

Remote killing? Remoteness, covertness, and the US government's involvement in assassination

Abstract: The recent assassinations of General Soleimani and Mohsen Fakhrizadeh have renewed debates surrounding governments' use of assassination. Some commentators have interpreted these episodes as an escalation in practices of 'remote warfare.' Recently, the literature on remote warfare has expanded to include multiple activities at – and below – the threshold of war. From its focus on geographical distance, 'remoteness' now encompasses the 'political' distance of deployments of force. 'Remoteness' has blurred the line separating the methods used to deploy force and the ways – overt or covert - in which they are deployed. Having highlighted the role of covertness, this article establishes that assassination should be included in the 'remote warfare' canon. A study of the US government's involvement in assassination permits us to elucidate the interplay between remoteness and covertness. The article shows that a deeper engagement with the assassination as a tool of US foreign policy provides two main advantages. First, it permits us to better historicise the 'opacity' and 'political distance' of practices associated with 'remote warfare.' Second, it helps unveil the origins of the legal, political, and technological infrastructures that currently sustain much of the US government's global 'remote wars.'

Keywords: remote warfare, covert action, assassination, US foreign policy, drones

Introduction

On the 3rd of January 2020, a drone strike – ordered by former US President Donald Trump – killed General Qassem Soleimani, head of Iran's Islamic Revolutionary Guard. The assassination and its public acknowledgement represented a dangerous escalation in the US government's targeted killing programme; a drone strike was used to target a state official (Callamard 2020). On the 27th of November 2020, the Israeli Mossad killed Iranian nuclear scientist Mohsen Fakhrizadeh. The assassination was carried out through the deployment of an A.I. assisted machine gun. The shooter was at a distance, peering into a computer from 1000 miles away (Bergman and Farnaz Fassihi 2021). With no operative on the ground, the operation was also completely deniable (Bergman 2021). These strikes showcase governments' interest in targeting enemies in a manner that is remote and deniable, often deploying superior technology. As one observer wrote, Soleimani's assassination represented an 'example of how remote warfare has been used to avoid direct confrontation' (McKay 2021a: 238), the same applies – with perhaps even more poignancy - to Fakhrizadeh's.

In recent years, under labels like 'proxy warfare' (Mumford 2013; Moghadam and Wiss 2020; Rauta 2018, 2021), 'surrogate warfare' (Krieg and Rickli 2018), 'vicarious warfare' (Waldman 2019), and 'liquid warfare' (Demmers & Gould 2018) scholars and commentators have analysed the ways in which mostly – but not solely (Stoddard and Toltica 2021) - Western governments have deployed violence to confront contemporary security challenges avoiding more direct military confrontations with enemy forces. As the introduction to this Special Issue makes clear (Biegon, Rauta and Watts 2021), a body of literature has emerged specifically around 'remote warfare.' While initially focusing on 'remoteness' as the distance between combatants (e.g. drone pilot and target) created by new technologies (Gusterson 2016), this

literature has expanded. Scholars and commentators have increasingly analysed other practices such as the deployment of Private Military Corporations (hereinafter PMCs), the use of proxies, and the provision of military and security training to regional allies (Knowles and Matisek 2019) that permit governments to deploy force at a distance, while avoiding the reputational, financial, human, and political costs generally associated with war (Watson and McKay 2021). In this latter area, scholarship on remote warfare has flourished looking at the multiplicity of actors involved (Watts and Biegon 2019), at the ethical and financial implication (Riemann and Rossi 2020), at the domestic constraints (or lack thereof) surrounding the deployment of ‘remote force’ (Demmers and Gould 2020), at the strategic purpose of remoteness (Biegon and Watts 2020), and at the legitimacy of the technology deployed (McDonald 2021). The meaning of ‘remoteness’ has expanded to include the geographical, physical, and political distance between the initiating state and the sites and targets of violence (Biegon and Watts 2020). In this expansion, and particularly, with the inclusion of ‘political distance,’ ‘remote warfare’ raises issues connected not so much with the methods governments select to deploy force, but with the ways in which this force is deployed. Methods of remote warfare can be deployed in a more overt or in a more covert manner.

Having clarified this point and established a more explicit connection with scholarship on covert action, the article calls for a deeper engagement with the history of the US government’s involvement in assassination. ‘Remote warfare’ scholarship has often focused on the use of drones and other methods for targeted killing operations (Demmers and Gould 2021; Gibson 2021). With few exceptions, however, this literature has given less attention to governments’ use of assassination as an instrument of foreign policy. At face value, this appears entirely justifiable. Assassinations, especially in peacetime, after all are not ‘war.’ Such an understanding, however, omits important elements. First, assassinations are used to achieve

political and strategic objectives not dissimilar from those pursued using more traditional forms of warfare. Historically, for example, assassination has often been a component – albeit an ineffective one (O’Rourke 2018) – of broader regime change operations.¹ Today, assassinations and targeted killing beyond recognised battlefields permit governments to pursue foreign policy objectives and deploy violence in the absence of direct confrontation and beyond the reach of public and parliamentary scrutiny (Calhoun 2016). Assassination is a significant form of political violence (Kalyvas 2019) that speaks to issues central to ‘remote warfare’ scholarship.

A study of assassination elucidates the interplay between the methods chosen to deploy violence (more or less remote) and the ways in which they are deployed (more or less covert). It shows how the US government has long deployed methods currently associated with remote warfare. The use of contractors, local allies, proxies, and other methods currently associated with ‘remote warfare’ featured prominently in the targeting of Cold War enemies and re-emerged in the context of counterterrorism and regime change throughout the 1980s and 1990s. The establishment of a ban on assassination in the 1970s, also compelled the US government to develop a new legal infrastructure for the targeting of enemies beyond the reach of the ban. Starting in the 1980s, the development of new legal rationales allowed the US government to deploy more overt violence (often justified in terms of self-defence), below the threshold of war, outside declared battlefields, and with little or no Congressional involvement. Technological advancements also facilitated the ‘legal’ targeting of enemies remotely, at a distance, initially through aerial bombing and missile strikes and, more recently, via drones. A deeper engagement with the history of US involvement in assassination not only contributes to

¹ At times, assassination attempts have been considered tantamount to ‘armed attack’ and, hence, sufficient to justify a use of force in self defence against the initiating state. This was the case for the US government’s 1993 missile strikes against Iraq defended as an act of self-defence against the alleged Iraqi assassination attempt against former President George H. W. Bush (see among others O’Connell 2018).

a better understanding of the ‘opacity’ of practices associated with ‘remote warfare’ (McKay 2021b: 2) but it also permits us to better historicise these practices.

The article develops in three main parts. The first section explores recent literature on remote warfare and suggests that the stretching of ‘remoteness’ has undermined its initial conceptual clarity. The analysis suggests that the ‘political distance’ (Biegon and Watts 2020) and ‘opacity’ (McKay 2021b: 2) of remote warfare also depends how methods or modalities of warfare are deployed. This section also justifies the inclusion of assassination among the relevant practices of ‘remote warfare.’ In the second part, the article explores the evolution of US policy and debates surrounding assassination. It assesses the interplay between the remote methods deployed and the US government’s ability and willingness to maintain covertness. Finally, the third part explores the emergence - starting in the 1980s - of the legal and political precedents that – today – permit the global deployment of violence at a distance.

From geographical to political distance: remote-control, remoteness, and covertness

As Jens Ohlin (2019, 18) argued, ‘the production of asymmetrical risk...has been the goal of weapon design ever since the abandonment of the club as an instrument of blunt-force killing.’ From the early 1990s, scholars and commentators explored the asymmetries in (Western) deployments of force and their consequences.² Jean Baudrillard provocatively described the Gulf War as a ‘non-war,’ one in which the enemy featured only as helpless target (Merrin 2019: 28). Discussing NATO’s campaigns in Kosovo and in Afghanistan, Martin Shaw (2003) suggested that we had entered a new era of ‘risk-transfer’ militarism. The risks that traditionally (or so the argument went) had been equally divided among combatants, had now been

² For an exhaustive and detailed overview of this scholarship see Merrin (2009).

transferred onto the civilian populations. This new warfare also included the careful management of the media environment to provide domestic audiences with a ‘palatably repackaged’ view of war (Merrin 2019: 2), while at the same time shielding them from its violent and brutal character (Shaw 2003). Similarly, Michael Ignatieff lamented the ‘virtual’ character of war. Virtual both in the sense that technological superiority and the Revolution in Military Affairs made it virtually riskless for one side, but also because populations of Western governments had simply become spectators. War no longer required the physical, human involvement,³ the costs, or the ‘moral attention’ that it had required in previous centuries (Ignatieff 2000: 184). This, Ignatieff warned could have negative consequences for democratic scrutiny. Especially if justified in the comfortable language of human rights, there was no incentive for wars to end (Ignatieff 2000).

In the wars of the 1990s and early 2000s, however, while low, the risk to pilots was not non-existent. The situation changed with drones. Drone pilots were not only physically distant from the battlefield, but they were also completely removed from it. Even more than in the past, war had - for one side’s combatants - become risk-less (Henriksen and Ringsmose 2015). The battlefield expanded to become global (Gregory 2011) and within this battlefield, relationships of distance and intimacy between combatants was remade (Williams 2015). Scholars noted the mental strain imposed by drone warfare on pilots (Lee 2018), and yet, pilots and sensor operators were not exposed to the physical risks associated with war. From asymmetrical, as Chamayou noted (2015: 13) war had become ‘unilateral.’

Starting from the disruptive features introduced by drones, recent literature has focused on the interconnection between a government’s use of violence and its management of risks

³ See also (Coker 2004).

associated with war. Part of this scholarship has understood 'remoteness' narrowly as the distance provided by technological asymmetries. In this 'remote control warfare' scholarship, 'remoteness' is understood as distance between combatants and/or warring parties. Technology permits the use of force at a distance which, in turn, enhances the safety of one side's combatants. Scholars in this area have focused on a diverse set of technologies including drones, cyber-weapons, and Artificial Intelligence (Gusterson 2016; Ohlin 2019; Crawford 2015; Adelman and Kieran 2020).

Most work on 'remote warfare,' however, has recognised that these technologies play only a part in (Western) governments' uses of force. In an early work, Paul Rogers (2013) noted the increase in the deployment of special forces, private military corporations, and remote technologies instead of large forces. Similarly, Knowles and Watson (2018: 2) wrote that 'remote warfare' entailed approaches to violence that did not require large deployments of troops. In a recent edited volume, the authors identified five main practices of remote warfare: 'supporting local security forces' for example providing training, equipment or both; the use of Special Operation Forces; the use of private military and security contractors; air strikes and air support, including the use of drones; and intelligence sharing with local partners (Watson and McKay 2021: 8). This understanding better reflects governments' contemporary security practices and priorities. In this broader understanding, 'warfare' has come to encompass a spectrum of activities at (and often below) the threshold of war.

The meaning of remoteness has similarly expanded (Biegon et. al. 2021, Rauta 2021). Scholars agree that the 'remoteness' of 'remote warfare' includes but is not limited to the distance guaranteed by the deployment of superior technology (Knowles and Watson 2018). We can

identify three main understandings of remoteness.⁴ First, remoteness is understood as geographical distance. Violence is generally deployed by (Western) governments globally, and often ‘over there,’ in remote areas (Riemann and Rossi 2021a; Biegon and Watts 2020). Second, remoteness also covers the distance between the forces of the intervening country and the fighting on the ground. As Watson and McKay write (2021: 7), forces of Western governments are at least ‘one step removed from the frontline fighting.’ This is achieved through the deployment of superior technology and through the reliance on local actors and proxies. These latter methods introduce further degrees of separation and, hence, distance between the sponsoring country and those directly engaged in violence (Riemann and Rossi 2021b). As expected by the proxy warfare and surrogate warfare literatures, these added layers increase the complexity of operations introducing issues related to patron-client relations, such as miscommunication and divergence over strategies and interests (Mumford 2013, Krieg and Rickli 2018, Waldman 2019; Rauta 2020a, 2020b).

Third, distance becomes ‘political.’ This understanding seemingly captures interconnected aspects of recent deployments of force. It captures the ‘light footprint’ character of remote modalities and the distancing of (Western) citizens from the costs and realities of war. The deployment of forces ‘over there’ and the use of indirect ‘modalities’ permit Western governments to act ‘remotely’ from their own citizens and societies. It permits policymakers to deploy violence and achieve their strategic objectives without paying the financial and political costs traditionally associated with war and the deployment of force (e.g. financial costs, human lives, political opposition) (Biegon and Watts 2020). Finally, the ‘political distance’ of remoteness also permits policymakers to increasingly deploy force beyond the

⁴ Riemann and Rossi (2021a) have also suggested that ‘remoteness’ has temporal connotations (that is, the targets of violence are considered ‘remote’ or primitive).

reach of public and parliamentary scrutiny. As McKay confirmed, recent practices of remote warfare are characterised by ‘opacity.’ They tend to develop beyond the reach of public and parliamentary scrutiny (McKay 2021b: 2).

This scholarship correctly identifies how certain forms of ‘remote warfare’ or certain ‘modalities’ enable violence both ‘on the cheap’ – reducing the financial burdens of war - and in a manner that is politically convenient for the governments deploying them (McKay 2021a). In stretching remoteness to include ‘political distance’ and in stressing the ‘opacity’ of these deployments of violence, however, scholars of remote warfare blur the lines between the methods chosen to deploy force and the ways in which they are deployed.

Scholars of ‘remote warfare’ touch upon policymakers’ concerns that are well understood within scholarship on covertness and covert action. In an argument not too dissimilar from the ‘opacity’ argument made by McKay, scholars of covert action have long identified how the covert deployment of force permits policymakers to act in a deniable fashion, one that – if successful – circumvents public and parliamentary scrutiny (Treverton 1987; Johnson 1989). Like today’s light footprint approach, covert operations have facilitated the pursuit of political and strategic objectives in a cost-effective manner; one that could save both lives and treasure (Kinzer 2013). They were often used to substitute for larger and more conventional deployments of force, enhancing speed and efficiency (Daugherty 2004).

Furthermore, scholars have explored the advantages of covertness. These include the possibility of signalling commitment to the adversary while controlling escalation and managing domestic constituencies (Carson 2018), as well as overcoming international legal constraints (Poznansky 2019) and domestic norms (O’Rourke 2018). As for remoteness,

scholars have shown how ‘covert’ is a matter of degrees. Even covert operations such as the coup in Guatemala and the Bay of Pigs invasion taking place in the so-called ‘golden age’ of the CIA were often – at best – semi-covert and served both strategic and domestic political purposes (Callanan 2010). As Aldrich and Cormac (2018) write, governments and policymakers manipulate covertness and overtness, secrecy and acknowledgement to achieve their strategic objectives, as well as to shield themselves from the political consequences of their actions or take credit for their successes.

This emphasis on covertness does not represent a call to ditch scholarship on ‘remote warfare.’ Instead, it suggests that the ‘political distance’ and ‘opacity’ of remote warfare is not (solely) a function of the methods selected. Some of these methods are designed to be ‘cheaper’ and to deflect political (public and Congressional) attention but policymakers can still decide whether to deploy them overtly or covertly. The five forms of remote warfare identified by Watson and McKay can be deployed in both covert and overt manners, and this decision influences policymakers’ ability to keep them at a ‘political distance.’ This distance is more a consequence of the interplay between the methods selected and the way in which they are deployed.

Remoteness, covertness, and assassination

While not ‘war’ in a traditional sense, like other practices of remote warfare, state-sponsored assassinations can be understood as ‘grey zone’ activities with the aim of achieving strategic and political objectives while operating below the threshold of war (McKay 2021a: 237; Watson and McKay 2021: 11). Historically, they have been used by small and great powers, states and non-state actors to achieve strategic and political objectives not dissimilar from those achieved through other methods of war and political violence. They have been adopted as

stand-alone options and elements of broader policies such as insurgencies, counterinsurgencies, and regime change (O'Rourke 2018). Today, they play a prominent role in the landscape of political violence (Kalyvas 2019). They also represent an instrument of great power competitions with countries like Russia deploying state-sponsored assassination as a 'cheap' form of confrontation (McKay 2021a).

This article focuses on the US government's involvement in the assassination of foreign leaders and officials⁵ from the Cold War to the present day. This choice has two main justifications. First, the availability of archival material and secondary sources permits a fine-grained historical account of how the US intervened and used assassination to achieve its objectives. Starting in the early Cold War, the US has relied on a plethora of (more or less) remote methods in the pursuit of assassination policies. At times, US officials were directly involved in the transfer of weapons and poisons. More often, however, the US interposed third parties in the conduct of these operations, relying on private contractors, local proxies, and the intelligence services of regional allies. As the account will show, US policymakers understood that the reliance on third parties could better shield them politically and morally from such a controversial option. As Jamieson and McEvoy put it (2005, 504), the reliance on third parties permitted policymakers to 'put distance between themselves and those actors responsible for conducting illegal activities on their behalf,' thus 'othering' these controversial activities from its body politic, image, and self-image. Beyond the methods picked, though, policymakers worked to maintain the covertness of these operations. Such covertness often had linguistic components. Euphemisms, circumlocutory language, innuendos, and ambiguous instructions abound in the historical record of decision-making in this area (US Senate 1975). Language

⁵ According to the definition provided by the Church Committee, a 'foreign official' can be understood as not only an official of a foreign government but also to an official belonging to an insurgent force, an unrecognized government, or a political party (US Senate 1975: 283).

helped the US government in shielding its overall responsibility - what Poznansky calls 'state' deniability - and in denying the President's knowledge of such activities, what Poznansky calls 'executive' deniability (Poznansky 2020).

With the establishment of a ban on assassination in the 1970s, the use of remote methods and their covertness permitted policymakers to pursue their policies while – seemingly – respecting the constraints imposed by the ban. The US argued that for a violation of the ban to occur, a clear and explicit demonstration of the government's intent to assassinate was required. Based on this argument, it could support local groups and coups turning a blind eye to or being fully aware and supportive of these groups' aim to assassinate the foreign official involved, as long as no explicit demonstrations of intent emerged. This argument permitted a more extensive covert deployment of remote methods. It also introduced a new form of deniability. The US government was not denying its overall involvement in the operations, nor – in most cases – the President's knowledge of such involvement. It was instead denying the purpose of these operations; denying that they amounted to assassination attempts. In this understanding, 'deniability' conformed to Stanley Cohen's (2001) 'interpretive denial' in which actors admit to certain facts but give them a different interpretation. Like other forms of deniability (Poznansky 2020), this targeted a specific audience: the US public and Congressional oversight committees. A focus on the US government's involvement in (and debates surrounding) assassination permits to showcase not only the interplay between remoteness and covertness, but also policymakers' awareness and exploitation of such interplay.

The second justification for a focus on the United States has to do with the prominence of its targeted killing programme in current practices of remote warfare. As Biegon and Watts have argued (2020), while the conduct of remote warfare is not limited to the United States or to

Western governments, the US plays a major role in this field. The importance of the US in the context of remote warfare is linked to the sheer number, scale, and global reach of its operations (Biegon and Watts 2020). But the US government has also played a prominent role in the setting of historical, political, and legal precedents for the conduct of such global operations below the threshold of ‘war’ (Schmidt and Trenta 2018). In this context, a focus on the policies and debates surrounding assassination enriches the current available account. Engaging with the history of assassination answers recent calls for better contextualising drone warfare and remote warfare ‘within the larger history of American militarization and warfare in general’ (Adelman and Kieran 2020: 7). It helps unveil the origins of the legal, political, and technological infrastructures that currently sustain much of the US government’s global remote ‘wars.’

Poisons, coups, and bombs: degrees of remoteness and covert assassinations

Assassination has long played a prominent role in US foreign policy.⁶ In the early Cold War, the least remote efforts witnessed the direct involvement of US officials and a shared understanding between US officials and operatives on the ground that assassination was the aim of the operation, at times based on explicit discussions. In other cases, the US relied on more remote methods interposing third parties between its forces and the targets of the operations, for example supporting and financing contractors and small groups of dissidents. With different degrees of remoteness, these operations were generally covert, occurring as they did with little to no public and Congressional awareness. In particular, the use of third parties

⁶ While beyond the scope of this article, assassination and targeted killings historically played a prominent role in both insurgencies and counter-insurgency campaigns conducted or supported by the US. Assassination – as a method of counterinsurgency and repression - has also featured heavily in manuals used by the United States in its training of military and intelligence forces of allied and friendly governments (Calhoun 2016; McClintock 1992).

increased the opacity of these operations and blurred the lines of responsibility, increasing the 'political distance' of the US government. Perhaps the least remote of Cold War assassination attempt was the initial effort against Patrice Lumumba of Congo.

On the 19th of September 1960, CIA Director for Plans Richard Bissell sent a message to Larry Devlin, CIA Chief of Station in the Congo. The message asked Devlin to travel to the airport to welcome a man that would identify himself as 'Joe Braun from Paris' (US Senate 1975, 23). The CIA had decided to dispatch Sidney Gottlieb, the Agency's chief expert in poison. As the two met, it became clear that Gottlieb had travelled to the Congo with a pouch containing lethal poison that could be dissolved in either toothpaste or food. According to Gottlieb the operation had been authorised by 'highest authority,' which Devlin understood to refer to President Eisenhower (Devlin 2007, 95).

In terms of methods, the chief of station had a particularly prominent role. The Agency's headquarters worked with Devlin, explicitly debated options, and supplied personnel, poison, and weapons when requested. Starting in August, Headquarters had given Devlin latitude to engage in 'aggressive action.' Lumumba's removal, the cable stated, had to be a 'prime objective' and 'a high priority of our covert action' (CIA 1960). On the 28th of September, Devlin sent a telegram to headquarters detailing seven possibilities for the elimination of Lumumba. The first entailed infiltrating an agent within Lumumba's circle to poison the Congolese leader. Another option was the use of a hired killer who 'if price right might get show on the road' (US Government 2013a).

In later months, as the situation in the Congo grew more complex with Lumumba under house arrest, Langley agreed with Devlin that additional officers were needed in the field. Debates

within the CIA show that some officials understood the interplay between covertness, remoteness, and the 'othering' of particularly controversial practices. Bissell initially selected CIA official Justin O'Donnell (appearing in the Church Committee's Interim Report under the pseudonym Michael Mulroney), to travel to the Congo and orchestrate the assassination of Lumumba. O'Donnell refused. In his deposition to the Church Committee, O'Donnell clarified that he was more than happy to facilitate Lumumba's killing by his internal enemies; he was simply unwilling to be the one pulling the trigger (US Senate 1975, 39-40). And yet, the Agency demonstrated a willingness to both maintain tight control over the operation and to intervene directly if needed. The CIA sent to the Congo a contractor codenamed QJ/WIN. The Church Committee's report accepted the CIA's argument that QJ/WIN was only used for counter-espionage tasks (US Senate 1975). This, however, is contradicted by the CIA's Inspector General's report of 1967 (on assassination attempts against Castro) which confirms the contracting of QJ/WIN for the assassination of Lumumba (CIA 1967, 38). Lumumba was eventually killed by Congolese opposition after he had escaped his house arrest. The US government, however, was aware that the Belgian government had instigated and guided the operation (De Witte 2001). A triangulation of archival material, secondary sources, and interviews shows that the US played prominent role in facilitating the hunt for (and eventual capture of) Lumumba (US Government 2013b; Imbrey 2001; Hayes 2015, 176-178; US Senate 1975, 44).

While the initial involvement of Gottlieb makes this a particularly direct effort, the later involvement of contractors and reliance on local actors are closer to the US *modus operandi* in the realm of assassination. With the exception of the plots against Fidel Castro where US policy included direct involvement and contracts with the Mafia, the US government tended to adopt more remote methods. Between the 1960s and early 1970s, for example, the US government

was involved in three regime change operations (Dominican Republic, South Vietnam, and Chile) that included the assassination of a foreign official (O'Rourke 2018). In these instances, the US government and the CIA provided various degrees and types of support to local actors, from dissidents to disgruntled military officers. The covert conduct of these operations and the interposition of third parties – that is the use of more remote methods - provided the US further opportunities to distance itself from assassination; hiding its hand and its intent. Maintaining covertness and deniability in the deployment of these remote methods impinged on three main factors: the type of relationship established with the local actors (e.g. who initiated it?), the type of support provided (e.g. moral support, financial support, weapons), and the degree to which assassination represented an acknowledged and shared objective of this support.

The case of General Rene Schneider, Commander-in-Chief of the Chilean Armed Forces, for example, presents a sustained effort to distance the US government from assassination. The White House and National Security Advisor Henry Kissinger exercised strong pressure on the CIA to prevent Salvador Allende's elections and, after his electoral success, to prevent his confirmation by the Chilean Parliament. General Schneider was understood as a key obstacle and, more generally, the US correctly viewed most of the Chilean military as unwilling to breach constitutional protocol. For this reason, the US government established deniable contacts – through CIA's 'false flaggers' or 'illegal teams' (Kornbluh 2013: 15) - with relatively marginal, right-wing military figures including General Roberto Viaux (leader of a previous failed right-wing coup) and General Camilo Valenzuela. The US provided weapons and support to these groups with the full understanding that they were plotting the 'neutralization' of Schneider. He was killed during a failed kidnapping attempt.

After the killing, the Agency recognised that key US assets were involved. The Station, however, suggested that it was ‘unaware’ whether the assassination was ‘premeditated or whether it constituted bungled abduction attempt’ (US Senate 1975, 245). The Church Committee’s investigation acknowledged that all military plots involved the ‘removal of Schneider by one means or the other’ and that US officials had continued to support the coup plotters – including through the delivery of weapons – after it became clear that the first step would be the kidnapping of Schneider. The report however, found no ‘smoking gun’ and refused to blame the US government for Schneider’s assassination. Declassified documents contradict this view. Through military attaches in contact with Viaux and Valenzuela, the station in Santiago was fully aware that – even if the kidnapping had succeeded – the plan was to ‘disappear’ Schneider and blame such disappearance on leftist groups (Kornbluh 2013: 27). Furthermore, in the aftermath of the kidnapping and assassination, CIA Headquarters sent a telegram of congratulations to the station saying that a ‘maximum effort had been achieved’ and that the station had contributed to a situation that made a military solution (a coup) more likely (CIA 1970). As Thomas Powers (1979, 303) concluded: ‘if the CIA did not actually shoot General Schneider, it is probably fair to say that he would not have been shot without the CIA.’

Many of these plots were unveiled during the Congressional inquiries of the mid-1970s. Among the measures taken in the aftermath of those inquiries, the Ford Administration established Executive Order 11905. The order represented an effort to prevent more stringent Congressional legislations. It made largely cosmetic changes to the powers of the intelligence community and included a ban on assassination (Trenta 2018). The ban read: ‘No employee of the United States Government shall engage in, or conspire to engage in, political assassination’ (Ford 1976). The ban was reconfirmed with only minor changes by the Carter Administration

(Executive Order 12036) and by Reagan (Executive Order 12333). The Reagan order also added an additional clause 2.12 prohibiting agencies of the US intelligence community from participating in or requesting any person to undertake activities prohibited by the order (Reagan 1981). This clause seemingly precluded the US support for local allies and proxies that might engage in assassination.

This clause notwithstanding, covert assassination did not disappear from the US foreign policy arsenal. Starting in the Reagan years, led by its Director, William Casey, the CIA made a conscious effort to deploy remote methods covertly in the pursuit of assassination policies. The increased Congressional oversight of the 1980s pushed these activities further underground. A key example was the US effort to target the Lebanese Shia cleric Mohammed Hussein Fadlallah. The CIA had identified Fadlallah as one of the leaders responsible for ‘the continued growth of the radical Shia movement in Lebanon’ (CIA DOI 1985) and for a series of terrorist attacks against US forces (Winkler 2005, 73). Aiming to act covertly and avoid Congressional scrutiny, Casey relied on third parties and friendly intelligence services. The Saudi government helped finance the operation and the Lebanese secret services provided the recruits for a secret ‘hit team.’ Several US officials have confirmed that the CIA trained Lebanese teams to establish distance between the US government and the assassination and to provide further layers of covertness through the deniability of the operation (Cannistraro 2001; Oakley 2001). On the 8th of March 1985, one of the CIA-trained teams exploded a car bomb near a building complex supposedly hosting Fadlallah. The attack missed the Sheikh, killing 80 civilians instead (Woodward 1988).

The cases discussed, then, showcase how assassination occurred covertly and with different degrees of remoteness. They highlight how policymakers understood the interplay between

remoteness and covertness. From O'Donnell's refusal to be personally involved in the assassination of Lumumba to Casey's reliance on regional allies for his 'hit teams,' (more) remote methods strengthened the covertness and deniability of these operations. The three cases point to the different rationales for covert action identified by intelligence studies scholars. In the case of Lumumba, the covertness and remoteness of the US government's efforts certainly helped in preventing escalation and managing the Cold War confrontation (Carson 2018). In the case of Schneider, the reliance of covert action contributed to maintaining a façade of respect for regional treaties and international law (Poznansky 2019) as well as to avoid domestic political constraints. Finally, in the case of Fadlallah, as with current remote warfare, the further distancing of the US government's agencies from assassination also aimed at shielding domestic audiences (including Congress and the media) from state violence (Demmers and Gould 2020).

Towards remote assassination: Counterterrorism, targeted killing, and drones

The establishment of a ban on assassination in the 1970s did not completely halt the US government's involvement in the covert assassination of foreign officials. In the 1980s, for example, the Reagan Administration helped in the formation and training of the *National Front for the Salvation of Libya* (NFSL). The group aimed at overthrowing the Qaddafi regime (Woodward 1988). Disheartened by the group's lack of success, members of the National Security Council had started working on a more far-reaching plan for the removal of Qaddafi. The plan had two components (Fortier and Cannistraro 1985), later named Tulip and Rose. Rose required a conventional surprise attack against Libya by its neighbours (including Egypt) with US support. Tulip included a series of covert operations to overthrow Qadhafi relying on anti-Qadhafi groups including the NFSL, as well as the covert support of the US government

and neighbouring countries. When the finding for the plan was presented to Congress, concerns emerged that the plan might violate the ban on assassination. Some Senators objected to the arming of anti-Qadhafi groups and suggested that it was preposterous to imply that Qaddafi would have survived an attempt to overthrow him. Confronted with this criticism, CIA Director William Casey told the Senators that the purpose of the plan was to support those groups that wanted Qadhafi removed. 'They might try to kill Qadhafi, but that was not the objective of the plan' (Stanik 2003, 103). Assassination was not the explicit intent of the US government and, hence, US support for local actors did not violate the ban (Trenta 2021).

This 'intent argument' established a legal precedent for further US involvement in assassinations and coups. During the George H. W. Bush Administration, in the aftermath of a failed coup against Panamanian dictator Manuel Noriega, then CIA Director William Webster called explicitly on the President and Congress to renegotiate the meaning of the ban on assassination. Building on Casey's earlier argument, by November 1989, the CIA had drafted and submitted to Congress a new interpretation of the ban. The interpretation established that the US involvement in a coup that led to the death of a foreign official did not necessarily violate the ban on assassination (Ottaway and Oberdorfer 1989). Through this intent argument, the US government was able to establish distance between itself and assassination. This argument seemingly introduced a new form of plausible deniability. The US government was not denying its involvement in covert operations – what Poznansky calls 'state deniability' – nor, in many cases, the president's knowledge of these operations – what Poznansky called 'executive deniability' (Poznansky 2020). After all, starting in the 1970s, these operations were often presented to Congress in the form of presidential findings. The US government, instead, denied that its support for third parties amounted to involvement in assassination.

It was, however, a second line of argument, emerging in the Reagan years which permitted a different approach to assassination. While continuing to deny its intent, the US government was able to engage in more overt assassination attempts, often relying on the distance guaranteed by technological advantage. This process was made possible by the development of new legal justifications and political precedents. Assassination while at times less covert, became more remote, through air strikes, guided missiles, and, eventually, drones.

(Semi)Covert and increasingly remote: assassination and counterterrorism under Reagan

The first steps in the US government's shift towards remote and semi-covert assassination attempts were taken in the realm of counterterrorism. In particular, '*National Security Decision Directive 138 – Combating Terrorism*' legitimated the conduct of global pre-emptive attacks against terrorists and terrorist organizations. Among other measures, the document asked the DCI to improve intelligence cooperation with friendly governments and to develop capabilities for the 'pre-emptive neutralization of anti-American terrorist groups' (Reagan 1984, 4). One of the first tests of this new policy was the confrontation with Libyan leader Muammar Qaddafi.

On the 5th of April 1986, a bomb exploded at the *La Belle Discotheque* in Berlin. Having identified Libya as the culprit, on the 14th of April, the US government launched *Operation El Dorado Canyon*: a bombing raid of Qaddafi's Head Quarters and residences as well as other military targets. The assassination of Qaddafi was clearly an acceptable outcome of US policy (Hersh 1987; Clarridge 1997, 339). The hope was that Qaddafi would be either killed directly in the bombing or that such a widespread attack on the dictator's compound might convince anti-Qaddafi groups to remove him from power (Persico 1991). The US confrontation with

Qaddafi was certainly public. Similarly, through the methods used, the US could not deny its involvement. The bombing itself, in fact, was publicly disclosed and legitimated. Confronted by criticism that the strike violated the ban on assassination, however, the White House tried to hide the nature of the operation. Playing on the intent argument developed earlier, it did not deny the conduct of the operation, but that the US government's explicit intent was to kill the Libyan leader (Stanik 2003, 153).

Behind the scenes, however, the Administration's lawyers were also working on more far-reaching justifications and arguments (Trenta 2021). The Administration's position had three main components. First, Abraham Sofaer, State Department Legal Advisor, defined the strike against Libya as a legitimate, self-defensive, and pre-emptive military measures against an 'ongoing pattern of attacks,' in line with Article 51 of the UN Charter (Sofaer 1986). Second, Sofaer and State Department lawyers suggested that the consequences of a strike conducted in (pre-emptive) self-defence could not violate the ban on assassination, even if these consequences included the killing of a head of state (Canestraro 2003, 25). Third, in later years, Sofaer suggested that – according to the Reagan Administration's reasoning at the time of the strike - Qaddafi's position as head of state did not guarantee him 'legal immunity' from being attacked when present as a proper military target (Vlasic 2000, 101).

These three arguments established crucial political and legal precedents for the US government's involvement in assassination and for the conduct of counter-terrorism policy globally. First, Sofaer's 'pre-emptive self-defence' expanded the President's power to deploy military force. It excluded such uses of force from War Powers Resolution requirements. The President, in other words, could use force globally against terrorism (something already called for by NSDD138) without prior Congressional involvement if a self-defence justification could

be identified. The same pre-emption argument also reshaped the understanding of legitimate timing for the deployment of force. A strike could be carried out both against an attack that had already occurred and pre-emptively. The threshold for an ‘armed attack’ was also lowered and it came to include smaller ‘ongoing threats,’ a precedent that would be used by the Clinton, Bush, and Obama administrations (Vlasic 2000, 102; Trenta 2017).

Second, Sofaer’s exclusion of any self-defence strike from the remit of the ban on assassination permitted the US government to target terrorists and terrorist leaders without concerns for violations. During the George H. W. Bush Administration, a memorandum of law confirmed and expanded Sofaer’s argument. As argued by the Office of the Judge Advocate General at the Department of the Army, overt or covert uses of force against ‘another nation, a guerrilla force, or a terrorist or other organization’ do not amount to assassination if they were carried out in self-defence to protect US interests (Parks 1989, 1). Finally, Sofaer’s argument about military targets implied that – as long as the US portrayed a strike as an attack against a military target and not as an attack against a leader that might be present at that target – the policy was legitimate and did not violate the ban (Vlasic 2000, 101).

9/11, drones, and remote killing

During the H. W. Bush and Clinton years, the US government continued to conduct covert assassination attempts relying on third parties and proxies. Both Administrations supported third parties in their efforts to overthrow (and presumably kill) Saddam Hussein (Thomas et al. 1998) and the Clinton Administration relied on Afghan ‘tribals’ in an effort to kill Bin Laden (9/11 Commission 2004). By the late 1990s, however, the US government was able to rely on remote technologies, especially in its effort to target terrorists. On the 7th of August 1998, al-

Qaeda attacked American Embassies in Kenya and Tanzania. Asked to provide options for a response, and - based in part on the 1986 raid on Libya - the Pentagon settled on a missile strike (9/11 Commission 2004, 116). On the 20th of August, the US government launched a cruise missile attack on al-Qaeda bases in Khost, Afghanistan. While the missile also targeted what turned out to be a pharmaceutical facility in Sudan, *Operation Infinite Reach* clearly aimed at killing Bin Laden (Coll 2005). This operation was carried out openly and publicly legitimated. It also relied on the deployment of remote methods – through superior technology - with no US officials involved on the ground or close to the sites targeted. While representing a clear shift towards practices currently associated with remote warfare, the Administration’s legitimation built on arguments and legal precedents established under its predecessors.

First, the administration relied on the argument regarding the targeting of infrastructure (Woodward 2018) – as opposed to leaders present at that infrastructure – developed by Sofaer. As Vlasic wrote (2000, 102), in the case of Bin Laden, National Security Council spokesman David Leavy went even further. He argued that for terrorist groups, the term ‘infrastructure’ could be interpreted more broadly. As he put it ‘the terrorist group’s “Infrastructure” and “command and control” are “justifiable targets” and such “infrastructures” are often “human.”’

Second, the Administration accepted the precedents regarding the legitimacy of pre-emptive strikes in self-defence against terrorists. As the 9/11 Commission Report summarized: ‘the administration’s position was that under the law of armed conflict, killing a person who posed an imminent threat to the United States would be an act of self-defense, not an assassination’ (9/11 Commission 2004, 132). It is instructive to note that, the Administration received extensive domestic criticisms for the operation, including accusation of being too aggressive or ‘wagging the dog’ (i.e. trying to distract the US public from the President’s infidelity

scandal). However, none of these criticisms focused on an alleged violation of the assassination ban (9/11 Commission 2004, 118).

Certainly, beyond the ban, several members of the Clinton Administration had serious concerns surrounding these operations. In line with the concerns identified in current remote warfare literature (Waldman 2019), US officials worried that civilian casualties, mission failures, and the risk of body bags might undermine both the international image of the US and the Administration's political position at home (Zegart 2009). In this context, the Clinton Administration contributed both to the crystallizing a legal rationale for the conduct of operations against terrorists and terrorist leaders, and to technological advancements that would make these operations dominant. As Steve Coll has extensively chronicled, the Clinton Administration's second term saw the revamping of the drone programme and the start of the global deployment of drones in counter-terrorism operations. The early deployment over Afghanistan occurred for surveillance purposes only. In the last months of the Clinton presidency, however, US officials in both the CIA and the NSC started calling for the arming of the Predator drone to reduce the time elapsed between location of a terrorist and strike (Coll 2005: 528-531). International legal concerns and bureaucratic rivalries stalled this process. While legal precedents for the conduct of semi-covert assassination attempts through remote technologies had been established since the 1980s, only the shock of 9/11, together with the Authorizations for the Use of Military Force, and the weaponization of drones that followed permitted the global deployment of targeted killing.

In the aftermath of 9/11, deployments of violence typical of 'remote warfare' expanded. These included the US reliance on local proxies and PMCs, as well as an expansion of CIA's and special forces' power to conduct covert kill/capture operations in what was understood as a

global battlefield (Scahill 2013). Similarly, the US did not completely abandon the use of covert and less remote assassination and targeted killing methods. In the Obama years, the CIA and the Mossad cooperated in the assassination of Hezbollah leader Imad Mugniyeh, who had been responsible for a campaign of bombing against US targets in Lebanon in the 1980s (Bergman 2018: 599; Whipple 2020). In these cases, the US government exploited the same interplay between covertness and remoteness visible in early Cold War plots and in the targeting of Fadlallah. It maintained its 'distance' through its collaboration and sharing of intelligence with an allied government and friendly intelligence service for the purposes of assassination.

While the number of strikes was limited under George W. Bush, the improved intelligence network and the greater availability of drones made them the weapon of choice in the Obama years. Drone strikes expanded exponentially. The Obama presidency, especially in its first term, came to be defined by drones (Fuller 2017; McCrisken 2013). Drone strikes were deployed both as part of long-term conflicts and counter-insurgency campaigns in 'hot' battlefields and for the elimination of targets, including American citizens, beyond declared war zones (Calhoun 2016; Trenta 2017). More generally, drones became a key component of the lighter footprint approach to warfare that the 'remote warfare' literature has amply detailed (Biegon and Watts 2020, 2021). Towards the end of his first term and in conjunction with the targeting of a US citizen (the cleric Anwar al-Awlaki), however, the Obama administration started to receive more vocal Congressional and public criticism. In response, the Administration took two main – somewhat half-hearted - measures. First, it established a series of limited executive measures to regulate the use of drones. These included efforts to minimize civilian casualties and to increase the transparency surrounding the strikes carried out. Second, through strategic leaks and speeches, the Administration attempted to better justify and

legitimate its use of drones. As Banka and Quinn have argued (2018: 671), this process made the conduct of drones strikes ‘quasi-secret.’ It permitted the Administration to take credit for the programme while avoiding excessive ‘critical interrogation.’ In the process of legitimating this remote and semi-covert deployment of violence, the Obama Administration often built on legal precedents developed by its predecessors. While stressing its effort to adhere to international law, the Obama Administration came to rely on expanded understandings of self-defence (Erakat 2013) and imminence (Trenta 2017) not dissimilar from the ones developed in the Reagan and W. Bush years.

Obama’s executive measures regulating drone strikes did not survive the transition to Trump. During the 2016 campaign, Trump openly discussed the assassination of foreign leaders. As Woodward (2018: 183) reports, he suggested that he would work with China to make Kim Jong Un (of North Korea) ‘disappear in one form or another very quickly.’ To be sure, Rhetorical hyperbole and bluster defined Trump’s counterterrorism rhetoric during the campaign and in office (Neumann 2018). Documentary evidence is still too sparse to make a final judgment on assassination and targeted killing during the Trump era. Some clues, however, are available. Investigative journalism points to a more explicit consideration of assassination as a tool of foreign policy. According to revelations (Woodward 2018) – confirmed on live TV in September of 2020 by the President himself and Jared Kushner - Trump called for the assassination of Syrian leader Bashar al-Assad and desisted only after Secretary of Defence Mattis refused. Furthermore, the Administration reportedly also considered the kidnapping and/or assassination of WikiLeaks founder Julian Assange (Dorfman et al. 2021). Beyond these isolated stories, it seems clear that the use of drones for targeted killing further expanded under Trump. It is also clear that, in a return to Obama’s first term, decisions surrounding drone

strikes were delegated to officials outside the White House and became even less transparent (Atherton 2020).

Conclusion

This article built on recent works on remote warfare to make three main contributions. First, the analysis suggested that the ‘remote warfare’ literature has tended to blur distinctions between the methods used to deploy violence (more or less remote) with the ways in which this violence is deployed (more or less covert). Second, the article argued that the history of the US government involvement in assassination helps in highlighting the interplay between remoteness and covertness. Third, the article established that current practices of remote warfare cannot be disentangled from the history of assassination. The US government’s involvement in the assassination of foreign leaders and officials has acted as a laboratory for the technologies, practices, and processes of legitimation currently associated with global remote wars, especially against terrorism.

Engaging in covert assassination, the US government utilised methods with different degrees of remoteness. These varied from the participation of US intelligence officials in the killing of Lumumba to the more remote support of disgruntled local actors in the case of Schneider. The analysis also suggested that, while these types of assassination attempt continued, the establishment – through Executive Order – of a prohibition on assassination pushed the US government to further ‘distance’ itself from the conduct of assassination. Starting in the Reagan years, the US government established political and legal precedents that could permit the

assassination of terrorists and of leaders of states supporting terrorism, without seemingly violating the ban.

To be sure, the changes brought by 9/11 and the introduction of drone technology permitted a paradigm shift in the intensity and reach of the US government targeted killing policy. Beyond declared battlefields, however this policy often owed much to the legal precedents sets during the Reagan, Bush, and Clinton years. The killing of Soleimani represented a turning point. While *Operation El Dorado Canyon* demonstrates that it was not the first time that the US government was involved in the assassination of a foreign state official, the strike against Soleimani represented the first time that an assassination was conducted successfully, by US forces, and with the full public acknowledgement of both the operation, and the intent to kill (including a celebratory Trump Tweet). The Fakhrizadeh case – outside the scope of this article – seemingly points to a second technological departure. The A.I. assisted machine gun has now joined the drone as a weapon of remote assassination. This article has provided a first step in better detailing the material and rhetorical conditions that made assassinations possible.

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