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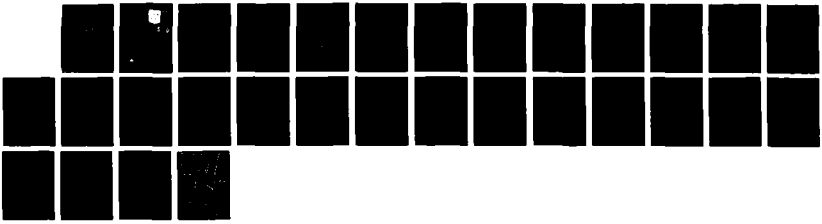

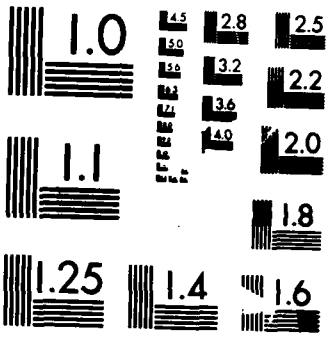

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ASSASSINATION: A MILITARY VIEW

BY

COLONEL CHARLES K. EDEN

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ASSASSINATION: A MILITARY VIEW

An Individual Essay

by

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Project Adviser

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ABSTRACT

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Assassination is a topic with which most Americans have only a passing familiarity. Such unfamiliarity then leads to confusion and misunderstanding. This article seeks to provide a definition of assassination which will allay that misunderstanding. By providing a definition we seek to edify. A clear-cut definition, however, is not easy to produce and it is here that the contribution to the accumulation of knowledge is made by drawing a contrast to a more familiar term, murder. An examination of the historical perspective, the world-wide use and impact of assassination and the international legal view is briefly conducted. The impact of assassination upon the United States is also reviewed. The conclusion provides some hope that by knowing better what assassination is, and collaterally, what it is not, the American public can be reassured of the propriety of military actions.

Assassination: A Military Viewpoint

The purpose of this paper is to examine the term "assassination". In dealing with the subject a major problem is defining that very term. Initially we will offer a discussion of this problem. A historical review of the topic will then follow. The world-wide impact of assassination will preceed an international legal commentary, the national, and then the military's view of the assassination. Another attempt at the definition will then be formulated leading to our conclusion.

The focus of this article is on the definition of the term itself; it must be made clear to the reader at the outset that the practice of assassination is not the question. We assume as a forgone conclusion that the Army is in compliance with international law and agreements and has not, is not now, or will not in the future engage in any prohibited act. The essence of the problem is a lack of understanding of assassination which leads to debates on the legality and appropriateness of who can be "targeted", that is, the object of military action.

In order to examine the topic we must first conduct a search of the current literature to discover a definition. As late as 1970 three prominent authors claimed that virtually no systematic research had been done of this topic.[1] The modest research efforts here reaches into contemporary resources where there is now an abundance of materials on assassination; one open-source public document lists some thirty-four bibliographic entries.[2] The results of that literature search will be first presented as we seek to provide an initial definition.

Definitions: A First Attempt

Conventionally, assassination means "a killing by treacherous violence".[3] Bernard Lewis points out that the first reference to the word in a Western language occurred in Dante's Inferno, lo perfido assassin, which was translated as "one who kills for money".[4] Lewis suggests that today assassin means a murderer, more particularly, one who kills by stealth or treachery, whose victim is a public figure, and whose motive is fanaticism or greed.[5] Another writer has defined assassination simply as "the trucidation (sic) of a political figure without due process of law".[6]

A more elaborate definition provides that,

> "...political murder means the pre-meditated killing of an individual or group of individuals in order to get, maintain, or extend the power of the state in the interest of an individual or group; when the killing is directed to a well defined individual it would be more correct to speak of 'political assassination'".[7]

Definition: Continuing Attempts

The word 'assassin' is of Arabic origin. It derives from the Arabic hashishiyyin meaning "those who use hashish", and refers historically to one of the Shiite Ismaili sects in Syria and Iran in the Eleventh and Twelfth Centuries, which for a time facilitated its political aggrandizement by the violent removal of its opponents, allegedly inducing courage and fortitude among its agents by the use of drugs, "hashish".[8] A more contemporary definition is "political assassination", for, while apparently a redundant term, this definition actually limits the use of the phrase precluding a mere hired killer.[9] We can accept then, that,

"assassination refers to those killings or murders, usually directed against individuals in public life, motivated by political rather than by personal relationships."[10]

Political murder, homicide related to the body politic and its governance, then includes everything from the most narrowly targeted assassination to random killings designed to intimidate opponents while calling attention to a given cause; it includes programs of geocide aimed at entire races or ethnic groups, attempts to decimate class enemies, and, in the eyes of some, formal warfare itself.[11]

Max Lerner's use of assassination as "the killing of a person in public life from a political motive and without legal process" marks a distinct improvement of a definition, although his final phrase raises questions about the use of judicial action as a cloak for murder.[12] A current scholar comments that what is needed is a definition that eliminates such tortuitous elements as the resort to ambush or the hiring of an agent, stressing instead the personalization of both doer and victim, together with the relevant range of motives. Thus, Franklin Ford offers a definition which he acknowledges to be cumbersome but is, at least, comprehensive;

"Assassination is the intentional killing of a specific victim or group of victims, perpetrated for reasons related to his (her, their) public prominence and undertaken with a political purpose in view."[13]

In a work concerned primarily with the moral and political questions of tyrannicide, Oscar Jaszi and John Lewis have prepared a classification scheme for "political murder" based largely on the motive of the assassin:

"1. Assassination for personal motives;
2. Murder to seize power for the gratification of power;
3. Diplomatic assassination;
4. Murder 'committed for reason of state;
5. Political murder 'involving religious issues:'
6. Murder where the driving motive is nationalism;
7. Political murder where 'the main motive ... is class struggle.'"[14]

In a more recent study, Richard Laney basically accepts these classifications and adds several of his own. Laney does not attempt to structure his typology entirely around motive, but inquires into the nature of the victim and the circumstances of the deed itself. He offers the following distinctions among assassinations:

"1. That committed by one, a few, or many conspirators;
2. That involving a tyrannical or non-tyrannical victim;
3. That motivated by ideology;
4. 'Irrational assassinations;' as exemplified by most of the attempts on the lives of United States Presidents;
5. 'Mass assassination,' illustrated by the slaughter of millions in Nazi Germany;
6. 'Terroristic assassination,' as in Algeria and Vietnam;
7. 'Assassination to produce a martyr to the cause,' which may be the assassin himself; and,
8. 'Preemptive or defensive assassination.'"[15]

These categories, --motive, nature of the victim, and circumstances of the deed--, seem to sometimes overlap reflecting the complexity of the definition. Rather than a typological definition perhaps a multifactor classification might be more useful. Six factors have been suggested by Carl Havens, et. al.: environment, timing, impetus, motive, nature of victim, and impact.[16] Even these factors blur when details of a specific act are applied to them, again illustrating the near futility of any categorization.[17]

A staff report to the National Commission on the Causes and Prevention of Violence claims to make no attempt to precisely define assassination but points to three separate elements woven into the concept:

> "1. A target that is a prominent political figure;
> 2. A political motive for the killing; and,
> 3. The potential political impact of the death or the escape from death, as the case may be."[18]

While avoiding a precise definition, several categories of assassination are nonetheless offerred by the Commission's staff:

> "1. Assassination by political elite to replace another;
> 2. Assassination for the purpose of terrorizing and destroying the legitimacy of the ruling elite;
> 3. Assassination by the government in power to surpress political challenge;
> 4. Assassination to propagandize a political or idealogical point of view."[19]

Each of these definitions is worthwhile for if they do not actually define the topic, then at least each illustrates the complexity of the term. Accepting no particular definition, the reader will have, at least, a sense of the boundaries of "assassination". With such boundaries in mind we will now turn to a brief historical review of assassination.

Historical Review.

From antiquity we have examples of deeds which can be identified as assassination.[20] After the mid Eleventh Century Europe was a turbulent political arena and political murder was prevelant in religious as well as nation-state affairs.[21] As Europe proliferated to the New World so did its sanquine institutions. Franklin Ford claims that by the end of the

1800's Europe had projected its examples far beyond its shores to such a degree that only a global view would suffice for a phenomenon long perceived in primarily European terms.[22]

Such a world-view allows us to note that the late Nineteenth and early Twentieth Centuries appear to have sparked a wave of assassinations and attempted assassinations against prominent world leaders, including six chiefs of state.[23] In one of the more famous, the assassin paid the same price as his victim. Pursuing President Lincoln's assassin, John Wilkes Booth, one of Colonel LaFayett C. Baker's soldiers demanded that Booth surrender or the barn in which he was hiding would be set on fire. Booth declined, and in the midst of negotiations and flames, either committed suicide, or, as officially reported, was shot to death by Sergeant Boston Corbett.[24]

The Lincoln assassination seemed to lead into a period when assassination became so common in its spread around the world that by the Twentieth Century it poses a global problem. History reflects that particular subperiods make special claim on our attention: the late 1920's may be seen now as a seedtime of later terrorism; the 1930's can be seen when the Nazi and Soviet regimes, each in its own way, combined dogma with technology to create new dimensions of despotism. Between 1942 and 1945 several dramatic exceptions to the rule that wartime controls inhibit assaults on political figures occurred.[25] Ford further contends that four features distinguish contemporary actions of assassinations related to terrorism:

> "1. Prominent among them is the effort by terrorists to depersonalize murder in one sense, by making every bystander a potential victim, while claiming to indict whole classes and governmental systems on charges once reserved for individual tyrants.

2. Another reminder of the past is the persistent role of madmen as assassins.
3. New elements include the unprecedented growth of international communications and cooperation among terrorists. Another is the sharing of techniques between practitioners of terror, both official and revolutionary, between governors and insurgents in many parts of the world.
4. Finally, there has been a less frequently remarked fading of any meaningful distinction between 'Rightest' and 'Leftist' activities, in power or out. Whatever differences in rationality or humanity of purpose may have seemed to exist a hundred years ago, the significance of idealogy began to be blurred as early as the 1920; by now, save in the most doctinaire of analyses, it has disappeared."[26]

Looking at the United States, a relatively high rate of high-level assassination has had little systematic political significance. Rita James Simon has concluded in her thorough study of the problem that, compared to other kinds of violence in the United States, assassination rates have been "low", the exception being at the Presidential level.[27] Except on the very highest level, assassination can't be said to have markedly politically effected us as much as it has made an impact world wide.[28] It is to this world wide impact that we now turn.

Impact World Wide.

Even though we have seen that assassination has a pecurliarly low impact within the United State, it does have an impact world wide. A categorical attempt to organize assassination's impact has been presented by Kirkham, Levy and Crotty:

"1. By political elite to replace another;
2. Terrorizing and destroying legitimacy or ruling elite;

3. By government in power to suppress political change;
4. Propagandizing a political or idealogical point of view;
5. Unconnected with rational political goals."[29]

These authors feel that within the United States, assassination is not likely to cause any basic alterations in institutional forms or policy. For it is these very institutions which allow "re-placeability" with swift orderliness.[30] Word wide, however, assassination does have the potential for a different impact. Havins, Leider, and Schmitt offer the following spectrum to measure the impact.

"1. No discernible changes;
2. Personnel changes;
3. Policy changes;
4. Systematic changes;
5. Social revolution; and,
6. Political system disappears."[31]

If we conclude that the impact of assassination in the United States is minimal its impact is far from that in the rest of the world. We know that terrorism has become a major international weapon not only by fanatical groups but by governments as well, and that assassination, or its threat, is an integral part of that terrorism, including counter-operations by covert violent means. The leaders of the very organizations fostering terrorism may themselves be the targets of reprisal actions. Terrorism can spill over into insurgency warfare with the ensuing types of targets:

"1. Unprotected infrastructure;
2. Civilian unprotected targets of opportunity;
3. Selective operations against specific political leaders, local dignitaries, military men, security personnel, and the like;
4. Protected government and/or military targets."[32]

We tend to forget that today's terrorism is not a recent development of our modern age but can be traced to explicit events over one hundred years ago.

> "Everything described about the structure of terrorist cells today, about their programs, was initiated in Russia in 1879 and 1880 when modern political terrorism had its beginning. Indeed, the whole war against the Imperial regime which began late in the reign of Alexander II was led by thirty people organized in different cells that had no common structure, and they kept the whole Imperial policy hopping. The tactic of breaking the government down by striking at officials by destroying the respect that people normally have for government, was developed by Russian terrorists in these years."[33]

Such a tradition is reported to continue in the Soviet Union today, for according to a classified Army study, The Soviet PSYOP Threat (U), disinformation is the term used by the USSR to include foregeries, literary hoaxes, and false information; it also, but rarely, includes such acts as sabotage and murder for psychological effect.[34]

Other nations have been mentioned in the rumors surrounding the American use of assassination. As recent as the attempted invasion at the Bay of Pigs the United States has been accused of organizing an attempted assassination of Fidel Castro.[35] More recent has been our government's role in the writing of pamphlets that appear to condone the assassination of Nicaraguan officials.[36] Most recent has been the speculation that assassination lay behind the April 1986 air strikes against Libya. The President announced the series of strikes against the headquarters, terrorists facilities, and military assets that support Mu'ammar Quaddafi's subversion activities.[37] Whether these attacks were intentionally

directed at the person of Colonel Quaddfi or merely at his organization and its physical facilities remains a flutter of speculation although Seymour Hersh says flatly that the primary aim of the bombings was to kill the Libyan leader.[38]

The utilization of assassination is not only a single event but can be combined into political murder, even more dastardly in its amalgation. Genocide, for example, is prohibited by international law, too.[39] Even the disappearance of victims is suspect of being assassination for "disappearances" and political killings by governments are frequently connected.[40]

Assassination in its various forms is not restricted to any particular geographical area. Political killings by governments have been committed in most, if not all regions of the world.[41] "Purges," a favored technique known world wide, have seen several governments in the past two decades decide on the wholesale liquidation of political opposition; the death toll in these purges have run into the tens and hundred of thousands, sometimes in a matter of months.[42]

International Law

The international community vigorously seeks to protect against various forms of assassination, both during "normal" times and in times of war. Many international covenants enforce the sanctity of human life.[43] In addition, the United Nations' General Assembly has adopted a resolution dated 9 November 1981, which:

"1. Condemns the practice of summary executions and arbitrary executions;
2. Strongly deplores the increasing number of summary executions as well as the continued incidence of arbitrary executions in different parts of the world;
3. Notes with concern the occurrence of executions which are widely regarded as being politically motivated."[44]

The ennunciation of custom at the United Nations has been to protect life in all instances, even when those who are sworn to protect life may be the agents of assassination. In The Code of Conduct For Law Enforcement Officials, adopted by the General Assembly in 1979,

> "Article 3 states that law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty. The commentary specifies that in no case should this provision be interpreted to authorize the use of force which is disproportionate to the legitimate objective to be achieved. Further, in general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender."[45]

Equally restrictive in its call to limit political killings was Resolution 5 adopted by the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 1 September 1982. Alarmed by reports of widespread killings of political opponents or suspected offenders carried out by armed forces, law enforcement, or other government agencies, or by paramilitary or political groups, often acting with the tacit or other support of such forces, this congress announced that it:

> "1. Deplores and condemns the practice of killing of political opponents or of suspected offenders carried out by armed forces, law enforcement or other government agencies or by paramilitary or political groups acting with the tacit or other support of such forces or agencies;

2. Affirms that such killings constitute a particularly abhorent crime, the eradication of which is a high international priority;

3. Calls upon all Governments to take effective measures to prevent such acts;

4. Urges all organs of the United Nations dealing with questions of crime prevention and of human rights to take all possible action to bring such acts to an end."[46]

In the arena of international law and custom the call is clear. Governments are restricted in the use of force in general, and specifically the interest is to protect citizens rather than having them become the victims of any governmental force, assassination included. We'll now turn to the United States and examine our national policy.

National Policy

The United States recognizes the stipulations of the 1907 Hague Convention IV which, in Article 23b, forbids "...to kill or wound treacherously individuals belonging to the hostile nation or army."[47] It is construed as prohibiting assassination, or putting a price upon an enemy's head, as well as offering a reward for an enemy - "dead or alive." It does not, of course, preclude attacks on individual soldiers or officers, merely their treacherous killing or wounding. This stipulation, found in the Hague Regulations of 1899 as well, was in fact carried over from Section IX, "Assassinations And Outlawry," of the Lieber Code so named from its primary author, naturalized American, Dr. Francis Lieber.[48] During the Civil War large armies, composed for the most part of untrained volunteers and commanded often by officers who lacked familiarity with the established customary rules of war, had been put into the field.[49]

There was a need for a body of written rules defining the rights and duties of commanders as well as those of the inhabitants of the war-torn country-side. President Lincoln requested a set of rules to guide the Union armies. The code was drafted in the main by Lieber at the behest of Secretary of War Stanton and approved by President Lincoln in 1863. The project is known by its proper title, Instructions For The Government Of The Armies Of The United States In The Field, General Orders No. 100, dated 24 April 1863.[50] Dr. Lieber and the Code was extolled lyrically by none other than Secretary of War Elihu Root, founder of the Army War College.[51] Other nations followed suit and the laws of warfare moved from custom into convention at the Hague.

The 1907 Hague Convention IV is not a dusty tome long forgotten on some obscure shelf, but is a vital part of today's Army. As recently as July 1986, headquarters, The Department of Army issued policy guidance based on the 1907 Convention, which requires operations--training included--to be conducted in compliance with United States law, national policy, Department of Defense directives, and Army regulations.[52] This policy letter specifically prohibits <u>assassination</u> (paragraph 5b(5)) and gives Executive Order 12333 as its reference source. In paragraph 2:11 of the Executive Order the national policy is succinctly ennunciated:

> "Prohibition Of Assassination. No person employed by or acting in behalf of the United States Government shall engage in, or conspire to engage in, assassination."[53]

The prohibition is clear cut and forthright. There is no vacillation in the public policy expressed by the President. Also, there is no reason

for doubting that the Department of Army adheres to such a prohibition since by using the Executive Order of 1981 the Army implements its own requirements to mirror the Presidential pronouncement. The government policy is clear and so is the military's but just what is a definition of "Assassination?" This lack of definition returns this essay to its starting point, a search for a definition of assassination.

Definitions: A Continuing Attempt

The term assassination suffers from any long association with elements of an offense codified from Anglo-Saxon common law from our Roman law heritage. As a matter of fact, in a particularly insightful review of the topic, LTC Joseph B. Kelly, JAGC, has noted that:

> "Assassination is not a particularization of a larger principle which prohibits attack by non-uniformed individuals because no such principle exists. It is likewise not derived from a prohibition against selectivity because such a principle also does not exist. It now rests on its own intrinsic merits.[54] (Emphasis added).

Vagueness is another factor affecting the lack of definition of the topic. While there may be some who argue for definition clarity, there are others who argue to retain broad generalities. Congress has often been accused of designing legislation with broad general terms which allow many different interpretations, at a variety of locales, over a period of time, to be made from its generalized intent. The reverse is to have specific delimited statutes which require continual legislative adjustments. Perhaps the term "assassination" suffers from vagueness by design.

A specific illustration of vagueness and the lack of it, is found in the following. It is said that the Lord's Prayer contains 56 words; the Ten Commandments 297; the Declaration of Independence some 300; but the legislation dealing with the importation of duck eggs to the European Common Market contains some 26,911 words.[55]

Such discussions are academic to those interested in some workable definition of assassination, however. Perhaps we can aid the definitional process by suggesting some characteristics of what assassination is. The following display may illustrate some of the needed information. In a comparison with murder each of the terms are abbreviated by their first initial: "M" for murder and "A" of assassination.

Knowledge of Victim	Sector	Official Ties
M Known	M Private	M Absent
A Unknown	A Public	A Present
Level of Government	Exposure	Impact
M Unrelated	M Undistinguished	M Personal
A National	A Recognizable	A Political
Target	Goal	Size
M Common	M Non-Political	M Usually Single
A Particular	A Political Change	A Single
Frequency	Purpose	Preparation
M Often	M Without	M Lacking
A Infrequent	A Multi	A Careful
Emotions	Legal Classify	Accomplices
M Deep	M Varied	M Usually None
A Few	A Single	A Intricate

A brief discussion of each of these characteristics follows:

Knowledge of Victim

M Frequently the murderer knows his/her victim. Such familiarity is estimated to be as high as 60-80%.

A An impersonal relationship. The victim is identified only by title, official position held, or, in some instances, by distinguishing uniforms.

Sector

M Private life.

A Public life, often prominent.

Official Ties

M Official ties to some government is absent.

A Has close affiliation with government.

Level of Government

M Usually unrelated to any governmental level.

A Generally related to the national governmental level.

Exposure to Public View

M Often "rank and file," undistinguished citizen.

A Frequently a recognizable figure within government.

Impact

M Private or personal.

A Public or political impact.

Target

M Common and undistinguished.

A Particular person, an office holder, a positional target.

Goal

M Non-political envolvement.

A Rapid political change.

Size

M Single, serial or mass; though the isolated single instance is the most common.

A Usually single; Adolph Hitler or Benito Mussolini.

Frequency of Activity

M Often, in USA approximately 20,000 annually reported to FBI for its Uniform Crime Report

A Infrequent

Purpose

M Single purpose or often purposeless; senseless killing.

A Several purposes served: Bernard Fall claims the VC aim was to kill some 10,000 SVN officals while the Phoenix campaign was designed to remove the VC infrastructure.

Preparation

M Often spontaneous, impetuous; a crime of passion, not planning.

A Careful planning, rehearsal, and execution.

Emotions Envolved

M Deep feeling of satisfaction.

A Mere accomplishment of task.

Legal Classification

M Variety available: accidental is termed negligent homicide, or vehicular homicide; felony homicide, i.e., murder accomplished during perpetration of another criminal act, robbery or burglary for example.

A Deliberate and pre-meditated.

Accomplices

M Usually solo operation; killings by groups numerically few.

A Intricately linked with co-actors; air crews for delivery into target areas or submarine crew for extraction from area.

Such a discussion was designed to assist in the definition of the topic, perhaps not in "positive" way, saying what the topic is, but in a "negative" way, saying what it is not. The definition of assassination, while still ellusive from succinct distillation, can now be dealt with in comparison to and contrast with murder.

Hopefully, the construction of the comparison and the definition by analogy gives the reader some better boundaries to deal with the term with increased accuracy.

Conclusion

Assassination is a term surrounded by confusion in the United States, partly because of unfamiliarity with the term and partly because of the absence of a precise definition. This essay has attempted to provide a clearer concept of what assassination is, and by contrast with murder, what assassination is not. By focusing on a definition, military operations can be analyzed more clearly and thus better understood by the very public the military seeks to serve. Dangerous misunderstandings of the definition of assassination can be avoided and compliance with the public will be assured.

ENDNOTES

1. Murry C. Havens, Carl Leiden, and Karl M. Schmitt, The Politics Of Assassination, p. xi.

2. Edward F. Mikolus, Editor, Annotated Bibliography On Transnational And International Terrorism, pp. 45-49.

3. "Assassination," Webster's New Collegiate Dictionary, p. 53.

4. Bernard Lewis, The Assassins: A Radical Sect In Islam, p. 2.

5. Ibid., p. 2.

6. Max Lerner, Encyclopedia Of The Social Sciences, Vol. 1, p. 271.

7. Oscar Jaszi and John D. Lewis, Against The Tyrant, pp. 150-151.

8. Freya Stark, "Assassins of Syria," The Cornhill Magazine, 1947, pp. 417-426.

9. Havens, p. 3.

10. Ibid., p. 4.

11. Franklin Ford, Political Murder: From Tyrannicide To Terrorism, p. 1.

12. Lerner, p. 271.

13. Ford, p. 2.

14. Jaszi, pp. 150-151.

15. Richard B. Laney, Political Assassination: The History Of An Idea, p. 17.

16. Havens, p. 17.

17. Carl Leiden, "Assassinations In The Middle East," Trans-Action, p. 20.

18. James F. Kirkham, Sheldon G. Levy, and William J. Crotty, Assassination And Political Violence, p. 1.

19. Ibid., pp. 2-5.

20. Ford, p. 5. he continues, "Those of Jael and Joab in ancient Israel, the stabbing of Hipparchus the Athenian by Harmondius and Aristogiton, the deaths by violence of the Gaarrachi, Pomprey, Caesar, and Cicero against the background of Rome's Republic in decline, not to mention the

destruction of countless Roman emperors and pertenders in the ensuring centuries are clear examples. Less familiar to a Western reader were the attempts on the life of Gautama Buddha and the harsh dynastic struggles around the throne of Ethiopia."

21. Ibid., p. 106.

22. Ibid., p. 106.

23. Barbara Tuchman, The Proud Tower: A Portrait Of The World Before The War, 1890-1914, pp. 63-113. Those six are: President Carnot of France in 1894, Premier Canovas of Spain in 1897, Empress Elizabeth of Austria in 1898, King Humbert of Italy in 1900, President McKinley of the US in 1901, and another Premier of Spain, Canalejas in 1912.

24. Brett F. Woods, "Lincoln's Ace Of Spies - Rise And Fall Of A Secret Agent: LaFayette Baker," Army, September 1986, p. 56.

25. Ford, p. 239. There was an attempt made in Nazi Germany by Germans upon Adolph Hitler and in Italy the Italian partisans were successful in their attack upon Benito Mussolini.

26. Kirkham, p. 49.

27. Rita James Simon, "Political Violence Directed At Public Office Holders: A Brief Analysis Of The American Scene," The National Commission On The Causes And Prevention Of Violence, Task Force 1, p. 5. Four have been killed: Presidents Lincoln, Garfield, McKinley, and Kennedy. In addition, attempts have been made on Presidents Andrew Jackson, Theodore Roosevelt, Franklin D. Roosevelt, Harry S Truman, Gerald Ford, and Ronald Reagan.

28. Havens, p. 31.

29. Kirkham, pp. 2-5.

30. Ibid., p. 7.

31. Havens, pp. 37-39.

32. Schloma Gazit and Michael Handel, "Insurgency, Terrorism And Intelligence," in Intelligence Requirements For The 1980's: Counter-Intelligence, pp. 138-139.

33. Ibid., p. 155.

34. CPT Thomas R. Hammett, "The Soviet Psychological Threat," Military Review, November 1986, p. 98.

35. Otto Friedrich, "The Devilish Doctrine Of Deniability," Time, 15 December 1986, p. 98.

36. Charles William Maynes, "Lost Opportunities," Foreign Affairs, Vol. 64, No. 3, 1986, pp. 413-434.

37. "United States Air Strike Against Libya, Address To The Nation," Weekly Compilation of Presidential Documents, Vol. 22, 21 April 1986, pp. 491-492.

38. Seymour Hersh, "Target Quaddfi," New York Times Magazine, 22 February 1987, pp. 16-84.

39. Political Killings by Governments, Amensty, p. 94.

40. Ibid., p. 14.

41. Ibid., p. 16.

42. Ibid., p. 23. Purges are documented for Indonesia, Kampuchea, Uganda, Ethiopia, and Brundi with data available for disappearances in Argentina, Guatemala, India, and Libya.

43. Ibid., p. 92. The most recent are the 1977 Geneva Protocols I, II. Additional To The Geneva Conventions Of 12 August 1949 and Relating To The Protection Of Victims Of International and Non-International Armed Conflicts, respectively. Then there are the 1949 Geneva Convention IV, Relative To The Protection Of Civilians In Time Of War, and the 1949 Geneva Convention III, Relative To The Treatment Of Prisoners Of War. Also, 1907 Hague Conventions V and VI.

44. Ibid., p. 97.

45. Ibid., p. 50.

46. Ibid., pp. 118-119.

47. The 1907 Hague Convention IV, Respecting The Laws and Customs Of War On Land; short title, 1907 Hague Convention IV. The reference is to Section II - Hostilities, Chapter 1 - Means Of Injuring The Enemy, Seiges, And Bombardments, Article 23(b), "In addition to the prohibitions provided by special Conventions, it is especially forbidden, (b) To kill or wound treacherously individuals belonging to the hostile nation or army."

48. Cpt. James G. Garner, "General Order 100 Revisited," Military Law Review, Vol. 27, (DA Pamphlet 27-100-27), January 1965, p. 21.

49. Ibid., p. 4.

50. Ibid., p. 5.

51. Ibid., p. 2. "The definitions are clear, the injunctions and prohibitions distinct and unambiguous, and, while the instrument was a practical presentation of what the laws and usages of war are, and not a technical discussion of what the writer thought they ought to be, in all

its parts may be discerned an instinctive selection of the best and most humane practice and an assertion of the control of morals to the limit permitted by the dreadful business in which the rules were to be applied;" in Elihu Root, "Francis Lieber," American Journal Of International Law, Vol. 7, 1913, p. 453.

52. Headquarters, The Department Of The Army, Letter 525-86-1, The Office Of The Adjutant General, DAMO-ODP(M), (19 June 1986), Subject: Department Of Army Policy On Special Operations, dated 10 July 1986, p. 9.

53. Executive Order 12333, Weekly Compilation Of Presidential Documents, Volume 17, October-December 1981, p. 1336.

54. LTC Joseph B. Kelly, "Comments: Assassination in Wartime," Military Law Review, Vol. 30, (DA Pamphlet 27-100-30), October 1985, p. 111.

55. "Eliminating Obfuscation In Federal Bureaucratese," Army Times, 17 April 1978, p. 15.

BIBLIOGRAPHY

REFERENCES

Lerner, Max. Encyclopedia Of The Social Sciences. New York, NY: Macmillian Publishing Company, Vol. 1, 1937, p. 271.

Mikolus, Edward F., Editor. Annotated Bibliography On Trans-national And International Terrorism. Washington, DC: Central Intelligence Agency, 1976, pp. 45-49.

Webster's New Collegiate Dictionary, Springfield, MS: G & C Merriam Company, 1958, p. 53.

BOOKS

Ford, Franklin L. Political Murder: From Tyrannicide To Terrorism. Cambridge, MS: Harvard University Press, 1985.

Havens, Murry C., Carl Leiden, and Karl M. Schmitt. The Politics Of Assassination. Englewood Cliffs, NJ: Prentice-Hall, Inc., 1970.

Jaszi, Oscar and John D. Lewis. Against The Tyrant. Glencoe, IL: The Free Press, 1957.

Kirkham, James F. Sheldon G. Levy, and William J. Crotty. Assassination And Political Violence. Washington, DC: A Report To The National Commission On The Causes And Prevention Of Violence, Vol. 8, October, 1969.

Laney, Richard B. Political Assassination: The History Of An Idea. Ann Arbor, MI: University Microfilms, 1966.

Lewis, Bernard. The Assassins: A Radical Sect In Islam: New York, NY: Basic Books, 1968.

Political Killings By Governments. London, The United Kingdom: Amnesty International Publishers, 1968.

Tuchman, Barbara. The Proud Tower: A Portrait Of The World Before The War, 1890-1914. New York, NY: The Macmilliam Company, 1966.

PERIODICALS

Friedrich, Otto, "The Devilish Doctrine Of Deniability," Time, Vol. 128, No. 24, 15 December 1986, p. 90.

Garner, CPT James G., "General Order 100 Revisited," Military Law Review, Vol. 27, (DA Pamphlet 27-100-27), January 1965, pp. 1-48.

Gazit, Schlomo and Michael Handel, "Insurgency, Terrorism And Intelligence," in Roy Godson, Editor, Intelligence Requirements For The 1980's: Counterintelligence, New Brunswick, NY: Trans-Action, Chapter 5, pp. 138-139.

Hammett, CPT Thomas R., "The Soviet Psychological Threat," Military Review, Vol. LXVI, No. 11, November 1986, p. 66.

Kelly, LTC Joseph E., "Comments: Assassination in Wartime," Military Review, Vol. 30, (DA Pamphlet 27-100-30), October 1965, pp. 101-110.

Leiden, Carl, "Assassination In The Middle East," Trans-Action, Vol. VI, No. 7, 1969, p. 20.

Maynes, Charles William, "Lost Opportunities," Foreign Affairs, Vol. 64, No. 3, 1986, pp. 413-434.

Simon, Rita James, "Political Violence Directed At Public Office Holders: A Brief Analysis Of The American Scene," Washington, DC: The National Commission On The Causes And Prevention Of Violence, Task Force 1, Vol. 1, 1969, p. 5.

Stark, Feya, "Assassination Of Syria," The Cornhill Magazine, Vol. CLXII, 1947, pp. 417-426.

Woods, Brett F., "Lincoln's Ace Of Spies - Rise And Fall Of A Secret Agent: LaFayette Baker," Army, Vol. 36, No. 9, September, 1986, p. 56.

NEWSPAPERS

"Eliminating Obfuscation In Federal Bureaucrateses," Army Times, (Washington, DC), 17 April 1978, p. 15.

Hersh, Seymour, F., "Target Quaddfi," The New York Times Magazine, 22 February 1987, pp. 16-84.

PUBLIC DOCUMENTS

Executive Order 12333, Weekly Compilation of Presidential Documents, Vol. 17, October-December 1981, pp. 1336-1348.

Headquarters, The Department Of The Army, Letter 525-86-1, The Office Of The Adjutant General, DAMO-ODP(M), (19 June 1986), Subject: Department of Army Policy On Special Operations, dated 10 July 1986, p. 9.

"United States Air Strike Against Libya, Address To The Nation," Weekly Compilation Of Presidential Documents, Vol. 22, 21 April 1986, pp. 491-492.

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