

WEST'S
ENCYCLOPEDIA
of
AMERICAN
LAW

2ND EDITION

VOLUME 10



TER TO Z

WEST'S ENCYCLOPEDIA *of* AMERICAN LAW

2ND EDITION

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TER TO Z

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West's Encyclopedia of American Law, 2nd Edition

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DEDICATION

West's Encyclopedia of American Law
(WEAL) is dedicated to librarians
and library patrons throughout the
United States and beyond. Your
interest in the American legal system
helps to expand and fuel the frame-
work of our Republic.



PREFACE

The U.S. legal system is admired around the world for the freedoms it allows the individual and the fairness with which it attempts to treat all persons. On the surface, it may seem simple, yet those who have delved into it know that this system of federal and state constitutions, statutes, regulations, and common-law decisions is elaborate and complex. It derives from the English common law, but includes principles older than England, along with some principles from other lands. The U.S. legal system, like many others, has a language all its own, but too often it is an unfamiliar language: many concepts are still phrased in Latin. The second edition of *West's Encyclopedia of American Law (WEAL)* explains legal terms and concepts in everyday language, however. It covers a wide variety of persons, entities, and events that have shaped the U.S. legal system and influenced public perceptions of it.

MAIN FEATURES OF THIS SET

Entries

This encyclopedia contains nearly 5,000 entries devoted to terms, concepts, events, movements, cases, and persons significant to U.S. law. Entries on legal terms contain a definition of the term, followed by explanatory text if necessary. Entries are arranged alphabetically in standard encyclopedia format for ease of use. A wide variety of additional features, listed later in this preface, provide interesting background and supplemental information.

Definitions Every entry on a legal term is followed by a definition, which appears at the beginning of the entry and is italicized. The Dictionary and Indexes volume includes a glossary containing all the definitions from *WEAL*.

Further Readings To facilitate further research, a list of Further Readings is included at the end of a majority of the main entries.

Cross-References *WEAL* provides two types of cross-references, within and following entries. Within the entries, terms are set in small capital letters—for example, *LIEN*—to indicate that they have their own entry in the encyclopedia. At the end of the entries, related entries the reader may wish to explore are listed alphabetically by title.

Blind cross-reference entries are also included to direct the user to other entries throughout the set.

In Focus Essays

In Focus essays accompany related entries and provide additional facts, details, and arguments on particularly interesting, important, or controversial issues raised by those entries. The subjects covered include hotly contested issues, such as abortion, capital punishment, and gay rights; detailed processes, such as the Food and Drug Administration's approval process for new drugs; and important historical or social issues, such as debates over the formation of the U.S. Constitution.

Sidebars

Sidebars provide brief highlights of some interesting facet of accompanying entries. They

complement regular entries and In Focus essays by adding informative details. Sidebar topics include the Million Man March and the branches of the U.S. armed services. Sidebars appear at the top of a text page and are set in a box.

Biographies

WEAL profiles a wide variety of interesting and influential people—including lawyers, judges, government and civic leaders, and historical and modern figures—who have played a part in creating or shaping U.S. law. Each biography includes a timeline, which shows important moments in the subject's life as well as important historical events of the period. Biographies appear alphabetically by the subject's last name.

ADDITIONAL FEATURES OF THIS SET

Enhancements Throughout WEAL, readers will find a broad array of photographs, charts, graphs, manuscripts, legal forms, and other visual aids enhancing the ideas presented in the text.

Indexes WEAL features a cases index and a cumulative index in a separate volume.

Appendixes

Three appendix volumes are included with WEAL, containing hundreds of pages of docu-

ments, laws, manuscripts, and forms fundamental to and characteristic of U.S. law.

Milestone Cases in the Law

A special Appendix volume entitled *Milestones in the Law*, allows readers to take a close look at landmark cases in U.S. law. Readers can explore the reasoning of the judges and the arguments of the attorneys that produced major decisions on important legal and social issues. Included in each Milestone are the opinions of the lower courts; the briefs presented by the parties to the U.S. Supreme Court; and the decision of the Supreme Court, including the majority opinion and all concurring and dissenting opinions for each case.

Primary Documents

There is also an Appendix volume containing more than 60 primary documents, such as the English Bill of Rights, Martin Luther King Jr.'s Letter from Birmingham Jail, and several presidential speeches.

Citations

Wherever possible, WEAL entries include citations for cases and statutes mentioned in the text. These allow readers wishing to do additional research to find the opinions and statutes cited. Two sample citations, with explanations of common citation terms, can be seen below and opposite.

Miranda v. Arizona, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed. 2d 694 (1966)

1 2 3 4 5 6 7

1. *Case title.* The title of the case is set in i and indicates the names of the parties. The suit in this sample citation was between Ernesto A. Miranda and the state of Arizona.
2. *Reporter volume number.* The number preceding the reporter name indicates the reporter volume containing the case. (The volume number appears on the spine of the reporter, along with the reporter name).
3. *Reporter name.* The reporter name is abbreviated. The suit in the sample citation is from the reporter, or series of books, called *U.S. Reports*, which contains cases from the U.S. Supreme Court. (Numerous reporters publish cases from the federal and state courts.)
4. *Reporter page.* The number following the reporter name indicates the reporter page on which the case begins.
5. *Additional reporter page.* Many cases may be found in more than one reporter. The suit in the sample citation also appears in volume 86 of the *Supreme Court Reporter*, beginning on page 1602.
6. *Additional reporter citation.* The suit in the sample citation is also reported in volume 16 of the *Lawyer's Edition*, second series, beginning on page 694.
7. *Year of decision.* The year the court issued its decision in the case appears in parentheses at the end of the cite.

<i>Brady Handgun Violence Prevention Act</i> ,	Pub. L. No.	103-159,	107	Stat. 1536	(18	U.S.C.A.	§§ 921-925A)
1	2	3	4	5	6	7	8

1. *Statute title.*
2. *Public law number.* In the sample citation, the number 103 indicates this law was passed by the 103d Congress, and the number 159 indicates it was the 159th law passed by that Congress.
3. *Reporter volume number.* The number preceding the reporter abbreviation indicates the reporter volume containing the statute.
4. *Reporter name.* The reporter name is abbreviated. The statute in the sample citation is from *Statutes at Large*.
5. *Reporter page.* The number following the reporter abbreviation indicates the reporter page on which the statute begins.
6. *Title number.* Federal laws are divided into major sections with specific titles. The number preceding a reference to the U.S. Code stands for the section called Crimes and Criminal Procedure.
7. *Additional reporter.* The statute in the sample citation may also be found in the *U.S. Code Annotated*.
8. *Section numbers.* The section numbers following a reference to the *U.S. Code Annotated* indicate where the statute appears in that reporter.

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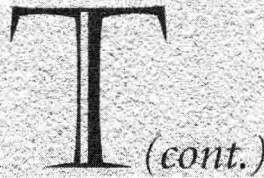
Milestones in the Law

VOLUME 12

Primary Documents

VOLUME 13

Dictionary of Legal Terms
Cases Index
General Index



TERM

An expression, word, or phrase that has a fixed and known meaning in a particular art, science, or profession. A specified period of time.

The term of a court is the legally prescribed period for which it may be in session. Although the session of the court is the time that it actually sits, the words *term* and *session* are frequently used interchangeably.

In reference to a lease, a term is the period granted during which the lessee is entitled to occupy the rented premises. It does not include the period of time between the creation of the lease and the entry of the tenant. Similarly when used in reference to estates, the term is the period of time for which an estate is granted. An estate for five years, for example, is one with a five-year term.

A term of office is the time during which an official who has been appointed or elected may hold the office, perform its functions, and partake of its emoluments and privileges.

TERM LIMITS

See ELECTIONS.

TERM OF ART

A word or phrase that has special meaning in a particular context.

A term of art is a word or phrase that has a particular meaning. Terms of art abound in the law. For example, the phrase *double jeopardy* can

be used in common parlance to describe any situation that poses two risks. In the law, **DOUBLE JEOPARDY** refers specifically to an impermissible second trial of a defendant for the same offense that gave rise to the first trial.

The classification of a word or phrase as a term of art can have legal consequences. In *Molzof v. United States*, 502 U.S. 301, 112 S. Ct. 711, 116 L. Ed. 2d 731 (1992), Shirley M. Molzof brought suit against the federal government after her husband, Robert E. Molzof, suffered irreversible brain damage while under the care of government hospital workers. The federal government conceded liability, and the parties tried the issue of damages before the U.S. District Court for the Western District of Wisconsin. Molzof had brought the claim as executor of her husband's estate under the **FEDERAL TORT CLAIMS ACT (FTCA)** (28 U.S.C.A. §§ 1346(b), 2671–2680 [1988]), which prohibits the assessment of **PUNITIVE DAMAGES** against the federal government. The court granted recovery to Molzof for her husband's injuries that resulted from the **NEGLIGENCE** of federal employees, but it denied recovery for future medical expenses and for loss of enjoyment of life. According to the court, such damages were punitive damages, which could not be recovered against the federal government.

The U.S. Court of Appeals for the Seventh Circuit agreed with the trial court, but the U.S. Supreme Court disagreed. According to the Court, punitive damages is a legal term of art

that has a widely accepted common-law meaning under state law. Congress was aware of this meaning at the time it passed the FTCA. Under traditional common-law principles, punitive damages are designed to punish a party. Since damages for future medical expenses and for loss of enjoyment of life were meant to compensate Molzof rather than punish the government, the Court reversed the decision and remanded the case to the Seventh Circuit.

TERMINATION

Cessation; conclusion; end in time or existence.

When used in connection with litigation, the term signifies the final determination of the action.

The termination or cancellation of a contract signifies the process whereby an end is put to whatever remains to be performed thereunder. It differs from **RESCISSION**, which refers to the restoration of the parties to the positions they occupied prior to the contract.

The termination of a lease refers to the severance of the **LANDLORD AND TENANT** relationship before the leasehold term expires through the ordinary passage of time.

"IF WE FIGHT, WE
GET OUR RIGHTS.
WE'RE SECOND-
CLASS CITIZENS
BECAUSE WE SIT
IDLY BY."
—MARY ELIZA
CHURCH TERRELL

❖ TERRELL, MARY ELIZA CHURCH

Mary Eliza Church Terrell was an influential African American writer, lecturer, and social activist, whose work began when the **SEPARATE-BUT-EQUAL** doctrine of racial **SEGREGATION** was adopted by the U.S. legal system and ended as the U.S. Supreme Court, in **BROWN V. BOARD OF EDUCATION OF TOPEKA, KANSAS**, 347 U.S. 483,

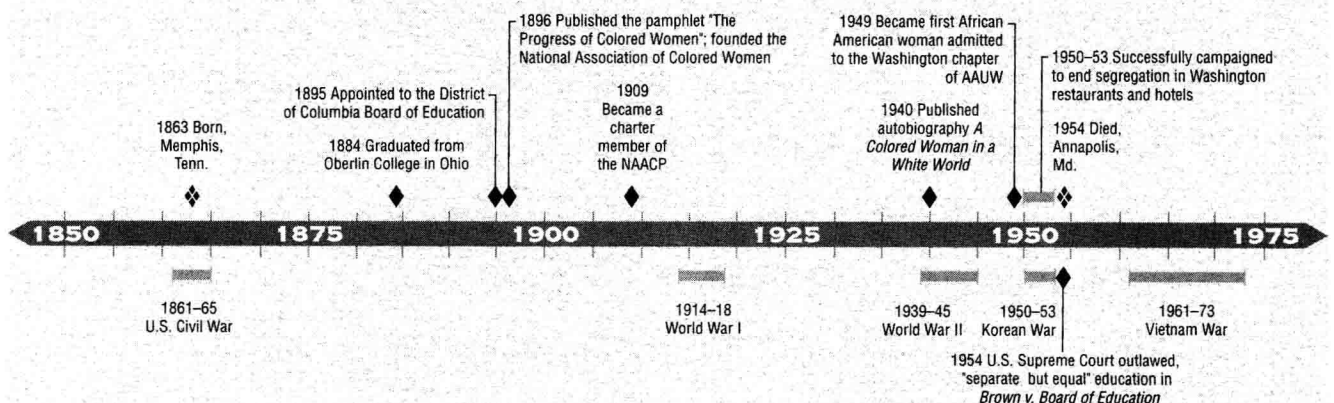


Mary Eliza Church Terrell, THE GRANGER COLLECTION, NEW YORK

74 S. Ct. 686, 98 L. Ed. 873 (1954), rejected the doctrine of state-sponsored segregation. Terrell was also an advocate of **WOMEN'S RIGHTS**, including the right to vote.

Mary Church was born on September 23, 1863, in Memphis, Tennessee. She was raised in a middle-class family and attended Oberlin College in Ohio, graduating in 1884. She taught at Wilberforce University in Xenia, Ohio, in

MARY ELIZA CHURCH TERRELL 1863–1954



1885 and at a secondary school in Washington, D.C., in 1886 before taking a two-year tour of Europe. In 1888 she obtained a master's degree from Oberlin and married Robert Heberton Terrell, an attorney who would become the first African American municipal judge in Washington, D.C.

Terrell became an active member of the National American Suffrage Association and focused her attention on the special concerns of African American women. In her 1896 pamphlet, "The Progress of Colored Women," Terrell noted the "almost insurmountable obstacles" that had confronted African American women. Not only were "colored women with ambition and aspiration handicapped on account of their sex, but they are everywhere baffled and mocked on account of their race."

In 1896 Terrell founded the National Association of Colored Women and established its headquarters in Washington, D.C. As the first president, Terrell used the association as a means of achieving educational and social reform and bringing an end to racial and SEX DISCRIMINATION. She was appointed to the District of Columbia Board of Education in 1895, the first African American woman to hold such a position.

Terrell became a charter member of the National Association for the Advancement of Colored People (NAACP) in 1909 and continued her CIVIL RIGHTS crusade through the 1950s. She worked for the end of racial segregation and other barriers that affected the rights of African Americans. In 1949 Terrell was admitted to the Washington chapter of the American Association of University Women, ending the association's all-white membership policy. In 1950, at age eighty-seven, Terrell began a campaign to end segregation in restaurants and hotels in Washington, D.C. Three years later she achieved her goal.

Terrell published her autobiography, *A Colored Woman in a White World*, in 1940. She died on July 24, 1954, in Annapolis, Maryland.

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TERRITORIAL COURTS

Federal tribunals that serve as both federal and state courts in possessions of the United States—such as Guam and the Virgin Islands—that are not within the limits of any state but are organized with separate legislatures and executive and judicial officers appointed by the president.

Territorial courts are legislative courts created by Congress pursuant to its constitutional power under Article I, Section 8, Clause 9, to create tribunals inferior to the Supreme Court. They are not constitutional courts created by Article III of the Constitution. Congress vests territorial courts with jurisdiction comparable to that exercised by federal district courts. Congress can, however, impose restrictions and duties on territorial courts that cannot be imposed on federal district courts, such as limiting the tenure of the members of the bench. Once a territory is admitted to the Union as a state, the jurisdiction of its territorial court is extinguished. Pending cases are transferred to the appropriate tribunals according to the nature of the particular action.

The Supreme Court reviews decisions rendered by territorial courts if they satisfy certain requirements.

TERRITORIAL WATERS

The part of the ocean adjacent to the coast of a state that is considered to be part of the territory of that state and subject to its sovereignty.

In INTERNATIONAL LAW the term *territorial waters* refers to that part of the ocean immediately adjacent to the shores of a state and subject to its territorial jurisdiction. The state possesses both the jurisdictional right to regulate, police, and adjudicate the territorial waters and the proprietary right to control and exploit natural resources in those waters and exclude others from them. Territorial waters differ from the high seas, which are common to all nations and are governed by the principle of freedom of the seas. The high seas are not subject to appropriation by persons or states but are available to everyone for navigation, exploitation of resources, and other lawful uses. The legal status of territorial waters also extends to the seabed and subsoil under them and to the airspace above them.

From the eighteenth to the middle of the twentieth century, international law set the width of territorial waters at one league (three

nautical miles), although the practice was never wholly uniform. The United States established a three-mile territorial limit in 1793. International law also established the principle that foreign ships are entitled to innocent passage through territorial waters.

By the 1970s, however, more than forty countries had asserted a twelve-mile limit for their territorial waters. In 1988 President RONALD REAGAN issued Executive Proclamation 5928, which officially increased the outer limit of U.S. territorial waters from three to twelve miles (54 Fed. Reg. 777). This limit also applies to Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, and the Northern Mariana Islands. The Reagan administration claimed the extension of the limit was primarily motivated by national security concerns, specifically to hinder the operations of spy vessels from the Soviet Union that plied the U.S. coastline. Another reason for the extension was the recognition that most countries had moved to a twelve-mile limit. In 1982, at the Third United Nations Conference on the Law of the Sea, 130 member countries ratified the Convention on the LAW OF THE SEA, which included a recognition of the twelve-mile limit as a provision of customary international law. Although the United States voted against the convention, 104 countries had officially claimed a twelve-mile territorial sea by 1988.

CROSS-REFERENCES

Law of the Sea; Navigable Waters.

TERRITORIALITY

A term that signifies a connection or limitation with reference to a particular geographic area or country.

TERRITORIES OF THE UNITED STATES

Portions of the United States that are not within the limits of any state and have not been admitted as states.

The United States holds three territories: American Samoa and Guam in the Pacific Ocean and the U.S. Virgin Islands in the Caribbean Sea. Although they are governed by the United States, the territories do not have statehood status, and this lesser legal and political status sets them apart from the rest of the United States.

The three U.S. territories are not the only U.S. government land holdings without statehood status. These various lands fall under the broad description of insular political communities affiliated with the United States. Puerto Rico in the Caribbean and the Northern Mariana Islands in the Pacific Ocean belong to the United States and have the status of commonwealth, a legal and political status that is above a territory but still below a state.

The United States also has a number of islands in the Pacific Ocean that are called variously territories and possessions. U.S. possessions have the lowest legal and political status because these islands do not have permanent populations and do not seek self-determination and autonomy. U.S. possessions include Baker, Howland, Kingman Reef, Jarvis, Johnston, Midway, Palmyra, and Wake Islands.

Finally, land used as a military base is considered a form of territory. These areas are inhabited almost exclusively by military personnel. They are governed largely by military laws, and not by the political structures in place for commonwealths and territories. The United States has military bases at various locations around the world, including Okinawa, Japan, and Guantanamo Bay, Cuba.

A precise definition of territories and territorial law in the United States is difficult to fashion. The U.S. government has long been in the habit of determining policy as it goes along. The United States was established through a defensive effort against British forces and then through alternately defensive and offensive battles against Native Americans. From this chaotic beginning, the United States has struggled to fashion a coherent policy on the acquisition and possession of land.

The U.S. Constitution does not state exactly how the United States may acquire land. Instead, the Constitution essentially delegates the power to decide the matter to Congress. Article IV, Section 3, Clause 1, of the Constitution provides that "New States may be admitted by the Congress into this Union; but no new State shall be formed . . . by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress." The same section of the Constitution gives Congress the "Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States."

Under INTERNATIONAL LAW the United States and other nation-states may acquire additional territory in several ways, including occupation of territory that is not already a part of a state; conquest, where allowed by the international community; cession of land by another nation in a treaty; and accretion, or the growth of new land within a nation's existing boundaries.

Through various statutes and court opinions, Congress and the U.S. Supreme Court have devised a system that gives Congress and the president control over U.S. territories. Congress delegates some of its policy-making and administrative duties to the Office of Insular Affairs within the INTERIOR DEPARTMENT. The president of the United States appoints judges and executive officers to offices in the territories. Congress devises court systems for the territories, and the Supreme Court may review decisions made by territorial courts.

Congress may pass laws governing a territory with due deference to the customs and sensibilities of the native people. Congress may not pass territorial laws that violate a fundamental constitutional right. Such rights have not been defined concretely by the Supreme Court in the context of territorial law, but they can include the right to be free from unreasonable SEARCHES AND SEIZURES, the right to FREEDOM OF SPEECH, and the rights to EQUAL PROTECTION and DUE PROCESS (*Torres v. Commonwealth of Puerto Rico*, 442 U.S. 465, 99 S. Ct. 2425, 61 L. Ed. 2d 1 [1979]).

Persons living in U.S. territories do not have the right to vote for members of Congress. They may elect their own legislature, but the laws passed by the territorial legislature may be nullified by Congress. Each territory may elect a delegate who attends congressional sessions, hearings, and conferences in Washington, D.C. These delegates may propose legislation and vote on legislation in committees, but they may not participate in final votes.

U.S. territories have less political power than do U.S. commonwealths. Commonwealths are afforded a higher degree of internal political autonomy than are territories. Congress and the commonwealth work together to fashion a political system that is acceptable to both parties. By contrast, Congress tends to impose its will on territories. Commonwealth status once inevitably led to statehood, but such a progression is no longer automatic.

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CROSS-REFERENCES

Louisiana Purchase; Territorial Courts.

TERRITORY

A part of a country separated from the rest and subject to a particular jurisdiction.

The term *territory* has various meanings in different contexts. Generally, the term refers to a particular or indeterminate geographical area. In a legal context, territory usually denotes a geographical area that has been acquired by a particular country but has not been recognized as a full participant in that country's affairs. In the United States, Guam is one example of a territory. Though it is considered a part of the United States and is governed by the U.S. Congress, Guam does not have full rights of statehood, such as full representation in Congress or full coverage under the U.S. Constitution.

The term *territory* is also used in the law to describe an assigned area of responsibility. A salesperson, for example, may work in a certain area. A salesperson's territory may be legally significant in a contract case. Assume that Sally has agreed to sell widgets on commission in a specific territory on the condition that no other seller from the widget supplier will do business in that territory. If the supplier arranges for another seller to encroach on Sally's territory, Sally may take legal action against the supplier.

CROSS-REFERENCES

Territories of the United States.

TERRORISM

The unlawful use of force or violence against persons or property in order to coerce or intimidate a government or the civilian population in furtherance of political or social objectives.

Since the SEPTEMBER 11TH ATTACKS on the United States in 2001, which resulted in the

The Oklahoma City Bombing

In June 1997 the murder and conspiracy trial of Timothy J. McVeigh ended in the death sentence. The 29-year-old former Army sergeant was convicted of bombing the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995. The blast, which claimed 168 lives, was the worst terrorist act ever committed on U.S. soil. McVeigh pleaded not guilty, but the elaborate case mounted by federal prosecutors led to a swift jury verdict of guilty on all 11 counts.

After a nationwide manhunt, investigators from the **FEDERAL BUREAU OF INVESTIGATION** (FBI) had linked McVeigh to the blast using remnants of a Ryder rental truck believed to have carried the bomb. At trial, prosecutors established further ties: telephone records and testimony by the owner of the rental office suggested McVeigh had rented the truck under an alias in Junction City, Kansas, two days before the bombing. Residue from explosives had also been found on McVeigh's clothing.

Prosecutors portrayed McVeigh as an anti-government extremist. The defendant's sister, Jennifer McVeigh, told the court that he was angry over the government's destruction of the Branch Davidian compound in Waco, Texas, in April 1993, and that he had hinted at taking action. Personal correspondence was introduced as evidence in an effort to round out the portrait of McVeigh as a follower of far-right politics, who was disillusioned and willing to commit acts of terror. Key testimony came from Michael J. Fortier, an Army friend and co-conspirator who had surveyed the Federal Building with McVeigh, and his wife, Lori Fortier. The Fortiers said that McVeigh wanted the bombing to start a civil war.

Led by Oklahoma attorney Stephen Jones, the defense team was critical of every phase of the prosecution.

Defense attorneys attacked the methodology of the FBI in preparing physical evidence as well as the government's witnesses. In particular, they charged that the Fortiers were liars who hoped to escape prison time and to profit financially from their testimony. Maintaining that McVeigh was railroaded, the defense pointed to the existence of a human leg found in the ruins of the building to suggest that the actual Oklahoma City bomber had died in the explosion.

After the jurors returned a guilty verdict on June 2, the trial moved into an unusual penalty phase. The defense, seeking leniency, made a lengthy presentation about the Waco siege, at which McVeigh had been present, in what seemed to observers an odd effort to explain his motives in Oklahoma City. It also called to the stand William McVeigh, who made an emotionally charged appeal for his son's life. But the statements of survivors who had lost family and friends in the Oklahoma massacre apparently swayed the jurors, who decided on execution.

FURTHER READINGS

- Gottman, Andrew J. 1999. "Fair Notice, Even for Terrorists: Timothy McVeigh and a New Standard for the Ex Post Facto Clause." *Washington and Lee Law Review* 56 (spring).
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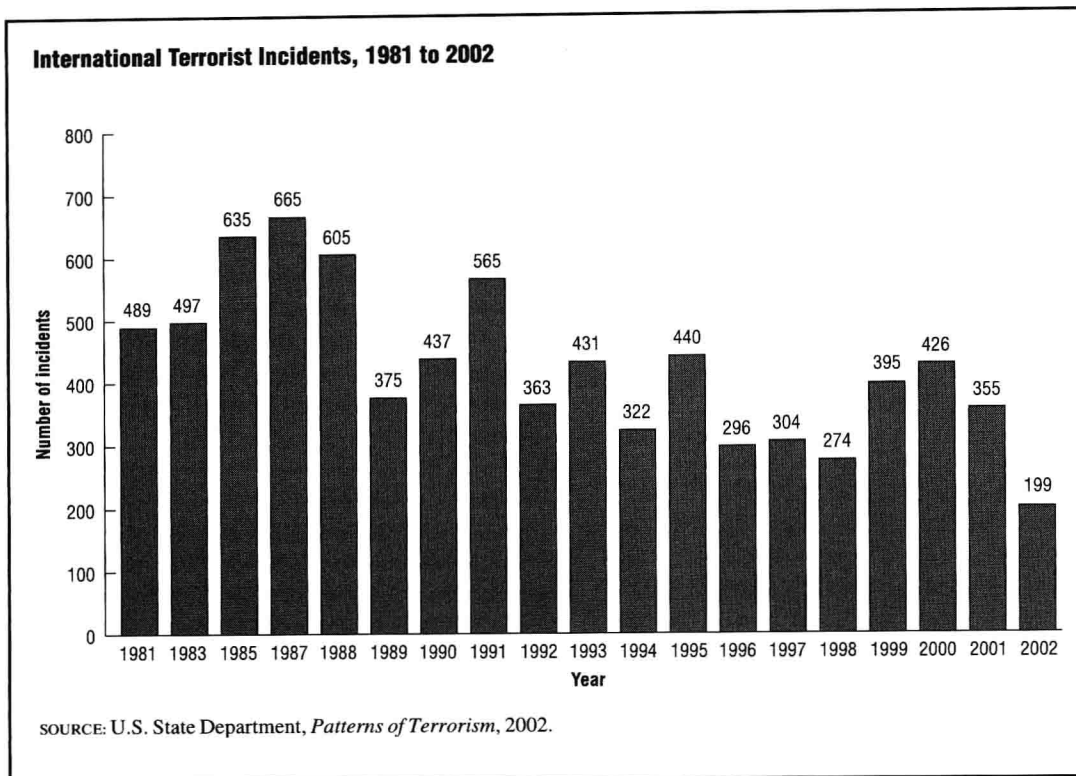
Venue "Venue and the Oklahoma City Bombing Case" (Sidebar).

destruction of the World Trade Center in New York City and severe damage to the Pentagon in Washington, D.C., the United States has changed its priorities to focus upon eradicating terrorism in the world. Terrorism involves the systematic use of terror or violence to achieve political goals. The targets of terrorism include government officials, identified individuals or groups,

and innocent bystanders. In most cases terrorists seek to overthrow or destabilize an existing political regime, but totalitarian and dictatorial governments also use terror to maintain their power.

Domestic Terrorism

The attacks of September 11, 2001, constituted the most severe terrorist attacks ever com-



mitted on U.S. soil. However, these were certainly not the first acts of terrorism carried out against the United States by foreign terrorists, nor were they the first attacks carried out against the World Trade Center. In February 1993, a bombing of the World Trade Center killed six people and injured more than a thousand others. The bomb left a crater 200 by 1,000 feet wide and five stories deep. The FEDERAL BUREAU OF INVESTIGATION (FBI) and the Joint Terrorist Task Force identified and helped bring to trial 22 Islamic fundamentalist conspirators. The trial revealed extensive plans for terrorist acts in the United States, including attacks on government facilities.

During the 1990s, the United States also became more concerned about domestic terrorist activities carried out by U.S. citizens without any foreign involvement. Beginning in 1978, an individual who came to be known as the Unabomber targeted university scientists, airline employees, and other persons he associated with a dehumanized, technology driven society. The suspect killed three people and injured 23 others with package bombs. At the Unabomber's insistence, major newspapers published his 35,000-word manifesto describing his anti-technology philosophy. In April 1996, a suspect, Theodore

Kaczynski, was arrested for crimes associated with the Unabomber. After a rather bizarre trial, in 1998, Kaczynski pled guilty in exchange for a sentence of life without the possibility of PAROLE.

However, it was the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, on April 19, 1995, that galvanized concerns about domestic terrorism. The bombing killed 168 people and injured more than 500 others. The FBI arrested Timothy J. McVeigh and Terry Nichols, who were charged with murder and conspiracy. McVeigh and Nichols were connected to the right-wing militia movement, which opposes the powers held by the federal government and believes in the right of its members to bear arms.

In June 1997, McVeigh was found guilty of murder and conspiracy, and sentenced to death. He attempted to appeal his conviction for three years, but gave up in late 2000. On June 11, 2001, McVeigh was executed by lethal injection. Nichols faced similar charges in his 1997 trial. He was acquitted on charges of first- and second-degree murder, but was found guilty of conspiring to use a weapon of mass destruction and INVOLUNTARY MANSLAUGHTER. A federal judge sentenced Nichols to life in prison without the

possibility of parole. However, at the state level, Nichols faced 161 counts of first-degree murder, which could result in the death penalty. The Oklahoma state trial was scheduled to begin in March 2004.

A year after the Oklahoma City bombing, a bomb erupted at Atlanta's Centennial Olympic Park during the celebration of the Olympic Games in July 1996. The bomb killed one woman and injured 111 others in what President BILL CLINTON called an "evil act of terror." The initial investigation focused on Richard Jewell, a security guard at the park. At first Jewell was considered to be a hero when he alerted authorities to a knapsack containing a pipe bomb. Shortly thereafter, however, he was considered a prime suspect. After a later investigation cleared Jewell of wrongdoing, he sued a number of media outlets for DEFAMATION.

During the next seven years, the Atlanta bombings remained largely unresolved. On May 31, 2003, authorities arrested Eric Rudolph, who is considered the primary suspect. Authorities also suspect Rudolph of bombing abortion clinics in Atlanta and Birmingham, Alabama, as well as the bombing of a gay and lesbian nightclub in Atlanta.

Congress has responded to the threat of domestic terrorism with the enactment of several laws. In 1996, Congress passed the Antiterrorism and Effective Death Penalty Act, Pub. L. No. 104-132, 110 Stat. 1214. The law allocated \$1 billion to fund federal programs to combat terrorism. The act also established a federal death penalty for terrorist murders and strengthened penalties for crimes committed against federal employees while performing their official duties. In addition, the act increased the penalties for conspiracies involving explosives and for the possession of nuclear materials, criminalized the use of chemical weapons, and required plastic explosives to contain "tagging" elements in the explosive materials for detection and identification purposes.

Following the attacks of September 11, Congress, at the urging of President GEORGE W. BUSH, moved swiftly to enact the Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT) Act of 2001, Pub. L. No. 107-56, 115 Stat. 272. The act seeks to enhance domestic security against terrorism by setting up a Counterterrorism Fund in the U.S. Treasury, and appropriating money for combating terrorism to the FBI's Technical Support Center. It also increases the president's

authority to seize the property of foreign persons, organizations, or countries that the president determines have planned, authorized, aided, or engaged in hostilities or attacks against the United States. Other provisions of the act focus on enhancing surveillance procedures used by federal law enforcement personnel, and attempts to control MONEY LAUNDERING, which is believed to be a major source of income for terrorist organizations.

One year later, Congress enacted the Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135. The act formally endorsed the establishment of the HOMELAND SECURITY DEPARTMENT, which had been created through EXECUTIVE ORDER by President Bush in 2001. The Homeland Security Act reorganized several federal agencies to fall under the authority of the Homeland Security Department in an effort to coordinate the government's efforts. The American public has become familiar with the new department because of the color-coded Homeland Security Advisory System, which indicates the likely threat of terrorist attacks against the United States. The two lowest levels are *low* (coded in green) and *guarded* (coded in blue). The other three levels include *elevated* (yellow), *high* (orange), and *severe* (red). Throughout much of 2003, the level was set at *elevated* or *high* due to a number of threats identified by department officials.

International Terrorism

The September 11 attacks have been viewed as a continuation of a series of deadly terrorist activities that had taken place overseas. In the late twentieth century, terrorism became a tool of political groups in Europe, the Middle East, and Asia. The growth of international terrorism led to KIDNAPPINGS, HIJACKING of airplanes, bombing of airplanes and buildings, and armed attacks on government and public facilities. In the 1980s, several countries, including Libya, Iran, and Iraq, were identified as supporting international terrorism by providing training, weapons, and safe havens.

Interests of the United States overseas were major targets of terrorism. In November 1979, a group of Islamic students overran the U.S. embassy in Iran and took many hostages. Although some of the hostages were later freed, the Iranians detained 52 American hostages for a period of 444 days until they were released in January 1981, just after the swearing-in of Pres-