

Tel-Oren (2d Cir 1984).

How is Kerouac different from torture?

Is Judge Edwards correct?

Is the summary of Bork, of having "sharply departed from existing precedent" under the Act correct? ~~361~~ 360 1/3

What does Bork finally say? 361

726 F.2d 819-20

Judge Robb -

Is this a political question?

Is it wrong to rely on "jurists"?

9. Survivors and representatives of Israeli citizens murdered in an armed attack on a civilian bus in Israel in 1978 filed suit in the U.S. District Court for the District of Columbia against the Palestine Liberation Organization and others, alleging that the PLO was responsible for multiple tortious acts in violation of the law of nations. The District Court dismissed the complaint for lack of subject matter jurisdiction. What judgment on appeal? (Tel-Oren v. Libyan Arab Republic, 726 F.2d 774 (D.C. Cir. 1984); see the exchange of views in 79 Am. J. Int'l L. 92-113 (1985). 662
10. What should be the measure of damages in the Filartiga case? District Judge Nickerson concluded that an award of punitive damages of no less than \$5 million to each plaintiff was appropriate because of the universal condemnation of torture and to deter its future practice. 577 F. Supp. 860 (E.D.N.Y. 1984).

Tel Oren 358 (763)

Facts

Links to US - some US victims

Serial jurisdiction?

Edwards opinion:

Agrees w / F. Filartiga

Discusses summary at 663 1/2 359 T

Why then no jurisdiction over these facts?

No official torture 665 in Libya?

Terrorism does not violate the law of nations 666-67 (763B)

[Robb opinion → Political Q] (764T)

Bork opinion

No cause of action

What? References to Blackstone? 670 1/3 - No evolution?

How does it apply to Filartiga?

What are his separation of powers concerns?

Bork on Dec of HR.