

## Essay

Michael Kinsley

# We Shoot People, Don't We?

**Y**ou wouldn't want to be General Manuel Noriega the next time George Bush has a chance to get him. For reasons having more to do with random events and petty frustration than with any rational calculus of relative evil and threat to the nation, the pit-faced Panamanian dictator is now U.S. Public Enemy No. 1. America's top foreign policy goal, for the moment, is to wipe him out. Nothing would add more to the nation's pursuit of happiness. Even those liberal Democrats who would want six months of hearings before responding to a nuclear attack are screaming for blood.

But Bush will have to hesitate before pulling the trigger. In pursuit of Noriega's demise, we Americans may impose sanctions to wreck Panama's economy (as we have done), we may support a coup, we may even rain bombs on Panama City (though no one is suggesting that). The one thing we cannot do is take him out on purpose. Executive Order 12333, issued by Ronald Reagan, says, "No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination." The Bush people claim that this standing order even made it hard for the U.S. to aid the recent coup because someone might have spontaneously shot the general, though that may just be an excuse for the Administration's incompetence.

The ban on assassination goes back to President Ford in 1976. It followed the mid-1970s revelations about CIA covert attempts on the life of Fidel Castro and similar pranks, and is a distant echo of the reactions to the assassination of President Kennedy. But there is nothing in the order limiting the ban to covert action or to attempts on heads of state. It simply forbids "assassination." What is assassination? If the word just means killing someone, anyone, for political reasons, then it effectively bans the use of—or even conspiracy to use—lethal force. That would make America the first pacifist superpower. The whole Pentagon should be arrested.

The Administration prefers a less spacious definition. But attempts to limit the scope of the anathema make it meaningless. According to State Department legal adviser Abraham Sofaer, assassination is the "unlawful killing of particular individuals for political purposes." The key word is "unlawful." It's not unlawful to kill combatants in wartime, or even to kill noncombatant civilians in the course of a legitimate military operation. It is "self-defense" to kill a head of state who is masterminding terrorist operations that threaten the national security of the U.S., the argument goes. But if the assassination ban forbids nothing that is otherwise lawful, it forbids nothing at all. It is like a law that says, "No drinking in places where drinking is not allowed."

What the assassination ban amounts to in practice is a rule against killing people whose names are well known. Killing anonymous soldiers or even civilians is merely war.

*C'est la guerre.* Killing someone with a name attached is assassination. Not done, old chap.

This absurdity was most in evidence during and after the April 1986 U.S. bombing of the military barracks in Tripoli, Libya. That was when Colonel Muammar Gaddafi was the villain of the month. Although Gaddafi and his family were known to be living in the barracks and although the attack killed many soldiers and some civilians—including, Gaddafi claimed, his 18-month-old adopted daughter—American officials were at pains to insist that they did not intend to kill Gaddafi himself. President Reagan said, "We weren't . . . dropping these tons of bombs hoping to blow that man up"—although "I don't think any of us would have shed tears if that had happened." A senior White House official said, "We were showing him that we could get people close to him." Oh, well, that's O.K., then. As long as we didn't know Gaddafi had a daughter, it's fine to kill her. Just don't kill him.

Is there any sense in a national policy that has Government officials gloating over the death of an 18-month-old girl while denying any intention to harm one of the kings of international terrorism? That has the U.S. impoverishing a whole country (Panama) through the blunt instrument of economic sanctions because we deny ourselves the use of a more surgical tool? One defense of the assassination ban is cynical. It is part of an unspoken agreement that brings a bit of order to the international chaos by ruling out one especially messy technique of war. Explicitly limiting the ban to

heads of state would be too openly cynical, but the deal in essence is: You don't kill our leader, we won't kill yours. National leaders, if not their citizens, sleep better that way.

However, the real roots of the assassination ban are American and idealistic, not worldly and cynical. Assassination, said Secretary of State George Shultz, defending the ban after the Libya bombing, "doesn't fit our way of thinking on how to do things." Legal adviser Sofaer says, "Americans have a distaste for official killing, and especially for the intentional killing of specific individuals."

In short, we just don't do that kind of thing. But what exactly don't we do? Kill people in the national interest? Sorry, we do it often. As a denial of the obvious—that we do in fact do that kind of thing, and sometimes must do it—the assassination ban can be seen as an unhealthy expression of national naiveté, or as a healthy expression of a national ideal that can't always be met in practice. Even from the latter point of view, though, its practical effect is unclear. Does this hypocritical ban on killing in the national interest make actual killing harder? Or easier, by allowing us to "do that kind of thing" while preening that we really don't? I'm not sure. Removing the most surgical tool of war does make the resort to war more difficult. Given our flighty negative enthusiasms—Gaddafi yesterday, Noriega today—that may be no bad thing. ■

