

Book Reviews

Extradition, Politics, and Human Rights. By Christopher H. Pyle. Philadelphia: Temple University Press, 2001. Pp. 445. \$89.50 (cloth); \$29.95 (paper).

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Three issues dominate Christopher H. Pyle's historical analysis of extradition practice in the United States: 1) judicial rather than executive control over extradition; 2) the political offense exception; and 3) the rule of noninquiry (pursuant to which the judiciary refuses to evaluate the fairness of the judicial system in the requesting state). The author perceives a troubling shift from a liberal and humanitarian attitude toward fleeing offenders to a crime control model that privileges executive power and discretion. He traces these developments by detailed descriptions and analyses of landmark extradition cases, from the Jonathan Robbins saga and its effects upon the Presidential election of 1800, to the United States Supreme Court's obtuse interpretation of the U.S.-Mexico extradition treaty in the 1993 abduction case of Dr. Humberto Alvarez-Machain.

Professor Pyle provides a wealth of historical detail to support his conclusions that judicial primacy in extradition is crucial for the protection of fundamental rights; that the political offense exception performs a vital purpose and should be preserved, with an exception for "wanton crimes" (pp. 167, 315-317); and that the rule of noninquiry poses serious risks to politically disfavored extraditees. The historical materials should be of significant interest to legal theorists of international extradition, as well as to historians.

Professor Pyle's analysis of extradition developments is well structured. The book adopts a chronological approach, with focus shifting among the preoccupations of succeeding eras. Topics include early controver-

sies over the site of extradition authority in the early United States; the link between attitudes toward extradition and the rendition of fugitive slaves; the roots of the political offense exception and the problematic "incidence" test (which limits the exception to participants in an armed uprising); categorical exemptions of certain terrorist acts from the political offense exception; efforts to renegotiate extradition treaties to eliminate the political offense exception; the use of the deportation power as disguised extradition; the role of the Office of Special Investigation in the Department of Justice in rendering suspected war criminals, such as John Demjanjuk; and abduction as a means to circumvent the controls imposed in extradition treaties. The author's treatment of these topics is unfortunately sometimes marred by a polemical or sarcastic tone.

The concluding chapter draws upon the recommendations of the Committee on Extradition and Human Rights of the International Law Association, of which the author was a member, for better integration of human rights concerns into extradition practice. Recent developments in implementing the *nonrefoulement* (non-return to persecution or grave human rights violations) provisions of human rights treaties make these issues especially timely.

However, some of the author's suggestions for reform do not appear to have been thoroughly considered. For example, delegating authority to a consortium of non-governmental organizations to categorize foreign judicial systems according to their capacity to render justice seems an unrealistic alternative to the rule of noninquiry. Professor Pyle urges that all extradition treaties be non-self-executing, on the theory that the Senate is more likely to agree to extradition relations with oppressive regimes than the full Congress. This change in historical practice could potentially deprive individuals of important protections, such as the rule of specialty and the political offense exception, that can presently be invoked in U.S. courts to restrict executive discretion, one of the author's primary targets for criticism.