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July 15, 2009

Legal Affairs

CIA, Cheney, Congress And Torture

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Talk of the Nation, July 14, 2009 · Did former Vice President Dick Cheney order the CIA to keep Congress in the dark about a program to capture or kill al-Qaeda leaders? NPR Senior Washington Editor Ron Elving, Reps. Jan Schakowsky and Peter Hoekstra discuss a potential congressional investigation. Meanwhile, will Attorney General Eric Holder appoint a special prosecutor to investigate allegations of torture during the Bush administration?

World

How Far Did CIA Assassination Plans Go?

by Corey Flintoff



Jay Directo

CIA Director Leon Panetta during a visit to the Philippines earlier this month. Panetta told Congress that he has canceled a CIA program that could have created hit squads to kill terrorist leaders overseas.

AFP/Getty Images

The controversy over a covert CIA plan to assassinate senior al-Qaida leaders has devolved into a mass of unanswered questions and contradictory answers. The plan, as reported Tuesday by *The New York Times* and other news media, called for the formation of small teams to kill terrorist leaders abroad.

The plan reportedly was never fully carried out, and it remained secret, even from Congress, from its conception after the 9/11 attacks in 2001 until last month, when CIA director Leon Panetta announced that he was canceling it. Panetta told congressional

intelligence committees that he had only recently become aware of the program, when he was briefed on it by the CIA's counterterrorism center.

Panetta said the existence of the program was kept secret from lawmakers at the instruction of then-Vice President Dick Cheney, according to Sen. Dianne Feinstein, D-Calif., in an interview with the

Associated Press. Although the program reportedly never got beyond the discussion stage, Democrats in Congress were outraged that oversight committees were never advised that such ideas were being considered.

Was Cheney Involved?

Former CIA director Michael Hayden told NPR's Mary Louise Kelly on Monday that he was never told by Cheney to withhold the information. "I never felt I had any impediment in briefing Congress," he said.

Hayden, who became head of the CIA in 2006 and served until January of this year, was speaking only of his time at the agency, though, and not of the early period after 2001 when Cheney might have intervened.

The idea of CIA assassination teams evokes movie-style images of black-clad specialists climbing through windows to silently garrote their targets.

In reality, it's hard to tell how far the program got. It appears to have gotten past the point of doodling on napkins at the agency cafeteria. Lawmakers who have been briefed say some money was spent, but it's not clear whether teams were ever up and running.

Current and former government officials have told NPR's Kelly that the interest in the plan waxed and waned over the years, but that it hung on because officials wanted a more precise way to eliminate terrorists than missile strikes on suspected al-Qaida sites. The missile strikes, often carried out by drone aircraft, have frequently resulted in civilian casualties.

Legal Questions Abound

Ongoing questions about the plan include whether it was legal in several respects. Did it violate the assassination ban imposed by former President Gerald Ford in a 1976 executive order? That ban was aimed at attempts on the lives of foreign leaders. Supporters of the plan argue that al-Qaida leaders are legitimate targets, no different from soldiers on a battlefield.

Targeted assassinations, they say, would be no different from what the U.S. is trying to accomplish with unmanned Predator drone missile

attacks in Pakistan, a Bush administration tactic that President Obama has continued.

Opponents note that the CIA does not have the legal status of the uniformed military, and isn't covered under the law of war. They question what the diplomatic repercussions might have been if CIA paramilitary teams were caught inside another country in the middle of an operation.

Supporters of the plan also dispute the notion that Congress should have been briefed. On the one hand, they say, the plan simply wasn't advanced enough to warrant notification. On the other, they say the flap that arose after Panetta briefed Congress on the program shows the danger of exposing a highly sensitive and secret program to the risk of congressional leaks.

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David Goldstein (InjunTrouble) wrote:

Not only did the CIA hide the assassination program from Congress, it is still lying about it - the program was fully operational under Bush and conducted several assassinations. The assassination ring targeted not only know Al Qaeda terrorists, but also ordinary politicians and journalists. Some of those targeted and successfully assassinated even belonged to 'friendly' countries not remotely hostile or at war with the US.

Tue 14 Jul 2009 07:18:25 PM PDT

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Len Bloch (LenBloch) wrote:

Someone during the show asked a question about Norman Schwarzkopf's father. I was surprised that a reporter who discusses intelligence a lot, and someone who claims expertise on Intelligence didn't know.

Schwartzkopf's father was Norman Schwarzkopf Sr. He was the CIA's man on the ground during the coup that overthrew democratic rule in Iran and put the Shah into power. He was later instrumental in training the

SAVAK, which was the Shah's torture/security force.

Although very few Americans may be aware of this, I would be very surprised if it weren't part of the school curriculum in Iran, and I expect that every High School graduate in Iran would know this fact.

Tue 14 Jul 2009 06:42:46 PM PDT

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Stephen Wong (zissou) wrote:

Andrew's comments on the show were dead on. I don't think anyone here is arguing that the CIA shouldn't have the ability to kill terrorist leaders. The concerns I have would be similar to the concerns Republicans would have if they found out Joe Biden was directing the CIA to act in some covert way, purposely keeping the program a secret to senior members of Congress.

We are a Nation governed by laws, and no member of government has the right to operate outside of those bounds, even if their intention is to "keep America safe." This leads us down a slippery slope when every time we skirt the laws of government we are able to use as reasoning "to protect the security of Americans at home and abroad." The way Dick Cheney used and abused his power in office should be deeply disturbing to any American, be they democrats, republicans or anywhere in between.

Tue 14 Jul 2009 06:42:42 PM PDT

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Larissa Lalor (Lari) wrote:

The U.S. has long been involved in covert assassinations all over the world. Such operations have repeatedly stunted popular legal reforms in Latin America in order to preserve the ability for the U.S. to exploit their natural resources and labor. But...are we supposed to be constantly improving and striving for better? Those operations in Latin America were wrong. We shouldn't continue them in other parts of the world. Fear of violence is never a plausible motivation for operations such as this when you are the country holding the biggest stick...the flying drone program is the most worrisome though.

Tue 14 Jul 2009 05:56:55 PM PDT

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John Goeckermann (theFederalReserveAintNeither) wrote:

Neil,

There is an Affirmative requirement IN LAW that Congress SHALL be notified -- not upon implementation of a program such as the "executive assassination ring" operating under the George W. Bush Administration, but on the DISCUSSION THEREOF -- like it or not,

discussion and planning IS CONSPIRING:
these operations violate longstanding U.S. policy
regarding covert actions and illegally by pass
Congressional oversight. Current statute governing
covert action (50 U.S.C. 413b) requires a presidential
finding and notification to the appropriate congressional
committees. Additionally, Executive Order 12333
clearly states that "[n]o person employed by or acting
on behalf of the United States Government shall engage
in or conspire to engage in assassination."

THE FACT THAT YOU WERE NOT INFORMED ON THIS
MATTER IS INEXCUSABLE - - - - particularly when it
allowed Hoekstra (?spelling, sorry?) to sleaze his
remarks about -- "the program was not implemented..."

HE KNEW BETTER, AND SO SHOULD YOU (HAVE
KNOWN), and it is shameful that you allowed millions of
your listeners to be (deliberately!) misled.

If your staff cannot do a better job of preparing you with
FACTS OF LAW then perhaps it is time you shook up
that comfy ingroup and got some people working for you
that actually INFORM THEMSELVES AND YOU of
relevant information!

Tue 14 Jul 2009 04:24:37 PM PDT

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