

Daniel Schorr

Hypocrisy About Assassination

Post 4/3/91

It is time to change Executive Order No. 12333 to spare us from presidential double-talk about designs on the lives of foreign foes.

The 15-year-old provision reads, "Prohibition on Assassinations. No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination."

So American planes bomb the presidential palace in Baghdad and every place where they think Saddam Hussein might conceivably hide out, blandly explaining that they are going after installations of command and control, not after the chief commander and controller.

President Bush deadpans, "We're not in the position of targeting Saddam Hussein, but no one will weep for him when he is gone."

Ronald Reagan resorted to the same kind of dry-eyed disingenuousness when asked whether he was trying to Kill Col. Moammar Gadhafi in the bombing of his compound in

Why is it okay to take out command and control centers but not the chief commander and controller?

Tripoli, Libya, in April of 1986. President Reagan said, "We weren't out in the sense of getting one man . . . hoping to blow him up. But I don't think any of us would have shed any tears if that happened."

The assassination ban goes back to a quieter and gentler time when Americans, traumatized by the murders of four presidents and a number of other heroes, recoiled from the idea of state-supported assassination—a phenomenon that Americans tended to associate with Bolshevik bomb-throwers and Balkan fanatics in the Old World.

In January of 1975, President Gerald Ford was appalled to learn from a post-Watergate report of the CIA inspector general that under presidents Eisenhower, Kennedy, Johnson and

Nixon, the agency had been involved in plots and coups against eight foreign leaders. Word of the report leaked from the White House (I disclosed it on the CBS Evening News), leading to a months-long investigation by Sen. Frank Church's Senate Intelligence Committee.

Its final report reviewed some of the plots, although absolving the CIA of direct responsibility for the death of any foreign leader. Thus, Patrice Lumumba in the Congo was killed by others before poison shipped by the CIA could be administered. Dissidents armed by the CIA killed dictator Rafael Trujillo in the Dominican Republic, but it was not clear that they had used American weapons. In South Vietnam, Ngo Dien Diem was killed in a CIA-supported coup, but the CIA said it had not wanted his death. President Salvador Allende of Chile died in a coup by an opposition group earlier supported by the CIA, but the agency said it had not supported that coup. Presidents Sukarno of Indonesia and Francois ("Papa Doc") Duvalier of Haiti died of natural causes while plots against them were under discussion.

Perhaps because American dislike assassination, their agents are not very good at it. Nowhere was the CIA's ineptitude at "termination with extreme prejudice" better displayed than in its strenuous years-long efforts, sometimes in concert with organized crime figures, to kill Cuba's Fidel Castro. Some of the plots were quite bizarre—like poisoned drinks and cigars, a disease-infected diving suit and a poison-tipped ballpoint pen to be used by a disaffected Cuban army officer. Former President Lyndon Johnson said that it was as though the United States had been operating "a damned Murder Incorporated in the Caribbean."

Under public and congressional pressure, Ford signed the 22-word assassination ban on Feb. 18, 1976. It has been renewed by every president since then. The Reagan administration sometimes chafed under it, and CIA Director William Casey occasionally raised the question of eliminating the Ayatollah Ruhollah Khomeini and Daniel Ortega of Nicaragua.

But nothing was done about the executive order until the fall of 1988, as the Bush administration coped with the issue of Panama's Gen. Manuel Noriega. The Senate Intelligence Committee had opposed American support for a Panamanian officers' coup against Noriega on the ground that he might be killed. National security adviser Brent Scowcroft attacked the committee for "micro-management of the executive branch, going clear back to the order prohibiting assassinations, which was forced by Congress."

Under this barrage, CIA Director William Webster called on Congress to give the agency greater freedom to deal with coup organizers—even if there was risk of death to the target. The Justice Department came up with a new "interpretation" of the assassination ban, saying that the prohibition did not apply if a foreign leader was killed as an unintended consequence of an action undertaken or supported by the U.S. government. This was discussed verbally with the Senate Intelligence Committee, which took no position—its silence serving as assent.

The State Department's legal adviser, Abe

Sofaer, supplemented this with an opinion that it was self-defense to kill a foreign leader engaged in terrorism against American interests and not unlawful if a leader was killed during a military operation.

Through these loopholes flew the bombers that on the first day of the invasion of Panama in December of 1989 blasted the presidential palace and every building where it was thought Gen. Noriega might be hiding—in vain. And through these loopholes fly the bombers trying to decapitate Iraq's supreme command—but, ostensibly, not its supreme commander.

That provision of Executive Order No. 12333 is, in effect, a dead letter (pardon the expression) and deserves a decent burial. It makes presidents sound like characters in Alice in Wonderland. Without it, President Bush might be able to play straight with the American people and sound more intelligible about his plans for Saddam Hussein.

The writer, senior news analyst for National Public Radio, covered the investigation of assassination conspiracies for CBS News in the mid-'70s.