

# BRIEFING ON COVERT ACTIONS



# Covert Actions

**Alfred Cumming**



## **Covert Actions:**

**Covert Action** Alfred Cumming, 2010 In the wake of the 9 11 terrorist attacks the Pentagon may have expanded its counter terrorism intell activities as part of the global war on terror The DoD may have been conducting certain kinds of counterterrorism intell activities that would statutorily qualify as covert actions CA and thus require a presidential finding and the notification of the congressional intell committees Contents of this report Intro Background Post 9 11 Concerns Current Statute Governing CA Exceptions Under the Statutory Definition of CA Traditional Military Activities Routine Support of Traditional Military Activities House Intell Committee Calls on DoD to Inform Committee of Intell Activities Policy Issues for the 111th Congress **Sensitive Covert Action Notifications** Alfred Cumming, 2010-11 Legislation enacted in 1980 gave the executive branch authority to limit advance notification of especially sensitive covert actions to 8 Members of Congress the Gang of Eight G8 when the Pres determines that it is essential to limit prior notice in order to meet extraordinary circumstances affecting U S vital interests Partial contents of this report Requirements for Notifications of Sensitive Covert Actions to Congress Additional G8 Requirements When Prior Notice to the G8 is Withheld Directors of National Intell and CIA Critical of G8 Notifications For Non Covert Actions House Intell Committee Replaces G8 Procedure in FY 2010 Intell Authorization Act G8 Notifications The Historic Record Conclusion Striking a Balance Charts and tables

**Covert Action: Legislative Background and Possible Policy Questions**, 2008 Published reports have suggested that in the wake of the 9 11 terrorist attacks the Pentagon has expanded its counter terrorism intelligence activities as part of what the Bush Administration termed the global war on terror Some observers have asserted that the Department of Defense DOD may have been conducting certain kinds of counterterrorism intelligence activities that would statutorily qualify as covert actions and thus require a presidential finding and the notification of the congressional intelligence committees Defense officials have asserted that none of DOD s current counter terrorist intelligence activities constitute covert action as defined under the law and therefore do not require a presidential finding and the notification of the intelligence committees Rather they contend that DOD conducts only clandestine activities Although the term is not defined by statute these officials characterize such activities as constituting actions that are conducted in secret but which constitute passive intelligence information gathering By comparison covert action they contend is active in that its aim is to elicit change in the political economic military or diplomatic behavior of a target **Regulating Covert Action** William Michael Reisman, Reisman, William Michael Reisman, William Michael, Reisman, James E. Baker, 1992-01-01 Covert activity has always been a significant element of international politics This book attempts to assess the lawfulness of covert action under US and international law and faces the implications for democratic states that covert operations pose **Intelligence** Mark M. Lowenthal, 2022-04-13 Mark M Lowenthal s trusted guide is the go to resource for understanding how the intelligence community s history structure procedures and functions affect policy decisions In the fully updated Ninth Edition of Intelligence the author

addresses cyber security and cyber intelligence throughout expands the coverage of collection comprehensively updates the chapters on nation state issues and transnational issues and looks at foreign intelligence services both large and small

Preparing for the 21st Century Commission on the Roles and Capabilities of the United States Intelligence Community,1996 Report of the Congressional Committees Investigating the Iran-Contra Affair United States. Congress.

Senate. Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition,1987 **Regulating Covert**

**Action** William Michael Reisman,1992 Covert activity has always been a significant element of international politics When it has served their interests governments have secretly disseminated propaganda in other countries manipulated foreign economies and abetted coups against their adversaries What are the circumstances if any in which it is lawful under international law or United States law to resort to covert action either directly or through local proxies When is it right to do so This book is the first to assess the lawfulness of covert action under international law It includes as well a chapter on United States law and a candid discussion of the implications for democratic states that covert operations pose W Michael Reisman and James E Baker identify different types of covert actions discussing a variety of cases that include the Trujillo assassination in 1961 the Rainbow Warrior in 1985 and the raid on Libya in 1986 After explaining the complex operations of the international legal system they explore trends in decision making and the conditions that accounted for them whether the covert operations were proactive defensive or reactive They examine in detail the procedures followed in the United States to authorize and oversee covert activity and propose guidelines for political leaders who may contemplate using covert techniques An appendix reviews twenty years of allegations of covert aggression brought to the attention of the United Nations Security Council

Congressional Record United States. Congress,1990 The Congressional Record is the official record of the proceedings and debates of the United States Congress It is published daily when Congress is in session The Congressional Record began publication in 1873 Debates for sessions prior to 1873 are recorded in The Debates and Proceedings in the Congress of the United States 1789 1824 the Register of Debates in Congress 1824 1837 and the Congressional Globe 1833 1873 **Report of the Congressional Committees Investigating the Iran/Contra Affair** Lee

H. Hamilton,Daniel K. Inouye,1995-11 Contents The Report executive summary Central America the arms sales to Iran exposure and concealment the enterprise conclusions and recommendations Also contains the Minority report the foreign affairs powers of the Constitution and the Iran Contra Affair Nicaragua Iran disclosure and investigations putting Congress house in order and recommendations Extensive appendices contain additional views of several Representatives and Senators

**The Third Option** Loch K. Johnson,2022 Introduction The subterranean world of clandestine interventions The forms of covert action A ladder of clandestine escalation A shadowy foreign policy 1947 1960 Murder most foul 1960 1975 A new approach to covert action 1975 2000 The third option in an age of terror 2000 2020 Legal foundations Decision paths and accountability Drawing bright lines ethics and covert action The third option reconsidered *American Covert Operations* J.

Ransom Clark, 2015-07-14 Traces our country's long history of covert and special operations focusing on the similarities and differences in the practice from the Revolutionary War to the present. Long before the creation of the CIA, the American government utilized special intelligence strategies with varying degrees of success. Even though critics throughout time have questioned the effectiveness and legitimacy of these tactics, presidents from George Washington to Barack Obama have employed secret operations to benefit the nation's best interest. This book follows America's history of intelligence gathering, undercover operations, and irregular warfare. Through chronologically organized chapters, the author examines secret military maneuvers, highlighting the elements common to covert and special operations across historical eras and concluding with a chapter on national security since the attacks of September 11, 2001.

**Sensitive Covert Action Notifications** Alfred Cumming, 2009. Legislation enacted in 1980 gave the executive branch authority to limit advance notification of especially sensitive covert actions to eight Members of Congress, the Gang of Eight, when the President determines that it is essential to limit prior notice in order to meet extraordinary circumstances affecting U.S. vital interests. In such cases, the executive branch is permitted by statute to limit notification to the chairmen and ranking minority members of the two congressional intelligence committees, the Speaker and minority leader of the House, and Senate majority and minority leaders, rather than to notify the full intelligence committees as is required in cases involving covert actions determined to be less sensitive. Congress, in approving this new procedure in 1980 during the Iran hostage crisis, said it intended to preserve operational secrecy in those rare cases involving especially sensitive covert actions while providing the President with advance consultation with the leaders in Congress and the leadership of the intelligence committees who have special expertise and responsibility in intelligence matters. The intent appeared to some to be to provide the President on a short-term basis a greater degree of operational security as long as sensitive operations were underway. In 1991, in a further elaboration of its intent following the Iran Contra Affair, congressional report language stated that limiting notification to the Gang of Eight should occur only in situations involving covert actions of such extraordinary sensitivity or risk to life that knowledge of such activity should be restricted to as few individuals as possible. In its markup of H.R. 2701, the FY2010 Intelligence Authorization Act, the House Permanent Select Committee on Intelligence (HPSCI) replaced the Gang of Eight statutory provision, adopting in its place a statutory requirement that each of the intelligence committees establish written procedures as may be necessary to govern such notifications. According to committee report language, the adopted provision vests the authority to limit such briefings with the committees rather than the President. On July 8, 2009, the executive branch issued a Statement of Administration Policy (SAP) in which it stated that it strongly objected to the House Committee's action to replace the Gang of Eight statutory provision and that the President's senior advisors would recommend that the President veto the FY2010 Intelligence Authorization Act if the committee's language was retained in the final bill. The Senate Intelligence Committee, in its version of the FY2010 Intelligence Authorization Act, left unchanged the Gang of Eight statutory

structure but approved several changes that would tighten certain aspects of current covert action reporting requirements. Although the executive branch has not issued a Statement of Administration Policy with regard to the Senate's bill, Director of National Intelligence Admiral Dennis Blair has indicated that he would recommend that the President veto the bill if the covert action notification changes contained in the bill remained in final legislation. Congress has not acted on the FY2010 Intelligence Authorization bill. With Congress considering possible changes in covert action congressional notifications, this report describes the statutory provision authorizing Gang of Eight notifications, reviews the legislative history of the provision, and examines both the impact of such notifications on congressional oversight as well as options that Congress might consider to possibly improve oversight.

**Executive Secrets** William J. Daugherty, 2006-06-02. A frank and refreshing evaluation of several Chief Executives, their Directors of Central Intelligence, and even some lower in the hierarchy. *Executive Secrets* shines light on the development and execution of foreign policy through the understanding of the tools available, of which covert action may be least known and understood. This book is a great tool for the press, the public, and many political appointees in the National Security System. A History Book Club Selection with a foreword by Mark Bowden, author of *Black Hawk Down*.

Presidential War Power Louis Fisher, 2004. For this new edition, Louis Fisher has updated his arguments to include critiques of the Clinton, Bush presidencies, particularly the Use of Force Act, the Iraq Resolution of 2002, the preemption doctrine of the current U.S. administration, the order authorizing military tribunals.

**Iran-Contra** Lawrence E. Walsh, 1994.

**By Order of the President** Phillip J. Cooper, 2002. Cooper defines the different forms these powers take: executive orders, presidential memoranda, proclamations, national security directives, and signing statements. Demonstrates their uses, critiques their strengths and dangers, and shows how they have changed over time. Here are Washington's Neutrality Proclamation, Lincoln's Emancipation Proclamation, and the more than 1,700 executive orders issued by Woodrow Wilson in World War I. FDR issued many executive orders to implement his National Industrial Recovery Act but also issued one that led to the incarceration of Japanese Americans during World War II. Truman issued orders to desegregate the military and compel loyalty oaths for federal employees. Eisenhower issued numerous national security directives. JFK launched the Peace Corps and issued an order to control racial violence in Alabama. All through executive action.

Covert Action Gregory F. Treverton, 1987.

**Delanty V. Cunniff**, 1971. *Criminal Behavior* Curt R. Bartol, 2002. For junior/senior level courses in Psychology of Crime, Criminal Behavior, Criminology, and Crime Patterns. This text uses a cognitive-behavioral and interactionist approach, integrating international theory and research and moving from broad theoretical explanations and descriptions of crime toward empirical research on specific criminal offenses. The book examines the causes, classification, prediction, prevention, intervention, and treatment of criminal behavior from a social psychological perspective. The Sixth Edition presents the criminal offender as existing on a continuum ranging from the serious, repetitive offender who begins his/her criminal career at a very young age to the adolescent, limited offender who usually begins offending during

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