

Do Targeted Killings Work?

Daniel Byman

TIT FOR TAT

SALAH SHEHADA lived a violent life. During his last two years, the senior Hamas leader directed up to 52 terrorist operations against Israel, killing 220 civilians and 16 soldiers. And on July 22, 2002, Shehada died a violent death: an Israeli F-16 dropped a 2,000-pound bomb on his apartment building, obliterating it with him inside.

Before deciding to kill Shehada, Israeli officials had first gone to the Palestinian Authority and repeatedly demanded his arrest. When the PA refused, the Israeli government then sought to apprehend him directly. But they gave up after realizing that Shehada lived in the middle of Gaza City and that any attempt to grab him would probably spark a general melee.

It was then that the Israelis decided to kill Shehada. But things still remained complicated; according to Moshe Yaalon, then the chief of staff of the Israel Defense Forces, Israel had to call off its first eight attempts because Shehada was always accompanied by his daughter. Only when Shin Bet, Israel's domestic intelligence service, learned that he would be in an apartment building with no innocents nearby did the operation proceed. But the intelligence turned out to be incomplete: Shehada had his daughter with him after all, and the buildings surrounding his own were occupied. When the massive bomb demolished the target, it also damaged several of these other buildings. Shehada was killed—but so were at least 14 civilians, including his daughter and eight other children.

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The reaction to the attack was overwhelmingly negative. Hamas called it a massacre and said it would fight until “Jews see their own body parts in every restaurant, every park, every bus and every street.” Hundreds of thousands of Palestinians turned out to mourn the victims. World leaders condemned the attack, and even the Bush administration called it “heavy-handed.”

Israel temporarily became more cautious. When, two months later, its intelligence services learned that many of Hamas’ surviving senior leaders (“the dream team,” some analysts called them) had assembled for a meeting, the Israelis struck with a much smaller bomb, hoping to avoid civilian casualties this time. They did; but they also failed to kill the targets, who went on to plot further attacks.

These events highlight a few of the many dilemmas that a liberal democracy encounters when it finds itself at war with terrorists. Questions abound: By what rules should the democracy play? How far should it go in taking the fight to the enemy? And what standards and metrics should it use to judge the propriety and effectiveness of its actions?

The Shehada operation and its aftermath demonstrate that Israel’s policy of targeted killings has both benefits and costs. Supporters argue that the policy works and that it has disrupted the operations of Hamas, Palestinian Islamic Jihad (PIJ), the al Aqsa Martyrs Brigade, and other terrorist groups. In combination with the border fence, aggressive intelligence collection, and other tough security measures, they say, the killings have caused the number of Israeli deaths from terrorism to decline precipitously over the last few years. Critics respond by charging that the strategy is ineffective, illegal, and immoral. They argue that it generates worldwide condemnation, disrupts diplomatic negotiations, fuels Palestinian anger, and, what may be most important, increases the number of terrorists.

Despite these concerns, Israel’s largest ally—the United States—seems to have adopted the policy in recent years. In January, the U.S. government tried to kill al Qaeda’s second-in-command, Ayman al-Zawahiri, in Pakistan, and last December, Washington took out Hamza Rabiya, an al Qaeda operative, with a missile fired from an unmanned Predator aircraft. Perhaps because these and other such U.S. attacks took place in the developing world and with little fanfare, they have not yet provoked much controversy.

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But silence in the face of this development is dangerous, and it would be a mistake for the United States to rush too far down Israel's path. Critical differences separate the two countries and their circumstances—differences important enough that a policy that works for one of them may be damaging to the other. On some occasions, Washington will find that the benefits of targeted killings are worth the costs. But before going any further, the United States needs a full and frank discussion of the policy's pros and cons to ensure that the public is prepared to pay the price and that the tactics involved prove legitimate and sustainable.

A HISTORY OF VIOLENCE

BECAUSE MANY of the Palestinians who have targeted Israel over the years have enjoyed the protection of Arab governments, extraditing them for trial in Israel has often proved impossible. Denied peaceful options for bringing suspected terrorists to account, Israeli governments have long used targeted killings as a last resort to achieve a sort of rough justice.

After the 1972 massacre of Israeli athletes at the Munich Olympics, for example—as Steven Spielberg dramatizes in his latest film—Israeli commandos tracked down and killed the Palestinians responsible. They also killed Palestinian leaders based in Lebanon, Tunisia, and other Arab countries. Some of these missions were led by soldiers who later became senior Israeli leaders, such as Yaalon and former Prime Minister Ehud Barak.

Few of these operations involved the shedding of innocent blood, but some did. In 1973, agents of the Mossad, the Israeli foreign intelligence service, shot Ahmed Bouchiki, a Moroccan waiter, in Lillehammer, Norway, having mistaken him for a leader of Black September, the Palestinian group that had taken credit for the Munich atrocities. (The attack also led to diplomatic tensions between Israel and Norway and Canada, the latter because the Israeli agents involved had used fake Canadian passports as a cover.) After Hezbollah emerged as a threat in the early 1980s, the Israeli government killed some of the group's operatives and leaders, including Sheik Ragheb Harb, perhaps the leading Hezbollah figure in southern Lebanon (in 1984),

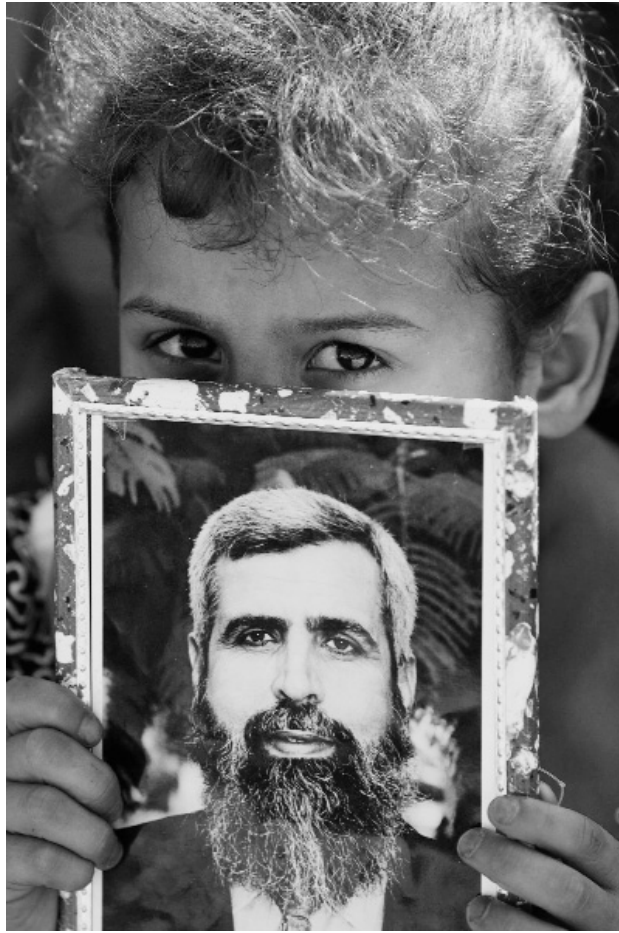
and Sheik Abbas Musawi, Hezbollah's secretary-general (in 1992). The Musawi attack also killed his wife and son.

When Palestinian violence heated up during the 1990s, Israel again responded with targeted killings. In 1995, it took out the head of PIJ, Fathi Shikaki, disrupting the organization for several years. In 1996, the Israelis detonated an explosive in the cell phone of Yahya Ayyash, a Hamas operative known as "the Engineer" because of his skill in building bombs. In response, Hamas launched four suicide attacks against Israeli buses and other targets (at the time, a staggering number), killing 48 Israelis, discrediting Shimon Peres' Labor-led government, and helping to elect Binyamin Netanyahu as prime minister. In 1997, Mossad agents tried to poison Khaled Mashaal, a senior Hamas leader then based in Jordan. The plot failed, the agents were captured, and a furious King Hussein demanded that Israel supply Mashaal with the antidote and release Sheik Ahmed Yassin, Hamas' revered political leader, in exchange for the agents' safe return.

In retrospect, all these attacks seem to have been merely a prelude to the campaign that Israel launched after the start of the second intifada, in 2000. Before then, the killings had been carried out relatively infrequently and against a limited number of targets, usually outside Israel's borders. But according to B'Tselem, an Israeli human rights organization, between 2000 and the end of 2005, Israeli security forces successfully targeted 203 Palestinian terrorists, killing an additional 114 people in the process. The targets were mostly members of Hamas, PIJ, and the al Aqsa Martyrs Brigade, but some came from other groups. Israel initially aimed at key operational leaders (such as Shehada) who were thought to be orchestrating an ongoing wave of suicide attacks. But in 2004, Israel began to take out Hamas' political leadership as well, most dramatically killing the aged and wheelchair-bound Yassin in a helicopter attack on March 22, 2004.

A BLOODY BALANCE SHEET

ASSESSING WHETHER Israel's targeted killings have solved more problems than they have caused is difficult. Israeli officials are the first to say that killing is a tactic of last resort and that arresting terrorists, when possible, is a much better course. After an arrest, security forces



AP/WIDE WORLD PHOTOS

The making of a martyr: Palestinian girl holding a portrait of Salah Shehada at a rally after his death, Gaza City, July 24, 2003

can interrogate the suspect and learn about future plots and additional operatives, who can then be arrested too. Killing suspects prevents them from striking, but dead men also tell no tales.

Terrorist groups, moreover, retaliate when their leaders are killed. Following the strikes on Hezbollah during the 1980s, the group replaced its fallen leaders and accelerated its suicide attacks on Israel. Some experts believe that the 1992 and 1994 bombings of Jewish and Israeli targets in Argentina were a response to Musawi's death and Israel's kidnapping of another Hezbollah leader, Mustafa Dirani. As Clive Jones, an expert on Hezbollah, put it, when Israel ramped up its campaign against the group it crossed "a Rubicon of restraint that had been tacitly acknowledged by both sides." Muhammad Dahlan, a

senior Palestinian security official, has also argued that “whoever sign[s] off on killing a leader among Hamas or any other leader on the Palestinian side should turn the page and should sign off on killing 16 Israelis.” As Israel learned after the Musawi and Ayyash killings, many terrorist groups do not operate at their full potential and can up the stakes in horrific ways when subjected to a targeted-killing campaign.

These reactions raise difficult questions about the policy’s efficacy. For one thing, the policy is less effective against decentralized groups. Killing the head of PIJ was useful because the group was small, Shikaki had no obvious successor, and his followers did not know what to do absent guidance from above. Many Palestinian terrorist groups, however, have since adapted to Israel’s tactics and now allow local operatives more initiative. Today’s PIJ and its counterparts are so loose in their organization that true decapitation is no longer possible.

To improve the odds of success, the policy requires a heavy investment in intelligence and rapid-response capabilities. Israel has had to maintain a robust intelligence network in Palestinian areas and, equally important, a remarkably efficient system of information sharing, so that data collected by its domestic intelligence service can be quickly passed to the Israeli Air Force and other operatives. It has also had to maintain an entire apparatus of sensors, strike aircraft, and military forces ready to act quickly. This has resulted in a nearly constant Israeli surveillance and strike presence over Palestinian areas. As former Shin Bet head Avi Dichter has noted, “When a Palestinian child draws a picture of the sky, he doesn’t draw it without a helicopter.”

Even when they are effective, targeted killings can create strategic complications. They create martyrs that help a group sell itself to its own community. Hezbollah now venerates figures such as Musawi and uses them to rally the faithful and demonstrate the group’s commitment to fighting Israel. And Khaled Hroub, a Cambridge University-based expert on Hamas, argues that Israeli counter-terrorism measures, including targeted killings, have only increased the movement’s popular legitimacy.

Targeted killings can also complicate peace negotiations on the underlying conflict. Israel’s refusal to abandon the policy has disrupted attempts to broker a cease-fire. And the killings carry a diplomatic cost that contributes to Israel’s isolation. The Bush administration has

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criticized several Israeli killings as “excessive” and imposed a token punishment (restricting the sale to Israel of spare parts for helicopters). Even after 9/11 changed the Bush administration’s thinking on the subject of targeted killings, the White House has continued to denounce the policy. European officials have been harsher, declaring some of the strikes (such as those against Yassin and Abdel Aziz Rantisi, Yassin’s successor as head of Hamas’ political wing) “wrong and illegal.”

The killing of terrorists, in contrast to the killing of enemy soldiers on the battlefield, does indeed raise difficult legal issues. Unlike states, terrorist organizations cannot “legally” declare war. Terrorists wear no uniform or distinctive insignia, do not qualify as military combatants, and are not entitled to treatment as prisoners of war. Ironically, some experts believe that the irregular status of terrorists confers additional protections on them. Because terrorists are not soldiers, these experts believe that they should be treated under international law as civilians and that if they are to be executed, it must be part of a judicial process.

Critics also level an even more damning moral charge: that the attacks inevitably lead to the death of innocents. Bouchiki was one such victim, and as the Shehada attack showed, even the most carefully planned strike—and one that actually accomplishes its goal—can produce a great deal of collateral damage. The costs of such mistakes go beyond the loss of lives and can call into question the legitimacy of the entire counterterrorism campaign. If terrorism is condemned because it kills the innocent, how can one justify counterterrorism tactics that kill them too?

THE UPSIDE OF ANGER

GIVEN ALL these problems, why does Israel continue to conduct targeted killings? The answer, simply put, is that it believes that the benefits outweigh the costs.

These costs may not be as high as some critics argue. By 2002, as the second intifada intensified, groups such as PIJ and Hamas seemed to be operating more or less at full capacity. And so although they threatened to retaliate for the killings of Shehada and Yassin, the

groups were not able to do so. The number of Israelis killed after Yassin's death, in particular, was far lower than most observers expected.

Moreover, although Israel's recent killing campaign did create a new crop of Palestinian martyrs, it is not clear that the popularity of groups such as Hamas has increased as a result. The killings appear to have had only a short-term impact on Palestinian public opinion, particularly compared to the impact of even more unpopular Israeli policies such as the closing off of large parts of the West Bank to travel. Polls show that Palestinians have long favored negotiations

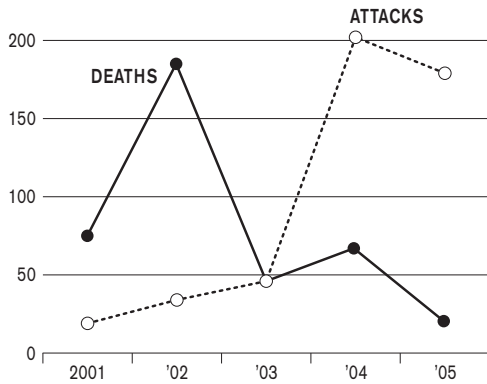
There is plenty of
reason to believe that
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have worked.

with Israel and care most about issues such as economic growth and political reform. They supported a truce even in 2003, at the height of Israel's military crackdown. Palestinian support for violence may briefly increase after a high-profile killing such as Yassin's, but in general it seems to depend more on whether the public has faith in the

peace process and the course of the negotiations. As for the notion that targeted killings can derail peace talks, during the second intifada Israeli leaders argued that since there was little reason to believe that the talks would make progress even absent the campaign, it made no sense to pass up opportunities to weaken Israel's enemies (especially since more benign tactics were rarely possible). This calculation has become more complex since Yasir Arafat's death, as a number of Israelis believe that his successor, Mahmoud Abbas, is more willing to cooperate in fighting terrorism.

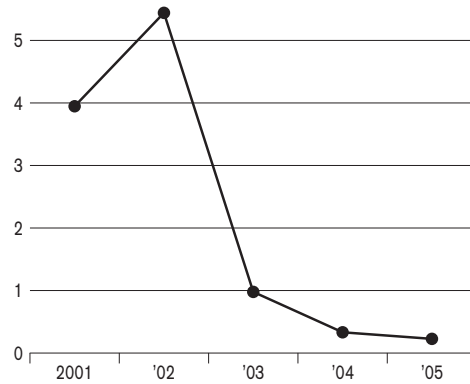
Targeted killings also present a serious advantage for Israel's leaders: they satisfy domestic demands for a forceful response to terrorism. The Israeli military reports that from the start of the second intifada through the end of October 2005, Palestinians killed 1,074 Israelis and wounded 7,520—astounding figures for such a small country, the proportional equivalent of more than 50,000 dead and 300,000 wounded for the United States. Some response by the Israeli government was necessary and inevitable. And by bolstering public morale, the targeted killings have helped counter one of the terrorists primary objectives: to reduce the faith of Israelis in their own government.

Number of Hamas Attacks and Victim Deaths, 2001–2005



SOURCE: MIPT Terrorism Knowledge Base.

Lethality Rate of Hamas Attacks, 2001–2005



SOURCE: MIPT Terrorism Knowledge Base.

In addition to boosting Israeli morale, the policy has helped in more concrete ways. The National Memorial Institute for the Prevention of Terrorism (MIPT) reports that in 2005, only 21 Israeli civilians died at the hands of Hamas—down from 67 in 2004, 45 in 2003, 185 in 2002, and 75 in 2001. Figures for deaths of Israeli soldiers show a comparable decline. This drop-off occurred partly because Israel's targeted killings have shattered Palestinian terrorist groups and made it difficult for them to conduct effective operations. Consider the lethality rate of Hamas attacks since the start of the second intifada. The number of Hamas attacks grew steadily as the intifada progressed, even as Israel eliminated Hamas members: there were 19 attacks in 2001, 34 in 2002, 46 in 2003, 202 in 2004, and 179 in 2005 (most in the first half of that year, before a tentative cease-fire took hold). But as the number of attacks grew, the number of Israeli deaths they caused plunged, suggesting that the attacks themselves became far less effective. The lethality rate rose from 3.9 deaths per attack in 2001 to 5.4 in 2002, its highest point. Then, in 2003 the rate began to fall, dropping to 0.98 deaths per attack that year, 0.33 in 2004, and 0.11 in 2005.

Something more than correlation was at work here. Contrary to popular myth, the number of skilled terrorists is quite limited. Bomb makers, terrorism trainers, forgers, recruiters, and terrorist leaders are scarce; they need many months, if not years, to gain enough expertise

to be effective. When these individuals are arrested or killed, their organizations are disrupted. The groups may still be able to attract recruits, but lacking expertise, these new recruits will not pose the same kind of threat.

To achieve such an effect on a terrorist group requires a rapid pace of attacks against it. The contrast between the Israeli campaign against Hezbollah in the 1980s and that against Hamas and other groups more recently highlights this point. Although Israel killed several Hezbollah leaders after its invasion of Lebanon in 1982, it did so at an almost desultory pace. Potential targets thus did not have to worry constantly about hiding from Israeli strikes, and when members were killed, Hezbollah had time to fully train replacements. Recently, however, in response to Israel's stepped-up campaign, Hamas and other Palestinian groups have found it difficult to replace their lost cadres with equally skilled substitutes. Frequent targeted killings also force surviving terrorists to spend more and more of their time protecting themselves. To avoid elimination, the terrorists must constantly change locations, keep those locations secret, and keep their heads down, all of which reduces the flow of information in their organization and makes internal communications problematic and dangerous.

Over time, the stress of such demands on terrorists becomes enormous. Operatives cannot visit their parents or children without risking death. Rantisi, Yassin's successor, was killed on April 17, 2004, when he broke his cautious routine to visit his home. Explaining Hamas' decision to endorse a cease-fire in 2005, Dichter, the former Shin Bet head, contends that "senior Hamas leaders decided they were tired of seeing the sun only in pictures."

Leaders in hiding also face difficulties motivating their followers. After Israel killed Yassin, Hamas appointed Rantisi as his successor. Israel promptly killed Rantisi. Hamas then announced that it had appointed a new leader but would not name him publicly: a necessary step for his survival perhaps but hardly a way to inspire the group's followers or win new converts with a show of bravery.

Over the years, Palestinian terrorists' own demands and actions have testified to the impact of Israel's targeted-killing campaign. Again and again, Palestinian groups have insisted on an end to the

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policy. These demands suggest that, contrary to what critics contend, terrorists do not in fact welcome the strikes as a way of increasing their support. Before his death, Rantisi conceded that the killings had made things harder for his organization. And Hamas never retaliated for his death. In 2005, the group even declared that it would unilaterally accept a “period of calm” because of the losses it was suffering among its senior cadre. As Hroub, the Cambridge expert on Hamas, contends, “On the ground, there is no question that Hamas has been seriously weakened by the decimation of its ranks through assassination and arrest.”

Still, targeted killings do not deserve all the credit for the recent decline in Israeli deaths from terrorism. During the recent targeted-killing campaign, Israel also launched military operations into Palestinian areas, improved its human intelligence capabilities, stepped up arrests, and put economic pressure on Palestinian communities. The incursions enabled Israeli security forces to arrest suspects previously beyond their reach, greatly increasing the intelligence available and disrupting many terrorist cells. Many suicide bombings were foiled just as the terrorists stepped out their front doors, which suggests that highly specific human intelligence played an important role in reducing the attacks.

Another controversial step—the erection of a border fence separating Palestinian areas from Israeli territory—also helped. After the fence was completed in the northern part of the West Bank in 2003, the number of Israelis killed by attackers originating from that area plummeted. The fence stopped many terrorists from penetrating Israel proper, forcing them to abandon their efforts or go through checkpoints, where they were often detected. Those who tried to circumvent the fence by traveling through areas where it was still incomplete added many miles to their trips and were forced to inform more people about their activities. Israeli counterterrorism forces were able to seize on these delays and opportunities.

And so the fence, while hardly impervious, has complemented Israel’s policy of targeted killings. The fence makes it far harder for Palestinians to enter Israel, and only sophisticated terrorists can get around it or outfox Israeli border guards. The killings, meanwhile,

reduce the number of sophisticated terrorists, making it harder for them to overcome the improved defenses.

LIVE BY THE SWORD?

AMERICANS OFTEN look to Israel for lessons in counterterrorism. Israel's history with airline hijackings and suicide bombings has given its officials painful experience, which has informed American strategies for dealing with these problems. Despite the precedent, however, the United States should not blindly follow Israel's lead in targeted killings.

For several reasons, what works for Israel may not work for the United States. To begin with, Washington operates under an "assassination ban," by which the U.S. executive branch has formally barred itself and its agents from engaging in assassination since Gerald Ford issued a presidential order to this effect in 1976. The ban seems strict on its face. But Washington, while it does not conduct targeted killings often, has developed several important exceptions to the rule. For example, since the ban was promulgated, successive U.S. administrations have interpreted it not to apply to the use of military forces to attack enemy commanders, even those who also happen to be heads of state. Thus the U.S. military could try to kill Saddam Hussein with a missile strike at the onset of the Iraq war without violating the law.

Since 9/11, moreover, the U.S. government has killed several al Qaeda leaders. The highest profile targets, such as Osama bin Laden, have escaped. But the United States succeeded in eliminating Muhammad Atef, al Qaeda's military chief, with a Predator drone in Afghanistan in October 2001. In November 2002, another U.S. drone took out Qaed Salim Sinan al-Harethi, the al Qaeda leader in Yemen who was implicated in the bombing of the U.S.S. *Cole*. And, as noted earlier, the United States killed Rabia last December.

Yet because targeted killings are not widely accepted as a legitimate instrument of state, the United States risks diminishing its status as an upholder of the rule of law if it embraces them. The killings also raise normative problems. There is a general rule in

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foreign policy against the elimination of world leaders, and this norm has served the United States well. Neither the U.S. government nor the Israeli one, for that matter, would want targeted killings to become a widely used instrument, since this would make its own citizens and officials more vulnerable. Cuba, for example, could define exiles living in Miami as terrorists, as could Syria Lebanese leaders calling for an end to Syrian dominance of their country. The idea that such figures could be eliminated as terrorists may seem absurd on its face. But one need only remember the Chilean government's killing of Orlando Letelier, a former official in Salvador Allende's government, with a car bomb in Washington, D.C., in 1976 to realize that the policy could pose a real danger. That no commonly accepted international definition of terrorism exists makes it even harder to establish generally accepted rules about when targeted killings are permissible.

There are also more practical reasons why the United States should be wary of targeted killings. Because of profound differences between the Israeli and U.S. cases, were Washington to broadly adopt this particular Israeli policy, it would find it ineffective and ultimately unsustainable. One crucial distinction between the two countries lies in the nature and the location of their enemies. Israel faces Palestinian terrorists operating from the West Bank and the Gaza Strip—mere miles from Israel proper and territory that Israel has controlled off and on since 1967. The United States, in contrast, faces a far more diffuse and global threat. Al Qaeda and affiliated jihadists now operate throughout the Middle East, Central Asia, and Europe. It would be impossible for the United States to maintain a vast intelligence presence, not to mention a rapid-strike capability, in all or even a few of these places.

Unlike the PA under Arafat, moreover, most of the governments in whose territories al Qaeda is active are friendly to the United States and actively oppose the terrorists. Because arrest is always a better option than killing, it usually makes much more sense for the United States simply to arrange for local security services to apprehend the terrorists than to antagonize locals with extrajudicial killings.

It is true that the governments of some countries, such as Afghanistan, Iraq, Pakistan, and Yemen, do not exercise full control

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over their territory or lack the capacity or the will to arrest important suspects. In such areas, targeted killings should be an option since there is no “sovereignty” to violate. But even there the United States must consider the goodwill of its allies more than Israel does. International condemnation of U.S. actions directly affects U.S. counterterrorism efforts, since much of Washington’s “war on terrorism” is waged with or in cooperation with other countries’ police and security services. The capture of Khalid Sheik Mohammad (one of the masterminds of the 9/11 attacks) involved the intense cooperation of the security services of Germany, Pakistan, and Switzerland. A decision by Germany, Malaysia, Morocco, or other states with a major jihadist presence to stop actively cooperating with Washington could be devastating. Israel may not care what other countries think; in this effort, at least, the United States has to.

IN OUR NAME?

EVEN IF the United States does not make targeted killings a major part of its own war on terror, there still could be rare cases when Washington decides it has no better option. Before acting, however, the United States must make sure it has excellent intelligence so as to minimize the chances that the attacks inadvertently kill innocent people. U.S. officials must also ensure that the benefits of eliminating the particular terrorists outweigh the political and diplomatic fallout that is sure to result.

To prepare for such eventualities and keep its options open, the U.S. government should improve its intelligence and rapid-strike capabilities in countries where targeted killings might be necessary. It should also continue to develop and deploy weapons, such as unmanned aircraft with limited-impact warheads, that can kill suspects without causing too much collateral damage. Much of the success Israel has enjoyed in its use of targeted killings owes to the fact that it has matched its policy with good intelligence and better defensive measures; the United States should do the same.

Even more important, Washington needs to develop clear, transparent, and legitimate procedures for deciding when targeted killings are appropriate. The lack of such procedures has bedeviled U.S. counterterrorism efforts for years, in two quite different ways. During the

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Clinton administration, there were repeated attempts to strike at bin Laden, but few of these efforts ever got off the ground, and the ones that did obviously failed to succeed. A combination of limited remote-strike capabilities, fragmentary intelligence, and caution in authorizing such operations led to agonizing missed opportunities. After 9/11, the Bush administration abandoned such caution, abolishing many long-standing limits on U.S. action and authorizing a range of more aggressive measures, such as secret prisons, domestic surveillance without court authorization, the holding of captured terrorists as enemy combatants, and the rendition of suspects to third countries for interrogation. But these measures have provoked an international outcry and have caused some Americans to question the legitimacy of their government's counterterrorism policy.

Unless the procedures for authorizing targeted killings are made clear, the United States risks moving either too slowly when it decides to act (thereby allowing the target to escape) or too quickly (bypassing appropriate deliberation or the careful vetting of intelligence). A public educated about the need for distasteful measures would be more likely to tolerate them, even if mistakes are made in their implementation.

Unless the procedures are made transparent, in other words, they are unlikely to garner the legitimacy necessary to make them sustainable. This is an area where the United States, and particularly the Bush administration, would do well to study the Israeli experience carefully. A key reason that most Israeli counterterrorism policies have enjoyed sustained popular support is that they have been subjected to public debate. Without such a debate, a policy can be held hostage to perfection. If policies are not endorsed beforehand by the public and the political opposition, they will provoke intense controversy when abuses and mistakes occur—as they inevitably will.

This is exactly what has happened, of course, with the Bush administration's policies on the treatment of enemy detainees, the rendition of suspects for interrogation abroad, and, most recently, domestic surveillance. A case can be made for all of these policies (or

Unless the procedures for targeted killings are made transparent, they are unlikely to be sustainable.

modified versions of them) as unfortunate necessities during an unfortunate conflict. But such a case was never made to the U.S. public, and so when the policies and the secret deliberations that spawned them were eventually revealed, the public reacted with dismay, and the administration was forced to retreat.

Israel's targeted-killing policy, in contrast, is surprisingly transparent. Shin Bet has worked with the Israeli media to ensure public awareness of what the operations involve. Several nongovernmental organizations track the number of targeted killings and the policy is challenged in the media and the courts. As a result, mistakes in implementation have not shaken the Israeli public's support for the policy. Indeed, if anything, they have strengthened it—by highlighting the policy's risks and difficulties and educating the public about its practical and moral tradeoffs. To help initiate a public debate in the United States over targeted killings, the Bush administration should make clear whether and when it plans to pursue the policy. No specific intelligence should be revealed, but the administration should provide clear criteria for action. As appropriate, these criteria should be challenged by human rights organizations, the media, and members of Congress.

In addition to transparency, any targeted killings the United States conducts must first go through a careful vetting process—a particularly important measure given the diplomatic, moral, and political stakes. In Israel, proposed targeted killings have to go through several steps before being authorized. Intelligence officials suggest targets. Military officials review all the information. And senior military leaders, the minister of defense, and the prime minister must sign off on the action. For particularly important targets (such as Yassin), the cabinet is also briefed. Even with such safeguards, the process remains controversial, since it includes no judicial component. Legal advisers are involved in the system, but not in decisions made in particular cases.

In the United States, a similar process should involve not only intelligence and military officials, but also senior political leaders. The president should be required to personally approve the target list. To facilitate oversight, key members of Congress should be kept informed of the criteria used to decide whom to target and of the policy's track record.

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To provide some form of legal review, a senior Justice Department official—ideally someone, such as an inspector general, who is insulated from the executive branch—should vet the intelligence used in fingering targets. To add even more legitimacy, a small court appointed by the chief justice of the Supreme Court could be created to review suspects' names and the evidence against them. Like the judges on the court created by the Foreign Intelligence Surveillance Act (FISA), this court's judges would be capable of rapid action if necessary (although, in the vast majority of cases, the evidence would be vetted weeks or months before an operation was planned). This is not to suggest that the level of evidence required to target a suspect would be the same as that used to convict in a normal U.S. court; such a standard would set the bar impossibly high, since intelligence is often limited and fragmentary. Having some level of legal review, however, would ensure that at least some standards were maintained and that evidence was carefully scrutinized. As with the FISA process, these measures would likely make intelligence and military agencies more careful in proposing targets.

Washington must also remember that although Israel's experience suggests that targeted killings can help manage terrorism, the policy cannot by itself resolve the problem. Thus any killings must be embedded in a broader counterterrorism program with better defenses and improved intelligence. Even with such measures in place, it would not make sense for the United States to rely on targeted killings nearly as often as Israel does. And before it does pursue the policy, the United States must learn how to make such operations a legitimate and sustainable part of its broader counterterrorism effort. The only way this distasteful tool can be preserved, ironically, is by bringing it into the light rather than keeping it in the shadows. 🌐