

# **“Targeted Killings”: Timeline of U.S. Policy Concerning Covert Operations Involving Assassination**

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This Timeline Reviews Changes in U.S. Policy on the Issue of Assassination

1949-1954: As part of U.S. anti-communist policies in Guatemala, lists of human targets for political assassination were prepared as early as 1949. Offers of assistance and preparations for actual assassinations in Guatemala, 1952-54, involved agents of several foreign governments (i.e., Dominican Republic, El Salvador, Honduras, Nicaragua), Guatemalan anti-communists inside and outside Guatemala, and U.S. intelligence personnel. The potential killing of elected Guatemalan President Jacobo Arbenz Guzman repeatedly was discussed, and in one 1953 meeting the CIA suggested that it be done in a manner so that it could be “laid to the commies.”

Under two covert operations, PBFORTUNE under Pres. Truman and PBSUCCESS under Pres. Eisenhower, according to a CIA document declassified in 1997: “CIA officers responsible for planning and implementing covert action against the Arbenz Government engaged in extensive discussions over a two and a half year period about the possibility of assassinating government officials...

Proposals for assassination pervaded both PBFORTUNE and PBSUCCESS, rather than being confined to an early stage of these programs. Even before the official approval of PBFORTUNE, CIA officers compiled elimination lists and discussed the concept of assassination with Guatemalan opposition leaders. Until the day Arbenz resigned in June 1954 the option of assassination was still being considered... Beyond planning, some actual preparations were made. Some assassins were selected, training began, and tentative “hit lists” were drawn up.... Cold War realities and perceptions conditioned American attitudes toward what political weapons were legitimate to use in the struggle against communism.” See: Gerald K. Haines, “[CIA and Guatemala Assassination Proposals, 1952-1954](#),” (Washington, D.C.: Central Intelligence Agency CIA History Staff Analysis, June 1995): 8-9; SECRET, declassified 1997.

Nov. 20, 1975: Senate Select Committee to study Governmental Operations with Respect to Intelligence Agencies (Church Committee) reported [numerous CIA assassination attempts](#): Fidel Castro ([Cuba](#)), Patrice Lumumba (Congo), Rafael Trujillo (Dominican Republic), and 2 others occurred during the Presidencies of Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon. Combined with Chilean revelations involving deaths of political and military leaders there (i.e.,

President Salvador [Allende](#); Armed Forces Chief of Staff Rene [Schneider](#)) consensus in Congress to bar future such actions emerged. A significant parallel now appears to have existed between the planned attempt to transfer blame for assassination onto U.S. adversaries in some plots contemplated against Arbenz in the 1950s and the intended political impact of the actual plot in Chile against Gen. Schneider in 1970, though CIA sources insist the actual killing of Gen. Schneider was carried out not by the group with whom CIA was working toward this end, but by another group with similar intentions.

February 18, 1976: Pres. Gerald Ford issued [Executive Order 11905](#), a secret finding barring U.S. personnel from assassination plots. It stated: “5(g) *Prohibition on Assassination*. No employee of the United States Government shall engage in, or conspire to engage in, political assassination.”

January 26, 1978, Pres. Jimmy Carter renewed the ban with an executive order of his own [12306](#), which located its ban on assassination at sections 2-305 (barring direct participation) and 2-309 (barring indirect participation). It read: “2-305. *Prohibition on Assassination*. No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination. . . . 2-307. *Restrictions on Indirect Participation in Prohibited Activities*. No agency of the Intelligence Community shall request or otherwise encourage, directly or indirectly, any person, organization, or government agency to undertake activities forbidden by this order or by applicable law.” (For full context, [go here](#), then to page 2 of the document).

A “Special Activities” branch in CIA, however, continued to exist throughout the 1970s and 1980s.

December 4, 1981: [Executive Order 12333](#), signed by Pres. Ronald Reagan continued the ban. At [section 2.11](#) it stated: “No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination.”

January 23, 1995: Pres. Bill Clinton signed [Executive Order 12947](#) that approved creation of list of specific terrorists.

1998: Clinton accepted legal advice that Article 2, section 2 of the U.S. Constitution always had permitted lethal violence against individuals when done in the self-defense of the nation. A series of secret Memorandum of Notification invoking this principle were issued providing for the use of lethal force toward Osama bin Laden and several others in his organization. Yet, in all actual missions authorized in this regard, the capture of bin Laden, not his killing, also was required to remain a central element. Thus, CIA officials have stated (Coll 2004: 17): “the objective was to render this guy to law enforcement,” and not to kill him. Nonetheless, as National Security Advisor Sandy Berger stated in a 2002 Congressional hearing (Coll), in the November 1998 Tomahawk missiles attack on a bin Laden camp in Afghanistan “the cruise missiles were not trying to capture him. They were not law enforcement techniques.”

September 14, 2001: By enacting Senate Joint Resolution 23, [Congress granted](#) President George W. Bush the power to use “all necessary and appropriate force” against “persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.”

Fall 2001: [Washington Post reported](#), and the New York Times reported confirmation from the White House, that Pres. Bush signed a classified Presidential finding permitting planned targeting of Osama Bin Laden, and others. The precise date of the signing of the Finding has been reported as Oct. 20, Oct. 28, and Sept. 17. If such a Finding was separately authorized, it would be consistent with policies defined contemporaneously. The 9/11 Commission (477), reported that on Oct. 25, 2001, National Security Presidential Directive No. 9 was signed by President Bush. Its title was "Defeating the Terrorist Threat to the United States." It broadened the war beyond Al Qaeda and the states that had harbored or assisted its planning and preparations for the 9.11.01 attack. This Presidential document also remains classified. But a summary of its content is online at the [Federation of American Scientists'](#) website. This summary and other news accounts clearly infer that U.S. personnel henceforth were authorized in the use of deadly force against leadership targets. Thus, it is a fair conclusion that in the Fall of 2001, the U.S. set aside limitations on assassination and authorized operations that could reasonably be expected to lead to the killing of bin Laden and other Al Qaeda leaders.

War on Terrorism. Such targeted operations have been undertaken on numerous occasions, some quite visible, others less so. One in plain view was on January 13, 2006, when a U.S. air raid on Bajur, Pakistan, targeted Ayman al Zawahiri, Al Qaeda's second in command. Zawahiri himself apparently was not present when the village was attacked, but according to Pakistan's President Pervez Musharraf (Washington Post 2006): "Five foreigners were killed in the U.S. attack in Bajur. One of them was a close relative of Ayman Zawahiri and the other man was wanted by the U.S. and had a \$5 million reward on his head."

Other matters beyond targeting leaders (or assassination) also have been reported to have been addressed in the 2001 Presidential Directive and related Findings. Dana Priest, writing in the Washington Post in 2005, was insistent that "lethal measures against terrorists" were among the things authorized in the classified Finding issued on Sept. 17, 2001.

- The finding was reported by Priest to have cited the [Hughes-Ryan amendment](#) of 1974 and the Intelligence Oversight Act of 1980.
- The 1991 Intelligence Oversight Act required the signing of a written Presidential authorization (called a "finding") before use of any funds budgeted to the CIA in covert operations.
- According to [Priest](#), among the other things authorized in the Fall 2001 Presidential Finding included:
- The establishment in foreign countries of Counterterrorist Intelligence Centers, or CTICs under the supervision of the Counterterrorist Center at CIA Headquarters. CTICs coordinate activities of U.S. and foreign intelligence agencies.
- The approval of expenditure of funds to persuade foreign intelligence agencies to cooperate in a new way with the CIA and other U.S. agencies. The redeployment of U.S. intelligence personnel formerly assigned to counter-narcotics work, to counter-proliferation, and to regional divisions in Europe, Africa, Asia, and the Middle East to the various new tasks required in the Global War on Terrorism. Under this authority, numerous operations were conducted during the Bush Administration, operations that in large part remain classified. One that soon became public, a November 3, 2002 attack in Yemen that targeted Abu Ali al-Harithi, a senior Al Qaeda official there, also killed a U.S. citizen from Lackawanna, New York, Kamal Derwish (aka Ahmed Hijazi), who was

traveling with al-Harithi at the time his vehicle came under attack. Sources in the Obama Administration's Justice Department later clarified that Derwish had not been the target of that attack, but died nonetheless as a collateral victim of it (Finn). Al-Harithi had been targeted as a result of investigations into the October 2000 attack on the *USS Cole* in Aden (Yemen) harbor, an al Qaeda attack that killed 17 U.S. sailors on the *USS Cole*. This attack was confirmed by an interview with (then) U.S. Secretary for Homeland Security Tom Ridge that was broadcast as part of the PBS documentary [Chasing the Sleeper Cell](#), an October 3, 2003, broadcast concerning the Lackawanna Six. [Ridge's interview is linked here](#), though the particular individuals' names were redacted. In 2009-2010, the Obama Administration embraced the use of drone air strikes against terrorists, especially in Pakistan. (These attacks are regularly tallied by the [Long War Journal](#)). Obama's reliance on drones led to some criticisms of the wide scope of the targeting for killing. Administration legal sources defended the tactics on the basis of the inherent right to self defense which the U.S. has as a result of the 9/11 attacks. (For a thorough discussion of the Administration's policies, and its critics' views, see Adam Entous' May 2010 story for Reuters, "[How the White House learned to Love the Drone](#).") Bin Laden case: Obama did not rely solely on drones. On May 1-2, 2011, U.S. special operations forces' SEAL Team 6 entered Pakistan using stealth helicopters and, at Abbotabad, Pakistan, entered his residence and killed Osama bin Laden, leader of Al Qaeda, in an acknowledged political assassination authorized by Pres. Barack Obama. This action was consistent with (Bush era) National Security Presidential Directive No. 9, and other legal authority arising from Congressional action (i.e., Senate Joint Resolution 23, an act of [Congress](#)). It also was authorized under U.N. Security Council Resolution 1368 (Sept. 12, 2001) through its link to the U.N. Charter (Article 51 of the Charter of the United Nations) and to customary international law. Nonetheless, U.S. relations with Pakistan were sharply strained by this attack, about which the Pakistan Government and security bureaucracies were kept uninformed before and during the raid.

Al Awlaqi case: In November 2010, A.C.L.U. lawyers representing the father of radical U.S.-born Muslim cleric Anwar al-Awlaqi sued the U.S. Government in U.S. District Court for Washington, D.C., arguing that Judge John D. Bates issue an injunction barring the government from carrying out orders to "capture or kill" al-Awlaqi as part of the war on terrorism. A.C.L.U. attorney Jameel Jaffer argued in court that "if the 4th and 5th Amendments mean anything at all, it is that there are limits on the government's use of lethal force against one of its own citizens, and that courts have to play a role in determining those limits." Al-Awlaqi was then believed to be in Yemen, and in July 2010, was formally designated as a global terrorist for his operational role in the Christmas Day airliner bombing attempt over Detroit. An organizer of al Qaeda in the Arabian Peninsula (AQAP), Al-Awlaqi claimed responsibility for a series of cargo bombs placed on international airliners during November 2010, and on November 8, 2010 posted [a video on jihadist websites telling Muslims they were free to kill American "devils" at will and without further religious blessing](#), or *fatwa*. Government attorneys argued that this question is inherently political in nature, and thus is not a proper matter for courts to decide (Hsu: A5). The court declined to rule on the matter, citing the procedural ground that al-Awlaqi's father did not have standing to file the suit.

On Sept. 30, 2011, a CIA drone aircraft operating over Yemen fired two missiles that killed several members of Al Qaeda in the Arabian Peninsula, including their chief ideologist Anwar al-Awlaqi, a U.S. citizen born in New Mexico. This was the first time U.S. operations in the conflict that began on Sept. 11, 2001 had openly targeted a U.S. citizen and killed him. Samir Khan, another American citizen, also died; while he was editor of AQAP's internet magazine *Inspire* and a member of Al Qaeda, his death was collateral; he himself was not targeted, but died nonetheless. Al-Awlaqi had been targeted after calling for Muslims to kill any American they could in a Fall 2010 internet broadcast. Department of Justice officials and "senior lawyers across the Administration" had met and formalized in writing the legal authority for the President to approve the operation.

Legal standards in use for targeting Americans, and non-Al Qaeda groups: In an apparent defense of the killing of al-Awlaqi, on February 22, 2012, Jeh Johnson, General Counsel for the U.S. Department of Defense, in a [speech to Yale Law School](#), stated that "Belligerents who also happen to be U.S. citizens do not enjoy immunity where non-citizen belligerents are valid military objectives." In this speech, Johnson also outlined the operative legal basis used by the Obama Administration for targeting non-Al Qaeda groups for lethal force. He stated that the U.S. Government applies a two part test: is the group "associated" with Al Qaeda, and has the group specifically started fighting the U.S. and its allies. "Thus, an 'associated force' is not any terrorist group in the world that merely embraces the Al Qaeda ideology," he said. "More is required before we draw the legal conclusion that the group fits within the statutory authorization for the use of military force passed by the Congress in 2001." These positions received further iteration in a March 5, 2012 speech by U.S. Attorney General Eric Holder at the Northwestern University Law School. There Holder spoke expansively of Presidential authority to "protect the nation from any imminent threat of violent attack" separate from authority granted by Congress (i.e., in Sept. 2001). Carefully emphasizing that "Our legal authority is not limited to the battlefields in Afghanistan," Holder emphasized that "several" attacks directed at the United States in recent years have been organized in states other than Afghanistan. Holder stated that not only are U.S. counter-attacks lawful, they often are mis-labelled: "Some have called such operations 'assassinations.' They are not, and the use of that loaded term is misplaced. Assassinations are unlawful killings. Here, for the reasons I have given, the U.S. government's use of lethal force in self defense against a leader of al Qaeda or an associated force who presents an imminent threat of violent attack would not be unlawful — and therefore would not violate the Executive Order banning assassination or criminal statutes" (see Holder 2012).

In late May 2012, the [New York Times presented](#) an extensive background investigation into the authorization process involved in such targeted killings. It placed President Obama himself at the center of decision making about specific operations of this kind, including the selection of the specific individuals to be targeted, and the monitoring of the success of these operations was said to be closely followed by the President, so closely that former Director of National Intelligence Dennis Blair described Obama's attention to it in the following way: "it reminded me of body counts in Vietnam [war]."



Early in January 2013, Colleen McMahon, a U.S. District Court judge in Manhattan (New York city) ruled on an ACLU suit challenging the government's secrecy about the specific legal reasoning used to justify this program (WP 2013a). She turned back the attempt to use the Freedom of Information Act to compel the government to reveal its specific arguments about the legal authority it claims, authority that permits actions resulting in the killing of U.S. citizens as in the Al-Aulaqi case. She wrote: "this Court is constrained by law," and the government "cannot be compelled . . . to explain in detail the reasons why its actions do not violate the constitution and laws of the United States." Later in January 2013, in an [editorial in the New York Times, Vicki Divoll](#), former legal counsel to the U.S. Senate Select Committee on Intelligence, critiqued this decision and the intransigent position of secrecy the Obama Administration had taken on this matter. She argued that Americans have an important interest in understanding the limits, if any, to presidential powers (in this instance, the power to authorize the killing of an American citizen), and that it is the responsibility of the U.S. Senate to insure that the reasoning behind the position of the Obama Administration enjoys broad support from our elected officials, not just the president and his appointees.

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