THE KILLING BUSINESS: A HISTORY OF THE CIA ASSASSINATION PROGRAM AND IMPLICATIONS FOR UNITED STATES FOREIGN POLICY/INTERNATIONAL RELATIONS

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**ABSTRACT**

 The Cold War Era and the Post-9/11 Era that we live in today have an important similarity: the nation felt an existential threat and it was willing to use unconventional means to fight the perceived enemies. The Central Intelligence Agency has also been a major force in both eras because they have largely been responsible for tackling these threats. In the Cold War Era the CIA took it upon itself to organize secret military operations and targeted assassination campaigns against foreign leaders. The controversial Vietnam War and the Watergate scandal brought critical attention by the Senate Foreign Relations Committee to the role of the CIA in organizing coups and assassinations of foreign leaders. This oversight committee was created to investigate the assassination program and the use of such a program in U.S. Foreign Policy. President Ford ultimately signed an Executive Order banning assassinations in 1976, but in the Post-9/11 world, fighting an unconventional enemy in the war against terror through whatever means possible has once again made the CIA’s covert operations a cornerstone of American foreign policy. Present day CIA has been assigned the role of conducting an assassination program in the name of protecting the United States from the terrorist threat. What is different about this program are the relatively new advances in technology, drones, and also the implications that have resulted from such a different kind of warfare. This research project will compare and contrast these two eras in order to understand why assassination was being used, what the concerns of the Church Committee were, what changes happened at that time, and how assassination came back into the realm of U.S. Foreign Policy in recent years.

 In Mark Mazzetti’s book *The Way of the Knife: The CIA, a Secret Army, and a War at the Ends of the World*, he quotes an analogy by John Brennan which projects the idea that there is a more surgical aspect to this kind of warfare, one that is akin to a surgery without complications – the knife in his title thus being likened to a scalpel. I have to disagree with Mr. Brennan and this paper attempts to explain why. I find that ‘the way of the knife’ has created more costs and complications and is far messier than the earlier days of war. In comparing the Cold War Era and the Post-9/11 Era’s drone campaign this research paper will show just how complicated and messy it has become.

“We can’t get into that kind of thing,
or we would all be targets.”
 - President John F. Kennedy[[1]](#footnote-1)
 (Church Committee Interim Report 1975)

**INTRODUCTION**

In a world where technology is advancing at such a fast pace and enemies have evolved from bayonet wielding foot soldiers into cyber attackers – which can be any person with a laptop, cell phone etc. – the way in which we are combatting these enemies is undergoing rapid change, and it is subject to some of the strictest scrutiny because of its fairly unconventional nature. President Kennedy was right in insisting that the United States of America shouldn’t get into, “that kind of thing,” because currently, “that kind of thing,” is targeted killings mainly carried out through the use of drones. During President Kennedy’s time the United States was implementing targeted killings of foreign leaders into its foreign policy through assassinations and they were using the Central Intelligence Agency (CIA) to carry them out. Today everyone is seen as a potential enemy – not just foreign leaders – and the Central Intelligence Agency is still involved, though some key players have been added like the National Security Agency (NSA) and the Department of Defense. The most recent domestic instance involved Edward Snowden, a former CIA employee and former NSA contractor, who disclosed a substantial number of top secret NSA documents to the media regarding tapping into civilian phone records which brought to light just how seriously the government was involved in its very own citizens’ lives. September 11, 2001 brought to light the severity of the changing times and the lengths to which the United States would go to attempt to eradicate the terrorist threat, but not only that – the U.S. response to September 11 has essentially fulfilled President Kennedy’s prophecy, we have all become targets.

This research examines the Cold War era assassination program of the Central Intelligence Agency, the committee created in the seventies chaired by Senator Frank Church to investigate this program, and the taboo that was created against assassinations. The CIA put assassinations on the back burner and flew under the radar for a while under the guise of the taboo – until 2001. The research then compares the Cold War era to the current Post-9/11 targeted killing program which the CIA is involved with as well.

It attempts to answer four main questions:

1. *Why* did the CIA get involved with assassinations during the Cold War?

2. *What* were the concerns of such a policy that led to its temporary demise?

3. *What* changes have occurred between the two time frames to create another era of targeted killings?

And

4. *What* have been some of the implications that have stemmed from present-day targeted killings?

**CIA HISTORY & BACKGROUND**

The Central Intelligence Agency is quite possibly the Nation’s most well-known intelligence agency, and arguably the most controversial in nature. The United States has been involved in intelligence gathering since basically its creation, but it was not until World War II when intelligence activities became operational on a government sanctioned basis. President Roosevelt appointed William J. Donovan as the Nation’s first Coordinator of Information, pre-World War II, but after the U.S. entered the War in 1942 the Office of Strategic Services (OSS) was created and is considered the precursor to the Central Intelligence Agency that we recognize today. [[2]](#footnote-2) This organization was mandated to collect and analyze information for the war effort, but once the war ended the OSS was dismantled, like many other agencies that had been created for the war effort, and the functions of the OSS were transferred to the State and War Departments. Shortly thereafter, President Truman signed the National Security Act of 1947 establishing the Central Intelligence Agency.[[3]](#footnote-3) This infant version of the CIA was in charge of, “coordinating the nation’s intelligence activities and correlating, evaluating and disseminating intelligence affecting United States national security.”[[4]](#footnote-4) It should be noted that this mission statement does not include any dicta regarding covert operations, but it did not take long for the CIA to find a significant loophole in the National Security Act of 1947 which would serve as the basis for adding covert action operations to the top of its list of responsibilities. In Section 102 regarding the CIA the Act states, “For the purpose of coordinating the intelligence activities…it shall be the duty of the [Central Intelligence] Agency…to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.”[[5]](#footnote-5) So what exactly constitutes ‘such other functions’? Many in the CIA saw that vague rhetoric as providing access to conducting covert operations. According to Mark Zepezauer, author of The CIA’s Greatest Hits, “…the Central Intelligence Agency’s main purpose is – and has always been – carrying out covert operations…covert operations are its life’s blood.”[[6]](#footnote-6)

**HISTORY OF THE ANTI-ASSASSINATION NORM**

The long-standing consensus in the international community that assassinating foreign leaders is abhorrent policy remains to this day a constraint on state power, but it wasn’t until the early seventeenth century when the norm started to develop more concretely.[[7]](#footnote-7) Prior to the seventeenth century Rome was an exception to that rule in that they disapproved of international assassinations (as opposed to domestic, i.e.: Julius Caesar) and that was upheld by a binding military code of ethics, but Italy’s other city-states have been cited as having had planned or attempted approximately two hundred assassinations between 1415 to 1525.[[8]](#footnote-8) Assassinations were also prevalent during the Renaissance and the Reformation where Queen Elizabeth I of England herself was the target of approximately twenty assassination plots between the 1570s and 1580s.[[9]](#footnote-9) On into the seventeenth and eighteenth centuries scholars of this time period generally drew a line between lawful and unlawful killing based on the use of treachery. Alberico Gentili for example, a seventeenth century writer, felt that killings involving treachery were dishonorable and unlawful.[[10]](#footnote-10) Hugo Grotius, a well-known international law of war scholar, felt that assassinations were lawful as long as they did not involve treachery which, for example, included befriending someone only to gain their trust and then killing them in the end.[[11]](#footnote-11) Interestingly enough, Grotius brought to light a point that pertains to today’s use of assassination of terrorists. He was of the persuasion that killing people labeled as robbers and pirates through treacherous means was permissible because killing them, “goes unpunished among nations by reason of hatred of those against whom it is practiced,” – this logic likely has been used to justify the ways in which the United States has dealt with terrorists.[[12]](#footnote-12) Another scholar of the time, Emmerich Vattel, looked at assassinations through a doctrine of necessity, meaning that there had to be presence of violent conflict or a substantial threat to the state to justify assassinations.[[13]](#footnote-13) The aforementioned scholars generally viewed these scenarios in context with war – which is not necessarily considered an assassination by definition; the concept of killing a foreign leader simply because we didn’t like their regime was not really heard of in that era.

There are also various codes for wartime conduct and the most notable two are the Lieber Code and the Hague Convention. The Lieber Code, adopted by the United States Army in 1863, served as the general rules of war and it associated assassinations with barbarism and constituted them as a step back for humanity.[[14]](#footnote-14) The laws of war were further adopted by the Hague Convention in 1907 which also placed a prohibition on assassinations. The Hague Convention laws of war serve as current international law. World War II featured the ‘assassination’, if you will, of millions of Jews, but even Hitler, who had no resolve about murdering a breathtaking number of ‘domestic’ people, made hardly any use of foreign assassinations and his own assassination was only contemplated a handful of times and consequentially was never carried out. What did evolve around the end of the Second World War was a slightly weaker stigma against targeting leaders through conventional means of war. During hostilities arguments to target leaders have been considerably more acceptable like the operation that killed Japanese Admiral Yamamoto in 1943 for example. Also, in 1986, the United States issued an airstrike on Tripoli which clearly targeted Muammar Gaddafi in hopes that it would kill him by circumstance despite official denial of this underlying goal.[[15]](#footnote-15) Such was also the case with Saddam Hussein in the 1990-1 Gulf War crisis. “The desire to publically disassociate these attacks from the intent to kill any particular individual speaks to the sensitivity that the norm has engendered,” but in more recent years the norm, at least in the eyes of the U.S. government, has virtually disappeared as the battle to combat terrorism ensues.[[16]](#footnote-16)

**REALISM VS. LIBERALISM**

Realism and liberalism are the two mainstream theories used to analyze international relations in world politics. The realist theory is one of the oldest theories and its focus revolves around power – acquiring it, maintaining it, and exercising it to obtain desired outcomes.[[17]](#footnote-17) There are two types of power, hard power and soft power. Hard power is a nation state’s military might – its capabilities through tangible weapons – and soft power is a nation-states intellectual power through wealth, coercion, intellect, and politics.[[18]](#footnote-18) Realists place direct emphasis on maintaining security of the nation state, war, and violent conflict. They justify their use of power to enhance security and use international organizations as their puppets to control states that are weaker and more vulnerable. Realists would likely agree with international politics scholar Hans Morgenthau in that, “International politics was considered exclusively as a technique, without moral significance, for the purpose of maintaining and gaining power, [and] such methods [as assassination] were used without moral scruples and as a matter of course.”[[19]](#footnote-19) The Central Intelligence Agency is thus one of those international organizations – a state within a state exercising whatever means to achieve the specified ends.

Liberalism on the other hand is a more optimistic worldview and presents challenges to realism. It doesn’t consider international organizations to be puppets, but rather direct actors in the goal to promote world stability and welfare through cooperation and conflict.[[20]](#footnote-20) Liberalism also focuses on norms and morals and generally exhibits a Kantian approach to international relations in that if something is considered wrong, that notion of wrongness would prevail over the realist itching to insight war. To liberals, the power is in the hands of people and morals and norms decide to pursue peaceable options over war.[[21]](#footnote-21)

**THE CHURCH COMMITTEE**

In regards to assassinations during the Cold War, the liberalism viewpoint is held largely by Senator Frank Church (D-Id) and the members of the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (also known in short as the ‘Church Committee’). An era of minimal intelligence oversight ended with the onset of the Vietnam War and the Watergate scandal when the Church Committee was created in 1975 to investigate domestic abuses like the Watergate scandal. Domestic abuses were the Committee’s initial mission, but a comment made by President Ford to reporters in early 1975 prompted the Committee to primarily investigate allegations surrounding the Central Intelligence Agency’s involvement in assassination plots against foreign political leaders.[[22]](#footnote-22)

The Committee’s liberal stance on assassinations is easily discerned in the Prologue section of their Interim Report which reads, “The Committee regards the unfortunate events dealt within this Interim Report as an aberration, explainable at least in part, but not justified, by the pressures of the time.”[[23]](#footnote-23) The very first page admits that those, “aberrations,” must be viewed in the context of a Post-World War II world with fears of rising Communism, but the interest of protecting the United States from Communism cannot act as a facilitator for these types of operations.[[24]](#footnote-24) It is blatantly clear that the Church Committee based their findings around right vs. wrong in the name of national security, rather than the realist approach which admits that violent action is permissible, otherwise there wouldn’t have necessarily been a need for the Church Committee to convene.

Reliance on historical settings helps to explain the perceived necessity of assassination plots against foreign leaders, but it does not justify the fact that they were carried out or attempted, and the Church Committee outlined three points which negate any claims of justification. The first point says that there was no imminent danger to the United States which may have triggered such actions, the second point says that justification of actions should not be based on standards of totalitarians because it is necessary for the United States to protect and defend its democracy, but in doing so it must employ methods that uphold the very virtues we as a nation defend.[[25]](#footnote-25) Lastly, the third point says eventually, activities the likes of assassination plots do become known to the rest of the world despite our best efforts to keep them hidden. This could produce severe damage to our foreign policy and could lead to an undermining of American public confidence in its own government. In totality, these three points are incredibly pertinent for the times that they were written, but points two and three are especially important in today’s circumstances and will be touched on in the latter half of this paper.

Specifically the Church Committee analyzed the five different assassination plots of foreign leaders including Patrice Lumumba of the Democratic Republic of the Congo, Fidel Castro of Cuba, Rafael Trujillo of the Dominican Republic, the Diem brothers of Vietnam, and Rene Schneider of Chile. Of focus here are the eight failed attempts at assassinating Fidel Castro in Cuba between 1960 and 1965.[[26]](#footnote-26) While the attempts on his life were unsuccessful, he was a foreign leader and attempts were made on his life with the help of underworld figures in Cuba, but more importantly with the express approval by American officials of the Central Intelligence Agency’s active involvement.[[27]](#footnote-27) The plots to kill Patrice Lumumba of the Congo consisted of similar American official approval and CIA involvement, but he was eventually killed by Congolese rivals. While evidence did not show that the United States was in any way involved in the actual killing of Patrice Lumumba, there was evidence collected by the Committee that the CIA encouraged the Congolese rivals. The other three individuals, four if you separate the Diem brothers, were killings made during coup attempts where it was not entirely clear how much the United States was involved. In a roundabout way the Report’s language suggests that coup attempts facilitated by the U.S. were permissible, however targeted assassinations were not.[[28]](#footnote-28)

In regards to the plots to assassinate Fidel Castro, he is the only leader about whom the Church Committee felt posed a serious immediate threat to the United States, but only during the Cuban Missile Crisis – attempts were made on his life before then, however.[[29]](#footnote-29) The Committee wanted to find out why attempts were made to assassinate him, the methods used and the process of approval. Particularly important to the Church Committee, and for the purposes of this paper, was (is) the authorization of such attempts. The Church Committee looked at authorization from two different perspectives. First, they investigated whether or not the officials who were in policymaking positions were explicitly aware of and or authorized assassination plots.[[30]](#footnote-30) Second, the Committee looked into whether or not those individuals who were responsible for the operations of the plots were of the perception that assassination was an approved method.[[31]](#footnote-31) The section on authorization was bisected into a section regarding whether or not the two Directors of Central Intelligence were aware of the plots and/or authorized them and a section on whether or not higher up officials, the Presidents, knew and/or authorized the plots as well (this section also touched on whether CIA officials were of the persuasion that assassination was an approved policy goal on the various administrations involved and if they knew for a fact that they had been authorized by such).[[32]](#footnote-32) The case for Fidel Castro is an interesting one insofar as authorization is concerned because the Committee confirmed that the various plots against Fidel Castro were approved of through the Deputy Director of Plans and there was also speculation that the Director of Central Intelligence at the time, Allen Dulles, was aware of the plots that occurred during the time that he was the DCI and that he had also authorized them. The Director of Central Intelligence, according to the Church Committee, was the, “principal advisor to the President on intelligence matters and a member of major administrative policy-making councils, as well as the head of the Central Intelligence Agency,” – this position no longer exists at the CIA itself as it was replaced by the Director of National Intelligence in the early 2000s.[[33]](#footnote-33)

The Committee concluded that there was not enough evidence to determine that Presidents Eisenhower, Kennedy, and Johnson, or any of their close advisors were expressly aware of the assassination plots or had a hand in authorizing them. There appeared to be one instance where the evidence and testimony showed that Dulles may have informed Eisenhower and Kennedy through what the Committee often refers to as circumlocution.[[34]](#footnote-34) Circumlocution means in a roundabout way or unnecessarily wordy with the express purpose to be vague.[[35]](#footnote-35) It is largely the opinion of the Committee based on testimony that assassinations were never outright spoken of, but rather the words, “get rid of Castro,” were often tossed around which may have created a feeling that assassination was acceptable.[[36]](#footnote-36) The evidence here was not strong enough to consider this piece of testimony a finding however, and it was even more difficult to secure this point as valid considering, at the time of the Church Committee, Presidents Eisenhower and Kennedy were not alive to speak for themselves.

In line with this issue of circumlocution was a 1967 report from the Inspector General which tackled the usage of words and phrases such as ‘get rid of Castro’:

…we encounter repeated references to phrases such as “disposing of Castro,” which may be read in the narrow, literal sense of assassinating him, when it is intended that it be read in the broader figurative sense of dislodging the Castro regime. Reversing the coin, we find people speaking vaguely of “doing something about Castro” when it is clear that what they have specifically in mind is killing him. In a situation wherein those speaking may not have actually meant what they seemed to say or may not have said what they actually meant, they should not be surprised if their oral shorthand is interpreted differently than was intended.[[37]](#footnote-37)

Circumlocution has been used in tandem with the terminology plausible denial where internal decision making is concerned. Overt operations are ones which are open to view or public knowledge whereas covert operations are meant to be kept secret to avoid implications that could be harmful to the United States’ national security. The plausible denial doctrine was established to avoid connections to the United States with covert operations if they were to become public. Often times covert operations were justified by plausible denial and compartmentation was used to divide sensitive information into separate units in order to, “prevent a leak by one link in the chain,” which could potentially destroy the whole operation.[[38]](#footnote-38) In essence, “euphemism in speaking with Presidents and other senior officials,” regarding these assassination plots were used when talking to Presidents and senior officials so that they were able to grasp the concept just so, but not enough for them to create a break in the chain.

The Church Committee’s rhetoric surrounding plausible denial, euphemisms, and circumlocution reeks of disappointment and calls for, “clear, precise, and brutally frank language,” when informing senior officials of proposed plans; “failing to call dirty business by its rightful name may have increased the risk of dirty business being done.”[[39]](#footnote-39) Allen Dulles was implicated only insofar as testimony from Richard Bissell, Dulles’s Deputy Director for Plans, and Colonel Sheffield Edwards, Director of the Office of Security. Bissell testified to the Committee that he and Edwards had informed Dulles of the assassination plots, which were to use underworld figures, but they did so through circumlocution and only did so after there had been contact made with said underworld figures and there had been a price offered to them for killing Castro.[[40]](#footnote-40) It was also assumed by Bissell that Dulles would have informed Presidents Eisenhower and Kennedy since he apparently never had any reason to meet with either of the two or their advisors. The Committee was able to debunk this testimony upon further investigation and finding that Bissell actually appeared in front of the Taylor-Kennedy Board of Inquiry which reported to Kennedy on the Bay of Pigs. He never informed either Administration or their advisors of the mission undertaken by the CIA to assassinate Fidel Castro despite his many opportunities. The Committee found it exceedingly inexcusable to withhold information from the various Administrations of CIA operations. Another relatable issue at hand was that of floating authorization. There seemed to be an abundance of testimony that showed top CIA officials failed to inform Presidents about the operations because they were of the impression that the previous official in charge had already done so. The Committee came to the conclusion that this practice inhibited proper decision making and new officials should be briefed on all occurrences even if there is an assumption that they are already aware.[[41]](#footnote-41)

As aforementioned, there were eight confirmed assassination plots involving the Central Intelligence Agency between 1960 and 1965. These eight plots involved such things as[[42]](#footnote-42):

1. Cables that were sent to Havana that could have resulted in an ‘accidental’ assassination of Raul Castro but were eventually terminated.
2. A box of Fidel Castro’s favorite cigars poisoned with botulinum – a toxin that would have killed him after putting it in his mouth – and pills that could be dropped into a drink with the same poison.
3. Various accounts of the use of underworld criminals (Pre and Post-Bay of Pigs) who had gambling connections that would have been able to aid in assassinating Castro inconspicuously.
4. Seashells affixed with explosive devices that were to be planted near where Castro liked to go diving
5. Contaminated diving suits

And

1. The use of a high ranking Cuban official who was referred to by the acronym AM/LASH by the CIA. AM/LASH was tasked with eliminating Castro through the use of a pen fashioned with a hypodermic needle that would poison Castro. He was also reportedly told by Desmond Fitzgerald, Chief of the Special Affairs staff that the United Sates would support Cuba in a coup if he was not able to carry out the assassination.

**EXECUTIVE ORDER 11905**

 The Church Committee concluded with a Recommendations Section V. which was aimed at Congress to make a serious commitment towards passing a law against assassination. They outright condemned assassination as a foreign policy tool and expressed that their feelings on the matter were shared with the, then current, Administration of President Gerald Ford. They wanted this law to specifically say that it would be a crime to conspire to assassinate a foreign official, to attempt to assassinate a foreign official, and to actually carry out the act of assassinating a foreign official.[[43]](#footnote-43) Congress did not take any action on the matter, but on 18 February 1976 President Gerald R. Ford issued Executive Order 11905 in response to the Church Committee’s investigation. In Section 5: Restrictions on Intelligence Activities subsection (*g*) *Prohibition of Assassination* the order states that, “No employee of the United States Government shall engage in, or conspire to engage in, political assassination.”[[44]](#footnote-44) Pursuant to an Executive Order by the President of the United States himself the norm against assassinations was made official. In Section 4: Responsibilities and Duties of the Intelligence Community subsection (*b*) *The Central Intelligence Agency* the Executive Order outlines the refined duties of the CIA which include functions relating to intelligence gathering – no covert operations. The CIA was also required by the EO to report to the Director of Central Intelligence as a form of oversight.

President Carter issued Executive Order 12036 on 24 January 1978 upholding Ford’s prohibition on assassinations and later that same year the Foreign Intelligence Surveillance Act (FISA) of 1978 was issued. The FISA gave authorization for the surveillance and collection through electronic measures of foreign intelligence information by foreign powers and agents of foreign powers.[[45]](#footnote-45) Agents of foreign powers excluded American citizens who have protection regarding activities expressed by the Constitution.[[46]](#footnote-46) The FISA did not mention assassinations, but led to a stream of emendations Post-9/11 regarding proper tactics in surveillance of terrorist suspects as well as domestic surveillance. Following Carter, President Reagan issued Executive Order 12333 in 1981 which also upheld the prohibition on assassinations.[[47]](#footnote-47) This period of successive Executive Orders is considered the oversight era.

**THE END OF THE OVERSIGHT ERA**

President Bush the latter issued EO 13355 in 2004 which included amendments to President Reagan’s EO 12333, but the section prohibiting assassinations was not mentioned as needing any such amendments which thus upheld its verbiage.[[48]](#footnote-48) Three different things contradict President Bush’s furtherance of EO 11905: the AUMF which was passed by Congress on 14 September 2001 days after 9/11, and signed into law four days after that, the secret directive that he signed 17 September 2001, and the USA PATRIOT Act signed on 26 October 2001. The AUMF, or Authorization For Use Of Military Force in Response to the 9/11 Attacks, upheld statements made by the former President on 12 September 2001 expressing that the terrorist attacks, “were acts of war…freedom and democracy are under attack… [and the United States will use] all of our resources to conquer this enemy.”[[49]](#footnote-49) This joint resolution authorized by Congress gave the President sweeping authority to use the military to seek out the individuals responsible for 9/11, and any former and future terror attacks on the nation’s soil.[[50]](#footnote-50) Vice President Dick Cheney was featured on *Meet the Press* on 16 September 2001 saying, “A lot of what needs to be done here will have to be done quietly…using sources and methods that are available to our intelligence agencies, if we’re going to be successful.”[[51]](#footnote-51) If there was anything to be learned from the Church Committee it was that, “such activities almost inevitably become known.”[[52]](#footnote-52)

The secret presidential directive, Greystone (GST), that was signed on 17 September 2001 gave authority to the CIA to capture and detain militants who were suspected of being affiliated with the 9/11 terrorist attacks or anyone that had any terrorist organization affiliations.[[53]](#footnote-53) This authority led to a tactic frequently used in this ‘War on Terror’ known as extraordinary rendition. Extraordinary rendition, according to the Oxford University Press Dictionary is, “the practice of sending a foreign criminal or terrorist suspect covertly to be interrogated in a country with less rigorous regulations for the humane treatment of prisoners.”[[54]](#footnote-54) Subsequently a string of CIA “black sites” were created where CIA operatives have interrogated and imprisoned those suspects.[[55]](#footnote-55)

The terrorist attacks that happened on 11 September 2001 wreaked emotional havoc on the citizens of the United States producing a hefty ‘rally around the flag’ movement in our nation’s history. The USA PATRIOT Act, which stands for **U**niting and **S**trengthening **A**merica by **P**roviding **A**ppropriate **T**ools **R**equired to **I**ntercept and **O**bstruct **T**errorism, was initially seen as a ‘patriotic’ effort to combat terrorism and seek out those who intended to harm our national well-being. The Act itself enhanced domestic security against terrorism, and surveillance procedures, created an international money laundering abatement and anti-terrorist financing act, included provisions to better protect our borders, removed obstacles to investigating terrorism, increased information sharing across intelligence agencies, improved overall intelligence gathering, and strengthened criminal laws against terrorism.[[56]](#footnote-56)

**THE ADVENT OF THE DRONE**

The USA PATRIOT Act has received sufficient criticism, especially regarding the documents that Edward Snowden leaked to the public due to the enhanced domestic security measures being taken by the National Security Agency. The NSA has been tapping into American citizen’s phones, but the newest manifestation of surveillance technology, the drone, has made it possible for the United States to conduct surveillance in countries like Pakistan and Afghanistan from the comfort of at-home ground control stations. The RQ-1 Predator Drone was introduced to the United States Air Force and the Central Intelligence Agency by General Atomics in 1994 as an unmanned aircraft to be used specifically for reconnaissance missions.[[57]](#footnote-57) It wasn’t until 2000-2001 when the drones started to be tested to carry Hellfire missiles because the CIA desperately wanted to use the drone to kill Osama Bin Laden, but the group of people at the major test site for the drones in Indian Springs Air Force Auxiliary Field in the Nevada desert were not aware of its eventual intended purpose.[[58]](#footnote-58) In January 2001 they accomplished their mission and a Hellfire missile was attached to a drone. Because the group at Indian Springs was unsure of how a missile would affect the drone itself they carried out this initial test while the drone was chained to a concrete pad located on top of a small mountain.[[59]](#footnote-59) The second test was carried out on 16 February 2001 by Curt Hawes, a Predator pilot. A dummy warhead was affixed to the Predator and Curt Hawes, from a remote location, miles away from the place where the missile would strike, brought the drone to 2,000 feet and fired the missile at a tank – an unqualified success.[[60]](#footnote-60) Just five days later on 21 February 2001 a live feed was fed to generals at the Pentagon and they witnessed the second official test of a missile strike from a drone, but this time, the drone was being operated via satellite and it carried a live warhead.[[61]](#footnote-61) Satellite operation created a two second lag between the movements of the ‘pilot’, but the strike was still dead on. Arming a drone generated a plethora of seemingly unanswerable questions, most notably: “What exactly were the repercussions of the CIA getting back into assassinations?”[[62]](#footnote-62) 11 September 2001 quickly swept all of those questions and concerns under a rug because the United States of America was under attack and had just created for itself a quiet killing machine that seemed, on its face, so risk free because of its impeccable precision. A weapon, “unbound by the normal rules of accountability in combat,” would likely create more problems than solutions however because the word ‘targeting’ just adopted a whole new meaning.[[63]](#footnote-63)

**PUTTING THE DRONE TO WORK – YEMEN 2002**

In late 2002 the CIA was tracking a cell phone belonging to Qaed Salim Sinan al-Harethi, the prime suspect of the 2000 bombing of the U.S.S Cole and a top al-Qaeda operative. A drone flying over the Ma’rib province of Yemen picked up a cell phone signal coming from a Toyota Land Cruiser driving across the bumpy terrain that was suspected of belonging to Al-Harethi. The Pentagon’s Intelligence Unity Gray Fox determined that the cell phone signal beaming up from the Cruiser was indeed al-Harethi and with confirmation, the CIA was authorized to fire a missile from the drone at the Cruiser.[[64]](#footnote-64) With approval, the remote operator fired a missile at the Cruiser and Qaed Salim Sinan al-Harethi was identified in the rubble later. Not only was al-Harethi the first drone strike target, a signifying moment in Unites States policy, but it was also the first confirmed targeted killing carried out by the United States since President Ford’s 1976 assassination ban.[[65]](#footnote-65)

The strike was prefaced by a meeting with Yemen’s President Saleh and U.S. Ambassador Edmund Hull who was able to get the president to agree to conducting drone strikes within his country. President Saleh’s only stipulation was that the attacks not be linked to the United States so as not to reveal America’s hidden war in Yemen, but rather the Yemeni government would provide cover stories to protect. As for al-Harethi’s death, President Saleh issued a statement that the cause of the explosion was an unstable canister of gasoline.[[66]](#footnote-66) It did not take long for the real story about the drone strike in Yemen to leak out which triggered President Saleh’s revocation of approval for drone strikes within his country. President Bush was not heavily concerned with the fall out that the reveal created; he was more concerned with how this changed the way war would be fought from here on out, a method that, on its face, seemed like a road paved with good intentions. Condoleeza Rice, the President’s National Security Adviser issued a statement on Fox News shortly after the attack that, “The president has given broad authority to U.S. officials in a variety of circumstances to do what they need to do to protect the country. We’re in a new kind of war, and we’ve made very clear that it is important that this new kind of war be fought on different battlefields.”[[67]](#footnote-67) The President made it very clear that the administration now had the right to kill people who were labeled terrorist suspects, despite the blowback from civil liberties and human rights advocacy groups who labeled this kind of killing as extrajudicial – killing without a trial.

**THE DRONE IN PAKISTAN**

Two years later in 2004, Nek Muhammad Wazir, a renowned Pakistani Taliban commander in the tribal area of South Waziristan became the CIA’s first targeted kill with a drone in Pakistan.[[68]](#footnote-68) He was reportedly talking on his cell phone to one of apparently many reporters that contacted him regarding his rivaled reputation, which, like al-Harethi, allowed the CIA to track him and determine his precise whereabouts.[[69]](#footnote-69) As with the drone strike in Yemen, the strikes in Pakistan were authorized by Inter-Services Intelligence (ISI) chief General Ehsan ul Haq, but authorization came with certain limitations that subjected the CIA to some oversight. It was decided that the drones were only allowed to fly in narrow “flight boxes” over the tribal areas in order to keep the United States from seeing things the Pakistani government wanted to shield them from: nuclear facilities, and camps in the mountains between India and Pakistan where militants were armed and ready for attacks against India should the situation arise.[[70]](#footnote-70) All strikes also had to be preapproved by the ISI before being carried out, and all strikes were to be carried out under the CIA’s covert-action authority – in essence they wanted the same authority of ownership as the Yemeni government insisted upon; cover stories.[[71]](#footnote-71) Yemen’s ability to keep things under wraps did not last long, but Pakistan’s President Musharraf was not concerned, “In Pakistan, things fall out of the sky all the time,” he said.[[72]](#footnote-72)

CIA involvement was denied by the Pakistani military and they informed the public that the attacks were the work of Pakistani forces which set an indicative message to the CIA as permissive of further attacks on their soil, with full support of the Pakistani government.[[73]](#footnote-73) Because the Nek Muhammad strike was so successful the CIA was instilled with confidence that further attacks on al-Qaeda masterminds in Pakistani tribal areas would also be successful. In 2005 Haitham al Yemeni, an al-Qaeda weapons and explosives expert was killed in a drone strike in North Waziristan.[[74]](#footnote-74) That same year in December, number three ranking al-Qaeda operative, Abu Hamza Rabia and four of his co-conspirators were killed in another North Waziristan drone strike.[[75]](#footnote-75) In response, the Pakistani government did not out-right deny U.S. involvement this time and instead issued a statement saying, “Our troops were not involved in the operation, but this is one of the areas where our intelligence and operational cooperation with U.S. services is most intense. Comments on media reports that it was a Predator strike would invoke sovereignty issues. Let’s enjoy the fact that al Qaeda has lost another key person.”[[76]](#footnote-76)

Despite the Pakistani government’s skillfully worded statement regarding that particular drone strike, it was not long before a Pakistani journalist working for PBS Frontline revealed missile pieces that landed on the ground implicating the United States.[[77]](#footnote-77) Following release of the video by the PBS journalist of the missile remnants he was picked up by the ISI and subsequently executed for his journalistic honesty.[[78]](#footnote-78) Blowback about U.S. involvement from the reveal was reportedly minimal and so drone strikes in Pakistan continued. Uproar spread like wild fire in January 2006 when a drone strike intending to kill al-Qaeda’s number two operative, Ayman al-Zawahiri, struck a series of safe-houses just two hours after he left and instead destroyed civilian homes and killed five women and five children.[[79]](#footnote-79) Anti-American sentiment stemming largely from this drone strike triggered protests and marches across Pakistan. A trigger-happy CIA stepped away from drone strikes until October of that year when it attacked a madrassa in Chenagai. A madrassa is a religious institution often attached to a Mosque where they teach Islamic religious instruction, and at this particular one was Maulana Liaqat Ullah Hussain, a pro-al-Qaeda leader; Hussain and approximately eighty of his followers were killed in the strike.[[80]](#footnote-80)

By this time the Pakistan-United States relationship had been going on strong for five years. The CIA and the ISI were, as Mark Mazzetti, author of *The Way of the Knife: The CIA, A Secret Armey, and a War at the Ends of the Earth*, put it a “marriage among spies”; a seemingly black and white relationship fostered through a mutual agreement to deal with the terrorist problem by agreeing to exchange resources – for a price.[[81]](#footnote-81) Pakistan wanted to be reimbursed for helping in the fight against al-Qaeda and so Pakistan was being paid in exchange for allowing the CIA wage a secret war within its borders. It was a flawed relationship from the start because it was certainly not black and white; Pakistan had formerly been implicated for, “being in bed with terrorists,” and it became very clear that President Musharaff (under discretion from then ISI chief General Ahmed who was later found to have ties to the Taliban) was not willing to fully rescind *that* relationship because the Taliban was considered a useful resource against the threat of India, Pakistan’s long-time enemy.[[82]](#footnote-82) The War in Afghanistan began on 7 October 2001 and the day after, President Musharaff replaced General Ahmed with General Ehsan Ul Haq who ultimately gave authority for U.S. drone strikes, a move that seemed to signify the end of Pakistan’s fuzzy relationship with the Taliban.[[83]](#footnote-83)

Five drone strikes were carried out in the year 2007 in Pakistan alone by the CIA, but the Pentagon’s puppet, Joint Special Operations Command (JSOC) also began its own drone campaign in 2007. When the CIA was initially given the go-ahead to operate drone strikes there was concern that the military be the authority in charge of such an operation because it was a weapon of war, and for liability reasons which was made very clear through the Church Committee findings. Lieutenant General John Campbell witnessed many of the debates regarding the drones and their operation and explained liability concerns in terms of military culture versus CIA culture. The chain of command is strictly followed in the military, but for the CIA, as was seen in the Church Committee findings, “they can be operating under the provisions of a presidential finding…with the president’s signature,” authorizing them to do certain things, “then, the nest administration can come in and Justice decides that the finding was questionable…illegal – and guess what? – those guys are personally liable for the things they did.”[[84]](#footnote-84) Because of the lack of oversight present in the earlier years of the War on Terror and the amount of information that the CIA was keeping from the administration and other members of the intelligence community, Donald Rumsfeld and his team at the Pentagon created what has become known as, “the most effective kill and capture machine the world [has] ever seen,” by embracing the Army’s Joint Special Operations Command.[[85]](#footnote-85) Rumsfeld was growing weary of total reliance on the CIA and its information so JSOC would eventually answer directly to the President.[[86]](#footnote-86) The military was getting involved in the drone campaign and JSOC’s SEAL Team Six would eventually be responsible for the death of Osama Bin Laden in 2011.

Thirty-six strikes were carried out in Pakistan in 2008 by the CIA, and upwards of fifty-one in 2009. 2009 was a celebrated year in that Baitullah Mehsud, the Pakistani Taliban leader, was killed by a drone strike.[[87]](#footnote-87) The negativity in Pakistan that was coming from its citizens because of the drone strikes quieted a bit when Mehsud was killed because he was notoriously feared throughout Pakistan. This method of warfare was so favored by the United States that in 2009, then CIA Director, Leon Panetta was quoted saying, “Very frankly, it’s the only game in town in terms of confronting or trying to disrupt the al Qaeda leadership.”[[88]](#footnote-88) Quite possibly the most significant repercussion that has resulted from the drone strikes is the rising number of civilian deaths that accompany the deaths of al Qaeda and Taliban affiliates, but what might be more shocking is the story of an American citizen, the first American citizen, target who was killed by a drone.

**ANWAR AWLAKI – THE FIRST AMERICAN CITIZEN DRONE TARGET, THE LAST?[[89]](#footnote-89)**

 Anwar Awlaki was born to Nasser and Saleh Awlaki, both of Yemen. Nasser came to the United States courtesy of a Fulbright scholarship to study agricultural economics in 1966 at New Mexico State University. At even a young age Nasser had a dreamy vision of the United States and made the commitment to travel to the United States and earn an education here because of its progressiveness and opportunity, and because he wanted to help his own people become more progressive. Nasser returned to Yemen to retrieve his wife and they moved back to New Mexico. In 1971 their son Anwar was born an American citizen in New Mexico and Nasser’s vision of the United States was a contributing factor in deciding to raise his son in the United States as an American. They moved to Nebraska so that Nasser could obtain his PhD from the University of Nebraska in 1971 and then six years later he decided to move the family back to Yemen because of some personal obligation to share with his people the knowledge he gathered from being in the U.S. and to try and help them.

 Nasser, with help from some other US and British educated Yemeni citizens in conjunction with US Agency for International Development (USAID), created an agricultural college in Yemen where Nasser became a college professor. Because of the time, effort and most of all, money that Nasser put into creating this college using the education he received in the States, he was not in a place to fund a trip for Anwar to return there after he completed high school. There was a scholarship opportunity available to him through the U.S. government, but the only stipulation was that Anwar would need a Yemeni passport. Despite Anwar’s New Mexico birthplace, it was not difficult for Nasser to obtain a Yemeni passport for Anwar that listed his birthplace as Aden, Yemen – a feature that would prove problematic for Anwar much later – and he entered the United States in June 1990 and attended Colorado State University to study civil engineering, a major that Nasser felt would be beneficial to Yemen’s problems should Anwar return in the future. One year after Anwar’s trip to the States the Gulf War started and he began to realize the tragedy that was occurring for Muslims in Baghdad. Upon arrival to the States Anwar was not a pious Muslim, but once the Gulf War started he began advocating for their cause through the Muslim Student Association on CSU’s campus. Religion became ever more serious for Anwar during the 1991 war in Afghanistan and subsequently he traveled to Afghanistan in 1992. He lost his scholarship and later blamed it on his increased political and religious activism and the trip he took to Afghanistan. Regardless, this point in his life was a signifying moment of foreshadowing events to come. He graduated from CSU in 1994, but rather than pursue his civil engineering path he became an Imam at the Denver Islamic Society – a decision that was somewhat of a shock to his family because of their not particularly religious nature.

 In 1996 Anwar moved his family to San Diego, California. He continued to pursue traditional Islamic teachings and became an imam at a mosque there as well. In 1999 however, Anwar was flagged by the FBI for the first time. Anwar was believed to have been in cahoots with an al-Qaeda affiliate by the name of Ziyad Khaleel, someone who allegedly bought a battery or a cell phone Osama Bin Laden used, and also, Omar Adel Rahman, the man convicted of plotting the World Trade Center bombing of 1993. A series of other affiliations also tipped off the FBI like the Holy Land Foundation – a charity fund that raised money for institutions that have been linked to Hamas, a terrorist organization – and the Charitable Society for Social Welfare which Anwar was the VP for two years and about which the FBI had reason to believe was a cover for funneling money to terrorists. Eventually this particular investigation into Anwar was closed because the FBI did not have sufficient evidence.

 In 2000 Anwar began recording his sermons onto CDs to sell them. More than one hundred CDs were made and the *New York Times* reported that his sermons appeared, “free of obvious radicalism,” during this time. In later years Anwar reportedly said that his, “rage against the United States was building in the years preceding 9/11,” but that was not indicative in his CD recorded sermons. Anwar had yet another run in with the FBI in 2000 on two counts of solicitation of prostitutes. Convoluted stories between him and the FBI paint a fuzzy picture as to what actually happened, but according to Anwar’s story he felt he was being insufficiently targeted by the FBI. These stories of soliciting prostitutes would later prove to paint Anwar as contradictory to the pious Muslim he claimed to be. Due to his run-ins with the FBI in San Diego he decided to move to the East Coast. He began schooling towards a PhD at George Washington University and settled his family in Virginia where he became an imam at a mosque there.

 September 11th happened the same year Anwar moved his family to Virginia and according to Anwar the FBI was at his door just a few days later asking him to identify some of the hijackers because it was believed he had had previous contact with them. Two of the hijackers had been members of his mosque in San Diego, Khalid al Mindhar and Nawaf al Hazmi, and another by the name of Hani Hanjour who along with Hazmi had attended Anwar’s sermons in Virginia too. Despite knowing the men and being able to identify them, his affiliations were minor, and at this time the FBI had no reason to target Anwar for anything, but rather they asked his help in the investigation on the hijackers. He hit the spotlight in the time following the 9/11 attacks for encouraging a moderate Muslim view of what transpired, but he was also cited condemning the United States’ government’s reaction and policy in response to the attacks. Anwar was even invited to address a luncheon at the Pentagon in 2002. Also in 2002, Operation Green Quest, a series of raids on Muslim organizations, businesses, and homes, was conducted and Anwar openly denounced the Operation and showed his disgust for the government’s apparent disregard for Muslim’s rights as people first and foremost. During this time Anwar began planning to leave the United States for Great Britain because, according to his father, “Anwar suddenly was finding himself in a very difficult position. The country which he was born in, the country which he loved, the country where he wanted to preach is religion became really against Muslims. And he was made. And he could not practice his religion freely in America. So he thought maybe Britain will be a good country to go to.”

 Anwar’s stint in Britain was short lived because he returned to Yemen in mid-2002 to study at Iman University in Sana’a. Around this time he was added to the TECS II, Treasury Enforcement Communications System, meaning if he traveled anywhere his name would be flagged by U.S. Customs and Immigration and he would be detained until further notice; if he traveled to the United States again then the FBI would be notified. It was always Nasser’s dream that Anwar be ‘American’ and receive his PhD in the States, and he was able to convince Anwar to agree to return and finish what he started. As promised, Anwar and his family were detained at JFK Airport when they arrived in October 2002, but a series of events had Anwar’s name removed from the TECS II list before his arrival, however the request had not been processed yet and when he got to the airport in the United States it was still registering as active. There is compelling evidence that Anwar was made an informant for the FBI because of his abrupt return to the United States and his timely removal from the TECS II watch list and there is also compelling evidence that the FBI tricked Anwar into becoming an informant because they still wanted to keep an eye on him based on his previous track record. Anwar left the United States for Great Britain, this time permanently, in December 2002.

 The FBI is unsure how Anwar slipped out of the country yet again, but he returned to Great Britain and began a series of Muslim advocacy talks and his religiosity seemed to deepen during this time. He made his way back to Yemen in 2004 and immediately was targeted by Yemeni intelligence and the United States was still following his every move. He began internet sermons and had frequent correspondence with other experts on Muslim matters, seemingly becoming more upset with the United States every day. This hatred was deepened further when he was arrested in Yemen in 2006 and placed in solitary confinement. He immediately thought that his arrest was connected to the United States which turned out to be absolutely correct. John Negroponte, then Director of National Intelligence, reportedly said that what bothered the U.S. was, “[his] preaching, and his sermons, and we are afraid that he will influence young people in the West,” and urged the Yemenis to keep Anwar indefinitely despite any actual case being brought against him. Nasser met with the Yemeni President and Vice President on different occasions asking for answers as to why his son was in prison, but no viable explanation was ever given. Anwar was finally released from his solitary confinement, after eighteen months, in December 2007 without so much as an explanation.

 Post-release, Anwar took to the Internet and created a blog through which he communicated his religious message. While in prison he was given the Quran to read and he alleged that the solitary confinement with just him and this religious book really allowed him that personal time to become more acquainted with his faith. The perceived notion that the United States was behind his imprisonment also sparked a deeper hatred than was ever exacted before. His online blogs and sermons held a tone of disgust and disapproval and any piece of the country that he held dear to his heart was shattered; religiosity turned into radicalism at this point and the United States was watching. In one post in particular he wrote, “Today the Muslim world is under occupation and the statements of our scholars are clear that it becomes fardh ayn (a binding duty) on every able Muslim to fight to free the Muslim land,” and he often called for his followers who were in the United States to break away from the political process since it was clearly not working to their benefit. Analysts were assigned to watch his sermons and read his posts to find clues that could potentially link him to some form of terrorist activity linked to al-Qaeda, but that proved to be a dead end. The evidence that they relied on was the fact that his sermons and posts were threatening to the United States in their tone of advocacy and the fact that he had a large band of followers that were influenced by what he articulated. According to Dr. Emile Nakhleh, former senior CIA office in the Political Islam Division, “…the danger is not that he is another bin Laden – the feat of Awlaki among some people in the government is that he represents this new phenomenon of recruitment, recruiting ordinary people who fall under the radar.” Anwar moved outside of Sana’a in 2008 to a rural village, al Saeed, in hopes of flying under the radar, but his continued internet activity kept the U.S. informed of his growing radicalism. Al-Qaeda initiated a bombing of the U.S. embassy in Yemen and their presence was growing like wildfire in this country to which Anwar had been linked only insofar as showing support, but in 2009 he was implicated in being involved in the Flight 253 to Detroit Christmas Day bombing attempt for having had contact with the suspected terrorist. Anwar reportedly said that while he had been in contact with Abdulmutallab, he had not actually given him his authorization to attempt an act of terror, but did support it after the fact.

 It was not until 2010 that JSOC, under the guise of the National Security Council, that Anwar Awlaki, an American citizen, had been officially added to the ‘capture or kill’ category of High Value Targets. In 2009 there was insufficient evidence that Anwar was a clear threat, but by 2010 President Obama had rested on the decision that Anwar Awlaki had to die based on a speech on his blog entitled “Message to the American People” where he further applauded Abdulmutallab’s efforts on the Detroit flight and attacked both the U.S. and Yemeni governments; his blog was subsequently shut down by the U.S. government. Relationships with al-Qaeda affiliates were created and Anwar’s future was looking grim. He had not been charged with anything by the U.S. government which begged the question, “Could the American government assassinate it[s] own citizens without due process?”

Regardless of proper evidence, Anwar proved to be a threat based on his growing radicalism against the U.S. President Obama made the decision that Anwar would die. At this point it was not a matter of could it happen, it was a matter of when. That day came on 30 September 2011 when the CIA authorized JSOC to fire two Hellfire missiles from Predator drones flying over Yemen at a car that was carrying Anwar Awlaki – an American citizen, born in New Mexico. Anwar’s sixteen year old son Abdulrahman was mistakenly killed fourteen days later by a drone strike on 14 October 2011 that reportedly also killed AQAP (Al Qaeda in the Arabian Peninsula) leader Ibrahim al Banna. Abdulrahman was also an American citizen, born in Denver Colorado.

**CONCLUSION**

 In comparison to the Post-9/11 Era however, the methods formally used to carry out assassinations seem almost humane and more akin to the proposed ways of warfare as outlined by various codes of conduct. The CIA is still involved in assassination plots presently, but the intelligence community as a whole has become more involved as well (i.e.: JSOC). The United States used underworld figures, and poisoned cigars that were supposed to be given to Castro and the Bay of Pigs invasion at least resembled a military operation (which have been generally acceptable), but present day assassination resembles a video game of sorts where a person’s fate is placed in the hands of military personnel operating the likeness of a joy-stick. During the Cold War Era assassination of foreign leaders program there were serious implications as well considering the need for a Committee to investigate the plots, but the way in which they were plotted carried with them the idea that the target would be the only casualty (except where a U.S. backed coup might have happened). With drone strikes the amount of collateral damage has been one of the greatest criticisms. As aforementioned, civilian deaths in Pakistan was a serious concern of Pakistani citizens. One particular strike in 2006 resulted in eighteen civilian deaths including five women and five children and the target of the strike was not actually killed at all.[[90]](#footnote-90)

 These drone strikes are also carried out extrajudicially – without putting the terror suspects on trial. The secret directive, Greystone, that President Bush signed on 17 September 2001 authorized a detainee program where high valued targets, terror suspects, would be taken by the CIA to black sites (prisons scattered around the world) and torture them into revealing information implicating other suspects.[[91]](#footnote-91) Jose Rodriguez, former head of the CIA’s Directorate of Operations, said that the administrations did not want to put the terror suspects on trial because they would obtain lawyers and the CIA’s, “job, first and foremost, is to obtain information,” and the CIA was given permission to obtain that information by using whatever means possible.[[92]](#footnote-92) Is it not within their rights to obtain a lawyer? National security reasons have been used as justification for denying the suspects this right just as national security was used to attempt to justify Cold War Era assassinations, but the Church Committee explicitly voiced that this was not appropriate justification then, where the two most recent administrations do not seem to find any problems with this. In the case of Anwar Awlaki he was never charged with any specific crime – he was simply seen as a threat to the United States because of his growing radical Islamist views. The same case can be made for all of the aforementioned targets of drones in Pakistan and Yemen. There was never a charge brought against these suspected terrorists, they were simply added to a list of people that the United States deemed as threatening to our national security, and many of them were added through a guilt by association parallel.

The Church Committee warned of using the tools of the enemy as our own tools and a greater moment of foreshadowing could not have been found anywhere else. The United States’ use of drones puts the country in a position of hypocrisy as it operates under a ‘do as I say, not as I do’ mantra. One of the Committee’s core conclusions was that eventually the things we try to keep secret become known to the rest of the world and that could be devastating to American foreign policy, our reputation for democracy, and the American people’s faith in their country and the beliefs that it stands for, not to mention the possibility for retaliation.[[93]](#footnote-93) After 11 September 2001 an abundance of news articles popped up all over the Internet and print media regarding the possibility of the United States dropping the 1976 Assassination ban and just three days after the attacks Sen. Richard C. Shelby of Alabama was quoted saying, “They are going to assassinate our people and blow up our buildings unless we eradicate them first,” in an article for the Los Angeles Times.[[94]](#footnote-94) Hammurabi’s Code seems to be at play here for those that think the assassination ban is outdated in a world where terrorism exists.

In *The Way of the Knife: The CIA, A Secret Army, and a War at the Ends of the Earth* by Mark Mazzetti the title of the book is based on a quote by John Brennan, the Director of the Central Intelligence Agency. Brennan claimed that drone strikes were an alternative to the hammer that the United States has routinely used to conduct war, and instead of a hammer the country is using a scalpel which he has suggested is like conducting a, “surgery without complications,” a statement that could not be further from the truth.[[95]](#footnote-95) Mazzetti argues that Brennan is wrong in suggesting this as well and feels that drone strikes and the repeal of the assassination ban has quite possibly created just as many enemies as they have eradicated.[[96]](#footnote-96) Anwar Awlaki was an American citizen. Where will the United States draw the line? Killing Anwar did not frighten American citizens, but Edward Snowden leaking secret NSA documents that revealed they were tapping into our phone calls did. The threat of terrorism has made the American public, not to mention the Administrations, jaded to the consequences of our actions so much so that we were not willing to look past Anwar’s intimidating beard and seemingly radical sermons to find the equally ‘American’ citizen that he was. Killing him seemed so commonplace, so normal, and all that had to be done was place his name on a list because he was perceived as a threat despite evidence to the contrary – it was only a matter of time before his name was crossed off and no one batted an eyelash.

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Cited and Consulted Works

Bentley, Hannah. “Keeping Secrets: The Church Committee, Covert Action, and Nicaragua,”

*Columbia Journal of Transnational Law* 25no. 3, (1987): 601-645.

<http://heinonline.org/HOL/Page?handle=hein.journals/cjtl25&div=29&g_sent=1&collection=journals#609> .

Johnson, Boyd M. III. “Executive Order 12,333: The Permissibility of an American

Assassination of a Foreign Leader,” *Cornell International Law Journal* 25 Winter no. 1,

(1992): 401-435. <http://heinonline.org/HOL/Page?handle=hein.journals/cintl25&div=19&g_sent=1&collection=journals#411>

Johnson, Loch K. *A Season of Inquiry: The Senate Intelligence Investigation.* Lexington,

 Kentucky: The University Press of Kentucky, 1985.

Mazzetti, Mark. *The Way of the Knife: The CIA, A Secret Army, and A War At the Ends of the*

*Earth*. New York: The Penguin Press, 2013.

Olmsted, Kathryn S. *Challenging the Secret Government: The Post-Watergate Investigations of*

*the CIA and FBI.* Chapel Hill and London: The University of North Carolina Press, 1996.

Pickard, Daniel B. “Legalizing Assassination? Terrorism, The Central Intelligence Agency, and

International Law,” *Georgia Journal of International and Comparative Law* 30 no. 1,

(2001): 1-35. <http://heinonline.org/HOL/Page?handle=hein.journals/gjicl30&div=8&g_sent=1&collection=journals#13>

Richter, Paul. “Congress Ponders Whether the U.S. Should Ease Ban on

Assassinations.” *Los Angeles Times,* September 18, 1998.

<http://articles.latimes.com/print/1998/ep/18/news/mn-24038>

Roma, Amy C. “Assassinations: Executive Orders and World Stability,” *Suffolk University Law*

*Review* 36 no. 1, (2002-2003): 109-137. <http://heinonline.org/HOL/Page?public=false&handle=hein.journals/sufflr36&men_hide=false&men_tab=toc&collection=journals&page=109#145>

S. Pease, Kelly Kate. *International Organizations*. Boston, Massachusetts: Longman, 2012.

Savage, David. G., & Weinstein, H. “Some Call for Lifting of Assassination Ban,” *Los Angeles*

*Times*, September 14, 2001. http://articles.latimes.com/print/2001/sep/14/news/mn-45711

Scahill, Jeremy. *Dirty wars: The World Is A Battlefield*. New York: Nation Books, 2013.

United States Senate Select Committee To Study Governmental Operations (1975). *Alleged*

*Assassination Plots Involving Foreign Leaders* 1975. Washington, DC, 1975.

Silverberg, Marshall. “The Separation of Power and Control of the CIA’s Covert Operations,”

*Texas Law Review* 68 no. 3, (1989-1990): 575-622.
<http://heinonline.org/HOL/Page?handle=hein.journals/tlr68&div=23&g_sent=1&collection=journals#591>

Thomas, Ward. “Norms and Security: The Case of International Assassination,” *International

Security* 25 no. 1, (2000): 105-133.
<http://www.jstor.org/stable/10.2307/2626775?Search=yes&resultItemClick=true&searchText=the&searchText=case&searchText=of&searchText=international&searchText=assassination&searchUri=%2Faction%2FdoBasicSearch%3FQuery%3Dthe%2Bcase%2Bof%2Binternational%2Bassassination%26amp%3Bx%3D0%26amp%3By%3D0%26amp%3Bhp%3D25%26amp%3Bsorigin%3Dmonmouthcollege.edu%26amp%3B%20>.

Williams, Brian. Glyn. “The CIA's Covert Predator Drone War in Pakistan, 2004–2010: The

History of an Assassination Campaign,” *Studies in Conflict & Terrorism* 33 (2010): 871-

892.
<http://www.tandfonline.com/doi/abs/10.1080/1057610X.2010.508483#.UzCrAPm-2m5>

Wise, David. “The Thin Red Line Between Diplomacy and Murder,” *Los Angeles Times*, April

15, 1999. <http://articles.latimes.com/print/1999/apr/25/opinion/op-30795>

Zepezauer, Mark. *The CIA’s Greatest Hits*. Berkeley: Soft Skull Press, 2012.

1. Senate, *Alleged Assassination Plots Involving Foreign Leaders: Interim Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities*, *1975*.(Washington, DC: GPO 1975), 281. (Web.) [↑](#footnote-ref-1)
2. “History of the CIA,” last modified February 18, 2014, <https://www.cia.gov/about-cia/history-of-the-cia> . [↑](#footnote-ref-2)
3. Ibid. [↑](#footnote-ref-3)
4. Ibid. [↑](#footnote-ref-4)
5. United States Congress[,](http://global.oup.com/us/companion.websites/9780195385168/resources/chapter10/nsa/nsa.pdf) *The National Security Act of 1947* (Washington, DC: GPO, 1947). (Web.)

<http://global.oup.com/us/companion.websites/9780195385168/resources/chapter10/nsa/nsa.pdf> [↑](#footnote-ref-5)
6. Mark Zepezauer, *The CIA’s Greatest Hits* (Berkeley: Soft Skull Press, 2012), 4. [↑](#footnote-ref-6)
7. Ward Thomas, “Norms and Security: The Case of International Assassination,” *International Security* 25, no. 1 (2000): 106, 111 [www.jstor.org](http://www.jstor.org). [↑](#footnote-ref-7)
8. Ibid., 108-9 [↑](#footnote-ref-8)
9. Ibid., 110 [↑](#footnote-ref-9)
10. Amy C. Roma, “Assassinations: Executive Orders and World Stability,” *Suffolk University Law Review* 36 (2002): 2, <http://heinonline.org> [↑](#footnote-ref-10)
11. Ibid., page 2 [↑](#footnote-ref-11)
12. Ibid., page 2-3 [↑](#footnote-ref-12)
13. Ibid., page 3 [↑](#footnote-ref-13)
14. Ibid., page 3 [↑](#footnote-ref-14)
15. Ward Thomas, “Norms and Security: The Case of International Assassination,” *International Security* 25, no. 1 (2000): 115 [↑](#footnote-ref-15)
16. Ibid., 115 [↑](#footnote-ref-16)
17. Kelly-Kate S. Pease, *International Organizations* (Boston: Longman, 2012), 43. [↑](#footnote-ref-17)
18. Ibid. [↑](#footnote-ref-18)
19. Ward Thomas, “Norms and Security: The Case of International Assassination,” *International Security* 25, no. 1 (2000): 107-8. [↑](#footnote-ref-19)
20. Ibid. [↑](#footnote-ref-20)
21. Ibid. [↑](#footnote-ref-21)
22. Mark Mazzetti, *The Way of the Knife: The CIA, A Secret Army, and a War at the Ends of the Earth* (New York: The Penguin Press, 2013),45-6. [↑](#footnote-ref-22)
23. Church Committee, *Interim Report*, xiii [↑](#footnote-ref-23)
24. Ibid., xiii [↑](#footnote-ref-24)
25. Ibid., 258 [↑](#footnote-ref-25)
26. Castro initially submitted a claim to Senator McGovern in 1975 that alleged there had been twenty-four attempts on his life and that the CIA was involved. The Church Committee submitted this claim to the CIA for confirmation on all twenty-four alleged attempts. The CIA responded indicating that it had not been involved in fifteen of those cases and that there was no direction from the CIA to its officials to assassinate Castro. Ibid., 71 [↑](#footnote-ref-26)
27. Ibid., 257 [↑](#footnote-ref-27)
28. Ibid., 258 [↑](#footnote-ref-28)
29. Ibid., 258 [↑](#footnote-ref-29)
30. Ibid., 260 [↑](#footnote-ref-30)
31. Ibid., 260 [↑](#footnote-ref-31)
32. Ibid., 71 [↑](#footnote-ref-32)
33. Ibid. [↑](#footnote-ref-33)
34. Ibid., 264 [↑](#footnote-ref-34)
35. *Oxford University Press Dictionary,* “Circumlocution.” (Web.) [↑](#footnote-ref-35)
36. Church Committee, *Interim Report,* page 265 [↑](#footnote-ref-36)
37. Ibid., 265-6 [↑](#footnote-ref-37)
38. Hannah Bentley, “Keeping Secrets: The Church Committee, Covert Action, and Nicaragua,” *Columbia Journal of Transnational Law* 25, Column J (1987): 613 [www.heinonline.org](http://www.heinonline.org). [↑](#footnote-ref-38)
39. Church Committee, *Interim Report*, page 278 [↑](#footnote-ref-39)
40. Ibid., 268 [↑](#footnote-ref-40)
41. Ibid., 279 [↑](#footnote-ref-41)
42. Ibid., 72-74, 82, 85-87, 89 [↑](#footnote-ref-42)
43. Ibid., 283 [↑](#footnote-ref-43)
44. Office of the Executive, *President Gerald R. Ford’s Executive Order 11905: Unites States Foreign Intelligence Activities, 1976*. (Washington, DC:, 1976), (Web.) [www.fas.org/irp/offdocs/eo11905.htm](http://www.fas.org/irp/offdocs/eo11905.htm) . [↑](#footnote-ref-44)
45. United States Congress, *Foreign Intelligence Services Act of 1978*, *1978* (Washington, DC: GPO, 1978), (Web.) <http://www.gpo.gov/fdsys/pkg/STATUTE-92/pdf/STATUTE-92-Pg1783.pdf> AND

Office of the Executive, *President James Carter’s Executive Order 12036: United States Foreign Intelligence Activities, 1978.* (Washington, DC:, 1978), (Web.) <http://www.fas.org/irp/offdocs/eo/eo-12036.htm> [↑](#footnote-ref-45)
46. *Foreign Intelligence Services Act of 1978*, Sec 105 (a) (3) (A). [↑](#footnote-ref-46)
47. Office of the Executive, *President Ronald Reagan’s Executive Order 12333: United States Intelligence Activities, 1981.* (Washington, DC:, 1981), (Web.) <http://www.fas.org/irp/offdocs/eo12333.htm> [↑](#footnote-ref-47)
48. Office of the Executive, *President George W. Bush’s Executive Order 13355: Strengthened Management of the Intelligence Community, 2004.* (Washington, DC:, 2004), (Web.) <http://www.fas.org/irp/offdocs/eo/eo-13355.htm> [↑](#footnote-ref-48)
49. United States Congress, *Authorization For Use of Military Force In Response to the 9/11 Attacks, 2001* (Washington, DC: Congressional Research Service, 2001), (Web.) <http://www.fas.org/sgp/crs/natsec/RS22357.pdf> [↑](#footnote-ref-49)
50. Ibid. [↑](#footnote-ref-50)
51. Jeremy Scahill, *Dirty Wars*, 20. [↑](#footnote-ref-51)
52. Church Committee, *Interim Report*, 258. [↑](#footnote-ref-52)
53. Jeremy Scahill, *Dirty Wars,* 20, 24. [↑](#footnote-ref-53)
54. *Oxford University Press Dictionary,* “Extraordinary Rendition.” (Web.) [↑](#footnote-ref-54)
55. Jeremy Scahill, *Dirty Wars,* 20. [↑](#footnote-ref-55)
56. United States Congress, *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act), 2001* (Washington, DC: GPO, 2001), (Web.) <http://www.gpo.gov/fdsys/pkg/PLAW-107publ56/pdf/PLAW-107publ56.pdf> [↑](#footnote-ref-56)
57. Brian Glyn Williams, “The CIA’s Covert Predator Drone War in Pakistan, 2004–2010: The History of an Assassination Campaign,” *Studies in Conflict & Terrorism* 33, no. 10(2010): 872, www.tandfonline.com. [↑](#footnote-ref-57)
58. Mazzetti, *The Way of the Knife,* 94-5. [↑](#footnote-ref-58)
59. Ibid., 95 [↑](#footnote-ref-59)
60. Ibid., 96 [↑](#footnote-ref-60)
61. Ibid., 96 [↑](#footnote-ref-61)
62. Ibid., 98 [↑](#footnote-ref-62)
63. Ibid., 14, 99 [↑](#footnote-ref-63)
64. Ibid., 87 [↑](#footnote-ref-64)
65. Jeremy Scahill, *Dirty Wars,* 77. [↑](#footnote-ref-65)
66. Mark Mazzetti, *The Way of the Knife*, 87. [↑](#footnote-ref-66)
67. Scahill, 78. [↑](#footnote-ref-67)
68. Mark Mazzetti, “A Secret Deal on Drones, Sealed in Blood,” *The New York Times,* April 7, 2013, <http://www.nytimes.com/2013/04/07/world/asia/origins-of-cias-not-so-secret-drone-war-in-pakistan.html?pagewanted=all&_r=0> [↑](#footnote-ref-68)
69. Mark Mazzetti, *The Way of the Knife,* 104. [↑](#footnote-ref-69)
70. Ibid., 109 [↑](#footnote-ref-70)
71. Ibid., 108-9 [↑](#footnote-ref-71)
72. Ibid., 108-9 [↑](#footnote-ref-72)
73. Brian Glyn Williams, “The CIA’s Covert Predator Drone War in Pakistan,” 875. [↑](#footnote-ref-73)
74. Ibid., 875 [↑](#footnote-ref-74)
75. Ibid., 875 [↑](#footnote-ref-75)
76. Ibid., 875 [↑](#footnote-ref-76)
77. Ibid., 875 [↑](#footnote-ref-77)
78. Ibid., 875 [↑](#footnote-ref-78)
79. Ibid., 875 [↑](#footnote-ref-79)
80. Ibid., 875-6 [↑](#footnote-ref-80)
81. Mark Mazzetti, *The Way of the Knife*, 25,29. [↑](#footnote-ref-81)
82. Ibid., 29, 30 [↑](#footnote-ref-82)
83. Ibid., 33-4 [↑](#footnote-ref-83)
84. Mark Mazzetti, *The Way of the Knife,* 99. [↑](#footnote-ref-84)
85. Jeremy Scahill, *Dirty Wars*, 30. [↑](#footnote-ref-85)
86. Ibid. [↑](#footnote-ref-86)
87. Brian Glyn Williams, “The CIA’s Covert Predator Drone War in Pakistan,” 878. [↑](#footnote-ref-87)
88. Ibid., 877 [↑](#footnote-ref-88)
89. Entire Section on Anwar Awlaki – Jeremy Scahill, *Dirty Wars,* 31-47, 67-74, 184-190, 230-243, 314-327, 356-363, 398-402, 451-457, 495-511 [↑](#footnote-ref-89)
90. Brian Glyn Williams, *CIA’s Covert Predator Drone War in Pakistan*, 875. [↑](#footnote-ref-90)
91. Jeremy Scahill, *Dirty Wars*, 25. [↑](#footnote-ref-91)
92. Ibid. [↑](#footnote-ref-92)
93. The Church Committee, *Interim Report,* 258. [↑](#footnote-ref-93)
94. David Savage, Henry Weinstein, *Some Call for Lifting of Assassination Ban*, par. 6. [↑](#footnote-ref-94)
95. Mark Mazzetti, *The Way of the Knife*, 5-6. [↑](#footnote-ref-95)
96. Ibid., 6. [↑](#footnote-ref-96)