

USA: The Age of American Shadow Power

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Covert operations are nothing new in American history, but it could be argued that during the past decade they have moved from being a relatively minor arrow in the national security quiver to being the cutting edge of American power. Drone strikes, electronic surveillance and stealth engagements by military units such as the Joint Special Operations Command (JSOC), as well as dependence on private corporations, mercenary armies and terrorist groups, are now arguably more common as tools of US foreign policy than conventional warfare or diplomacy. But these tools lend themselves to rogue operations that create peril for the United States when they blow back on us. And they often make the United States deeply unpopular.

Shadow power has even become an issue in the presidential campaign. Newt Gingrich advocates ramped-up “covert operations” inside Iran. President Obama replied to Mitt Romney’s charge that he is an “appeaser” by suggesting that his critics “ask bin Laden” about that.

Obama often speaks of the “tide of war receding,” but that phrase refers only to conventional war. In Afghanistan, where the administration hopes to roll up conventional fighting by the end of 2013, it is making plans for long-term operations by special forces through units such as JSOC. It is unclear what legal framework will be constructed for their activities, other than a wink and a nod from President Hamid Karzai.

Although the Iraqis managed to compel the withdrawal of US troops by the end of last year, Washington is nevertheless seeking to remain influential through shadow power. The US embassy in Baghdad has 16,000 employees, most of them civilian contractors. They include 2,000 diplomats and several hundred intelligence operatives. By contrast, the entire US Foreign Service corps comprises fewer than 14,000. The Obama administration has decided to slash the number of contractors, planning for an embassy force of “only” 8,000. This monument to shadow power clearly is not intended merely to represent US interests in Iraq but rather to shape that country and to serve as a command center for the eastern reaches of the greater Middle East. The US shadow warriors will, for instance, attempt to block “the influence of Iran,” according to the Washington Post. Since Iraq’s Shiite political parties, which dominate Parliament and the cabinet, are often close to Iran, that charge would inescapably involve meddling in internal Iraqi politics.

Nor can we be sure that the CIA will engage only in espionage or influence-peddling in Iraq. The American shadow government routinely kidnaps people it considers dangerous and has sent them to black sites for torture, often by third-party governments to keep American hands clean. As usual with the shadow government, private corporations have been enlisted to help in these “rendition” programs, which are pursued outside the framework of national and international law and in defiance of the sensibilities of our allies. How the United States might behave in Iraq can be extrapolated from its recent behavior in other allied countries. In November 2009 an Italian court convicted in absentia twenty-three people, most of them CIA field officers who had kidnapped an alleged Al Qaeda recruiter, Abu Omar, on a Milan street in the middle of the day and sent him to Hosni Mubarak’s Egypt for “interrogation.” Obama has explicitly continued this practice as a “counterterrorism tool,” though he says torture has been halted. Iraq is likely to continue to be an arena of such veiled struggles.

The Obama administration's severe unilateral sanctions on Iran and attempts to cut that country off from the world banking system have a shadow power aspect. Aimed at crippling Iran's oil exports, they are making it difficult for Iran to import staples like wheat. Although Washington denies carrying out covert operations in Iran, the US government and allies like Israel are suspected of doing just that. According to anonymous US intelligence officials and military sources interviewed by The New Yorker's Seymour Hersh, the United States has trained members of the MEK (Mojahedin-e Khalq, or People's Jihadis), based in Iraq at Camp Ashraf, to spy on Iran and carry out covert operations there, just as Saddam Hussein had done, though any American support for the organization would directly contradict the State Department listing of it as a terrorist organization. The MEK is suspected of carrying out a string of assassinations against Iranian nuclear scientists, but US intelligence leaks say Israel's Mossad, not the CIA, is the accomplice. Indeed, the difficulty of disentangling Washington's shadow power from that of its junior partners can be seen in the leak by US intelligence complaining that Mossad agents had impersonated CIA field officers in recruiting members of the Jundullah terrorist group in Iranian Baluchistan for covert operations against Iran. Jundullah, a Sunni group, has repeatedly bombed Shiite mosques in Zahedan and elsewhere in the country's southeast. Needless to say, the kind of overt and covert pressure Obama is putting on Iran could easily, even if inadvertently, spark a war.

The recent release of more than 5 million e-mails hacked from the server of the private intelligence firm Stratfor shows that it did more than analysis. It engaged in surveillance and intelligence activities on behalf of corporate sponsors. Dow Chemical, for example, hired Stratfor to monitor a protest group agitating on the issue of the catastrophic 1984 gas leak in Bhopal, India, which killed at least 3,500. WikiLeaks maintains that Stratfor exemplifies the "revolving door" between private intelligence firms and the US government agencies that share information with them.

The increasingly frequent use of civilian "security contractors"—essentially mercenaries—should be a sore point for Americans. The tens of thousands of mercenaries deployed in Iraq were crucial to the US occupation of that country, but they also demonstrate the severe drawbacks of using shadow warriors. Ignorance about local attitudes, arrogance and lack of coordination with the US military and with local police and military led to fiascoes such as the 2007 shootings at Baghdad's Nisour Square, where Blackwater employees killed seventeen Iraqis. The Iraqi government ultimately expelled Blackwater, even before it did the same with the US military, which had brought the contractors into their country.

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The bad feelings toward the United States generated by hired guns can also be seen in the infamous Raymond Davis incident in Lahore, Pakistan. On January 27, 2011, Davis, a CIA contractor, was waiting at a traffic light when two Pakistanis pulled up next to him on a motorcycle. Davis, who later alleged that one of them had a gun, became alarmed and shot the men. The driver survived the initial volley and tried to run away, but Davis shot him twice in the back. Instead of fleeing the scene, he spent time searching and then photographing the bodies and calling the US consulate for an extraction team. Undercover CIA field officers raced toward the site of the shooting in a consulate SUV, hoping to keep Davis out of the hands of Pakistani authorities, who were approaching, sirens blaring. In its haste, the extraction team killed a motorcyclist and failed in its mission. Davis was taken into custody. His cellphone yielded the identities of some forty-five members of his covert network in Pakistan, who were also arrested.

The incident provoked rolling street demonstrations and enraged Pakistanis, who are convinced that the country is crawling with such agents. Davis was jailed and charged with double homicide, and only released months later, when a Persian Gulf oil monarchy allegedly paid millions on behalf of the United States to the families (in Islamic law, families of a murder victim may pardon the murderer

on payment of a satisfactory sum). It was a public relations debacle for Washington, of course, but the salient fact is that a US public servant shot two Pakistanis (likely not terrorists) in cold blood, one of them in the back.

American drone strikes on individuals and groups in the tribal belt of northwestern Pakistan, as well as in Yemen, also typify Washington's global shadow wars. The United States has 7,000 unmanned aerial vehicles, which it has deployed in strikes in six countries. Both the CIA and the US military operate the drones. Rather than being adjuncts to conventional war, drone strikes are mostly carried out in places where no war has been declared and no Status of Forces Agreement has been signed. They operate outside the framework of the Constitution, with no due process or habeas corpus, recalling premodern practices of the English monarchy, such as declaring people outlaws, issuing bills of attainder against individuals who offend the crown and trying them in secret Star Chamber proceedings.

Despite President Obama's denials, the Britain-based Bureau of Investigative Journalism has found that not only are civilians routinely killed by US drone strikes in northern Pakistan; often people rushing to the scene of a strike to help the wounded are killed by a second launch. The BIJ estimates that the United States has killed on the order of 3,000 people in 319 drone strikes, some 600 of them civilian bystanders and 174 of those, children. Some 84 percent of all such strikes were launched after Obama came to office.

Moreover, the drone operations are classified. When asked about strikes, Secretary of State Hillary Clinton refuses to confirm or deny that they have occurred. The drones cannot be openly debated in Congress or covered in any detail by the US media. Therefore, they cannot be the subject of a national political debate, except in the abstract. The Congressional intelligence committees are briefed on the program, but it is unlikely that any serious checks and balances can operate in so secret and murky a realm, and the committees' leaders have complained about the inadequacy of the information they are given. No hearing could be called about them, since the drone strikes cannot be publicly confirmed. Classified operations create gods, above the law.

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The WikiLeaks State Department cables reveal that Pakistani Prime Minister Yousaf Raza Gilani and former Yemeni President Ali Abdullah Saleh secretly authorized US drone strikes, pledging to take the blame from their angry publics. But a private conversation with a single leader, repeatedly denied thereafter in public, is hardly a treaty. The only international legal doctrine (recognized in the United Nations charter) invoked to justify drone strikes is the right of the United States to defend itself from attack. But it cannot be demonstrated that any drone strike victims had attacked, or were in a position to attack, the United States. Other proposed legal justifications also falter.

The doctrine of "hot pursuit" does not apply in Yemen or Somalia, and often does not apply in Pakistan, either. The only due process afforded those killed from the air is an intelligence assessment, possibly based on dubious sources and not reviewed by a judge. Those targeted are typically alleged to belong to Al Qaeda, the Taliban or some kindred group, and apparently thought to fall under the mandate of the September 14, 2001, Congressional Authorization for the Use of Military Force by the president against those behind the September 11 attacks and those who harbored them. The AUMF could probably legitimately be applied to Ayman al-Zawahiri's Al Qaeda faction, which still plots against the United States. But a new generation of Muslim militants has arisen, far too young to be implicated in 9/11 and who may have rethought that disastrous strategy.

Increasingly, moreover, "Al Qaeda" is a vague term somewhat arbitrarily applied by Washington to regional groups involved in local fundamentalist politics, as with the Partisans of Sharia, the Yemeni

militants who have taken over the city of Zinjibar, or expatriate Arab supporters in Pakistan of the Haqqani network of Pashtun fighters—former allies of the United States in their struggle against the Soviet occupation of Afghanistan. How long will the AUMF be deployed in the Muslim world to authorize cowboy tactics from the skies? There is no consistency, no application of the rule of law. Guilt by association and absence of due process are the hallmarks of shadow government. In September the Obama administration used a drone to kill a US citizen in Yemen, Anwar al-Awlaki. But since the Supreme Court had already ruled, in *Hamdan v. Rumsfeld* (2006), that the AUMF could not authorize military tribunals for Guantánamo detainees that sidestepped civil due process—and since the subsequent Military Commissions Act of 2006 allows such tribunals only for aliens—it is hard to see how Awlaki’s right to a trial could be summarily abrogated. Two weeks after he was killed, his 16-year-old son, also a US citizen and less obviously a menace to the superpower, was also killed by a drone.

By contrast, the United States and its allies are sanguine about a figure like the Libyan Abdel Hakim Belhadj, now in charge of security in Tripoli, who fought in Afghanistan against the Soviet Union and was later held in US black sites. Released, he emerged as a rebel leader in Libya last year. The circumstantial case against him would easily allow a US drone strike on him even now under the current rules, but he was rehabilitated because of his enmity toward Muammar el-Qaddafi.

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Among the greatest dangers to American citizens from Washington’s shadow power is “blowback,” the common term for a covert operation that boomerangs on its initiator. Arguably, the Reagan administration marked a turning point in the history of US infatuation with shadow power. Reagan strong-armed King Fahd of Saudi Arabia into providing funds to the right-wing Contras in Nicaragua, and the president developed his own resources for the Contras by illegally selling weapons to Iran (despite its being on the terrorist watch list and ineligible for such sales). Washington also joined Fahd in giving billions of dollars of arms and aid to the fundamentalist mujahedeen in Afghanistan (“freedom fighters,” Reagan called them, “the equivalent of America’s founding fathers”), where Arab volunteers ultimately coalesced into Al Qaeda. They later used the tradecraft they had absorbed from CIA-trained Afghan colleagues to stage operations in the Middle East against US allies and to carry out the 9/11 attacks. Two allied groups that received massive aid from the Reagan administration became among the deadliest US enemies in Afghanistan after 2002: the Haqqani network and the Hizb-i-Islami. Blowback goes hand in hand with covert operations.

The use of mercenaries and black units by the US government undermines discipline, lawfulness and a strong and consistent chain of command. Regular armies can be deployed and then demobilized, but Al Qaeda-like networks, once created, cannot be rolled up so easily, and they often turn against former allies. Black intelligence and military operations with virtually no public oversight can easily go rogue.

Reagan’s shadow government was a disaster, but it was a pygmy compared with Obama’s. Americans will have to be prepared for much more blowback to come if we go on like this—not to mention further erosion of civil liberties at home, as the shadow government reaches back toward us from abroad. (Electronic surveillance without a warrant and the militarization of our police forces are cases in point.) Moreover, the practices associated with the shadow government, because of the rage they provoke, deepen mistrust of Washington and reduce the international cooperation that the United States, like all countries, needs. The shadow government masquerades as a way to keep the United States strong, but if it is not rolled back, it could fatally weaken American diplomacy.

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P.S.

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