

Thornburgh Doctrine makes the U.S. an outlaw state

by Jeffrey Steinberg

When the assassination/coup plot against Gen. Manuel Noriega was aborted in October 1989, Attorney General Richard Thornburgh and Director of Central Intelligence William Webster set out to codify a new principle of international law that would enable the United States to take unilateral action anywhere around the globe with no concern for national sovereignty or rule of law—so long as the mission did not threaten Moscow's vital interests or step inside Russia's sphere of strategic dominance. If it was the resultant Thornburgh Doctrine that justified the policy fiasco of the Panama invasion—as it appears—then President Bush has only one simple option to save himself, and that is to fire Thornburgh, as a Democratic congressional candidate from Virginia, Lyndon LaRouche, recommended on Dec. 22.

In the Nov. 3, 1989 issue of *EIR*, Kathleen Klenetsky showed that Attorney General Thornburgh was part of a conspiracy to “bring about the ruin of U.S. constitutional law, in favor of the totalitarian police state in force in the Soviet bloc.” In the Nov. 17 issue, this author warned that if President Bush did not fire CIA director Webster before the Malta meeting with Soviet President Gorbachov on Dec. 2, the United States would find itself locked into a disastrous policy course, involving the abandonment of America's traditional allies in favor of a Soviet-American world imperium.

That harsh assessment was based on a series of recent policies emanating from the Thornburgh Justice Department and the Webster-directed Central Intelligence Agency in Langley, Virginia, which clearly aimed at setting up the United States as a global hooligan operating outside the framework of international law. Among the most visible signs of that policy course were:

- William Webster's deal with Senate Democrats on the intelligence oversight committee in late October to authorize overseas assassinations of heads of state—so long as the

murders occurred in the context of a broader covert mission aimed at changing a government through coup d'état. Webster argued that the strict ban on assassinations had prevented the CIA from playing any role in the October coup attempt against Panamanian Defense Forces commander Gen. Manuel Noriega, since there was a strong possibility that Noriega might be killed by rebelling junior military officers. When that coup plot was defeated and its leaders killed, exiled, or jailed, the CIA was rebuked for failing to foresee events and play a decisive role in the outcome. Webster seized the opportunity to use his credibility with Democrats on the intelligence oversight panels of both houses of Congress to obtain a reinterpretation of the rules governing CIA covert operations, and to win approval for Agency participation in foreign covert actions that might result in a foreign official being killed—so long as the assassination was not the mission's prime objective.

- Attorney General Thornburgh's admission, made public in October, that Justice Department attorneys had determined that it was legal for the FBI to kidnap fugitives from U.S. justice anywhere in the world, without seeking the permission or cooperation of host governments.

During the Reagan years, the United States had come under sharp international criticism for its attempt to kidnap suspected terrorist Abul Abbas on Italian soil following the *Achille Lauro* hijacking in which one American was killed by Palestinian Liberation Army terrorists. Smarting from a serious diplomatic rift with the Italian government, which resulted in Abul Abbas's safe passage out of Italy, the U.S. began shopping around for a new interpretation of the law that would accomplish an end-run around the kidnap ban. In the meantime, the FBI continued carrying out kidnappings of fugitives, but with no fanfare. In 1988, the FBI kidnaped Honduran drug kingpin Ramón Mata Ballesteros. Fed-

eral courts had already upheld the Bureau's right to seize fugitives abroad in the course of convicting Mata in a federal trial in Los Angeles this past summer. However, Thornburgh was clearly looking to establish a precedent in law so as to overcome the obstacles encountered in the *Achille Lauro* context.

Hence, the formal "legal opinion" authorizing what amounts to international piracy by American agents.

The Moscow link

What made these "mafiosi" dictums even worse was the fact that Thornburgh and Webster had set themselves up as the administration's two leading advocates of intelligence and law enforcement cooperation with Moscow. Thornburgh had just returned from a week in the Soviet Union in October, during which he conferred with top Soviet judicial officials and with the director of the KGB. Webster had been on record since the first days of the Bush administration as favoring joint CIA-KGB operations and intelligence sharing, particularly in matters relating to international narcotics trafficking and international terrorism.

Webster had told an audience at the Los Angeles World Affairs Council last September that the Cold War was over, and strongly implied that the greatest threat to America came not from Soviet nuclear warheads but from Third World tinhorn dictators and German and Japanese industrialists.

Immediately following the Dec. 2-3 Malta "seasick summit," Thornburgh issued a second legal opinion which, taken in the context of the earlier two rulings by his office and Webster, constituted what has now been labeled the Thornburgh Doctrine. The third ruling abolished the 200-year-old *Posse Comitatus* law which prohibited U.S. military personnel from carrying out civilian arrests. With the stroke of a pen, Thornburgh declared *Posse Comitatus* null and void when it came to overseas operations aimed at capturing fugitives from American prosecution.

While it is still unclear precisely what role Thornburgh and Webster played in President Bush's ultimate decision to order 30,000 American troops into Panama, there is no doubt that Webster and Thornburgh were the two principal architects of the new illegal doctrine of force upon which that invasion and subsequent genocide were based.

American personnel in jeopardy

Days before the Panama invasion began, jailed American statesman Lyndon H. LaRouche Jr. had issued a sharp denunciation of the Thornburgh Doctrine. Among LaRouche's predictions was that the doctrine would pose an immediate threat to American personnel and citizens traveling and working abroad. He foresaw Americans returning home in body-bags if that doctrine were ever to be put into practice. The events in Panama days later bore out his warnings.

As the result of the Thornburgh Doctrine being made public, first through a series of press leaks and later through

the deployment of American troops onto the streets of Panama, no American government official operating overseas can feel safe. In effect, the United States has abrogated every extradition treaty standing with every nation worldwide. Every U.S. legate, Drug Enforcement Administration officer, GI, and attaché is now fair game for any foreign government and foreign vigilantes fearful that their country is the next target of a U.S. kidnap effort, whether carried out by a "mission impossible" team of secret agents or by the 82nd Airborne.

Having codified a doctrine that sets the United States as an outlaw nation in the eyes of all civilized states, the Bush administration must now be prepared to face the consequences of that grave policy error—until such time as the policy is reversed.

It was on the basis of this unfolding situation that Lyndon LaRouche, himself a victim of American judicial tyranny, called for the firing of Thornburgh and Webster before President Bush went off to Malta. Now more than ever, that change in personnel is urgent—if for no other reason than to protect the lives of American officials and citizens abroad.

Unfortunately, based on the current "flight forward" profile of the Bush White House, the prospect of such a personnel shakeup and shift in policy would appear to be very unlikely. As this issue of *EIR* goes to press, Bush and Secretary of State James Baker have carried their sabre-rattling to the gates of the Vatican, demanding that the Vatican turn over Noriega to a phalanx of U.S. troops who have surrounded the Nunciature in Panama City. According to one source close to the White House, President Bush is "vexed" at the Pope for his refusal to turn Noriega out onto the street, and is at a loss to understand why the Pontiff has not been willing to do the United States a "favor" in return for the many favors that the Reagan and Bush administrations have allegedly done for the Catholic Church.

World reaction will be harsh

When Ayatollah Khomeini issued a death sentence against Pakistani writer Salman Rushdie for his slanderous remarks about Islam in his book *The Satanic Verses*, there was an international outcry against the Islamic regime for its flagrant violation of international law and basic human rights. Like it or not, international law specialists would be hard pressed to distinguish between the Khomeini unilateral death sentence against Rushdie, and President Bush's unilateral decision to deploy 26,000 American troops to nab General Noriega.

President Bush can expect to encounter a similar surge of criticism when the full implications of the Thornburgh Doctrine are considered. In fact, already, significant criticism has appeared in the Western European press, and even some of the prominent liberal editorial writers in the United States have invoked images of Teddy Roosevelt gunboat diplomacy and regional bully-boyism.