹⁴

This collection of negative policy outcomes, erroneous loss of human life and failure of justice are not just morally objectionable, but questionably legal. The final section of this paper will explore different legal remedies to halt the use of signature strikes more permanently.

V. LEGAL MECHANISMS TO DISALLOW SIGNATURE STRIKES

The intent of this paper is to defend the end of signature strikes, only. They are antithetical to American policy objectives even while other kinds of remote killing, like targeted killing, may serve useful military objectives. For instance, remotely piloted vehicles killing either particular targets or generally conducting military activity reduces the risk of losing American lives and should continue. Any possible process of change must overcome 20 years of operational usage and legal interpretation.

One solution would be a determination by judicial review that the targeted killing list is a kind of indefinite detention. As above in *Jaber*, courts are constrained from interpreting time-bound executive decisions, such as a strike, under the political question doctrine. However, the *Jaber* Court, citing the findings of other courts, found that courts do have judicial authority to review prolonged detention. If, for instance, the prolonged period that a person remains on a list for targeted killing were to be found to be analogous to the prolonged detention that prisoners experienced in Guantanamo Bay, it would create the conditions for a judicial analysis that could find this kind of prolonged targeting to be unconstitutional. This, however, would only end targeted killing, not signature strikes. Nonetheless, the invalidation of targeted killings may create the conditions to invalidate signature strikes as well.

¹¹⁴ *Id.*

The president could, by executive order, enact a law rendering signature strikes illegal. For instance, in the United States, assassinations have been illegal since President Regan passed Executive Order 12,333 in 1981, wherein part 2.11 enacted a prohibition on assassination.¹¹⁵ This would immediately end the practice but could be repealed by a future executive of a president more amenable to the practice. An executive order would not, however, have the staying power of a judicial decision, but could create a change in military conduct that might produce an organizational and behavioral deterrent to signature strikes returning even if a president were to repeal a ban on signature strikes.

Perhaps the best solution for constraining the use of signature strikes would involve an authority outside of the United States. For instance, a 2014 report from the Office of the United Nations High Commissioner for Human Rights found that the human rights implications of the use of armed drones falls firmly within the remit of the Human Rights Council.¹¹⁶ They found that whether during war or outside of armed conflict, international human rights law applied.¹¹⁷ Their review found that the use of drones complied with international humanitarian law, but that signature strikes risked legal noncompliance.¹¹⁸ To ensure compliance, they put forth the following:

1. The lack of accountability for violations of international human rights law, in particular the right to life, must be addressed. Where there were credible allegations of violations of international law, States were under an obligation to carry out prompt, independent and impartial investigations, and to make the results publicly available. States had a duty of public explanation to victims and to the international community. States should permit judicial review of the claims alleging grave violations of domestic and international law, and should be more transparent in their use of drones as a precondition to any meaningful accountability, including by providing

¹¹⁵ See *supra* note 77 and accompanying text.

¹¹⁶ See U.N. Office of the U.N. High Comm'r for Human Rights, *Summary of the Human Rights Council Interactive Panel Discussion of Experts on the Use of Remotely Piloted Aircraft or Armed Drones in Compliance with International Law*, 15 U.N. Doc. A/HRC/28/38 ¶ 52 (Dec. 2014).

¹¹⁷ See *id.*

¹¹⁸ See *id.*

information about the legal basis for the use of drones and facts about specific strikes.

2. The plight of victims must be recognized, and their rights to effective remedy, including reparation and the right to truth, must be respected. The impact of drone strikes on individuals and communities must also be recognized, including their impact on the right to work, to education, to health, to religion and to association. With regard to individuals suspected of terrorist activity, the rights of due process, to a fair trial, to the presumption of innocence, and to respect for the rule of law must also be respected.¹¹⁹

As this paper has previously identified, many of these conclusions have been violated in the years since its publication. “The lack of accountability for violations of international human rights law, in particular the right to life, must be addressed,”¹²⁰ and yet has not been meaningfully addressed in the eleven years since publication. Civilians are regularly killed without justice through financial compensation or through the courts. While this lack of justice has decreased under the Biden administration, it does not mean that the increased periods under Obama or Trump, nor the continued injustice is outside the scope of this document. Further, the duty that, “where there were credible allegations of violations of international law, States were under an obligation to carry out prompt, independent and impartial investigations,”¹²¹ is regularly disregarded. In the previous section, this paper identified the numerous ways that investigations are conducted by the United States, which is neither impartial nor independent.

“States had a duty of public explanation to victims and to the international community,”¹²² and yet the victims and families of strike victims are regularly not notified about the United States decision to signature strike. In the United States and as identified above, signature strike and other drone strike victims don’t have a legal ability to sue for the tort of wrongful death, or even under federal laws related to torture. This lack of legal recourse, preempted by the political question doctrine, violates the conclusion that

¹¹⁹ *Id.* ¶¶ 54-55.

¹²⁰ *Id.* ¶ 54.

¹²¹ *Id.*

¹²² *Id.*

“States should permit judicial review of the claims alleging grave violations of domestic and international law.”¹²³

The report also concluded that “[t]he plight of victims must be recognized, and their rights to effective remedy, including reparation and the right to truth, must be respected.”¹²⁴ Signature strikes necessarily deter the ability to recognize the plight of victims and provide reparation. Because the victims’ names may not be known to the United States or the greater global community as a feature of the use of signatures to warrant a strike, the victims, and their survivors, risk never being recognized. Even when victims’ names are known, as previously discussed, reparations in the form of financial compensation can be outrageously low, never delivered or slow to be dispersed. Finally, the United States may malign strike victims in an attempt to establish the legitimacy of the strike,¹²⁵ only to have independent journalism corroborate the innocence of the victims.¹²⁶ This kind of conduct hampers the ability to seek reparation and certainly violates a right to truth with respect to the legitimacy of a strike.

Further, “[t]he impact of drone strikes on individuals and communities must also be recognized, including their impact on the right to work, to education, to health, to religion and to association,”¹²⁷ seems to have had little analysis. As above, children and adults develop long term PTSD in regions where drone strikes, especially signature strikes, are used. PTSD then constitutes an impact on the health of those under risk of strike. Given the discussion above about cultural challenges associated with behavioral analysis, drones constrain the ability of people to associate or practice religion. Being in geographic or organizational proximity with a known terrorist is sufficient to authorize a strike, and so these rights are violated whenever a person constrains their religious practice for fear of associating with someone who may be being targeted, and so risk being signature struck themselves.

Finally, the United States maintains that terrorists are not offered due process or fair trial rights under the above discussion

¹²³ *Id.*

¹²⁴ *Id.* ¶ 55.

¹²⁵ See generally Matthieu Aikins *et al.*, *Times Investigation: In U.S. Drone Strike, Evidence Suggests No ISIS Bomb*, N.Y.T. (Sept. 10, 2021).

¹²⁶ See generally *id.*

¹²⁷ U.N., *supra* note 119, ¶ 55.

about the legal authorization for force and the continued legal practice of deadly force. However, the United Nations concluded that “With regard to individuals suspected of terrorist activity, the rights of due process, to a fair trial, to the presumption of innocence and to respect for the rule of law must also be respected.”¹²⁸ With signature strikes, the mere proximate association, right gender and age, has been sufficient to authorize a strike. That these criteria are sufficient to overcome a presumption of innocence seems to constitute a *prima facie* violation of the presumption of innocence, especially given the cultural expectations identified in Pakistan. Signature strikes foreclose a fair trial under presumption of belligerent status that, as above, have been expanded to unreasonable criteria under some American administrations.

In conclusion then, the 2014 findings by the report of the Office of the United Nations High Commissioner for Human Rights originally concluded that the use of armed drones for both targeted killing and signature strikes were legal but risked illegality. Further total usage, and periods of dramatically unbridled usage have occurred since the report. One solution to constrain the usage of signature strikes would be a new review and determination that signature strikes no longer comport with the previous legal analysis.

CONCLUSION

The use of signature strikes is a dubious policy choice. While the United States under former President Biden changed policy to dramatically reduce both targeted killing and signature strikes, signature strikes are still possible in a select number of locations. Signature strikes should be discontinued because of their increased killing of civilians; they produce widespread psychic harm to non-terrorist persons; victims have no legal redress; and financial compensation for victims is often too little, slow to be dispersed or has been siphoned to improper recipients. The existing legal arguments that produced the legitimacy of strikes generally, and, particularly, signature strikes may be invalid given the unrestrained usage by the United States under Obama and Trump. Given the changing usage of signature strikes, either U.S. actors or non-U.S. actors should at least review signature strikes for their legality, possibly

¹²⁸ *Id.*

determine them to be illegal, or domestic U.S. actors should use existing legal means to make signature strikes illegal.