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 The War Crimes

To the Editor: NOV 28 1975

There is one aspect of the Church committee report on United States assassination plots against foreign leaders that I find disingenuous: The report states that "there is no law which makes it a crime to assassinate . . . a foreign official . . . outside the United States." The report also speculates about whether U.S. officials involved in planning assassinations knew or could have known whether specific assassination plots were "authorized." In fact, there is one United States law that clearly prohibits assassinations.

United States military law is encoded in The Law of Land Warfare.

Department of the Army Field Manual FM 27-10 (July 1966), Paragraph 31 of that manual clearly prohibits assassination of individuals belonging to an enemy nation or army. Moreover, paragraph 499 of that manual defines a "war crime" as "the technical expression for a violation of the law of war by any person or persons, military or civilian" (emphasis added).

It thus appears that U.S. officials involved in conspiracies to assassinate were clearly on notice and, to the extent that they engaged in overt acts in furtherance of such conspiracies, were guilty of war crimes according to United States law. Even if The Law of Land Warfare does not technically apply, by what conceivable logic could U.S. officials have presumed assassination to be authorized against leaders of nations with whom we were not at war when assassination was so clearly prohibited against leaders of nations with whom we were at war?

I believe that every official against whom there is sufficient evidence of involvement in assassination plots against foreign leaders and to whom The Law of Land Warfare applies, should now be tried for the commission of war crimes. The nation that led the prosecution of German officials at Nuremberg can do no less against its own war criminals if it hopes to regain its position as moral leader of the world.

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