

By David Silverstein

# Reviving the Assassination Option

AP World Wide Photos

**A**s Friday morning dawned on January 5, 1996, the inhabitants of Beit Lahiya in the northern Gaza Strip went about their morning business, plying the muddy roads and pedestrian passages between run-down homes made of concrete blocks and corrugated roofing. In one of the buildings, a 30-year-old man with dark hair, brown eyes, and a scraggly beard heard his phone ring.

While Yahya Ayyash looked much like any other Palestinian, his degree in electrical engineering from Beir Zeit University in the West Bank gave him some special skills. His main distinguishing characteristic, though, was his penchant for mass murder, which had placed him on Israel's Most Wanted list for almost four years. Ayyash was a master bomb maker in the service of Hamas, the violent Islamic resistance group. He was credited with introducing the art of suicide bombing to Palestinians. Suicide bombings—"martyrdom operations" in Arab parlance—had killed some 50 Israelis in the previous two years.

Though he didn't know it, an Israeli intelligence drone circled overhead that morning as Ayyash reached for the cell phone in his nondescript hideout. He took the call, uttered a few words, and in an instant his hand and half of his head were blown off. The phone had been packed with 50 grams of explosive material by Israeli intelligence agents. It was detonated by a radio signal from the plane as soon as Ayyash was positively identified as the man speaking on the phone.

Suddenly, there was an open space on the Most Wanted list.

"Assassin" is actually an Arabic word, linked to the fanatical Muslim killers who targeted Christian crusaders nine hundred years ago. In modern usage, assassination has usually come to mean the killing of a government official, generally using secret or treacherous means. It is a tool of war that America has used successfully in the past.

Most recently, there was the Phoenix Program run jointly by the CIA and South Vietnamese agencies. This was an operation for uncovering and then neutralizing members of the Viet Cong who were secretly directing subversion and terror campaigns in South Vietnam—communists who aimed to undercut the stability of South Vietnam's evolving proto-democracy. Working with a strong intelligence network, commando teams captured many of these Viet Cong members. They tried to extract knowledge of enemy plans, and to "turn" or imprison the agents. As Max Boot notes in a forthcoming book on guerilla war, "Phoenix was caricatured by anti-war protesters as a program of organized assassination, but the bulk of the cadres it 'neutralized' were captured or induced to defect, not killed." Roughly 33,000 Viet Cong were incarcerated, 22,000 were "turned." Nonetheless, approximately 26,000 of these guerillas were killed.

The Phoenix Program turned out to be highly effective in eliminating terror and subversion in South Vietnam. It was "extremely destructive," admitted Tran Do, a deputy communist

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commander. The ranks of Viet Cong terrorists were thinned so drastically that the war became less of a counter-guerilla battle and more a struggle against invading regular North Vietnamese troops.

Like so much else in the Vietnam era, however, the Phoenix Program inspired domestic political opposition in the U.S. Disregarding the program's clear operational successes, the Senate Intelligence Committee, under the direction of its dovish chairman, Senator Frank Church, held hearings beginning in January 1975 which attempted to discredit and embarrass the CIA and the other U.S. intelligence services on many levels.

The very idea of the U.S. conducting undercover operations was challenged. "The Committee was struck by the basic tension—if not incompatibility—of covert operations and the demands of a constitutional system," stated Church's final report. The FBI and NSA were taken to task for their involvement in surveillance on anti-war radicals, Black Panthers, American Indian Movement activists, Weather Underground subversives, and others.

And the Church Committee report stated without qualification that "assassination is unacceptable in our society." The CIA was raked over the coals for its role in the Phoenix Program. A great stink was generated over indirect American involvement in the killings of Congolese strongman Patrice Lumumba, Dominican Republic dictator Rafael Trujillo, and Vietnamese official Ngo Dinh Diem. The Committee revealed that the U.S. had considered exotic plans to kill Fidel Castro with an exploding sea shell, a poison cigar, or a wet suit impregnated with toxic fungus.

The Church Committee hearings provided fodder for many mischaracterizations of American covert operations, and launched endless attacks on U.S. intelligence activities by the political Left. They sounded the death knell for U.S. involvement in any operations that might result in an assassination. It was argued on editorial pages and in liberal bastions across the country that assassination was an entirely illegitimate tool of war, and fundamentally incompatible with American principles and morality. Given the political climate at the time, it was clear that assassination was going to be eliminated as a tool of American state power.

But Congress never specifically outlawed the practice. Instead, it relied on a ban on assassination contained in President Gerald Ford's 1976 Presidential Executive Order 11905, later expanded in President Ronald Reagan's 1981 Presidential Executive Order 12333. The later version of this directive reads: "No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination."

Every successive President has followed these bans, and with the Church Committee muckraking in mind, our intelligence and military operatives have been kept on a very short leash. Just the same, our executives are not completely hamstrung in this area. A great advantage of the executive orders is that they can be repealed by the President at any time without Congressional action. Moreover, Congress never required that any bans on "assassination" formally define the term. This fact has given subsequent Presidents considerable latitude when contemplating

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Assassination is a morally superior alternative to carpet bombing. 99

actions that might result in the death of enemy officials.

There have been at least four or five cases in the last 25 years where it can reasonably be argued that the

American military, or an ally working with our assistance, was implicitly targeting a leading foreign enemy for elimination. One example was the 1985 car bombing in a Beirut suburb that targeted Sheikh Mohammed Hussein Fadlallah, the leader of the Hezbollah group which had murdered 241 Marines in that city in 1983. Another example is the 1986 air strike against Muammar Qaddafi's personal compound in Libya, which was launched by President Reagan in the face of evidence of Libyan terrorism. Two further cases were the missile attacks on Saddam Hussein's command bunkers in Iraq in 1991 and 1993. A final instance was the 1993 killing of Colombian drug baron Pablo Escobar by local soldiers operating with American intelligence, training, and assistance. In each of these instances, our Commanders in Chief have scrupulously followed the letter of the law contained in the executive orders against assassination. Yet they effectively managed to skirt the ban. (Only one of these efforts was successful, however—that against Escobar.) Importantly, potential critics said little about these strikes, even though they verged on violating the assassination ban, because they were strongly supported by popular opinion.

Today, as Americans call for strong reprisals against the terrorists responsible for the September 11 attacks, even liberal politicians are suddenly showing a new willingness to consider the merits of assassination as a means of responding to sworn enemies. Members of both parties in the House and Senate, including the new chairman of the Senate Intelligence Committee, Senator Bob Graham (D-FL), openly predict a possible lifting of the U.S. ban on the use of assassination. Indeed, a previously moribund bill to repeal the prohibition—H.R. 19, the Terrorist Elimination Act of 2001—recently gained 14 co-sponsors, all enrolled after September 11. Recognizing the emasculated self-defense capabilities created by the ban, President Bush signed an order the same month as the attacks, which explicitly directs the CIA to engage in covert—and deadly—operations against Osama bin Laden as well as the al-Qaeda organization.

Amidst this newfound realism, it might be useful to examine Israel's experience with assassination, where the policy has had to be implemented more than perhaps any other place. Surrounded by hostile dictatorships and plagued by a fifth column of Israeli and Palestinian Arabs, Israel has repeatedly been beset by terrorism at home and abroad. One response to this existential threat has been the development of an aggressive policy of state-sponsored assassination of terrorists—referred to as "targeted killings" or "active self-defense."

Wide-ranging Israeli actions to catch or kill terrorists and their sponsors date back to the Munich Olympics in 1972 where eight Palestinians from the Black September terrorist group murdered 11 Israeli athletes and a German policeman. Israel's response was an unremitting worldwide campaign to find and kill every terrorist involved in the act. Similarly, Israeli agents hunted down the PLO's top military leader and second

in command, Abu Jihad, who was personally responsible for the deaths of scores of Israelis. In a 1987 operation that featured submarine-borne commandos and shore-based intelligence officers, Abu Jihad was killed in his bed in Tunis, Tunisia.

Since the start of the first Palestinian uprising or *intifada* in December 1987, and continuing through the latest uprising that began in September 2000, Israel's targeted killings of terrorists have been restricted to the Middle East, and mostly within its own borders. Employing techniques ranging from sniping to helicopter gunship strikes on moving cars to tiny bombs hidden in cell phones, Israeli operatives have planned pin-point strikes that kill criminals, usually without harming innocent people around them. According to Palestinian sources, Israel has killed more than 60 Palestinians over the past year in this way, heading off untold numbers of attacks. Compared to America's penchant for going after terrorists with cruise missile strikes it can be argued that a pinpoint assassination is actually much more humane, controlled, and gentle on non-combatants.

Israel is a democracy, bound by standing legal procedures, and consistent with this, the nation's targeted killings are authorized in a special process intended to ensure government oversight. Senior Israeli officials we spoke to in October explained that in practice the procedure operates like this: An intelligence agency will approach the mini-cabinet (composed of Israel's prime minister, defense minister, and foreign minister) with information about an impending terrorist attack, or the definite involvement of one or more individuals in a past attack. They will make the case for assassination. With the attorney general acting as a non-voting adviser to the process, the members of the mini-cabinet then vote whether to permit an assassination. Every case is decided individually, and the quality of the evidence, the urgency of the threat, the timing of any assassination, and likely political fallout are all considered in the decision-making process. The threat of an imminent attack by a specific terrorist is likely to yield a decision in favor of a targeted killing. A more general request to kill a senior Palestinian political leader, on the other hand, is unlikely to be sanctioned, for fear of international repercussions and the possibility of retaliation against Israeli politicians.

Israel's "targeted killing" policy has yielded mixed results. Suicide bombings, drive-by shootings, and random sniping attacks against Israelis have not been eliminated. In mid October, Palestinian radicals actually killed an Israeli cabinet minister in what they said was revenge for a targeted killing. Meanwhile, foreign governments continue to complain bitterly over Israeli pre-emptive killings of even the most violent terrorists.

Israeli counter-terrorism authorities do report, however, that targeted killings have succeeded in deterring and short-circuiting attacks, including potential suicide bombings, and that they have reduced the numbers of terrorist leaders and skilled bomb-makers. Among other things, this has resulted in poorer execution of attacks, and many more premature detonations that kill bombers before they can fully assemble their explosives or maneuver them into position.

66 After September 11, even liberal politicians are considering the merits of assassination. 99

Whether U.S. forces borrow a page from the Israeli playbook and start knocking off terrorists in quiet pre-emptive hits remains to be seen. In any

case, killing Osama bin Laden is likely to be a very different operation from rooting out bombers in Gaza. A well-placed air-to-ground missile, bunker-busting bomb, or fuel-air explosive guided to the target by Special Forces using laser designators is likely to be more effective than a sniper or cell-phone bomb. Sneaking the reconnaissance soldiers into Afghanistan and putting planes in the sky will be the easy part of the mission. Finding our enemy's hideouts will be extremely difficult.

We have no choice but to try, however. Al-Qaeda terrorists do not distinguish between soldiers and civilians. They are willing to die for the sake of destroying America. They are willing to use horrendous weapons of mass destruction. For these reasons alone, America must make every effort to physically eliminate these men. Even if the effort fails, a national policy allowing the killing of such people will yield benefits now and in the future.

A policy permitting U.S. assassination efforts will force terrorist leaders to go deeper underground. It will deter casual sympathizers from becoming involved in these movements. It will discourage national leaders like Saddam Hussein, Muammar Qaddafi, and Mullah Mohammed Omar of the Taliban from sponsoring terrorism in the future, knowing that it could cost them their own lives.

An American policy of selective assassination offers far more certain results than trying to rely on fuzzy international police efforts. It is also far less costly, in both dollars and soldiers' lives, than trying to capture terrorists and bring them to justice, or rout them in conventional battles. Targeted killings also avoid creating near-martyrs sitting in American jails, who could inspire future attackers. And assassination is a morally superior alternative to carpet bombing.

Compared to air strikes, assassinations would be much less dangerous and psychologically menacing to populations in the lands where terrorists operate—an important factor when trying to win hearts and minds. As Lt. Col. John Paul Vann, one of America's leading practitioners in Vietnam, put it, "Guerilla warfare requires the utmost discrimination in killing. Every time we killed an innocent person we lost ground in our battle to win the people."

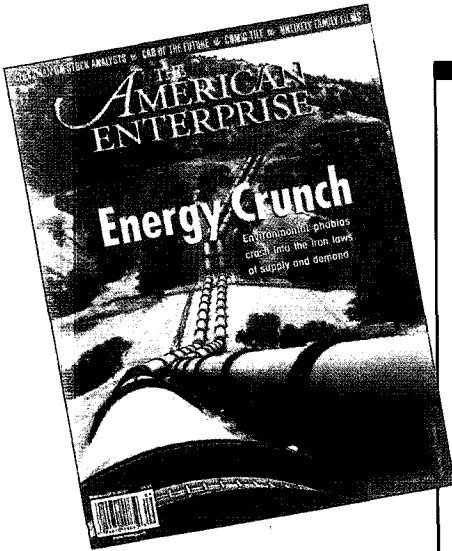
President Bush has warned that today's war on terrorism will be different from most, and that innocent American civilians are likely to continue to be victims. Fortunately, a system has evolved for working around the short-sighted, post-Vietnam-era efforts to eliminate selective assassination as one tool of war. Our Commander in Chief will use a range of methods to destroy America's enemies one by one with extreme discretion.

The use of assassination may be one of the most effective ways to stop today's plague of Islamic fundamentalist terror. Applied with precision, it can give us the advantage we need in a deadly serious war, without leading us away from our humane traditions.

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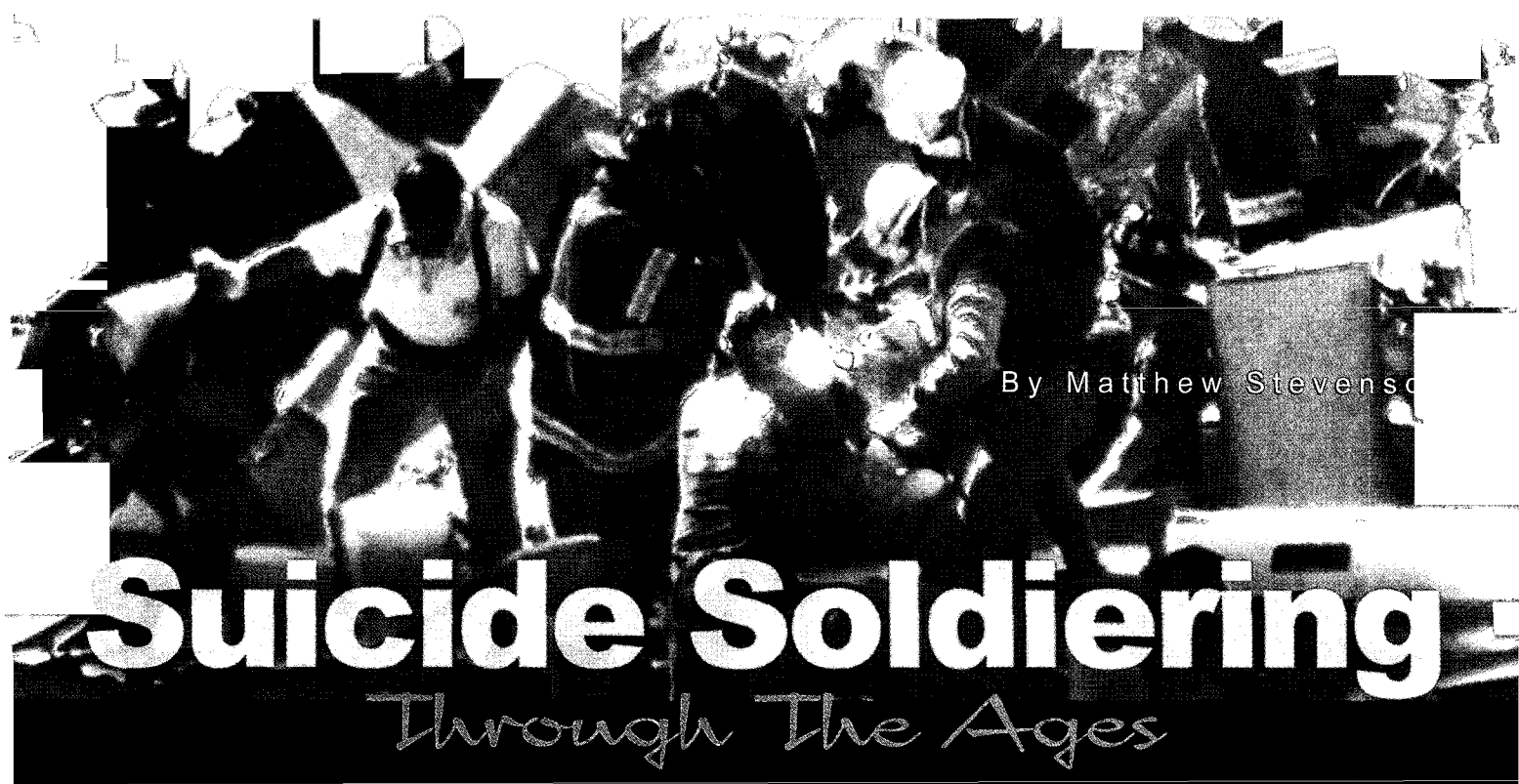
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By Matthew Stevenson

# Suicide Soldiering

## Through The Ages

On the heights of the Gallipoli peninsula in 1915, a Turkish colonel, Mustafa Kemal, later known as Atatürk, rushed reinforcements to the front with the immortal words: "I am not ordering you to attack. I am ordering you to die." Allied soldiers had nearly broken through to the Dardanelles, which in turn would have led to the fall of Istanbul and the strategic Bosphorus Straits. The full regiment of counter-attacking Turks did indeed die, to a man.

Seventy years later another confrontation took place between legions of Allah and Western forces. U.S. Marines had been deployed to Beirut in 1983 to maintain a fragile peace. In October, a suicide truck bomber crashed into their barracks with a consignment of explosives, killing 260 Americans, plus 60 French soldiers. A Marine sentry who survived recalled only a smile on the face of the assailant.

This attack drove the Western alliance out of Lebanon, allowing Syria and Iran to establish cells of terror in Lebanon's anarchy, much as Osama bin Laden has found his own free-range zones inside Afghanistan. As the result, Hamas, Hezbollah, and other Islamic terror organizations embraced suicide warfare. Suddenly, Muslim extremists are able to make damaging strikes anywhere someone can be recruited to die.

Dr. Ariel Merari, a professor at Harvard and Tel Aviv universities, has studied suicide soldiers operating in theaters ranging from Israel to Kurdistan to Sri Lanka. They are, he told the U.S. Congress in testimony a year and a half ago, not solitary creatures:

"In the whole series of Lebanese suicide terrorist attacks and Palestinian suicide attacks...there was no single case in which an individual on his own prepared this attack and carried it out. In all cases it was an organization that decided to use this tactic, found the person or persons to carry it out, trained them, and then sent them on the mission at the time and place that the organization chose."

In short, suicide bombers don't strap on explosive backpacks in fits of divine revelation. Most attacks are arranged by organi-

zations pursuing political agendas. Some suicide sponsors are entirely secular. "Religiosity is not a must," Merari has written.

Fanaticism has its uses however. In his declaration of war on the West, bin Laden goes on at great length to assure his followers that every *shahid* (Islamic suicide soldier) will enjoy a rich status in heaven—spelled out in startling details of beautiful virgins and opulent riches. "A martyr will not feel the pain of death except like how you feel when you are pinched," bin Laden quotes from a religious text. Similar assurances are offered to foot soldiers by the sponsors of Palestinian suicide bombings. These promises must be convincing, for Muslim suicide warriors often leave behind videos describing their eagerness to enter Paradise as martyrs.

Dr. Merari emphasizes that suicide bombers are made, not born. Organizations only begin by identifying people "who express their willingness to carry out these kinds of attacks." Once they are convinced that a person is serious, they train him for weeks or months.

This training process involves two important elements. One is...giving that person additional reasons to die, by giving him additional ideological stories of national glory, hatred for the enemy, etc. In this part of the training, religious motivation also comes to play. The other critical element in this training process is the creation of a point of no return. This is very important because the wish to die is not stable. In order to make sure that the person does not change his mind, the organization makes...the candidate write last letters to his family, to his friends. The candidate is videotaped saying farewell. From that point on the person is actually referred to in Arabic as *al-shahid al-hai*, which means the living martyr...already dead...only temporarily here with us.

TAE contributing writer Matthew Stevenson is author of the newly published *Letters of Transit: Essays on Travel, Politics, History, and Family Life Abroad*.