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The Honorable Barbara Boxer  
United States Senate  
112 Hart Senate Office Building  
Washington, D.C. 20510-0505

**Subject: Release of drone strike civilian casualty data**

Dear Senator Boxer:

As you perhaps know, the ACLU has requested the release of drone strike civilian casualty data under the Freedom of Information Act. In a recent letter ([copy enclosed](#)) to the ACLU, the DoD declined to release the data.

Amidst the usual DoD hedging and double-talk, the letter states:

"The only documents that address estimates of civilian casualties related to drone strikes are individual battle damage assessments evaluating each military aircraft mission, which the ACLU and DoD have agreed are outside the scope of the documents to be processed in this litigation."

The DoD thus admits the existence of drone strike civilian casualty estimates on a mission-by-mission basis. Even without this admission, we know that such estimates would be made as part of routine battle assessments.

The question is then why the DoD refuses to release this information. Two reasons are stated by the letter or otherwise implied.

The first is the claim that the DoD does not currently have civilian casualty estimates in aggregate form, i.e., across drone strike missions. However if they have mission-by-mission casualty statistics, either those can be supplied to the public, or the DoD can summarize them. The letter also suggests that gathering civilian casualty data would entail "significant cost". That claim is entirely unconvincing. Nothing in war is more important than protection of civilian life. Expense is not an issue when it comes to national integrity, and for the DoD to imply otherwise demonstrates bad faith. In any case, the cost of retrieving and summarizing the data would be far less than that of a single MQ-9 Reaper drone, and probably less than that of one Hellfire missile.

Second is the implied DoD contention that confidentiality of battle assessment data is vital to national security. Again this is a specious argument. Civilian casualty statistics can be excerpted from other mission details without impacting security or future mission effectiveness. (If not, that would suggest the DoD does not distinguish between militant,

suspected militant, and civilian casualties – which would indicate an even more urgent need to increase Congressional and citizen oversight.)

Thus the DoD has no plausible reason to deny release of the requested data. Indeed, the ACLU shouldn't be having to litigate: the data should already be available to journalists, citizens, and elected officials.

Therefore please let me request that your office take a strong and active interest in this matter, demanding that the DoD gather and release drone strike civilian casualty estimates in either aggregate or non-aggregate form.

Everything above also applies to the CIA's refusal to release estimates of civilian casualties in their extensive Pakistan drone campaign ([second attached letter](#)). This, in fact, raises another very serious issue: the United States is deceitfully waging war against Taliban militants in Pakistan by calling it "extrajudicial killing" and placing the operation under the nominal command of the CIA. The CIA position, of course, is that their actions are by nature secret. Thus, by sleight of hand, the U.S. is waging a war in Pakistan in defiance of international law. This is unacceptable to citizens, who remain responsible for vigilant monitoring of U.S. war-making, regardless of whether it is placed under the technical jurisdiction of the DoD or the CIA.

Please note that I have no affiliation or connection with the ACLU and write as a concerned citizen.

Respectfully yours,

John S. Uebersax

Enclosures:

DoD letter to ACLU  
CIA letter to ACLU