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**A trial would have been bad, but better**

By Curtis Seltzer

BLUE GRASS, Va.—I disliked Osama bin Laden as much as the next guy who lives in Blue Grass, but I'm troubled by how he was sent on his way. I'm not troubled that he was sent on his way.

Why didn't the armed U.S. SEALs capture the unarmed bin Laden alive?

Why wasn't he wounded instead of dispatched with two kill shots—one to his eye, the other to his chest. Why wasn't he disabled with a bullet in the leg like his 27-year-old wife, Amal Al-Sadah?

SEALs, I'm told, are superb marksmen. They're trained to manage these situations. They practiced this operation. They encountered little resistance and enjoyed overwhelming force.

It's not plausible that these two shots just happened in the heat of the moment.

In the spring of 1974, I was having supper in Gatlinburg, Tn., when I struck up a conversation with our waiter—a hearty Irishman whose manner suggested that he would not be the right guy to mess with. We had a couple of drinks.

He said that he had been smuggled into Cuba in the early 1960s as part of several assassination plots the CIA ran against Castro following its disastrous Bay of Pigs invasion in April, 1961. He mentioned several schemes he'd been working, including slipping a capsule of Draino into Fidel's supper.

Draino! Could this be true? Maybe it was just booze bragging and mischievous Irish wit.

In 1975, a Senate investigation led by Frank Church verified at least eight such U.S. assassination plots between 1960 and 1965.

After the Bay of Pigs, Attorney General Robert Kennedy was given the "get-Castro portfolio" and was more or less in charge of these efforts, though not directly. It's reported that President Kennedy was uneasy with these assassination schemes, but did not stop them.

Immediately after Dallas, Robert Kennedy speculated that his efforts to dismantle the Mafia and kill Castro -- one or the other -- might have been behind his brother's murder.

Assassination is a two-way street.

Assume, for argument, that Castro did order Lee Harvey Oswald to shoot President Kennedy. Was this, Castro might argue, neither more nor less than what the Kennedys had been trying to do to him? Had not, Castro might argue, the Kennedys started this round of foreign policy by assassination? Was he not, he would say, simply defending his own life and using the Kennedys' weapon of choice?

I don't know that Castro sent Oswald. A 2006 German television documentary, "Rendezvous with Death" by Wilfried Huismann, suggests that Castro was behind Oswald, based on new evidence and interviews. Perhaps we'll learn the truth after Fidel dies.

While both Kennedys were intimately involved in the 1963 coup to remove South Vietnamese president Ngo Dinh Diem, neither appear to have authorized or even had knowledge of his subsequent assassination by the South Vietnamese generals who did the dirty work. The Church Committee found no evidence to implicate the Kennedys, and recently released documents support that conclusion. (John Prados, "JFK and the Diem Coup"; [www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB101/index.htm](http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB101/index.htm).)

Assassination of opposing leaders during wars is rare in modern times. And the reason for this unspoken rule is simple: self-interest.

The U.S. did not attempt to assassinate Hitler, Mussolini, Tojo or the Japanese Emperor. Most of the plots against Hitler came from the German military. With the exception of Castro, we did not try to assassinate leaders of Cold War Communist states, such as Stalin, Mao, Khrushchev or Ho Chi Minh. And they did not try to assassinate our presidents.

My guess is that the decision to assassinate bin Laden was made without directly involving Obama, but with his general consent. I also suspect that the White House had advance knowledge and approved of NATO's attempt to kill Colonel Gadaffi on March 25th by bombing his Tripoli compound. These attacks are consistent with the unsuccessful "decapitation strike" ordered by President George W. Bush in March, 2003 to kill Saddam Hussein at the start of the Iraq war.

My other guess is that the Administration's decision-makers concluded after considering and counting all things, that it was better to kill bin Laden than to capture him, imprison him, try him and eventually execute him. This policy is the exact opposite of that which we adopted in WWII with both German and Japanese war leaders.

This, I fear, is a bad tit-for-tat to have started.

Al Qaeda could easily assassinate Republican presidential candidates, members of Congress, Supreme Court Justices, business leaders, sports figures and celebrities. American politics and government would be turned upside down and inside out by a couple of unsuccessful tries at President Obama.

Hostilities between the Christian West and Islamic regimes have been going on for 1,400 years. They calm down only when direct confrontations, invasions, crusades and occupations are not occurring. They never end, no matter who's up at any particular time.

Many good reasons can be invoked to justify, even welcome, bin Laden's death.

But getting there through what looks like a planned assassination will neither win this fight with Jihadists who hate our interventionist foreign policy nor turn down its heat.

I can offer many good arguments to show that bin Laden did not deserve a Western trial, based on due process. He could have become a sympathetic prisoner in world opinion. His trial could have rallied and unified Jihadists and led to attacks. He could have been sentenced to something less than death.

But a trial -- as messy and complicated as it promised to be -- was, I think, the better of the two choices, the one more in keeping with the best American values. A trial is what Saddam Hussein got. How were we diminished by that?

If the Greatest Generation could accept a trial for the accused at Nuremberg and Tojo, what makes bin Laden worse?

If Obama uses bin Laden's death to pull back militarily from the civil wars in Iraq, Afghanistan and Libya and refrain from jumping into Syria and Yemen, it's possible that things will settle down.

If, on the other hand, Obama thinks he's on a roll, a thousand Jihadist patsies will seek revenge.

Most American presidents have refrained from using Drains on our enemies for good reasons. The exceptions -- Kennedy, Bush and Obama -- played with fire, and JFK may have gotten burned.

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