

Don't Ignore Innocent Victims of Panama Invasion

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NONCOMBATANT Panamanians who were wounded or whose property was destroyed, and the families of noncombatants killed in the invasion of last December are looking to the United States for help. My brother and I, lawyers, represent a number of them and are seeking relief from Congress for all the innocent victims. We are apparently the only representatives these people have. My brother, David, practiced law in Panama for nearly 10 years until 1985. His son was born there. The majority of his clients before the US District Court there were Panamanians. His golfing partners were Panamanians. Like most Americans living in Panama, he worked and socialized with Panamanians often.

One of my last visits was in the summer of last year as the legal adviser to the US Army's 3rd Ranger Battalion. Politics with Panama were very uneasy then. Movement by US soldiers outside our bases was highly restricted and normally took the form of a convoy, complete with loaded weapons and camouflage face paint. Still, I can remember traveling the Trans-Isthmian Highway early one morning while schoolchildren waiting for their buses waved and smiled at us.

Panamanians are friendly to Americans. For generations, Americans and Panamanians have run a canal, lived, and even raised families together. The hostile dramatics of General Noriega and his thin cadre of supporters may have obscured, but never really diminished the unique friendship of the two nations.

The invasion of Panama last December occurred as I was leaving the Army. It surprised me, particularly in its scope, since the location of military facilities in residential areas had seemed to make any large-scale attack prohibitively expensive in terms of civilian casualties. General Noriega's command center was in the middle of Chorillo, a densely populated slum.

Whether our goals in the invasion justified the extent of civilian deaths and injuries is something about which people differ. Nonetheless, the invasion's aftermath provides us with a clear imperative to attend to those who suffered from it.

US Army assault tactics have one common principle: An attacking force masses firepower and saturates the objective with ordnance before moving troops over it. This is designed to save the lives of assault troops.

The sustained firing by our forces on Panamanian military targets prior to assault foreseeably created very heavy civilian casualties in the surrounding neighborhoods. Nonetheless, military commanders are trained that mission comes first, the safety and welfare of their soldiers second, and avoidance of collateral or civilian casualties only third.

Understanding the tactic, though, does not diminish its tragic effect in Panama. The most conservative tally of noncombatants killed, the Army's number, is 202. Wounded far outnumber the dead. The Army calculates roughly 50 Panamanian military dead.

Applauding the tactical success of the invasion should not preclude helping those victimized by it. The proposed Panama aid package currently before the Senate has no

provision for the relief of the invasion's actual victims. The bill is a generous show of support, but the ``jump start" for Panama's economy looks to rebuilding businesses not people. The package includes no allocation for compensation to those who lost family, limbs, or property in the combat. Since the heaviest fighting occurred in poor neighborhoods, these people are mostly poor and voiceless.

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These are not the victims of a natural disaster. They are the victims of an invasion we undertook with foreknowledge of its effect on them. While we have no strictly statutory obligation to help them, we do have a moral obligation and a precedent for honoring it. Consider the practical effect of our ignoring it.

The US Army, through its Claims Service, has compensated the innocent victims of our invasions of Grenada in 1983 and the Dominican Republic in 1965. Panamanian victims will eventually ask why we did not afford them the same consideration we showed their precursors in other countries. The Claims Service has the training and expertise to substantiate losses and assure that claimants are, in fact, innocent noncombatants.

Unless the supplemental Panama aid includes an allocation for payment of claims to innocent victims, our aid will ignore those who most need and deserve it. They will not likely forget.