

Are American Citizens Safe in Jamaica?

Sunday Herald - <http://www.sunheraldja.com>

Posted By [Editor](#) On September 27, 2009 @ 12:00 am In [EDITORIALS](#)

By **DAVID P. ROWE**

I have been asked on several occasions recently, whether an individual may be prosecuted in the United States, regardless of whether the individual presence was obtained through the use of an applicable Extradition Treaty. In other words, if an individual is abducted and brought to the United States can the individual be tried for crimes in the United States?

In *Ker v. Illinois* 199 US 436, the United States Supreme Court held that "Forcible Abduction" does not defeat the jurisdiction of US courts to try an individual who was "brought within the jurisdiction." In *Frisbie v. Collins* the defendant was tried in Michigan after being improperly abducted from Chicago. The US Supreme Court upheld his conviction despite strong due process challenges brought by his attorneys.

In the *United States v. Albert Machain*, a Mexican citizen was abducted and brought to the United States by commando squad acting at the direction of the Drug Enforcement Administration. The Supreme Court rejected the argument that such abductions undermined Extradition Treaties.

In the *Government of the United States vs. Government of Jamaica*, the Federal District Court in Florida applied the Ker-Frisbie doctrine in refusing to return Richard "Storyteller" Morrison to Jamaica after the responsible Minister of Government in Jamaica issued an Order of Extradition prematurely. This decision suggests that the Ker-Frisbie Doctrine is alive and well.

Obviously, foreign abduction of any individual from Jamaican territory would be lamentable. However, once a treaty is violated, the consequences are unpredictable. Is the Government of the United States permitted to breach another nation's sovereignty in an effort to protect its citizens from the export of guns and cocaine? How far can the United States go to enforce its own laws and protect American citizens? Are American citizens safe in Jamaica? Does the Rule of Law still obtain in Jamaica's dangerous and dynamic political environment?

As a matter of foreign policy, the United States Government will actively engage in international searches for individuals believed to have killed United States citizens or who are involved in racketeering enterprises that are harmful to large numbers of American citizens. Jamaica cannot responsibly advertise for American tourists and harbour wanted criminals simultaneously.

David P. Rowe is a Professor of Law at the University of Miami School of Law

[Click here](#) to read Dr. David P. Rowe's profile

Copyright © 2009 The Law Offices of David P. Rowe & Rosemarie D. Robinson. You may reproduce materials available at this site for your own personal use and for non-commercial distribution. All copies must include this copyright statement.

[Return from Are American Citizens Safe in Jamaica to Constitution and Rights Home Page](#)