

## DEPT OF SECRETS

# Mission: Assassination

The CIA's a lot better at targeted killing now than it used to be.

BY MALCOLM BYRNE, JEFFREY RICHELSON | JUNE 6, 2013, 3:37 AM

In recent months, the public debate over targeted killings of terrorist suspects by the CIA and Joint Special Operations Command has been ratcheted up by reports of rampant drone strikes in Pakistan and Yemen, and by the Obama administration's attempts to keep under wraps its legal justifications for these operations. As it happens, debates over whether it's okay for the CIA to kill foreign nationals (leaving aside U.S. citizens), and under what circumstances, have been going on for years. The article below, from the CIA's in-house journal, *Studies in Intelligence* (obtained through the Freedom of Information Act by Jeffrey Richelson), traces the history of the issue back to the Ford administration's 1976 executive order banning "political" assassinations. According to the 1996 article, written by a CIA attorney, the agency began contemplating the "lethal use of force" almost from the time it was formed (in 1947). And as we all know, "at various times" over the next 30 years agency officials made numerous plans actually to assassinate foreign leaders — Patrice Lumumba and Fidel Castro being the best-known targets. For better or worse, precisely none of these attempts succeeded, the author states.

The political landscape changed dramatically in the mid-1970s when Congress began uncovering rampant abuses by the intelligence community and instituting reforms and limits on the activities of the CIA, among others. Surprisingly, Congress could not make up its mind to put a stop to assassinations, leaving it up to President Gerald Ford to do so. The administration's thinking, the author says, was shaped by a mix of moral and practical considerations — not least being the worry that U.S. leaders might themselves become targets in retaliation. Jimmy Carter and Ronald Reagan signed their own executive orders continuing the prohibition. Carter broadened it by dropping the word "political," and Reagan agreed with that formulation.

But for those hoping the matter might be laid to rest right there — including reportedly many inside the CIA — big questions remained. First of all, even though the basic objective of these presidential orders was supposedly well understood, according to the article, it was not entirely clear what key terms meant. Even after Carter dropped the

word "political," the new wording "continues to engender discussion" within the key agencies involved because "the parameters of simple 'assassination' are not always clear." Beyond that, the article says, "the United States [has] retained the options of encouraging coups" and other potentially violent activities, and "the President still may authorize CIA to conduct operations abroad that endanger the lives of others."

The trick, apparently, for those engaged in approving, carrying out, or reviewing these vaguely defined activities, has been how to strike a balance between achieving real-world anti-terrorist or similar objectives while staying within the law. The article lays out scenarios that bring the issue into relief, including going into detail about the conundrum of how to deal with Panama's Manuel Noriega in the late 1980s. Particularly telling are a couple of hilarious Gary Trudeau cartoons the author includes in order to drive home the point that trying to put legal handcuffs on bare-knuckled covert operations can quickly appear ludicrous.

Written back in the Clinton era, the *Studies in Intelligence* article may seem somewhat out of date. As a recent *New York Times* piece on the same issue noted, after the 2001 terrorist attacks, any internal concerns over CIA involvement with targeted killings "were quickly swept aside." But at least one major fact has not changed — the only formal constraint that exists against assassinations by the CIA is not the law but a mere presidential order, which the commander-in-chief can, in theory, easily revoke.

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