# Chapter 18 - Defying Oversight? Dirty Assets, Special Military Operations, and Contractors

## This is a short chapter, which mostly reviews abuses by the CIA, the military, and contractors involved in covert and not so covert activities.

## Review the different stories and think about their significance. There are several critical threads:

### What are the proper roles for the CIA, the military, and contractors?

### How do roles shift when the three are working together?

#### Are military personnel still under military rules when directed by the CIA?

#### Is there a command and control structure for contractors?

#### What are the pros and cons of using only the military for covert actions?

### What about the law of war?

#### When does the Geneva convention apply when our folks are captured?

#### What is the significance of having uniformed military engaged in covert activities in countries we are not at war with?

#### What about if the military is out of uniform?

#### What is the significance of covert actions by the CIA or contractors?

##### Are these acts of war?

##### What would a judge think if the question came up, say in a private legal action over a contract claim?

### Are there any legal constraints on the use of the CIA or contractors to conduct covert activities?

#### Are the congressional reporting duties?

#### Can you get around those by having military direction and defining the actions as preparing the environment?

#### Can Congress ban these activities or are they part of the president’s unilateral national security powers?

### Dirty assets

#### What are dirty assets?

#### Does the US have any legal liability for things they do, either under our direction or independently, as long as it is outside the US?

#### What are examples of problems with dirty assets?

#### Do we use these domestically, outside of national security? (think about David Headley)?

#### Are there problems with their domestic use?

#### What the Mumbai attack?

#### What were the potential international consequences?

#### What about the people we do business with in Afghanistan, from the top to the bottom?

#### Should we care about the corrupt or murderous behavior of dirty assets as long as we get some value from them?

### The privatization of foreign intelligence

#### What are the risks and benefits of depending on private contractors for foreign intelligence?

#### Do we implicitly immunize these contractors for their bad actions?

#### What if they sell information to all sides?

#### Where does Facebook and Twitter come in?

#### Clandestine monitoring of the Internet?

#### Is Cisco giving us secret backdoors?