

CIA Plot to Kill Julian Assange: Will Perpetrators Ever Face Legal Accountability for Criminal Behavior?

Chances are Slim as Political Cowardice Reigns Supreme in America's Second Gilded Age

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Rep. Adam Schiff (D-Calif.) last week [asked the CIA](#) for information related to a Yahoo News report that the Agency in 2017 had [planned to kidnap](#) or kill Wikileaks cofounder Julian Assange outside the Ecuadorean Embassy in London. Knowing the CIA, I'm sure the Agency's Office of Congressional Affairs had a good laugh over the request, but we can talk about that a little later.

The journalists who wrote the Yahoo News report say they had more than 30 independent sources in the CIA and the Trump White House with whom they spoke and all of whom told the same story: Then-CIA Director Mike Pompeo was so incensed that Wikileaks had published what came to be known as the [Vault 7 Cache](#) that Assange had to die.

Assange has, of course, long been on the CIA's radar. But publication of the Vault 7 documents, the greatest data loss in the CIA's history, was too much. One Trump counterterrorism official said that Pompeo and other senior CIA officers "were seeing blood." They discussed plans to kidnap Assange from the Ecuadorean Embassy in London, where he had been holed up since 2012. Alternatively, they talked about killing him (with the British Intelligence Service MI-6 doing the actual shooting.)

Yet another idea was, if Assange could somehow make his way to a Russian diplomatic plane, a CIA/MI6 partnership would shoot the tires of the plane before it could lift off. Assange could then be snatched off the plane, even if it constituted a violation of international law and a major diplomatic incident.

These were not just idle musings. There was real planning involved. Because the CIA is a big, lumbering bureaucracy, there's a process that it must go through, even for a plot as cockamamie as this one.

When a person comes up with an idea like, “Let’s kill Assange,” it goes to a specific office that deals with proposed covert operations.

Functionaries in that office put the idea on paper in the proper format and send it to the CIA’s Office of the General Counsel to get their input. Once the General Counsel signs off on the idea, it goes to the Justice Department’s Office of Legal Counsel (OLC.)

Technically, OLC’s job is to determine whether a CIA idea is legal or not. But you’ll recall that it was OLC attorneys John Yoo and Jay Bybee who figuratively stood on their heads in 2002 to find that the [CIA’s torture program was legal](#), despite the fact that the torture techniques the CIA was advocating had been specifically outlawed by statute decades earlier. According to the Yahoo News report, OLC apparently found that the plot to kidnap or kill Assange was indeed “legal.”

Once OLC had determined that there was no legal impediment to killing Assange, the memo was sent to the National Security Council’s legal team for their comment and approval.

It is my experience that the NSC legal staff is a rubber stamp for OLC. If the CIA wants it and OLC says it’s legal, there’s no reason for NSC lawyers to stand in the way.

The last step in the system is for the National Security Advisor to sign the plan and to send it to the President for his signature on what is called a “Presidential Finding.” The signed Finding is then sent back to the CIA, where it is kept in a locked safe, with other signed copies going to the NSC and to the Justice Department. The CIA is then free to implement its plan.

But that’s not what happened. No Finding was ever signed. Although the Yahoo News article doesn’t specifically say so, it seems that the plan died on the desk of then-National Security Adviser H. R. McMaster.

McMaster was a professional soldier before taking the job as National Security Advisor. He was not a confidant of Donald Trump, nor was he particularly close to Mike Pompeo. It seems that McMaster read the plan, thought it was insane (or risked too much blowback), and killed it. It never made its way to Trump.

There’s another element to this story that is deeply worrying to me. The plan to kidnap or kill Assange never made its way to the Congressional oversight committees—the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence—either. Why? Because there’s a loophole in the system. If the CIA deems something to be a “counterintelligence operation,” it doesn’t have to inform the committees. The idea is that counterintelligence is so incredibly sensitive—it normally deals with moles inside the intelligence community or hostile powers spying on the U.S.—that the Agency can’t risk somebody on Capitol Hill leaking the information.

That’s nonsense, of course. The CIA knew that oversight committee members would have gone crazy at the prospect of the CIA kidnapping or killing an Australian national who had never been convicted of a crime in the U.S. The CIA didn’t dare inform the committees.

So here we are, four years after the operation was effectively canceled, and Adam Schiff wants details. I can guess what the CIA’s response will be. They’ll say that the plan was just an idea, that they went through the proper administrative channels, that teams of attorneys

deemed it to be legal, that the committees weren't informed because the operation was of a counterintelligence nature, and that, in the end, nothing happened anyway. Schiff will likely accept that and the story will fade away. (It's already begun fading away because almost no mainstream media outlets bothered to report on it in the first place.) That'll be the end of it.

It's not the end of it for Julian Assange, however. Last week a British appeals court [heard arguments](#) about whether he should be extradited to the United States, where he would almost certainly face solitary confinement in a maximum-security penitentiary.

Julian's supporters were heartened that the appellate judges had read the Yahoo News article, mentioned it unprompted, and demanded that the Justice Department explain itself. In the meantime, the would-be kidnapers and murderers and their bosses at the CIA will go home to their families as if nothing happened. It's the American way.

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