

“Church Lessons”: Revisiting America’s Assassination Ban

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Abstract

The following article sets out to provide a historical account of the assassination ban in the United States. As such, it traces the roots of the prohibition, analysis processes, and forces at work that shaped its path towards acceptance and looks at the wider political context that made its introduction possible. Recently declassified US National Security archive data: testimonies, notes, raw files, and other forms of political correspondence provide a solid basis for comprehensive examination of America’s historical assassination plots, a subject that often cannot be easily investigated due to its politically sensitive nature.

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1 Introduction:

The following essay sets out to provide a historical account of the assassination ban in the United States. As such, it traces the roots of the prohibition, analyzes processes and forces at work that shaped its path towards acceptance, and looks at the wider political context in which the introduction of such prohibition was possible. Recently declassified US National Security Archive materials—testimonies, notes, raw files, and other forms of political correspondence—provide a solid basis for comprehensive examination of America's historical assassination plots abroad, a subject that often cannot be easily investigated due to its politically sensitive nature. The centerpiece of this study is the Church Committee. Chaired by Idaho Senator Frank Church, the committee was formed in 1975 to investigate allegations of various wrongdoings in US intelligence agencies, above all plots to assassinate foreign leaders.

The material made available to the public as a result of the committee endeavors is considered to be the most thorough public record about modern US intelligence bureaucracy and its hidden activities. The so-called "Year of Intelligence" was by far the most extensive probe into the covert world of US intelligence. As once described by CIA Director William Colby, it was an "inspection of almost thirty years of CIA's sins."¹ The investigation symbolizes a high-water mark moment when US officials for the first time drew a public red line with respect to assassination as an illegitimate and unacceptable means of foreign policy. The article details the process by which the assassination ban came into force, exposing the US government's inner debates, justifications, and strategic reasoning behind attempts to assassinate foreign individuals.

While the analysis presented here concerns historical events, it equally speaks to the current situation. Shortly after the terrorist attacks of September 11, 2001, the US government embarked on a massive campaign to eliminate suspected terrorists outside conventional combat settings via singled-out drone strikes. Targeted killing, a method that had historically served as a last-resort self-defensive option, was turned into a central tool for addressing national security threats. While publicly the assassination ban was not set aside, policies pursued by both the George W. Bush and Barack Obama administrations clearly violated previously established normative boundaries.

As the analysis reconstructs the work of Church Committee—its leading figures, methods, and strategies—to reveal government related secrets, this in turn illuminates the path and conditions under which the US government is likely to undergo a process of democratic self-correction, something that many policy observers and human-rights activists have called for in the light of routine targeted killings via drones. Such historical contextualization makes it possible to draw comparisons and highlights how the meaning of "appropriate" behavior has changed over a period of time.

2 Establishing the Church Committee

The roots of the US assassination ban lie in domestic processes and politics. While the overall context of the prohibition was external—the US government had attempted or hoped to carry out assassination plots in Congo, Cuba, the Dominican Republic, Chile, and Vietnam—the ban itself originated from within the US domestic arena. It was a democracy examining itself and attempting make necessary policy adjustments. As such, the narrative here concerns the national level in which certain actors can challenge and, consequently, change the rules of behavior from within the state.

In December 1974, the *New York Times* journalist Seymour Hersh broke a cover story detailing numerous illegal domestic intelligence operations.² The investigative piece immediately sparked a major political firestorm. While some government officials, President Gerald Ford included, had hoped that the scandal would somehow subside on its own, the accusations were far too egregious and damaging for that to happen. A number of newspapers across the nation reprinted Hersh's cover story, and Congressional offices started to fill with thousands of letters from citizens demanding an explana-

¹ William Colby, *Honorable Men: My Life in the CIA* (New York: Simon & Schuster, 1978), 397.

² Seymour Hersh, "Huge CIA Operation Reported in U.S. against Anti-War Forces, Other Dissidents in Nixon Years," *The New York Times*, December 22, 1974.

tion.³ The journalistic piece had triggered a nationwide discussion about the role and purpose of the CIA, and the extent to which it should make use of clandestine operations without the public's input.

In reaction to accusations that had flooded the press, on January 21, 1975 Senator John O. Pastore put forward a legislation to establish a Senate Select Committee. The proposed legislation was passed by a landslide vote of 82 to 4, and a bipartisan group of eleven members was established with broad power to investigate possible unlawful government activities.⁴ Senator Frank Church, an Idaho Democrat, was named to lead the committee. Trying to capture the sentiment of the day, Frank Church famously described the CIA as "a rogue elephant rampaging out of control."⁵ He interpreted the mandate given to this Congressional group as follows: "To determine what secret governmental activities are necessary and how they best can be conducted under the rule of law."⁶

Initially, domestic issues were at the top of the committee's agenda and inquiry into foreign assassination plots emerged only gradually and, in some ways, even accidentally when on January 16, 1975, during a lunch with the editors of *The New York Times*, President Gerald Ford made a careless remark by mentioning that previous administrations, among other secretive operations, had also been engaged in plotting assassinations abroad.⁷ Journalist Daniel Schorr of CBS News quickly picked up the controversy with CIA Director William Colby, directly confronting him as to whether the agency had ever been involved in assassination plots.⁸ Surprised and cornered, Colby awkwardly replied, "Not in this country," leaving the impression that the agency may have carried out such activities abroad.⁹ Caving to public and media pressure, Committee Chairman Frank Church announced that the inquiry would also take on the examination of possible government assassination plots. Church was quoted in the *Washington Post* as saying, "In the absence of war no agency can have a license to murder and the President can't be a Godfather."¹⁰ Due to its highly sensational nature, the topic of assassinations soon became the most talked about news in the country.

All things considered, it was a number of events and dynamics that led to scrutiny by a Congressional body of highly sensitive US intelligence matters. At first, investigative newspaper reports tore open the initial debate about the CIA's role and its reliance on questionable covert operations. In terms of assassination plots, however, it was President Gerald Ford himself who had "let the cat out of the bag" by carelessly admitting that the CIA had previously contemplated assassinations of foreign heads of state. Many years later, Richard Helms, former CIA Director, admitted that President Ford had displayed "terrible judgment" in this particular situation.¹¹

Equally, though, it is also important to account for some of the contextual factors that allowed for the creation of an investigative body as powerful as the Church Committee. Only few years had passed since the Watergate scandal, during which public's trust in government institutions had seriously eroded. When accusations about intelligence wrongdoings first surfaced, government officials were not in a position to simply "sweep them under the rug." The CIA's approval rating at the time stood at a staggering 14 percent.¹² As the chairman of the committee, Church had pointed out that

³ Loch Johnson, *A Season of Inquiry: The Senate Intelligence Investigation* (Lexington: University of Kentucky Press, 1985).

⁴ "Foreign Relations of the United States," Document 31, Part 2, 1917–1972 Vol. 38, Public Diplomacy, 1973–1976, Organization and Management of Foreign Policy, State Department Office of the Historian.

⁵ "Alleged Assassination Plots Involving Foreign Leaders," Vol. 3–8, 1975, Senate Reports, Government Printing Office, Washington.

⁶ CIA, "A Look Back ... The Church Committee Meets," March 27, 2008, <https://www.cia.gov/news-information/featured-story-archive/2008-featured-story-archive/a-look-back-the-church-committee-meets.html>.

⁷ Christopher Andrew, *For the President's Eyes Only: Secret Intelligence and the American Presidency from Washington to Bush* (New York: HarperCollins, 1995).

⁸ Daniel Schorr, *Clearing the Air* (New York: Houghton Mifflin, 1977), 145.

⁹ Colby, *Honorable Men*, 410.

¹⁰ Steve Rich, "Denied by Colby. But He Admits CIA 'Discussed' Assassinations," *The Washington Post*, January 15, 1975.

¹¹ CIA History Archives, "Oral History: Reflections of DCI Colby and Helms on the CIA's Time of Troubles", June 27, 2007, <https://www.cia.gov/library/center-for-the-study-of-intelligence/csi-publications/csi-studies/studies/vol51no3/reflections-of-dci-colby-and-helms-on-the-cia2019s-201ctime-of-troubles201d.html>.

¹² Michael Warner and Kenneth J. McDonald, *US Intelligence Community. Reform Studies Since 1947* (Washington: U.S. Center

political elites did not have the strength to resist "the tidal shift in attitude."¹³

Past political scandals during the Richard Nixon years—excessive government secrecy, cover-ups, lies, and illegal wiretapping—had paved the way for substantial normative rethinking and wide-scale reforms regarding the functioning of intelligence agencies. In the post-Watergate era, Congress was willing to grant broad authority with substantial investigatory powers to an independent body in order to examine highly sensitive matters. It was the accumulated disbelief in government and intelligence structures that made this unprecedented inquiry possible in the first place.

3 The Fight for the Assassination Report

Just because the Church Committee had opened its investigative session, this did not necessarily mean that the assassination ban was inevitable. Early on, a clear battle line was drawn between those who believed that it was not in the nation's best interest to bring out the CIA's past dark secrets and those who advocated full disclosure of facts. Intense clashes regarding this matter took place in different corridors of power, most notably the White House and the CIA. Having obtained a broad investigative mandate, the Church Committee was eager to leave "no stone unturned," doing everything in its power to deliver a detailed report on the controversial topic of assassinations, while the Ford administration together with intelligence agencies pulled exactly the opposite direction, trying to stonewall such efforts and suppress information disclosure.

A series of declassified government memos and cables document intense and lengthy behind-the-doors struggle between the Congressional Committee and the Ford administration. As soon as the Hersh story broke out, the White House, with Henry Kissinger in charge, kept a close eye on the developments. Early communication between Kissinger and Donald Rumsfeld, White House Chief of Staff, indicate that the administration was initially caught by surprise and was not aware of the full extent of the CIA's illegal activities.¹⁴ After studying the issue in greater detail, however, Kissinger warned President Ford that the first revelations were only "the tip of the iceberg" and that if further newspaper reporting on this issue was not stopped, then "blood will flow."¹⁵

From the beginning, the Ford administration sharply resisted the idea that an independent Congressional group would be granted limitless access to highly sensitive intelligence materials. "Asking for information is one thing, but going through the files is another," Kissinger fumed in a closed-door meeting.¹⁶ He believed that, by disclosing various unsavory intelligence activities, the investigation threatened to leave the country "naked in a vital area of national security."¹⁷ Kissinger would become a frontline figure in the fight against the committee's investigative efforts and often worked the back-rooms, trying to persuade members of Congress that publishing scandalous foreign assassination plots would do the country no good.

Many in the Ford administration feared that if the committee started revealing the CIA's "skeletons," this would severely damage relations with countries like Cuba, the Dominican Republic, Laos, and Congo.¹⁸ Addressing a joint session of Congress shortly after accusations in the press, President

for the Study of Intelligence, 2005), 29.

¹³ Kathryn S. Olmsted, *Challenging the Secret Government: The Post-Watergate Investigations of the CIA and FBI* (Chapel Hill: University of North Carolina Press, 1996), 12.

¹⁴ "Telcon: Rumsfeld and Kissinger." Case Number F-2001-02979, Document Number 8093344, 1974, US Department of State, The National Security Archive.

¹⁵ Memorandum of Conversation, January 4, 1975, Participants: President Gerald R. Ford, Dr. Henry A. Kissinger, Secretary of State and Assistant to the President, Lt. General Brent Scowcroft, Deputy Assistant to the President for National Security Affairs, The National Security Archive.

¹⁶ Memorandum for the President, Signed by Henry Kissinger, Box 7, 1975, Friedersdorf Files, Gerald. R. Ford Presidential Library.

¹⁷ Henry Kissinger, *White House Years* (Boston: Little Brown & Co, 1979), 780.

¹⁸ Memorandum: From the Director of the Bureau of Intelligence and Research (Hyland) to Secretary of State Kissinger, 1975, Box CL 405, Department of State, Commissions- Commission on CIA Activities Within the U.S. Rockefeller Commission, Kissinger Papers, Manuscript Division, Library of Congress.

Ford stated: "It is entirely proper that this system be subject to Congressional review. But a sensationalized public debate over legitimate intelligence activities is a disservice to the nation and a threat to our intelligence system. It ties our hands while our potential enemies operate with secrecy, with skill, and with vast resources."¹⁹ Later, in his memoirs, President Ford only sharpened this point by suggesting that the only thing this inquiry could achieve was to cripple the intelligence apparatus.²⁰ Dick Cheney, Ford's Chief of Staff, who played an important role in framing the administration's response to the Congressional investigation, had a similar reading of the situation, holding on to the belief that possible exposure of assassinations would only lead to wrecking of the US intelligence capacity.²¹ In short, the White House believed that the massive inquiry could seriously damage the CIA, and therefore was poised to protect it.

Resistance and hostility towards the Church Committee was also strongly felt inside the CIA, which was only logical, given that the agency's reputation now hinged on the revelations of this inquiry. In the words of CIA Director William Colby, he had "flung into a struggle to prevent an investigation into the subject of assassinations" because the only thing an investigation into the matter could accomplish was to seriously "harm to the good name of the United States."²² Colby was quoted saying, "These exaggerations and misinterpretations of CIA activities can do irreparable harm to our national intelligence apparatus and if carried to the extreme could blindfold our country as it looks abroad."²³ The Church Committee was visibly at odds with the Ford administration and the CIA over exposure of highly secretive operations.

Publicly, however, the Ford administration applied a different posture and attempted to create an impression of goodwill and cooperation in its dealings with the investigators. President Ford had openly declared full assistance on the issue of assassinations.²⁴ When asked about the handover of highly classified data to investigators, White House Press Secretary Ron Nessen described the process as "easy" and "without serious obstacles."²⁵ Nessen stated, "As far as I know, nothing has been denied." In reality, White House staff was instructed to do everything in its power to shield sensitive information regarding assassination plots, and secretly put various bureaucratic hurdles in the committee's way. Chairman Frank Church had expected to encounter fact-finding problems and bureaucratic resistance, but assumed that once officials were convinced that this was a judicious inquiry, the committee would be entrusted with sensitive information.²⁶ This never fully materialized, as resistance from the Executive Branch merely intensified exponentially.

In order to effectively evade the Church Committee, the Ford administration decided to purposefully evoke concerns over national security. Kissinger outlined the approach that should be followed in a closed-door meeting: "We must say this involves the profoundest national security. Then we could go to the public and say that they [the Church Committee] are undermining the country."²⁷ References to national security soon became the key ideational block around which opposition was mobilized. When calls for transparency and accountability surfaced, the White House swatted them away by arguing that the exposure of certain information would severely undermine the security of the nation, and tarnish its good name.

On the opposing side, facing systematic delays and unwillingness to cooperate, the Church Committee had to come up with its own strategy for effectively obtaining the material needed for comple-

¹⁹ Gerald Ford, *Public Papers of the Presidents of the United States: Gerald R. Ford* (Washington: Government Printing Office, 1975).

²⁰ Gerald Ford, *A Time to Heal* (New York: Harper & Row, 1979), 230.

²¹ Dick Cheney, *In My Time: A Personal and Political Memoir* (New York: Threshold Editions, 2011), 65.

²² Colby, *Honorable Men*, 410.

²³ Johnson, *A Season*.

²⁴ Richard L. Madden, "President Scans C.I.A. Tie To Any Death Plot Abroad," *The New York Times*, March 18, 1975.

²⁵ "White House Gives Secret C.I.A. Data To Senate Inquiry," *The New York Times*, March 21, 1975.

²⁶ "Church Urges Ford to Assist Inquiry," *The New York Times*, February 3, 1975.

²⁷ The White House, National Security Council Staff, Memo of Conversation, Kissinger, Schlesinger, Colby, Areeda, Hoffman, Silberman, Scowcroft, Investigation of Allegations of CIA Domestic Activities, February 20, 1975, Box 9, Memoranda of Conversations, National Security Files, Gerald R. Ford Papers, Gerald R. Ford Presidential Library.

tion of the planned assassination report. Loch Johnson, who served as an assistant to the committee, captured the fundamental issue facing investigators: "We were unable to dance alone. Like it or not, our partner was the executive branch, for it had what we needed to conduct the inquiry; information on intelligence activities."²⁸ As a counterstrategy to the administration's unwillingness to share information, the committee often relied upon public shaming. This is where the long shadow of Watergate played in the Church Committee's favor. Frederick Schwarz, chief counsel to the Church Committee, points out that Congressional investigators were aware of the fact that the Ford administration simply could not afford to be seen as obstructionist to the public.²⁹ Caught between advisers who advocated confronting the committee at any cost and the fear of being seen in the same disgraceful light as his predecessor Richard Nixon, President Ford ended up transferring valuable materials to investigators.

The Church Committee used the public domain to empower itself, change public perceptions, and put pressure on the White House to cooperate. Initially, Church himself had promised not to create "a legislative carnival," or "television extravaganza" out of the investigation.³⁰ He ended up keeping his word only partially. On the one hand, Church dismissed the suggestion that interrogations of CIA officials should be held in public. Still, when facing off against an obstructive executive branch, his position changed slightly. During one televised session, for example, Church purposefully displayed a secret CIA weapon: a poison dart gun that the agency had developed explicitly for assassination plots. The optics of the senator holding an exotic weapon stunned the public and showcased how far the CIA had gone in its plans to assassinate foreign leaders.

After finally completing the report titled "Alleged Assassination Plots Involving Foreign Leaders," the Church Committee, as previously agreed, first forwarded it to the White House for an internal private reading. Having opposed the committee's work all along, the Ford administration now doubled down on its efforts. The assassination report, 247 pages long, was incredibly nuanced and highly embarrassing to the US government. It suggested that the first democratically elected leader of the Democratic Republic of the Congo (DRC), Patrice Lumumba, had been perceived by the US government as a serious political threat.³¹ His removal was deemed to be an "urgent and prime objective."³² To that end, in the fall of 1960, two CIA agents were clearly instructed to assassinate Lumumba. In order to carry out the mission, the agency had turned to a well-known chemist. Under the code name "Joe from Paris," the chemist prepared a poison that was supposed to be put in the victim's toothpaste.³³ In later stages, the situation unfolded in a way that did not require the CIA to complete the plan. Lumumba had gained other enemies, and in the end was shot dead on January 17, 1961 by Congolese rivals with direct assistance from the Belgian government. Nonetheless, the Church Committee established that the CIA was fully prepared to kill the legitimate leader of Congo.

In the second examined case, the committee had found "concrete evidence" of at least eight plots involving the CIA to kill Cuban leader Fidel Castro between 1960 and 1965.³⁴ Cuba, located just 90 miles from US shores and led by the revolutionary Castro, infuriated lawmakers in Washington. Over the years, in its plans to kill Fidel, the CIA had reached out to foreign citizens with a criminal background, mafia-type personalities as well as Cubans hostile to Castro's government. While some of the assassination schemes, such as the exploding seashell and diving suit contamination, were abandoned "at the laboratory stage," others advanced well beyond that, including dispatching teams to commit the act.³⁵ In the end, all attempts were unsuccessful. In the other three cases examined, the Church Committee found less direct authorizations for assassination, while still detecting Washington's fin-

²⁸ Johnson, *A Season*, 28.

²⁹ Frederick Schwarz, *Democracy in the Dark: The Seduction of Government Secrecy* (London: The New Press, 2015), 273.

³⁰ "Neither a Vendetta Nor a Whitewash." Speech by Senator Frank Church. Proceedings and Debates of the 94th Congress, First Session, 27 February, 1975, The National Press Club.

³¹ "Alleged Assassination," 25.

³² *Ibid.*, 13.

³³ *Ibid.*, 25.

³⁴ *Ibid.*, 71.

³⁵ *Ibid.*, 71.

gerprints in attempts to kill political leaders in the Dominican Republic, Chile, and Vietnam.

Realizing how detailed, shocking, and embarrassing the assassination report was, President Ford insisted on limiting its availability only to the Senate and House Select Committees. The administration suggested ironing out past mistakes quietly, behind closed doors. In a major address, first after reading the assassination report, President Ford applauded the committee's efforts and described the produced document as "fair, frank and balanced." While expressing his total opposition to assassinations, the president nonetheless urged the committee not to make the report public due to the "extremely sensitive matters" it contained.³⁶ In Ford's view, it was enough that he had instructed intelligence agencies that "under no circumstances should any agency in government participate, in or plan for any assassination of a foreign leader."³⁷ This clearly did not please the Church Committee, which all along had counted on public release of the report. Chairman Frank Church dismissed the claims that exposure of the CIA's past mistakes served no useful purpose. "I don't accept that thesis. We need to know what went on and the degree to which assassination was an instrument of foreign policy," Church insisted.³⁸

The confrontation between both sides reached its peak at the end of November 1975. Fearing that the committee might strike on its own and publish the report, President Ford sent a "strongly worded" letter urging members of the Select Committee not to make it public.³⁹ At this point, Chairman Church responded with an equally bold move: an ultimatum threatening to resign unless the report was published. Consequently, a compromise was reached between the two. The report would be sent to the Senate, which would then decide what to do with it: keep it classified or make it public. After several hours of intense discussion, the Senate was unwilling to take a clear stand. It refused to block the document's release, but at the same time it did not approve of publication of the material.⁴⁰ Instead, it sent the report back to the Church Committee, suggesting that its own internal decision would also be the final one. With all eleven members of the committee voting in favor, the assassination report finally became available to the wider public. In the end, the committee had prevailed and managed to fully present its findings, laying the necessary groundwork for a formal assassination ban.

In short, the presented analysis demonstrates that the path to the assassination ban was long, torturous, and full of obstacles. Along every step of the way, the committee faced stiff bureaucratic resistance, as it was engaged in a power struggle with the Ford administration over what secretive intelligence materials would come to light. Intelligence agencies had to be systematically pushed to cooperate, and roles of individual committee members were crucial in forcing the topic of assassinations into the open. There was nothing inevitable about the final outcome. Different end results were not only possible, but at times even appeared more likely. The inquiry, for example, could have concluded with a report that was available exclusively to the Senate Select Committees, but not the general public. Alternatively, the final document could have been crafted as a "watered-down" version, describing events in fuzzy generic terms, which was something that the Ford administration had hoped for. Instead, what the Church Committee managed to achieve was a 247-page report exposing the secret conversations of political elites in a highly detailed manner.

The final report was not merely an informative piece. For the Church Committee, it served as a vehicle through which it made its case to introduce a formal assassination ban. The unsanitized language in which the report was produced was no coincidence. The document was purposefully crafted in a way to shock the public about government abuses and build momentum for change. The report had, for example, revealed that in Congo, the agency had prepared toxic biological materials to assassinate Patrice Lumumba. One station officer's testimony revealed that he had received "rubber gloves, a mask, and a syringe along with lethal biological material ... to be injected into some substance that Lumumba would ingest."⁴¹ In the case of Fidel Castro, the agency had explored the following

³⁶ Ford, *Public Papers*.

³⁷ Press Conference no. 23 of the President of the United States, November 26, 1975. Gerald R. Ford Presidential Library.

³⁸ "Texts on Alleged U.S. Assassination Plots," *The New York Times*, November 21, 1975.

³⁹ Nicholas M. Horrock, "Ford Acts To Bar Death Plot Data," *The New York Times*, November 3, 1975.

⁴⁰ Olmsted, *Challenging the Secret Government*, 106.

⁴¹ "Alleged Assassination," 19.

devices to kill the Cuban leader: a "contaminated diving suit, exploding seashell, poison pills, poison pens, deadly bacterial powders, and other devices which strain the imagination."⁴²

The Church Committee had accumulated a massive amount of data comprising over 8,000 pages of testimonies taken from over seventy-five witnesses, including individuals at the highest echelons of power.⁴³ Investigators managed to get their hands on virtually all White House authorizations for foreign intelligence activities and, consequently, were able to present a complete anatomy of US assassination plots abroad.⁴⁴ In reaction to the report, on February 18, 1976 President Ford issued Executive Order 11905, which stated: "No employee of the United States Government shall engage in, or conspire to engage in, political assassination."⁴⁵

4 Committee Findings and Recommendations

Drawing on the investigative work of the Church Committee, what were the main lessons learned regarding assassination plots initiated by the US government abroad? What exactly led the United States to such policy extremes? The committee established a number of similarities and common patterns in plans to assassinate foreign leaders that took place under the watch of both Republican and Democrat administrations. First, it is crucial to recognize that all US assassinations had been planned and evolved in the context of the Cold War and slowly deteriorating Soviet-American relations. The very first sentence of the Church report makes a note of this fact: "The events discussed in this report must be viewed in the context of United States policy and actions designed to counter the threat of spreading Communism."⁴⁶

At the time, policymakers viewed the CIA as a "primary means of defense against Communism," and covert operations were considered a key element in the pursuit of US strategic policy objectives. Fear of Soviet expansion was the unifying element in Washington's desire to remove foreign heads of state from their office. In Congo, the newly elected Prime Minister Patrice Lumumba was seen as a "Castro or worse."⁴⁷ Lumumba's Soviet sympathies were reason enough to try to assassinate him. In the case of Cuba, an island located just 90 miles away from the US, Fidel Castro had basically granted Moscow access to the backyard of the United States, which resulted in relentless attempts against his life.

Those inside the US political establishment who had favored going after specific foreign leaders, justified their position on the grounds of profound national interest—a monolithic Communist threat. Later, when the same individuals testified before the Church Committee, they all agreed that assassination was "stupid, foolish, ridiculous, unworkable; worse than a crime" and the only justification they came up with was "the climate of the time."⁴⁸ The Church Committee was not blind to the political and ideological context within which assassination plots had been planned and authorized. Still, for investigators the threat posed by the Soviet Union only explained why the phenomenon had occurred, but in itself did not justify such extreme measures.

The Church Committee members argued that the Cold War, intense as it was, did not change the fact that assassination as a method was unacceptable for American-style democracy.⁴⁹ In a letter to one of his constituents, Frank Church wrote, "I believe the best method of countering them [Soviets] abroad is not to imitate their tactics of subversion and deceit but to provide an example of decency

⁴² Ibid., 71.

⁴³ Ibid., 2.

⁴⁴ Madden, "President Scans C.I.A."

⁴⁵ President Gerald R. Ford's Executive Order 11905: United States Foreign Intelligence Activities, 8, February 23, 1976, The Weekly Compilation of Presidential Documents.

⁴⁶ "Alleged Assassination," 20.

⁴⁷ Ibid., 220.

⁴⁸ Ibid., 20.

⁴⁹ Ibid., 258.

and honesty for other countries to emulate."⁵⁰ The Church Committee was convinced that means were as important as ends, and that the United States should not attempt to justify its actions by the same standards as totalitarian states; instead its standards as a liberal democracy had to be higher.

While acknowledging that the revealed facts about US government assassination plots were "sad," Congressional investigators equally believed that the country had the strength to hear the story, learn from it, and follow through with necessary policy adjustments.⁵¹ "Despite temporary injury to our national reputation, the Committee believes that foreign peoples will, upon sober reflection, respect the United States more for keeping faith with its democratic ideal than they will condemn us for the misconduct revealed," the final report noted.⁵² As such, the introduction and formalization of the domestic assassination ban served as an expression of the US democratic character and its willingness to be associated with liberal democracy. The ban was a value orientation, containing information about US government's intentions and future behavior in the international realm.

Another commonality among the plots was that they all had involved relatively weak countries: Congo, Cuba, the Dominican Republic, Chile, and South Vietnam, none of which were in a position to seriously challenge or threaten the United States. In the case of Congo, for example, the newly elected president had "neither committed any crime nor even voiced any threat against the US."⁵³ He had merely reached out to the Soviet Union for assistance, flirting with the idea of establishing closer ties with Moscow. Retrospectively, his ties to and willingness to work with Moscow were called into serious question. CIA Director Allen Dulles later admitted, "I think we overrated the Soviet danger, let's say, in the Congo."⁵⁴

Similarly, US plans to kill Fidel Castro appear to have evolved primarily from political and ideological considerations, not imminent security threats to US citizens. While the report did make note that, out of all examined cases, Castro posed a real national security threat to the United States during the period of the Cuban missile crisis, it equally recalled that attempts to assassinate him "had begun long before that crisis."⁵⁵ The Church Committee did not rule out that, in exceptional circumstances, the nation could end up relying on certain covert operations, but it also added that such steps should be undertaken only when national security truly called for it and when overt means no longer sufficed.⁵⁶ The situations and circumstances in which the US government had gone after foreign leaders clearly did not meet such an imminent security threat threshold.

Another key takeaway from the Church investigation was that, as a practical matter, assassination carried many risks. The final Church Committee report pointed out that, apart from moral and ethical considerations, there were also some "practical reasons" why the United States should never engage in such activities.⁵⁷ Review of government cables and documents attests that, even for a superpower like the United States, the assassination of foreign individuals was difficult to pull off. Substantial technical expertise and financial means did not automatically lead to successful outcomes. Countless failed attempts against Fidel Castro's life serve as the best testimony to this.

Declassified CIA file titled "A Study of Assassination," intended for internal CIA field-agent reading, listed diverse tools for the successful execution of assassinations. "A hammer, axe, wrench, screw driver, fire poker, kitchen knife, lamp stand, or anything hard, heavy and handy will suffice. A length of rope or wire or a belt will do if the assassin is strong and agile. All such improvised weapons have the important advantage of availability and apparent innocence," the document advised.⁵⁸ In reality,

⁵⁰ Russell A. Miller, *US National Security, Intelligence and Democracy: From the Church Committee to the War on Terror* (London: Routledge, 2008), 83.

⁵¹ Schwarz, *Democracy in the Dark*, 9.

⁵² "Alleged Assassination," 2.

⁵³ Avery Plaw, *Targeting Terrorists A License to Kill?* (London: Routledge, 2008), 99.

⁵⁴ Stephen R. Weissman, "An Extraordinary Rendition," *Intelligence and National Security*, Vol. 25, No.2: 202.

⁵⁵ Senate Reports, "Alleged Assassination," 258.

⁵⁶ *Ibid.*, 160.

⁵⁷ *Ibid.*, 258.

⁵⁸ "A Study of Assassination": CIA unclassified file, 1953, The National Security Archive.

no matter how well planned, US government plots had all failed. CIA Director William Colby later admitted that assassination plans had led to "absolutely uncontrolled and unforeseeable results, usually worse results than by continuing to suffer the problem that you are facing."⁵⁹ Colby elaborated on some of the lessons learned: "You think you can solve something by eliminating a guy—it's playing God. You have no idea who is going to succeed him, you have no idea what the repercussions will be, or, the worst, you getting caught doing it."⁶⁰

What made such attempts even more complicated was the fact that the US clearly wanted to keep its hand hidden. Killing a foreign official was one thing, while making it look like an accident was substantially more demanding task. "I mean you couldn't invite [the victim] to a cocktail party and give him a drink and have him die a short time later," explained one CIA agent who had worked for the agency in the 1970s.⁶¹ Moreover, officials were concerned that if information about foreign plots became a public knowledge, this would invite "reciprocal action from foreign governments."⁶² American officials could then become prime targets themselves. As Walter Mondale, a member of the Church Committee, explained, "When we pursue a strategy of assassinating foreign leaders, I think we ought to concern ourselves with the possibility that foreign leaders might decide that if we are going to play such a game against them they can play it against us."⁶³

The investigation further revealed that assassination plots had flourished in an atmosphere of "plausible denial." In every single administration there was a failure of control by all of the presidents. It was unclear where exactly the power resided in terms of ordering covert intelligence activities. During the testimony, when CIA witnesses were questioned, their answers usually involved one of the following phrases "could," "would," "probably," "assume," "might," "have a feeling."⁶⁴ The committee concluded that many of the abuses were a result of lack of reasonable accountability requirements. Agencies were not accountable to the White House, and there was a great deal of inertia in terms of intelligence oversight. Covert activities were never cross-examined outside agency walls. While the committee provided an impressively thorough report on assassination plots, it equally failed to establish individual responsibility. Pinning down responsibility for covert action, Mondale complained, was "like nailing jello to a wall."⁶⁵ The committee concluded that accountability measures and procedural barriers were inadequate for covert action, and that they needed to be visibly strengthened.⁶⁶

5 Conclusions

Widespread suspicion about government institutions in the 1970s created an unusual window of opportunity for a major Congressional investigation. But even big opportunities by themselves do not automatically lead to changes in rules and practices. A long and fierce tug-of-war played out between those who believed it was not in the nation's best interest to bring out a reputation damaging the CIA's secrets and those who advocated full disclosure of facts, even at the expense of embarrassment and international condemnation. The final outcome here, above all, hinged on the ability and willingness of the individual investigators of the Church Committee to mobilize support, shame the Ford administration, and coerce the government to reveal facts about its clandestine operations abroad. After presenting the final document, a substantial body of evidence, the Church Committee laid the

⁵⁹ "Colby Says He Rejected All Suggestions for C.I.A. Assassinations," *The New York Times*, September 15, 1975.

⁶⁰ CIA, "Oral History".

⁶¹ Democracy Now, "Flashback: A Look Back at the Church Committee's Investigation into CIA, FBI Misuse of Power," April 24, 2009, https://www.democracynow.org/2009/4/24/flashback_a_look_back_at_the.

⁶² Senate Reports, "Alleged Assassination," 282.

⁶³ Congressional Record, Mondale, Walter F. – RNC Quotebook, 1975, The Ron Nessen Papers, Gerald R. Ford Presidential Library.

⁶⁴ Loch K. Johnson, "CIA Needs Vigilant Oversight, but It Won't Always Work," *The Washington Post*, August 28, 2009.

⁶⁵ Andrew D. Crain, *The Ford Presidency: A History* (New York: McFarland, 2009), 121.

⁶⁶ "Alleged Assassination," 160.

groundwork for the domestic assassination ban, later formalized in President Gerald Ford's Executive Order 11905.

More than four decades have now passed since the infamous Church inquiry. Following it, the US government for considerable time (1975–2001) steered its foreign policy without using the instrument of singled-out killings.⁶⁷ Before 2001, there even was considerable reluctance within the US national security bureaucracy to go after individual terrorism suspects.⁶⁸ Attacks on 9/11, however, ushered in a new understanding about the reach of international terrorism, with an unparalleled impact on the external behavior of the US. In the wake of the national security emergency, in order to operate effectively and with less restraint, the government untied its own hands, and reintroduced lethal authority in order to go after singled-out individuals, in some ways resembling the times of the prior to the Church Committee.

The introduction of Predator drones markedly increased the success rate of targeted killing operations, which historically carried immense risks and practical complications. With time, as the technology of unmanned aerial vehicles advanced, targeted killing numbers surged to historical levels. What is equally significant is the fact that, for the most part, the US government kept the lethal program in the shadows and refused to release information regarding how and by what standards individuals could end up on a kill-list, the location of strikes, or estimated civilian casualties. Using the CIA as an instrument for flying drones, both the Bush and Obama administration kept important details of such missions away from the public domain.

While the targeted persons are no longer Soviet-leaning world leaders but suspected terrorists, and poison has been replaced with sleek unmanned aircraft, the original concerns of the Church Committee remain relevant today. The historical investigation offers a dire warning to those who intend to operate without the input of the public and routinely use lethal power, while ignoring checks and balances. History shows that by bypassing traditional democratic processes and rolling back restraints in the face of its enemies, the US government can easily slide into controversial foreign involvements and unacceptable acts. Even in the era of flying drones, "Church lessons" remain salient and worthy of study.

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⁶⁷ Arguably in two instances, Ronald Reagan purposefully targeting Libya's Muammar Gaddafi and Bill Clinton launching cruise missiles directed at Osama Bin Laden, the US crossed the Rubicon and violated the assassination ban.

⁶⁸ Perhaps this stigma associated with targeting of singled-out individuals most visibly manifested in the harsh condemnation of Israeli targeted killings. Just two months before 9/11 attacks, Secretary of State Colin Powell stated that the United States is clearly on the record as being against such operations. Herb Keiron, Janine Zacharia, and Lamia Lahoud, "UN, US: Stop Targeted Killings," *Jerusalem Post*, July 6, 2001.

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