

Case 6

Following the September 11, 2001 attacks on the World Trade Center and the Pentagon, President Bush announced that the nation was at war, but emphasized that it is a new kind of war. Unlike traditional acts of war, these attacks were not the official action of a government, but rather the work of the terrorist group Al Qaeda, lead by Osama Bin Laden. To this extent, the attacks seemed more akin to criminal activity. Nevertheless, the U.S. government took the position that it would not distinguish between the terrorists involved in the September 11 attacks and the governments that give them refuge. Even though Afghanistan had no official government (recognized by the United States) the Taliban, a fundamentalist Muslim group had control over the people of Afghanistan and functioned as a government. Because it provided refuge and support to Bin Laden, U.S. military activity was initiated against the Taliban in Afghanistan.

Soon after the terrorist attacks, a number of U.S. government officials, including Secretary of Defense, Donald Rumsfeld, proposed a relaxation of policies and guidelines precluding certain strategies that might strengthen U.S. efforts to combat terrorism. One such policy is the 1976 Executive Order, issued by President Gerald Ford, which was intended to prohibit the assassination of foreign heads of state. The policy, however, is worded more broadly. It essentially prohibits the use of assassination as a strategy by the United States Government. Another policy, adopted by the Central Intelligence Agency in 1995, contains guidelines that place restrictions on the recruitment of persons with criminal backgrounds. This restriction was proposed following the revelation that the CIA had a relationship with Guatemalan military officials who were involved in series of murders in the early 1990s. Others on the CIA payroll have included Col. Manuel Contreras, who was believed connected with a car bombing in Washington that killed former Chilean Foreign Minister, Orlando Letelier. The apparent motivation behind this policy is that the U.S. does not want to be seen as condoning or supporting unethical and illegal activities by enlisting the assistance of those who engage in such activities.

In response to proposals to lift the ban on assassinations and to relax CIA policies on the recruitment of informants, the organization Human Rights Watch wrote a letter to President Bush urging him to maintain these policies as they are. According to Jonathan Fanton and Kenneth Roth of Human Rights Watch, relaxing the current policies on assassination and the CIA recruitment of CIA informants and others with human rights abuses would "threaten the very values that came under attack [on September 11], ... the basic values we should now be redoubling our efforts to defend."