Robert E. Lutz\* Susan L. Streiker† Debra S. Johnson-Champ‡

# International Terrorism: A Legal Bibliography of Selected Issues and Sources

The phenomenon of international terrorism is not new, but in the last few years it has taken on a more ominous character. The widespread attacks on innocent civilians, financially and tactically supported by sovereign States, have meant that no one is immune from being the victim of international terrorism and that its perpetrators are often beyond the reach of any State's law. Whatever the purported justification of such attacks, recent tragedies have led the United States and a number of its allies to undertake new initiatives that raise significant domestic and international legal issues.

In combating terrorism abroad, three areas of international law among others may be involved: the law of extradition, especially as applicable to offenses claimed to be "political"; the law governing the use of economic sanctions against other countries as well as the reach of United States law to regulate economic activity abroad conducted by its nationals or enterprises they control; and the legal availability of the use of force in self-defense—either preemptive or in response—to State-supported acts of terrorism.

<sup>\*</sup>Professor Lutz is Professor of Law at Southwestern University School of Law, editorin-chief of THE INTERNATIONAL LAWYER and a member of the California Bar.

<sup>†</sup>Ms. Streiker is Reference-Media Librarian at Southwestern University School of Law. She obtained her B.A. and M.L.S. degrees from Brigham Young University.

<sup>‡</sup>Ms. Johnson-Champ is the Head Reference Librarian at Southwestern University School of Law. She obtained her B.A. from the University of Denver and her J.D. from Pepperdine University School of Law, and is a member of the California Bar.

While few abroad are immune from terrorist attacks, the risk of exposure to them in the United States is also growing. The very existence of this threat seems to affect the normal freedoms of movement and action to which we have become so accustomed in the United States. Thus, efforts to prevent the occurrence of international terrorism in the United States entail measures which can raise civil liberty issues. Moreover, because modern communications media have also played a significant role in "publicizing" terrorism, efforts to limit media coverage of terrorist activity have become another area of legal inquiry.

This bibliography is designed to provide some guidance to sources for those who wish to explore these and other related issues of this important and complex subject.

# TABLE OF CONTENTS

Page

	1 460
I. Terrorism: An Overview	1085
A. Treaties, Conventions and Resolutions	1085
B. Selective Legislative Materials	1086
1. Recent Legislation and Legislative Efforts	1086
2. Current Proposed Legislation	1086
C. Articles	1087
D. Bibliographies and Document Compilations	1088
E. Current Treatises	1089
II. The Political Offense Exception and the Extradition of	1002
International Terrorists	1090
A. Treaties and Conventions Dealing with the Extradition of	1070
Political Offenders	1091
1. United States—United Kingdom	1091
2. European Conventions	1091
3. Inter-American Conventions	1091
4. Miscellaneous	1091
B. Current United States Legislative Materials	1092
C. Articles	1092
III. Economic Sanctions Against Countries Which Support	
Terrorist Acts and the United States'	
Extraterritorial Reach	1095
A. Current United States Legislative Materials	1095
1. Recent Legislation	1095
2. Other Legislative Materials	1095
3. Current Proposed Legislation	1096
B. Articles	1096

IV. Self-Defense and Retaliation	1097
V. Terrorism and Civil Liberties	1099
VI. Terrorism and the Media	1100

# I. TERRORISM: AN OVERVIEW

## A. Treaties, Conventions and Resolutions

- A.B.A. Standing Committee on World Order under Law, Model Convention on the Prevention and Punishment of Certain Serious Forms of Jeopardizing Fundamental Rights and Freedoms (A.B.A. Div. Pub. Serv. Activities 1980).
- A.B.A. Standing Committee on World Order under Law, Model American Convention on the Prevention and Punishment of Serious Forms of Violence (A.B.A. Div. Pub. Serv. Activities 1983).
- Convention for the Suppression of Unlawful Acts Against the Safety of Civilian Aviation (Montreal Convention), Sept. 23, 1971, 24 U.S.T. 564, T.I.A.S. 7570.
- Convention of Offenses and Certain Other Acts Committed on Board Aircraft (Tokyo Convention), Sept. 4, 1969, 20 U.S.T. 2941, T.I.A.S. 6768.
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, Including Diplomatic Agents, Dec. 28, 1973, 28 U.S.T. 1975, T.I.A.S. No. 8532, 1035 U.N.T.S. 167.
- Convention on the Suppression of Unlawful Seizure of Aircraft (Hague Convention), Dec. 16, 1970, 22 U.S.T. 1641, T.I.A.S. 7192.
- Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance, Feb. 2, 1971, 27 U.S.T. 3949, T.I.A.S. 8413.
- Draft Convention for the Prevention and Punishment of Certain Acts of International Terrorism, U.N. Doc. A/C.6/L.850 (1972), *reprinted in* 67 DEP'T ST. BULL. 431 (1972).
- Drafting of an International Convention against the Taking of Hostages, U.N. Doc. A/C.6/34/L.23 (1979).
- European Convention on the Suppression of Terrorism, Jan. 27, 1977, Cmd. 7031, reprinted in 15 1.L.M. 1272 (1976).
- General Assembly Resolution on Measures to Prevent International Terrorism, G.A. Res. 40/61, U.N. Doc. A/RES/40/61 (1986), *reprinted in* 25 1.L.M. 2239 (1986).
- International Law Association Draft Single Convention on the Legal Control of International Terrorism (1980).
- League of Nations 1937 Convention for the Prevention and Punishment of Terrorism, *opened for signature* Nov. 16, 1937, League of Nations Doc. C. 546(1).M383(1) (1937) (not in force).
- Organization of American States Convention on Terrorism, Oct. 20, 1976, 27 U.S.T. 3950, T.I.A.S. No. 8413.

Security Council Resolution Condemning Hostage Taking, S.C. Res. 579, U.N. Doc. S/RES/579 (1985), reprinted in 25 I.L.M. 243 (1986).

#### **B.** Selective Legislative Materials

- 1. Recent Legislation and Legislative Efforts
  - 1984 Act to Combat International Terrorism, Pub. L. No. 98-533, 98 Stat. 2706, *reprinted in* 24 I.L.M. 1015 (1985).
  - International Security and Development Cooperation Act of 1985, Pub. L. No. 99-83, 99 Stat. 190; S. REP. No. 34, 99th Cong., 1st Sess. (1985), reprinted in 1985 U.S. CODE CONG & Ad. News 158; H.R. CONF. REP. No. 237, tit. V, 99th Cong., 1st Sess. (1985), reprinted in 1985 U.S. CODE CONG. & AD. News 210.
  - Foreign Assistance and Related Programs Appropriations Act of 1985, Pub. L. No. 98-473, tit. 1, § 101(1), 98 Stat. 1903 (1984).
  - J. Murphy & B. Jenkins, Legal Aspects of Current and Prospective U.S. Policy toward Terrorism, in International Terrorism, Insurgency, and Drug Trafficking: Present Trends in Terrorist Activity: Joint Hearing of the Senate Foreign Relations Comm. and Senate Judiciary Comm., 99th Cong., 1st Sess. 330 (1985). Y 4.F 76/2: S. Hrg. 99-372.
  - International Terrorism, 1985: Hearings and Markup before the Committee on Foreign Affairs, 99th Cong., 2d Sess. (1985). Y 4.F 76/1: In 8/67/985.

#### 2. Current Proposed Legislation

- H.R. 4737, 99th Cong., 2d Sess. (1986) (a bill to reduce the threat of international terrorism through international cooperation, and for other purposes).
- S. 2335, 99th Cong., 2d Sess. (1986) (a bill to protect U.S. citizens from terrorism).
- H.R. 4611, 99th Cong., 2d Sess. (1986) (a bill to protect U.S. citizens from terrorism).
- H.R. 4418, 99th Cong., 2d Sess. (1986) (a bill to provide enhanced diplomatic security and combat international terrorism, and for other purposes).
- H.R. 4307, 99th Cong., 2d Sess. (1986) (a bill to provide for and strengthen United States and international protections against international nuclear terrorism).
- H.R. 4294, 99th Cong., 2d Sess. (1986) (a bill to amend Title 18, United States Code, to provide additional tools for the battle against terrorism, and for other purposes).
- H.R. 4044, 99th Cong., 2d Sess. (1986) (a bill to amend Title 18, United States Code and the State Department Basic Authority Act of 1956 to increase the maximum allowed for certain rewards relating to terrorism, and to establish a most wanted terrorists list).
- S. 1940, 99th Cong., 1st Sess. (1985) (a bill to protect the security of the United States by creating the offense of international terrorism, and for other purposes).
- S. 1915, 99th Cong., 1st Sess. (1985) (an original bill to amend the Foreign Assistance Act of 1961 to provide special assistance to combat terrorism in Central American countries).

- H.R. 3704, 99th Cong., 1st Sess. (1985) (a bill to protect the U.S. citizens and property from state-supported terrorism).
- S. 1757, 99th Cong., 1st Sess. (1985) (a bill to authorize assistance to combat terrorism in Central America, and for other purposes).
- H.R. 3463, 99th Cong., 1st Sess. (1985) (a bill to authorize assistance to combat terrorism in Central America, and for other purposes).
- H.R. 3330, 99th Cong., 1st Sess. (1985) (a bill entitled: 'Nuclear Power Plant Security and Anti-Terrorism Act of 1985').
- S. 275, 99th Cong., 1st Sess. (1985) (a bill to protect the internal security of the United States by creating the offense of terrorism, and for other purposes).

#### C. Articles

Bassiouni, Prolegomenon on Terror Violence, 12 CREIGHTON L. REV. 745 (1979).

- Bonnor, International Law and the Control of Terrorism, 7 DALHOUSIE L.J. 236 (1983).
- Evans, Perspectives on International Terrorism, 17 WILLIAMETTE L.J. 151 (1980).
- Federal Bureau of Investigation, Terrorist Research and Analytical Center, FBI ANALYSIS OF TERRORIST INCIDENTS IN THE UNITED STATES, Report for 1981, 1982, 1983, and 1984 (published annually in March of the succeeding year).
- Friedlander Terrorism and International Law: Recent Developments, 13 RUT-GERS L.J. 493 (1982).
- Friedlander, Terrorism: Seeking Legal Remedies—Domestic and International, 17 INT'L Soc. BARRISTERS Q. 296 (1982).
- Friedlander, Terrorism and Self-Determination: The Fatal Nexus, 7 Syracuse J. INT'L L. & COM. 263 (1979).
- Goldberg, The Shout-Out at the Libyan Self-Styled People's Bureau: A Case of State-Supported International Terrorism, 30 S.D.L. Rev. 1 (1984).
- Green, International Law and the Control of Terrorism, 7 DALHOUSIE L.J. 236 (1983).
- Green, Is There an International Criminal Law? 21 ALBERTA L. REV. 251 (1983).
- Green, Terrorism and the Law, 30 CHITTY'S L.J. 107 (1982).
- Henze, Coping with Terrorism, 9 FLETCHER F. 307 (1985).
- Jacob & Watts-Fitzgerald, Protection of Offshore Assets of the United States from Terrorist Activity, 16 Nat. Resources Law 569 (1980).
- Joyner, Offshore Maritime Terrorism: International Implications and the Legal Response, 36 Naval War Coll. Rev. 36 (1983).
- McClure, Operational Aspects of Terrorism, 17 WILLIAMETTE L.J. 165 (1980).
- Miller, Terrorism and Hostage Taking: Lessons from the Iranian Crisis, 13 RUTGERS L.J. 513 (1982).
- Moore, Terrorism: The Environment, 16 INT'L LAW. 135 (1982).
  - Motley, Terrorist Warfare: Formidable Challenges, 9 FLETCHER F. 295 (1985).
  - Murphy, Clandestine Warfare: Morality and Practical Problems Confounded, 39 WASH. & LEE L. REV. 377 (1982).
  - Murphy, Legal Controls and the Deterrence of Terrorism: Performance and Prospects, 13 RUTGERS L.J. 465 (1982).

- Nash, Four Bills Proposed by President Reagan to Counter Terrorism, 78 AM. J. INT'L L. 915 (1984).
- Paust, Federal Jurisdiction over Extra-territorial Acts of Terrorism and Nonimmunity for Foreign Violators of International Law under the FSIA and the Act of State Doctrine, 23 VA. J. INT'L L. 191 (1983).
- Pollock, Terrorism as a Tort in Violation of the Law of Nations, 6 FORDHAM INT'L L.J. 236 (1982).
- Richards, Terror and the Law, 5 HUM. RT. Q. 171 (1983).
- Rosenstock, International Convention against the Taking of Hostages: Another International Community Step against Terrorism, 9 DEN. J. INT'L L. & POL'Y 169 (1980).
- Rubin, Terrorism and the Law of War, 12 DEN. J. INT'L L. & POL'Y 219 (1983).
- Shestack, Of Private and State Terror—Some Preliminary Observations, 13 RUTGERS L.J. 453 (1982).
- Terrell, Introduction: Violence, Human Rights, and the Rule of Law, 32 EMORY L.J. 383 (1983).
- Touret, Terrorism and Freedom in International Law, 2 Hous. J. INT'L L. 263 (1980).
- Watson, Law in a Reign of Terror, 3 L. & HIST. REV. 163 (1985).
- Wilder, International Terrorism and Hostage-taking: An Overview, 11 MAN. L.J. 367 (1981).

#### **D.** Bibliographies and Document Compilations

- L. BECKER, TERRORISM 1978: SELECTED BOOKS AND DOCUMENTS (Library of Congress, Congressional Research Service 1978).
- G. BOSTON & M. MARVIN, TERRORISM: SELECT BIBLIOGRAPHY (G.P.O. 2d ed. 1976 & Supp. 1977). J 1.20/2: T27 & J 1.20/2: T27/1977.
- CONTROL OF TERRORISM: INTERNATIONAL DOCUMENTS (Y. Alexander & M. Brown eds., Crane Russak 1979).
- R. FRIEDLANDER, TERRORISM: DOCUMENTS OF INTERNATIONAL AND LOCAL CONTROL (Oceana 1984).
- P. JANKE & R. SIMS, GUERILLA AND TERRORIST ORGANIZATIONS: A WORLD DIRECTORY & BIBLIOGRAPHY (Macmillan 1983).
- B. JENKINS, J. JOHNSON & L. LONG, INTERNATIONAL TERRORISM: AN AN-NOTATED BIBLIOGRAPHY (Rand Corp. 1975).
- A. LAKOS, A BIBLIOGRAPHY OF INTERNATIONAL TERRORISM (Westview 1986).
- M. LAVIN, INTELLIGENCE CONSTRAINTS OF THE 1970S AND DOMESTIC TER-RORISM (Rand Corp. 1982).
- R. LILLICH, TRANSNATIONAL TERRORISM: CONVENTIONS AND COMMENTARY (Michie Co. 1982).
- E. MICKOLUS, THE LITERATURE OF TERRORISM: A SELECTIVELY ANNOTATED BIBLIOGRAPHY (GREENWOOD 1980).
- MURPHY, Selected Bibliography: Extradition, Extraterritoriality, Asylum and Jurisdiction, in International Terrorism and Political Crimes 588 (Charles C. Thomas, Pub., M. Bassiouni ed. 1975).

- A. NORTON & M. GREENBERG, INTERNATIONAL TERRORISM: AN ANNOTATED BIBLIOGRAPHY AND RESEARCH GUIDE (Westview 1979).
- K. Oots, A Political Organization Approach to Transnational Terrorism 151 (Greenwood 1986).
- M. SANTIAGO, POLITICAL OFFENSES IN INTERNATIONAL LAW 337 (University of the Philippines Law Center 1977).
- A. SCHMID, POLITICAL TERRORISM: RESEARCH GUIDE TO CONCEPTS, THEORIES, DATABASES, AND LITERATURE (Transaction 1984).
- M. SMITH, THE SECRET WARS: A GUIDE TO SOURCES IN ENGLISH (ABC-Clio 1980).
- TERRORISM AND INTERNATIONAL LAW (Whittier College School of Law 1986) (prepared for use at the Third Annual Whittier International Law Symposium).

TRENDS IN INTERNATIONAL TERRORISM 1982 AND 1983 (Rand Corp. 1984).

C. WIJNGAERT, THE POLITICAL OFFENSE EXCEPTION TO EXTRADITION: THE DELICATE PROBLEM OF BALANCING THE RIGHTS OF THE INDIVIDUAL AND THE INTERNATIONAL PUBLIC ORDER 231 (Kluwer 1980).

#### **E.** Current Treatises

- Y. ALEXANDER & A. NANES, LEGISLATIVE RESPONSES TO TERRORISM (Kluwer 1986).
- C. ASTON, POLITICAL HOSTAGE-TAKING IN WESTERN EUROPE (Inst. for the Study of Conflict 1984).
- R. CLINE & Y. ALEXANDER, TERRORISM: THE SOVIET CONNECTION (Crane Russak 1984).
- CONCEPTUAL FRAMEWORK FOR ANALYZING TERRORIST GROUPS (B. Cordes, B. Jenkins & K. Kellen eds., Rand Corp. 1985).
- E. EVANS, CALLING A TRUCE TO TERROR: THE AMERICAN RESPONSE TO IN-TERNATIONAL TERRORISM (Greenwood 1979).
- W. FARRELL, THE U.S. GOVERNMENT RESPONSE TO TERRORISM: IN SEARCH OF AN EFFECTIVE STRATEGY (Westview Press 1982).
- R. FRIEDLANDER, TERROR-VIOLENCE: ASPECTS OF SOCIAL CONTROL (Oceana 1983).
- R. FRIEDLANDER, TERRORISM: DOCUMENTS OF INTERNATIONAL AND LOCAL CONTROL (Oceana 1984).
- A. GOLDBERG, INTERNATIONAL TERRORISM: NATIONAL, REGIONAL AND GLOBAL PERSPECTIVES (Prager 1976).
- J. HARRIS, THE NEW TERRORISM (Julian Messner 1983).
- I. HOROWITZ, TERRORISM, LEGITIMACY, AND POWER: THE CONSEQUENCES OF POLITICAL VIOLENCE (Wesleyan University Press 1983).
- INTERNATIONAL TERRORISM: CURRENT RESEARCH AND FUTURE DIRECTIONS (A. Buckley & D. Olson eds., Avery Publishing Group 1980).
- INTERNATIONAL TERRORISM IN THE CONTEMPORARY WORLD (M. Livingston & M. Wanek eds., Greenwood 1980).
- N. LIVINGSTON, THE WAR AGAINST TERRORISM (Lexington 1982).

- E. LOWE & H. SHARGEL, LEGAL AND OTHER ASPECTS OF TERRORISM (Practicing Law Institute 1979).
- MANAGING TERRORISM: STRATEGIES FOR THE CORPORATE EXECUTIVE (P. Montana & G. Roukis eds., Quorum Press 1983).
- E. MICKOLUS, TRANSITIONAL TERRORISM: A CHRONOLOGY OF EVENTS, 1968-1979 (Greenwood 1980).
- S. MOODY, 444 DAYS: THE AMERICAN HOSTAGE STORY (Rutledge Press 1981).
- J. MURPHY, PUNISHING INTERNATIONAL TERRORISTS: THE LEGAL FRAME-WORK FOR POLICY INITIATIVES (ROWMAN & Allanheld 1985).
- J. MURPHY, THE UNITED NATIONS AND THE CONTROL OF INTERNATIONAL VIOLENCE: A LEGAL AND POLITICAL ANALYSIS (Allanheld, Osmun & Co. 1982).
- B. NETANYAHU, TERRORISM, HOW THE WEST CAN WIN (Fartar, Straus & Giroux 1986).
- K. OOTS, A POLITICAL ORGANIZATION APPROACH TO TRANSNATIONAL TER-RORISM (Greenwood 1986).
- PERSPECTIVES ON TERRORISM (L. Freedman & Y. Alexander eds., Scholarly Resources 1983).
- RESPONDING TO THE TERRORIST THREAT: SECURITY CRISIS MANAGEMENT (R. Schultz & S. Sloan eds., Pergamon Press 1980).
- P. SALINGER, AMERICA HELD HOSTAGE: THE SECRET NEGOTIATIONS (Doubleday 1981).

TERRORISM (S. Anzovin ed., H. W. Wilson 1986).

- TERRORISM AND BEYOND (B. Jenkins ed., Rand Corp. 1982).
- TERRORISM IN EUROPE (Y. Alexander & K. Meyers, eds., Croon Helm 1982).
- TERRORISM IN THE UNITED STATES AND THE POTENTIAL THREAT TO NUCLEAR FACILITIES (B. Hoffman ed., Rand Corp. 1986).
- TERRORISM, POLITICAL VIOLENCE AND WORLD ORDER (H. Han ed., University Press 1984).
- G. WARDLAW, POLITICAL TERRORISM: THEORY, TACTICS AND COUNTER-MEASURES (Cambridge University Press 1982).

# II. THE POLITICAL OFFENSE EXCEPTION AND THE EXTRADITION OF INTERNATIONAL TERRORISTS

Extradition is the legal method by which a sovereign may obtain from another jurisdiction for the purposes of prosecution the delivery of a person who is alleged to have violated the requesting state's laws. The political offense exception, which may protect a political terrorist from extradition, has become more sharply limited in recent years as nations are reluctant to become terrorist "havens." The materials in this section provide an overview of international attempts to minimize the problems associated with extradition of terrorists. Also highlighted are congressional attempts to facilitate the extradition process, as well as current articles and treatises on the subject.

# A. Treaties and Conventions Dealing with the Extradition of Political Offenders

- 1. United States—United Kingdom
  - Treaty on Extradition, June 8, 1972, United Kingdom & Northern Ireland— United States, 28 U.S.T. 227, T.I.A.S. 8468.

Extradition Treaty Supplement Limiting the Scope of Political Offenses to Exclude Acts of Terrorism, June 25, 1985, United Kingdom—United States, S. Treaty Doc. 99-B, *reprinted in*, 24 I.L.M. 1104 (1985).

#### 2. European Conventions

Agreement Concerning the Application of the European Convention on the Suppression of Terrorism Among the Member States, Dec. 4, 1979, *reprinted in* 18 I.L.M. 1457 (1979).

- European Convention on Extradition, December 13, 1957, Europ. T.S. No. 24, 359 U.N.T.S. 273 (art. III. superceded by European Convention on the Suppression of Terrorism).
- Council of Europe Res. 74[3], 53d Sess. (1974), reprinted in Europ. Ass. Doc., 25th Sess., Doc. No. 3425, at 16 & 3 R. FRIEDLANDER, TERRORISM: DOC-UMENTS OF INTERNATIONAL AND LOCAL CONTROL 571 (Oceana 1981).
- Additional Protocol to the European Convention on Extradition, Oct. 15, 1975, art. I, Europ. T.S. No. 86.
- Second additional Protocal to the European Convention on Extradition, March 17, 1978, Europ. T.S. No. 98.
- 3. Inter-American Conventions
  - Treaty for the Extradition of Criminals and for Protection Against Anarchism, Jan. 28, 1902, 6 Martens Nouveau Recueil 3d 185 (1941) (never entered force).
  - Central American Convention on Extradition, Dec. 20, 1907, art. 11, 2 Malloy 2406 (1910) (not in force).
  - Code of Private International Law (Bustamente Code), Feb. 20, 1928, art. CCCLV & CCCLVII, 86 L.N.T.S. 111.
  - 1933 Convention of Extradition, Dec. 26, 1933, 49 Stat. 3111, T.S. No. 995 (entered into force for the United States on July 13, 1934).
  - Inter-American Convention on Extradition, Feb. 25, 1981, art. IV, O.A.S. Doc. OEA/Ser.A/36 (SEPF).

# 4. Miscellaneous

- Arab League Extradition Agreement, September 14, 1952, *reprinted in* 159 B.F.S.P. 606 (1952) & 8 Rev. Egyptienne de Droit Int'L 328 (1952).
- Bilateral Treaties of the Socialist States of Eastern Europe (see, e.g., Treaty between Romania and Hungary of Oct. 7, 1958, 416 U.N.T.S. 199).
- Scheme Relating to the Rendition of Fugitive Offenders within the Commonwealth, art. IX, H.M.S.O., London Cmd. 3008 (1966).
- Bilateral Treaties Relating to the Extradition of Hijackers—Agreement on Hijacking of Aircraft and Vessels and Other Offenses, Feb. 15, 1973, United States-Cuba, 24 U.S.T. 737 T.I.A.S. 7579 (Terminated Apr. 15, 1977, 76 DEP'T ST. BULL. 504 (1977)).

#### **B.** Current United States Legislative Materials

- Extradition Act of 1981: Hearing on S. 1639 Before the Committee on the Judiciary, 97th Cong., 1st Sess. (1981). Y 4.J 89/2: J-97-67.
- Extradition Act of 1981: Hearings on H.R. 5227 Before the Subcomm. on Crime, 97th Cong., 2d Sess. (1982). Y 4.J 89/1: 97/72.
- H.R. REP. No. 627, 97th Cong., 2d Sess. (1982). Y 1.1/8: 97-627/pt. 1 & 2.

H.R. REP. No. 998, 98th Cong., 2d Sess. (1984). Y 1.1/8: 98-998.

- Reform of Extradition Laws of the U.S.: Hearings on H.R. 2643 Before the Subcomm. on Crime, 98th Cong., 1st Sess. (1983). Y 4.J 89/1: 98/58.
- S. REP. No. 475, 97th Cong., 2d Sess. (1982). Y 1.1/5:97-475.

#### C. Articles

- Banoff & Pyle, To Surrender Political Offenders: The Political Offense Exception to Extradition in United States Law, 16 N.Y.U. J. INT'L L. & Pol'Y 169 (1984).
- BASSIOUNI, Political Offense Exception in Extradition Law and Practice, in INTERNATIONAL TERRORISM AND POLITICAL CRIMES 398 (Charles C. Thomas Pub., M. Bassiouni ed. 1975).
- Borricand, Extradition Des Teroristes, REV. SCI. CRIM. & DROIT PENAL COMP., July-Sept. 1980, at 661.
- Bouffard, Extradition—Political Offense Exception—United States Court Creates New Definition for Use Against International Terrorists, 6 SUFFOLK TRANSNAT'L L.J. 147 (1982).
- Brom, Maggie Thatcher's Law, CAL. LAW., Jan. 1986, at 18.
- Bury, The Political Offense Exception in United States Extradition Law, 8 BROOKLYN J. INT'L L. 429 (1982).
- Cantrell, Political Offense Exemption in International Extradition: A Comparison of the United States, Great Britain, and the Republic of Ireland, 60 MARQ. L. REV. 777 (1977) (appendix includes a list of U.S. extradition treaties).
- Carbonneau, Extradition and Transnational Terrorism, 12 INT'L LAW. 813 (1978).
- Carbonneau, The Political Offense Exception as Applied in French Cases Dealing with the Extradition of Terrorists: The Quest for an Appropriate Doctrinal Analysis Revisited, 1983 MICH. Y.B. INT'L LEGAL STUD. 209.
- Carbonneau, The Political Offense Exception to Extradition and Transnational Terrorists: Old Doctrine Reformulated and New Norms Created, 1 A.S.I.L. INT'L LAW. 1 (1977).
- Carbonneau, Terrorist Acts—Crimes or Political Infractions?: An Appraisal of French Extradition Cases, 3 HASTINGS INT'L & COMP. L. REV. 265 (1980).
- Clark, Political Offenses in Extradition: Time for Judicial Abstention, 5 HAST-INGS INT'L & COMP. L. REV. 131 (1981).
- Costello, International Terrorism and the Development of the Principle Aut Dedere Aut Judicare, 10 J. INT'L L. & ECON. 483 (1975).
- Coutts, Extradition and Political Offenses, J. CRIM. L., May 1984, at 182 (Ireland).
- Currin, Extradition Reform and the Statutory Definition of Political Offenses, 24 VA. J. INT'L L. 419 (1984).

- Ellis and Pisani, The United States Treaties on Mutual Assistance in Criminal Matters: A Comparative Analysis, 19 INT'L LAW. 189 (1985).
- Epps, Validity of the Political Offender Exception in Extradition Treaties in Anglo-American Jurisprudence, 20 HARV. INT'L L.J. 61 (1979).
- Evans, Extradition—Definition of Political Offense—Extradition Convention between Italy and France of 1870, 74 AM. J. INT'L L. 683 (1980).
- Evans, Extradition—Double Criminality—Political Offenses—Role of Court in Extradition Proceeding—Extradition Treaty with Switzerland of 1900, 74 AM. J. INT'L L. 189 (1980).
- Friedlander, Terrorism and International Law: Recent Developments, 13 RUT-GERS L.J. 493 (1982).
- Gilbert, Terrorism and the Political Offense Exemption Reappraised, 34 INT'L & COMP. L.Q. 695 (1985).
- Grooms & Samson, The Political Offense Exception to Extradition: A 19th Century British Standard in 20th Century American Courts: Grooms v. Robinson, 59 Notre DAME L. Rev. 1005 (1984).
- Hannay, International Terrorism and the Political Offense Exception to Extradition, 18 Colum. J. TRANSNAT'L L. 381 (1980).
- Hannay, Legislative Reform of the U.S. Extradition Statutes: Plugging in the Terrorist's Loophole, 13 DEN. J. INT'L L. & POL'Y 53 (1983).
- Imbalzano, Is the Application of the Political Offense Exception an Extradition Issue for the Judicial or Executive Branch?, 5 FORDHAM INT'L L.J. 565 (1982).
- King, Political Offense Exception in International Extradition, 13 COMP. & INT'L L.J. S. AFRICA 247 (1980).
- Kittrie, Patriots and Terrorists: Reconciling Human Rights with World Order, 13 CASE W. RES. J. INT'L L. 291 (1981).
- Koering-Joulin, Infraction Politique et Violence, 56 LA SEMAINE JURID. 3066 (1982).
- Leigh, Extradition Treaty—Definition of Political Offense—Attack Against Civilian Population, 75 Am. J. INT'L L. 662 (1981).
- Leigh, Extradition Treaty—Executive Versus Judicial Determination of the Political Offense Exception—Nonappealability of Magistrate's Extradition Determination, 76 Am. J. INT'L L. 391 (1982).
- Lubet, Extradition Reform: Executive Discretion and Judicial Participation in the Extradition of Political Terrorists, 15 CORNELL INT'L L.J. 247 (1982).
- Lubet & Czackes, The Role of the American Judiciary in the Extradition of Political Terrorists, 71 J. CRIM. L. & CRIMINOLOGY 193 (1980).
- Malik, Unraveling the Gordian Knot: The United States Law of International Extradition and the Political Offender Exception, 3 FORDHAM INT'L L.F. 141 (1980).
- Matsouka, Extradition Law: Applicability of the Political Offense Exception, 23 HARV. INT'L L.J. 124 (1982).
- Meyer, Procedural Uncertainty Attending the Assertion of the Political Offense Exception in Extradition Hearings, 1983 MICH. Y.B. INT'L LEGAL STUD. 139.

- Murphy, Legal Controls and the Deterrence of Terrorism: Performance and Prospects, 13 RUTGERS L.J. 465 (1982).
- Narain, Concept of Political Offense and Its Operation in Northern Ireland and Pre-Independence India, J. INDIAN L. INST., Apr.-June 1976, at 193.
- O'Brien, Irish Terrorists and Extradition: The Tuite Case, 18 Tex. INT'L L.J. 249 (1983).
- Paik, Non-extradition of Political Offenders in International Law, POPHAK (Seoul L.J.), Dec. 1975, at 69 (in Korean with summary in English).
- Pedersen, Controlling International Terrorism: An Analysis of Unilateral Force and Proposals for Multilateral Cooperation, 8 U. Tol. L. Rev. 209 (1976).
- Ravaschiere, Terrorist Extradition and the Political Offense Exception: An Administrative Solution, 21 VA. J. INT'L L. 163 (1980).
- Riggle, Affair Abou Daoud: Some Problems of Extraditing an International Terrorist, 12 INT'L LAW. 333 (1978).
- Santiago, Procedural Aspect of Political Offense Doctrine, 51 PHILIPPINE L.J. 238 (1976).
- Schiff, A Note on Extradition and Terrorism, 21 ALBERTA L. REV. 436 (1983).
- Schlaefer, American Courts and Modern Terrorism: The Politics of Extradition, 13 N.Y.U. J. INT'L L. & Pol. 617 (1981).
- The Secretary: News Conference of January 9, DEP'T ST. BULL., Mar. 1986, at 23.
- Sofaer, Fighting Terrorism through Law, DEP'T ST. BULL., Oct. 1985, at 38.
- Sofaer, The Political Offense Exception and Terrorism, DEP'T ST. BULL., Dec. 1985, at 58.
- Sternberg & Skelding, State Department Determinations of Political Offenses: Death Knell for the Political Offense Exception in Extradition Law, 15 CASE W. Res. J. INT'L L. 137 (1983).
- Thompson, The Evolution of the Political Offense Exception in an Age of Modern Political Violence, 9 YALE J. WORLD PUB. ORD. 315 (1983).
- Tuggle, Eain v. Wilkes: Establishing the Parameters of the Political Offense Exception in Extradition Treaties, 10 Den. J. INT'L L. & Pol'y 596 (1981).
- VOGLER, Perspectives on Extradition and Terrorism, in INTERNATIONAL TER-RORISM AND POLITICAL CRIMES 391 (Charles C. Thomas Pub., M. Bassiouni ed. 1975).
- What Is a "Political Offense" or "Offense of Political Character" within Customary Law or Specific Treaty Exemption Barring International Extradition from United States of Persons Charged with Political Offenses, Annot., 61 A.L.R. FED. 786 (1983).
- Young, The Political Offense Exception in the Extradition Law of the United Kingdom: A Redundant Concept?, 4 LEGAL STUD. 211 (1984).

# III. ECONOMIC SANCTIONS AGAINST COUNTRIES WHICH SUPPORT TERRORIST ACTS AND THE UNITED STATES' EXTRATERRITORIAL REACH

Economic sanctions—employed unilaterally and in coordination with other states and organizations—are means to encourage a nation to alter its policies regarding terrorism to more closely conform to those of its trading partners. The most commonly confronted problem with respect to the employment of such sanctions is defining the fine line between their use for persuasion and their use for coercion amounting to the use of force. This section focuses on congressional and international actions imposing economic sanctions through trade restrictions against countries whose policies favor or support terrorism.

#### A. Current United States Legislative Materials

- 1. Recent Legislation
  - Bretton Woods Agreements Act—Financing Facility, Pub. L. No. 95-435, 92
    Stat. 1053 (1978) (codified at 22 U.S.C. § 286e-11) (nonassistance by the International Monetary Fund to any Country harbouring International terrorists); H.R. CONF. REP. No. 1613, 95th Cong., 2d Sess. (1978), reprinted in 1978 U.S. CODE CONG., & AD. NEWS 2592; H.R. REP. No. 853, 95th Cong., 2d Sess. (1978); S. REP. No. 603, 95th Cong., 2d Sess. (1978), reprinted in 1978 U.S. CODE CONG. & AD. NEWS 2530; S. REP. No. 698, 95th Cong., 2d Sess. (1978), reprinted in 1978 U.S. CODE CONG. & AD. NEWS 2530; S. REP. No. 698, 95th Cong., 2d Sess. (1978), reprinted in 1978 U.S. CODE CONG.
  - International Security and Development Act of 1985, Pub. L. No. 99-83, 99 Stat. 190; H.R. CONF. REP. No. 237, 99th Cong., 1st Sess. (1985); H.R. REP. No. 39, 99th Cong., 1st Sess. (1985), *reprinted in* 1985 U.S. CODE CONG. & AD. NEWS 158.
  - International Security and Development Cooperation Act of 1981, Pub. L. No. 97-113, 95 Stat. 1519; H.R. CONF. REP. No. 413, 97th Cong., 1st Sess. (1981), reprinted in 1981 U.S. CODE CONG. & AD. NEWS 2489; H.R. REP. No. 58, 97th Cong., 1st Sess. (1981); S. REP. No. 83, 97th Cong., 1st Sess. (1981), reprinted in 1981 U.S. CODE CONG. & AD. NEWS 2489.
  - Trade and Tariff Act of 1984, Pub. L. No. 98-573, § 503, 98 Stat. 3019 (codified at 19 U.S.C. § 2462 (Supp. II 1984)).
  - Export Control Administration Act of 1979, Pub. L. No. 96-72, § 3(8), 93 Stat. 505 (codified at 50 U.S.C. App. § 2402 (1982); H.R. CONF. REP. No. 482, 96th Cong., 1st Sess. (1979), reprinted in 1979 U.S. CODE CONG. & AD. NEWS 1180; H.R. REP. No. 200, 96th Cong., 1st Sess. (1979); S. REP. No. 169, 96th Cong., 1st Sess. (1979), reprinted in 1979 U.S. CODE CONG. & AD. NEWS 1147.
  - International Emergency Economic Powers Act, Pub. L. No. 95-223, tit. II, 91 Stat. 1626 (1977). (This Act was applied in the Libyan crisis); H.R. REP. No. 459, 95th Cong., 1st Sess. (1977); S. REP. No. 466, 95th Cong., 1st Sess. (1977), reprinted in 1977 U.S. CODE CONG. & AD. News 4540.
- 2. Other Legislative Materials
  - International Terrorism: Legislative Initiatives: Hearings and Markup on H.R. 13387 Before House Comm. on International Relations and the Subcomm. on International Security and Scientific Affairs, 95th Cong., 2d Sess. (1978).

- Export of Frigate Engines to Iraq: Joint Hearing Before the Subcomm. on Europe and the Middle East and the Subcomm. on International Economic Policy and Trade, 96th Cong., 2d Sess. (1980). Y4.f 76/1: En 3/2.
- Regulation Change on Exports: Hearing Before the Subcomm. on Near Eastern and South Asian Affairs, 97th Cong., 2d Sess. (1982). Y 4.F 76/2: Ex 7/3.
- Economic Sanctions Against Libya, Communication from the President, H.R. Doc. No. 148, 99th Cong., 2d Sess. (1986). Y 1.1/7: 99-148.
- National Emergency with Respect to Libya, Communication from the President, H.R. Doc. No. 153, 99th Cong., 2d Sess. (1986). Y 1.1/7: 99-153.
- R. Cline & Y. Alexander, *State-Sponsored Terrorism*, S. Prt. No. 95, 99th Cong., 1st Sess. (1985). Y 4.J89/2: S. Prt. 99-56.
- 3. Current Proposed Legislation
  - H.R. 4678, 99th Cong., 2d Sess. (1986) (a bill to amend the Internal Revenue Code of 1954 to deny foreign tax credits attributable to activities conducted in foreign countries which repeatedly provide support for acts of international terrorism).
  - H.R. 4278, 99th Cong., 2d Sess. (1986) (a bill to amend the Internal Revenue Code of 1954 to deny foreign tax credits attributable to activities conducted in foreign countries which repeatedly provide support for acts of international terrorism).
  - H.R. 4135, 99th Cong., 2d Sess. (1986) (a bill to amend the Export Administration Act of 1979 to prohibit certain exports to countries supporting international terrorism).
  - H.R. 3983, 99th Cong., 1st Sess. (1985) (a bill to amend the Export Administration Act of 1979 to prohibit certain exports to countries supporting international terrorism).
  - S. 1941, 99th Cong., 1st Sess. (1985) (a bill to protect the security of the United States by providing for sanctions against any country that provides support for perpetrators of acts of international terrorism).
  - H.R. 3661, 99th Cong., 1st Sess. (1985) (a bill to deny most-favored nation trade treatment to any country that provides support for acts of terrorism).
  - S. 1778, 99th Cong., 1st Sess. (1985) (a bill to deny most-favored nation trade treatment to any country that provides support for acts of terrorism).
  - H.R. 725, 99th Cong., 1st Sess. (1985) (a bill to prohibit the importation into the United States of goods that are the products of countries that aid or abet acts of international terrorism against the person or property of U.S. citizens).

## **B.** Articles

- Abbot, Linking Trade to Political Goals: Foreign Policy Export Controls in the 1970s and 1980s, 65 MINN. L. REV. 739 (1981).
- Bridge, The Law and Politics of United States Foreign Policy Export Controls, 4 LEGAL STUD. 2 (1984).
- Butler, The Extraterritorial Reach of the United States Export Administration Act: Reflections on the Yamal Pipeline Controversy, J. Bus. L., May 1983, at 275.
- Cobb, Prohibiting Indirect Assistance to International Terrorists: Closing the Gap in United States Law, 6 FORDHAM INT'L L.J. 530 (1982-83).

- Cross, Export Controls—Foreign Policy Controls in the Export Administration Act of 1979: The 1980 Amendment to the Anti-Terrorism Provision, 16 Tex. INT'L L.J. 533 (1981).
- Doxey, International Sanctions in Theory and Practice, 15 CASE W. Res. J. INT'L L. 273 (1983).
- Economic Sanctions against Nicaragua, DEP'T ST. BULL., July 1985, at 74.
- Feinberg, Economic Coercion and Economic Sanctions: The Expansion of United States Extraterritorial Jurisdiction, 30 Am. U.L. REV. 323 (1981).
- Fingerman, Skyjacking and the Bonn Declaration of 1978: Sanctions Applicable to Recalcitrant Nations, 10 Cal. W. INT'L L.J. 123 (1980).
- Flores, Export Controls and the U.S. Effort to Combat International Terrorism, 13 Law & Pol'y INT'L BUS. 521 (1981).
- Moyer, Export Controls as Instruments of Foreign Policy: The History, Legal Issues, and Policy Lessons of Three Recent Cases, 15 Law & Pol'Y INT'L BUS. 1 (1983).
- Murphy, Legal Controls and the Deterrence of Terrorism: Performance and Prospects, 13 RUTGERS L.J. 465 (1982).
- Murphy, Review of Developments in the Middle East, DEP'T ST. BULL., Mar. 1986, at 39.
- Murphy & Downey, National Security, Foreign Policy and Individual Rights: The Quandary of United States Export Controls, 30 INT'L & COMP. L.Q. 791 (1981).
- Paust, Federal Jurisdiction over Extraterritorial Acts of Terrorism and Nonimmunity for Foreign Violators of International Law under the FSIA and the Act of State Doctrine, 23 VA. J. INT'L L. 191 (1983).
- Polakas, Economic Sanctions: An Effective Alternative to Military Coercion? 6 BROOKLYN J. INT'L L. 289 (1980).
- Sherman, Outline and Checklist of Arab Boycott and U.S. Antiboycott Laws, 17 INT'L LAW. 711 (1983).
- Shultz, Terrorism and the Modern World, DEP'T ST. BULL., Dec. 1984, at 12.
- Shultz, U.S. Government and Business: Our Common Defense against Terrorism, DEP'T ST. BULL, Mar. 1985, at 10.
- Terrorism: The Challenge to the Democracies, DEP'T ST. BULL., Aug. 1984, at 31.
- Williams, International Law and the American Hostages in Iran, ARMY LAW., Feb. 1980, at 30 (1980).

## **IV. SELF-DEFENSE AND RETALIATION**

Self-defense against a country for alleged acts of terrorism or terrorist support merits new attention because of such recent events as: the U.S. response to the Achille Lauro incident; the Tunis-PLO attack by Israel; the U.S. attack on Libya; and the South African actions against the African National Congress located within the sovereign territory of its neighbors. These incidents should spawn many articles and commentaries in the future. The following is a selective bibliography of articles which deal with self-defense or retaliation by one country against

another, but may or may not deal directly with terrorism per se. They all are, however, articles upon which future discussions of those issues undoubtedly will be based.

- Birnberg, The Sun Sets on Tamuz 1: The Israeli Raid on Iraq's Nuclear Reactor, 13 CAL. W. INT'L L.J. 86 (1983).
- Boyle, The Entebbe Hostages Crisis, 22 INDIAN J. INT'L L. 199 (1982).
- BUREAU OF PUBLIC AFFAIRS, U.S. DEP'T STATE, INTERNATIONAL TERRORISM Sel. Doc. No. 24 (1986) (President Reagan's Address to the Nation).
- Friedlander, Might Can Also Be Right: The Israeli Nuclear Reactor Bombing and International Law, 28 CHITTY'S L.J. 352 (1980).
- Gordon, Bilder, Rovine & Wallace, International Law and the United States Action in Grenada: A Report, 18 INT'L LAW, 331 (1984).
- Kaplan, The Attack on Osirak: Delimitation of Self-Defense under International Law, 4 N.Y.L. SCH. J. INT'L & COMP. L. 131 (1982).
- Levenfeld, Israel's Counter-Fedayeen Tactics in Lebanon: Self-Defense and Reprisal under Modern International Law, 21 COLUM. J. TRANSNAT'L L. 1 (1982).
- Libyan Sanctions, DEP'T ST. BULL., Mar. 1986, at 36.
- Low-Intensity Warfare: The Challenge of Ambiguity, DEP'T ST. BULL., Mar. 1986, at 15.
- McGinley, The Achille Lauro Affair—Implications for International Law, 52 TENN. L. REV. 691 (1985).
- Mallison & Mallison, The Israeli Aerial Attack of June 7, 1981, Upon the Iraqi Nuclear Reactor: Aggression or Self-Defense?, 15 VAND. J. TRANSNAT'L L. 417 (1982).
- News Conference of June 18, DEP'T ST. BULL., Aug. 1985, at 13.
- News Conference of March 21, DEP'T ST. BULL., May 1985, at 9.
- Nydell, Tensions Between International Law and Strategic Security: Implications of Israel's Preemptive Raid on Iraq's Nuclear Reactor, 24 VA. J. INT'L L. 459 (1984).
- Oakley, Terrorism: Overview and Developments, DEP'T ST. BULL., Nov. 1985, at 61.
- Paust, Entebbe and Self-Help: The Israeli Response to Terrorism, 2 FLETCHER F. 86 (1978).
- Polebaum, National Self-Defense in International Law: An Emerging Standard for a Nuclear Age, 59 N.Y.U.L. Rev. 187 (1984).
- Schachter, In Defense of International Rules on the Use of Force, 53 U. CHI. L. REV. 113 (1986).
- Shultz, Terrorism and the Modern World, DEP'T ST. BULL., Dec. 1984, at 12.
- Shultz, U.S. Government and Business: Our Common Defense against Terrorism, DEP'T ST. BULL., Mar. 1985, at 10.
- Sofaer, Fighting Terrorism through Law, DEP'T ST. BULL., Oct. 1985, at 38.
- Spiers, Managing the Department of State, DEP'T ST. BULL., Dec. 1985, at 40.

Taulbee & Anderson, Reprisal Redux, 16 CASE W. RES. J. INT'L L. 309 (1984).

- Terrorists Seize Cruise Ship In Mediterranean, DEP'T ST. BULL., Dec. 1985, at 74.
- Wallace, International Law and the Use of Force: Reflections on the Need for Reform, 19 INT'L LAW. 259 (1985).

#### **V. TERRORISM AND CIVIL LIBERTIES**

A developing area of the law involves the question of the extent to which individual civil liberties may/must be constrained to protect against the terrorist threat. Law enforcement efforts to protect against the domestic introduction of international terrorism with their compelling state security interests raise particular concerns about the content of First and Fourth Amendment rights. This section of the bibliography notes a variety of materials, all of which deal with the impact of terrorism on civil liberties.

- AN ACT TO COMBAT INTERNATIONAL TERRORISM: HEARINGS BEFORE THE SENATE COMM. ON GOVERNMENTAL AFFAIRS, 95 Cong., 2d Sess. 303-4 (1978) (includes bibliography).
- Barton, The Civil Liberties Implications of a Nuclear Emergency, 10 N.Y.U. REV. L. & Soc. CHANGE 299 (1980-81).
- Clarizio, Striking at the Heart of Liberty, A.B.A.J., Jan. 1986, at 38.
- Comment, Policing Plutonium: The Civil Liberties Fallout, 10 HARV. C.R. C.L.L. REV. 369 (1975).
- Effects on the Incidence, Investigation, and Prosecution of Terrorist Activity (M. Lavin ed., Rand Corp. 1982) (Vol. 1 of INTELLIGENCE CONSTRAINTS OF THE 1970'S AND DOMESTIC TERRORISM).
- Emergency Preparedness Project, Center for Policy Research, National Governor's Association, Domestic Terrorism 15-25 (1978) (Printed for Defense Civil Preparedness Agency, 1979).
- F.B.I. OVERSIGHT: HEARINGS BEFORE THE SUBCOMM. ON CIVIL AND CON-STITUTIONAL RIGHTS OF THE HOUSE COMMITTEE ON THE JUDICIARY, 96th Cong., 1st & 2d Sess. 3 (1979-80).
- FEDERAL DATA BANKS, COMPUTERS AND THE BILL OF RIGHTS, HEARINGS BEFORE THE SUBCOMM. ON THE JUDICIARY, 92d Cong., 1st Sess. (1971).
- Frank & Eisen, Balancing National Security and Free Speech, 14 N.Y.U.J. INT'L L. & Pol. 339 (1982).
- H.R. 3903, 99th Cong., 1st Sess. (A bill to provide for the exclusion from the U.S. of aliens affiliated with terrorist organizations, to require investigation of registered agents of such organizations and for other purposes).
- LAW AND NATIONAL SECURITY: INTELLIGENCE REPORT (W. Mott ed. 1986) (available through the ABA Standing Committee on Law and National Security, American Bar Association, 750 N. Lake Shore Dr., Chicago, Ill. 60611).
- The Matter of Wiretapping, Electronic Eavesdropping, and Other Surveillance: Hearings before the Subcommittee on Courts, Civil Liberties & the Administration of Justice of the House Committee on the Judiciary, 94th Cong., 1st Sess. 326, 352-54 (1975).

- New York Times, Feb. 14, 1986, at 4, col. 1 (FBI Director Webster expresses confidence over ability to handle terrorist threat in U.S.).
- New York Times, Mar. 28, 1986, at 2, col. 3 (President's Task Force on Combatting Terrorism recommends, inter alia, increased use of American spies).
- Rovine, A Prudent Response, A.B.A.J., Jan. 1986, at 38.
- Sen. Con. Res. 94, 99th Cong., 1st Sess. (expressing the Sense of Congress that the President should declare a state of emergency with respect to terrorist acts committed against nationals of the United States).

## VI. TERRORISM AND THE MEDIA

How nations view and respond to terrorism depends in large part upon how the media present the issue to the public. Societal response always seems to be different toward a "liberator" than toward a "commando." Aside from that issue is that of balancing the media's constitutional right to seek information and the objective of law enforcement to contain terrorism. The articles and treatises contained here highlight the media impact of terrorism coverage, the constitutional rights of the journalist and the public's right to know.

- R. FRIEDLANDER, Iran: The Hostage Seizure, the Media, and International Law, in TERRORISM, THE MEDIA AND THE LAW 51 (A. Miller ed., Transnational 1982).
- J. HOGE, *The Media and Terrorism*, in TERRORISM, THE MEDIA, AND THE LAW 89 (A. Miller ed., Transnational 1982).
- W. JAEHNIG, *Terrorism in Britain: The Limits of Free Expression*, in TERRORISM, THE MEDIA, AND THE LAW 106 (A. Miller ed., Transnational 1982).
- Kleeger, The First Amendment, the Press and the U.S. Invasion of Grenada: Balancing the Constitutional Interests, 12 W. ST. U.L. REV. 217 (1984).
- R. MORELAND & M. BERBAUM, Terrorism and the Mass Media: A Researcher's Bibliography, in TERRORISM, THE MEDIA AND THE LAW 191 (A. Miller ed., Transnational 1982).
- P. MURPHY, The Police, the News Media, and the Coverage of Terrorism, in TERRORISM, THE MEDIA AND THE LAW 76 (A. Miller ed., Transnational 1982).
- R. PICARD, TERRORISM AND THE NEWS MEDIA (Assoc. for Ed. in Journalism & Mass. Comm. 1986).
- Prior Restraints, 200-Year Tradition Broken, News MEDIA & L., Jan.-Feb. 1984, at 4.
- R. RABE, The Journalist and the Hostage: How Their Rights Can Be Balanced, in TERRORISM, THE MEDIA AND THE LAW 69 (A. Miller ed., Transnational 1982).
- P. SCHLESINGER, TELEVISING TERRORISM (Comedia Pub. Group 1983).

TERRORISM, THE MEDIA AND THE LAW (A. Miller ed., Transnational 1982).

Winter, Media Taken to Task for Terrorism Coverage, 66 A.B.A.J. 1510 (1980).