SHOULD OUR ARSENAL AGAINST TERRORISM INCLUDE ASSASSINATION?

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PREFACE

Among the countermeasures that the United States might employ against terrorists, why not assassination? Do we deny ourselves an effective instrument simply because terrorists do not fit neatly into our traditional methods of law enforcement or waging war? The following essay examines the arguments for and against assassination as a means of combatting terrorism.

It could be said that assassination is an inappropriate subject for analysis because it raises such profound philosophical issues. Inevitably, one's views are personal ones and I have made no attempt to conceal my own position in the discussion. While I remain solely responsible for the conclusions, I wish to acknowledge the assistance given to me by my colleagues at The RAND Corporation, in particular the thoughtful comments of Konrad Kellen and Dale M. Landi, and the superb editorial assistance of Jim Bishop and Janet DeLand.

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The word slithered out on the mahogany table like a poisonous snake: *Assassination!* A word hissed rather than spoken. I was irritated at the person who brought it up, fortunately not one of the high-ranking government officials present at the meeting. True, we were meeting in the wake of yet another terrorist outrage in which Americans had been killed. We were supposed to be having a cool discussion of policy, but still there was anger in the room when we spoke about the terrorists. True also, we were frustrated at the paucity of options to combat them.

But assassination, in my view, was a dumb idea. And it was dumber still to bring it up in that meeting. Even if one of those present favored the idea, he would not dare say so in front of so many others. And it was rude to embarrass government officials for whom even to discuss assassination risks impropriety. Several of the people in the room looked positively in pain. Throats cleared. Chairs scraped the floor. Two hundred years of American history stared down at us from portraits on the walls. After a moment of uncomfortable silence, one of the officials spoke. Assassination was wrong, he said. Whatever we do to combat terrorism, American values must be preserved.

At the time, I didn't write down his exact words, but I recall them as simple, straightforward, eloquent only because they were spoken with conviction. It was a tiny moment of history. Thomas Jefferson would have been proud. Walter Cronkite and Jimmy Stewart would have been proud. I was proud.

There is right and wrong, and there is good and evil. This man reminded us that we were supposed to be the good guys. In the darkest moment of despair, I never feared that terrorists would triumph. In the long run, they fail. We will survive. But would we always manage to remain the good guys? Should we?

In the years that have passed since that meeting, terrorists have inflicted more outrages. Indiscriminate attacks have grown more common. As terrorism has become bloodier, the "gun 'em down, string 'em up" school of counterterrorism has understandably gained strength. Assassination is back on the table. The United States must reconsider its prohibition against assassination, advises one terrorist expert speaking on television. "We should have killed the Ayatollah," says another. Muamar Qadaffi should have been killed long ago, he adds.

These exhortations are not without a certain resonance on the part of the American public. In a public opinion poll conducted just before the U.S. raid on Libya, 61 percent of the respondents agreed that the United States should "covertly assassinate known terrorist leaders."

Assassination has a certain emotional appeal for people who are frightened, frustrated, angry. Continuing terrorist attacks have worn down our patience with those so-called experts who remind us that combatting terrorism is a difficult and enduring task, that we may have to live with it for a while longer. How much more satisfying to hear that to end terrorism we have only to take off the gloves and get down to bare knuckles--or since we are talking about assassination, does one slip on the gloves?

Behind the rhetoric, there is a legitimate analytical question: In responding to terrorism, can we minimize the loss of life--the lives of future victims of terrorism as well as the lives of innocent bystanders who might be killed in a conventional military response--by killing those who most directly influence their behavior? Why not assassination? Is it right? And would it work?

It could be said that assassination is an inappropriate subject for analysis because it raises such profound philosophical issues. Inevitably, one's views are personal ones. I make no attempt to conceal my own position. I think assassination is wrong. I don't think it will work. Here are five arguments in favor of assassination and ten arguments against assassination as a means of combatting terrorism.

IN FAVOR OF ASSASSINATION

1. *Assassination may preclude greater evil.* "Wouldn't you have assassinated Adolf Hitler?" proponents often ask. With hindsight, that's easy. The answer is, "Yes, of course." The more difficult question is, When? After 1941, when Germany declared war on the United States? After 1939, when World War II began? If before then, on the basis of what criteria? Because he was a fascist, a ruthless megalomaniac, a rabid racist who persecuted Jews, annexed Austria, invaded Czechoslovakia? He was and he did all of these things. But how do we identify future Hitlers? Megalomania, racism, and a proclivity to invade one's neighbor, regrettably, are not rare attributes among world leaders.

2. *Assassination produces fewer casualties than retaliation with conventional weapons.* No doubt about it. Thousands have died as a result of conventional military operations ranging from aerial bombings to full-scale invasions in response to terrorist attacks. Putting aside the question of whether a campaign of assassination would preclude the necessity of all conventional military operations, if blood is the measure, assassination is surely the cleanest form of warfare. (One has to be careful here. An assassination can also lead to wider conflict as it did in 1914.)

3. *Assassination would be aimed at the persons directly responsible for terrorist attacks, not innocent bystanders.* In the U.S. attack on Libya, 37 people died. Were all 37 responsible for the Libyan terrorist campaign that provoked the attack? Were any? Clearly, some casualties were inflicted upon innocent civilian bystanders. Military force, even with "precision weapons," is a blunt instrument. Assassination can be much more precise.

4. *Assassination of terrorist leaders would disrupt terrorist groups more than any other form of attack.* This is probably the best argument for assassination. The death of Wadi Haddad--from natural causes--resulted in a long hiatus in operations carried out by his group. The elimination of Abu Nidal would no doubt impair that group's ability to operate.

The elimination of a terrorist group's leader or leaders causes confusion and disarray. Often terrorist groups are led by a single charismatic and organizationally effective individual who cannot easily be replaced. If he has left no clear successor, his heirs may fight for the number one position. They may anyway, and in a group of violence-prone men and women, it is likely to be a violent struggle. If those responsible for his killing have not been identified, some in the group may suspect a rival faction or a traitor inside. Mutual suspicion will increase. Security precautions will be tightened; communications will become more difficult. "Foreign relations"--the contacts and deals with governments and other groups, which are often the personal domain of the leader himself--will be interrupted. All this will lower the group's operational efficiency, at least temporarily.

It is a different story if the target of assassination is the head of a state sponsoring terrorism. National governments can more easily repair the damages of lost leadership than terrorist groups, but in the Middle East, where authoritarian rule prevails, the elimination of one leader might have considerable effect. Some of the spiritual drive that propels the Iranian revolution would be lost if the Ayatollah Khomeini suddenly were to join his suicide bombers in paradise. Hafez Al-Assad, often accused of masterminding terrorist attacks, is considered by many to be both ruthless and brilliant. The process of political succession in Syria might guarantee that Assad's successor would also have to be ruthless, but would he be as brilliant?

5. *Assassination leaves no prisoners to become causes for further terrorist attacks.* British tourists have been killed in Greece and Americans are being held hostage in Beirut because of terrorists in jail. In Paris, terrorist bombs have killed ten and injured scores of persons in 1986, all because the French government refuses to release Georges Ibrahim Abdallah, a terrorist leader charged with complicity in the assassination of an American and an Israeli diplomat. The release of imprisoned terrorists is the most frequent goal in hostage situations and the terrorists' second most important objective after publicity. The apprehension and imprisonment of terrorist leaders make virtually certain that further acts of violence will occur. Perhaps many lives

would have been spared if Mr. Abdallah and others had been killed instead of captured.

AGAINST ASSASSINATION

Lining up against these arguments in favor of assassination are moral and legal constraints, operational difficulties, and practical considerations.

1. *Assassination is morally wrong.* Admittedly, an arguable point. The actions of terrorists also are morally wrong--not that this makes assassination right. But at the very least, many people would *view* assassination as immoral. Take the following example.

Judging by the bumper stickers and T-shirts one sees, more than a few Americans would be happy to see Qadaffi eliminated. Not since the Ayatollah during the hostage crisis in Iran, perhaps not since Adolf Hitler, has any single leader aroused more personal animosity. But just imagine the President appearing on television one evening to announce, "Some time ago I authorized the assassination of Muamar Qadaffi. I am pleased to report to you tonight that American agents have successfully carried out this mission." Without entering into a philosophical debate, let me assert that a large number of Americans would find such a spectacle morally repugnant.

If assassination can be justified, why must it always be covert? Why must our role be concealed? And why does the word get stuck in our throat? Even advocates of assassination have difficulty saying the word right out, cold naked. They wrap it in euphemisms like "executive action" or "wet operations," or cushion it with redundant adjectives as in "selective assassination." That sounds good, like "surgical strike," but it is operationally meaningless. What is *unselective* assassination?

2. *Assassination is illegal.* Semantics are important. Assassination, synonymous with murder, is by definition an illegal act. But advocates of assassination do not view such killings as murder; they may argue that assassinations fall into the same category as executions--the legal taking of human life. "Execution", however, is not an appropriate parallel, since under the circumstances likely to prevail, assassinations would certainly violate American standards of due process.

Other proponents may argue that eliminating terrorist leaders is an act of war. Most terrorists regard themselves as being at war with their enemies, and haven't we "declared war" on terrorism? Does that not put terrorists in the same category as soldiers in an army at war and therefore legitimate targets? The answer is no. We do not accept the terrorists' pretension. We do not consider terrorist attacks as acts of war; and we do not treat captured terrorists as prisoners of war; we try them as criminals. Moreover, our rhetorical declarations of war have no legal standing. We have also "declared war" on those who would import and sell drugs in this country, but we do not condone the assassination of leaders of drug rings. Whether the United States can devise an appropriate way of declaring and waging war against a group of individuals who do not constitute a government is an intriguing question. At a minimum, such an action would require the presentation and careful consideration of evidence, some notice of belligerancy, and the formulation of rules of engagement to govern our own conduct. Even a formal declaration of war would not automatically legalize assassination. The mere metaphor of war should not be allowed to obfuscate the issue of whether assassination is legal. Right now it is not.

Following revelations in the mid-1970s that the U.S. government had been involved in various plots to assassinate foreign leaders, the President issued an Executive Order: "No person employed or acting on behalf of the United States Government shall engage in, or conspire to engage in assassination." Reasons of State will be no defense against a murder charge. Proponents of assassination argue that this is a self-imposed constraint. The President could lift his ban. That might provide legal protection for our hired assassin here in the United States, but it would not protect him against murder charges in other countries, nor would it protect the United States against the wrath of other governments.

Assassinating the terrorist leaders of most concern to us means going into another sovereign country and killing someone. Americans would react angrily if British agents began gunning down IRA fundraisers on the streets of New York and Boston. And suppose Nicaraguan agents

were sent to assassinate the leader of the Contras in Washington? The merit of their case makes little difference. We'd charge them with murder.

We might not worry about violating the sovereignty of a country like Libya, especially if Qadaffi were our target, but still it's breaking the rules when it is in our long-range interest to preserve the rules. That brings us to the next argument against assassination.

3. *In combatting terrorism, we ought not to employ actions indistinguishable from those of the terrorists themselves.* We oppose terrorism not because we always oppose the causes espoused by the terrorists or reject the grievances they claim as their motive, and not because we in all cases consider armed force unjustified. We are, after all, a nation founded upon armed rebellion. We oppose terrorism because we believe that bombs in airports and restaurants, the taking of hostages, assassinations on city streets are illegitimate means of fighting in any circumstances. State-sponsored terrorism--governments conspiring in such activities--causes and deserves outrage.

Our goal is not just to outgun the terrorists but to defeat, or at least limit terrorism. We do not further that goal by resorting to terrorist tactics ourselves. Our response to terrorism cannot be to match the terrorists car bomb for car bomb, hostage for hostage, bullet for bullet. During wartime we did not torture POWs when we learned that American POWs were being tortured because it would have violated our own standards of conduct. We did not do so for one very good reason. It is not that our foes, then or now, weren't bad enough. The point is that we aren't bad enough.

4. *Assassination of terrorists could justify further terrorist actions against us.* Suppose we did adopt assassination as a countermeasure, killing off terrorist leaders and their sponsors one by one. And suppose that in response to this campaign, terrorists launched a campaign to assassinate American diplomats, perhaps our political leaders at home. Could we cry foul? Or would the world simply see it as another phase of a dirty war, fought with tactics we have agreed to.

5. *Our opponents would have the advantage.* Terrorist leaders worry about their security all the time. They are elusive, hard to find, hard to get at. Our intelligence about terrorist groups is admittedly

inadequate. If we can't plant an informant inside a group, how are we going to get someone into the right place at the right time to kill its leader?

In contrast, we are particularly vulnerable to the risk that our own leaders may be assassinated. We would agonize over each operation. Our opponents would not hesitate. We would worry about the possible danger to bystanders. Opponents who set off bombs in airports and department stores have no such concerns. In a war of assassination, clearly we would be at a disadvantage.

6. *The replacement for the person we kill may be even worse.* This is the direct counter to the principal argument in favor of assassination. One reason assassination of terrorists has not worked over the long run is that the elimination of one man simply leads to his replacement by another in the chain of command. We cannot assume that new leaders will act differently from their predecessors. In 1973, Israeli agents killed Mohamed Boudia, an Algerian who had orchestrated Palestinian terrorist operations in Western Europe. Boudia was replaced by Carlos, an even more notorious terrorist. Among the immediate lieutenants of Yasir Arafat, and a possible successor if he dies, is the man who planned the Munich attack. Qadaffi's lieutenants include those running Libya's terrorist apparatus.

7. *Whom do we kill?* Abu Nidal, architect of the most violent terrorist attacks, sentenced to death in absentia by even the PLO, would no doubt top our list. Abul Abbas, the planner of the Achille Lauro hijacking, along with the suspected chieftains of Islamic Jihad, a handful of other terrorist leaders in the Middle East, and Carlos--if he's still alive--would also become targets. But they are going to be hard to find. We might instead go after the state sponsors. That, obviously, is a decision of greater consequence and conjures up a different list of potential targets.

Colonel Qadaffi and the Ayatollah Khomeini have already been mentioned. Many suspect that Syrian President Hafez Assad plays an even greater role behind the scenes. And U.S. government officials have on occasion accused Cuba and Nicaragua of sponsoring terrorism. That adds Fidel Castro, whom we tried to assassinate 25 years ago, and Daniel Ortega. Ten years ago, Cuban terrorists, reportedly in the employ of

the Chilean secret services, assassinated a former Chilean cabinet minister in Washington. Do we then add to our list Chilean President Pinochet, who a short while ago narrowly escaped a local assassination attempt? These people might make up *our* list. Other nations would have their own priorities.

When it comes to the assassination of heads of state, one might argue that the elimination of a dozen or so of the more reprehensible potentates each generation might on the average raise standards of international behavior. It would, however, also establish a precedent. We live in a world in which Aldo Moro, Anwar Sadat, and Indira Gandhi fell to the bullets of assassins. Pope John Paul II and Ronald Reagan survived assassination attempts, although in Reagan's case, not by a terrorist. Margaret Thatcher narrowly missed being killed by an IRA bomb. Expanding the practice would hardly contribute to world stability.

8. *Who gives the order?* Not an easy question to answer. During World War II, the United States cracked the code used by the Japanese. In 1943, an intercepted message informed us that Admiral Yamamoto, the commander of the Japanese fleet, was going on a personal inspection tour that would put him within range of American fighters. Should we shoot him down? Why not? We were at war. Yamamoto was a soldier, not a head of state. We shot down Japanese aircraft whenever we could; but knowing who was on the plane somehow made it different. If you can put a name on the bullet, you are in a different business. Knowing that the killing of such a high-ranking person would have political ramifications, Admiral Nimitz contacted Washington. The question went all the way up to President Roosevelt. He gave the go-ahead. Reflecting upon the episode decades later, Admiral Nimitz's intelligence officer admitted to "qualms of conscience." "I was signing the death warrant of a man I knew personally," he wrote in his memoirs.[1] Still, this was war.

Whether seen in the context of peace or war, there is an understandable reluctance to assume responsibility for the cold-blooded

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[1]Edwin T. Layton, *And I Was There* (New York: William Morrow and Company, Inc., 1985), p. 475.

killing of a specific person, as opposed to shooting at an anonymous enemy. That pushes the decision up. The higher the rank of the target, the higher the decision must go. It took Golda Meir, the Prime Minister of Israel, to authorize the killing of the Palestinian terrorist leaders. This also was seen as war.

Most heads of state naturally shun such decisions. They may consider their foes to be scoundrels deserving of a quick exit, but they are reluctant to behave as scoundrels themselves. Even if they feel that the action is justified, they have no desire to play the role of high executioner. And no leader in his right mind wants to encourage the assassination of leaders. At a minimum, most leaders want to maintain plausible deniability--to be able to declare that they did not directly order someone's death. Some may seek cover in implied instructions. "Who will free me from this turbulent priest?" lamented King Henry before his most devoted Barons. The King's henchmen thought they understood the King's desire and they murdered Becket. Of course, he did not *order* the killing, and later claimed that he had been misunderstood.

"You know what must be done. I don't want to know about it." With a wink and a nod, so it goes down the line. No one gives the order, yet the deed is done. Plausible deniability is achieved. At the same time, such a system runs the risk of confusion, misjudgment and loss of control in a delicate and dangerous area. Although it does not involve assassination, the secret efforts by the United States to win the release of American hostages in Lebanon by selling arms to Iran nevertheless illustrates the point perfectly. In that episode, a small covert operation conducted outside of the normal channels, apparently without a clear line of authority, precise guidelines, or the checks normally imposed by government bureaucracy, ultimately caused great damage to American foreign policy and to the presidency itself.

9. *Assassins may have their own agendas.* Assassination is a nasty business, and it often requires employing nasty people, not the suave, urbane, romantic agents of the movies. Any assassinations we might realistically contemplate would most likely take place in North Africa or the Middle East, where the United States has limited operational capabilities. We would have to rely on third parties whose political agendas and attitudes about violence might differ from our own.

In Vietnam, "special targeting"--another of those euphemisms--was carried out by Provincial Reconnaissance Units who had a reputation for "fierce aggressiveness." Some were simply thugs who augmented their salary with protection and extortion rackets. A license to kill can be a profitable thing. The Central Intelligence Agency recruited the Mafia to assist it in eliminating Fidel Castro. With the Mafia's vaunted reputation for murder, why did they fail?

The Mafia helped us immensely during World War II, one former CIA agent told me years later, but by the 1960s, they weren't what they used to be. Another former intelligence man offered a more intriguing explanation that had nothing to do with the Mafia's expertise but rather concerned us. We failed because there were too many doubts on our part, he explained. Unconsciously, we didn't want to succeed. There were little slips. It wasn't betrayal. The attempt was sabotaged by lack of will.

In Lebanon, the CIA reportedly provided antiterrorist assistance to one local group, which in turn, without CIA approval went out and hired another group to assassinate Sheikh Fadlallah, the spiritual head of Hizbollah and a reputed leader of Islamic Jihad. They solved the problem of the Sheikh's immediate security by employing a car bomb that would blow him and his bodyguards away. The bomb missed the Sheikh, but killed 80 bystanders who happened to be on the street in front of his house. Whether the story is true or not--the bomb and its effects were certainly real--it illustrates one of the major risks involved in assassination operations. At the same time, the revelation of an American connection with the attack did not provoke any public furor in the United States, which suggests that given the mood of the country at the time, the attempted assassination, even though it resulted in the death of numerous bystanders, was not as objectionable on moral grounds as suggested earlier in this essay.

10. *In the long run, it doesn't work.* Following the bloody attack on Israeli athletes at the Munich Olympics in 1972, Israel embarked upon a campaign of assassination. Between October 1972 and 1974, 11 known or suspected leaders of Palestinian terrorist organizations were shot down or blown up by Israeli agents. The campaign ended after the killing of

an innocent waiter in Norway who was mistakenly identified as a terrorist on the list. The assassinations may have disrupted terrorist operations, but the effects were temporary. It was difficult to discern any decline in Palestinian terrorist attacks at the time, and Israelis and Jews worldwide are still frequent targets of terrorist violence. But, since we cannot count things that don't occur, we have no way of knowing how many more attacks would have taken place had Israel not engaged in assassination.

Suppose we could know. Suppose, through the testimony of some terrorist leader, we learned that the assassinations had disrupted or deterred a campaign of terrorist attacks that would have resulted in scores of casualties. Would that make it right? Does a favorable kill ratio change the moral equation? Under such circumstances, do we better serve humanity by *not* killing the terrorists? A disturbing question. Uncertainty gives us a way out of the dilemma. In real life, we can seldom predict the effects that an assassination might have.

As a former soldier, I accept the fact that sometimes blood may be spilt in the name of one's country. Military force cannot be ruled out as a possible response to terrorism. Combatting terrorism will at times require aggressive covert operations in which there are going to be casualties--commando assaults on terrorist training camps, for example. The death of a terrorist leader as a consequence of an attack causes fewer qualms. There is still a crucial difference between a covert military operation within a framework of war and assassination--the cold-blooded selection and the killing of a specific individual.

Assassination is a slogan, not a solution. Easy to say, tough sounding. A macho posture meant for the media: simple, seductive, full of promise, like any good TV commercial. Endless efforts to gather intelligence, tireless police work, countermeasures that are necessary but often pedestrian, difficult diplomacy, hard policy choices, rewarded with occasional unheralded victories, these--not paper pistols--make up the enterprise of counterterrorism.

One learns never to say "never." Being at war, openly engaged in military hostilities, perhaps would make a difference, although this country historically has taken the position that all is not fair even in war. Short of war, however, "assassination has no place in America's

arsenal." The quote comes from a report written more than ten years ago by a Senate Committee investigating U.S. involvement in assassination plots. It was a conclusion supported by the CIA directors who testified before the committee. It has been reiterated by every President since. And for good reason.