

# New Terror Laws Used Vs. Common Criminals

-- Police and prosecutors have increasingly turned the force of the new laws not on al-Qaida cells but on people charged with common crimes. --

## **BACKGROUND:**

The following is an excerpt from the Department of Justice:

*The Department of Justice's first priority is to prevent future terrorist attacks. Since its passage following the September 11, 2001 attacks, the Patriot Act has played a key part - and often the leading role - in a number of successful operations to protect innocent Americans from the deadly plans of terrorists dedicated to destroying America and our way of life. While the results have been important, in passing the Patriot Act, Congress provided for only modest, incremental changes in the law. Congress simply took existing legal principles and retrofitted them to preserve the lives and liberty of the American people from the challenges posed by a global terrorist network.*

## **The USA PATRIOT Act:**

### **Preserving Life and Liberty**

(Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism)

✓ Congress enacted the Patriot Act by overwhelming, bipartisan margins, arming law enforcement with new tools to detect and prevent terrorism: The USA Patriot Act was passed nearly unanimously by the Senate 98-1, and 357-66 in the House, with the support of members from across the political spectrum.

The Act Improves Our Counter-Terrorism Efforts in Several Significant Ways:

1. The Patriot Act allows investigators to use the tools that were already available to investigate organized crime and drug trafficking. Many of the

tools the Act provides to law enforcement to fight terrorism have been used for decades to fight organized crime and drug dealers, and have been reviewed and approved by the courts. As Sen. Joe Biden (D-DE) explained during the floor debate about the Act, "the FBI could get a wiretap to investigate the mafia, but they could not get one to investigate terrorists. To put it bluntly, that was crazy! What's good for the mob should be good for terrorists." (Cong. Rec., 10/25/01)

- Allows law enforcement to use surveillance against more crimes of terror. Before the Patriot Act, courts could permit law enforcement to conduct electronic surveillance to investigate many ordinary, non-terrorism crimes, such as drug crimes, mail fraud, and passport fraud. Agents also could obtain wiretaps to investigate some, but not all, of the crimes that terrorists often commit. The Act enabled investigators to gather information when looking into the full range of terrorism-related crimes, including: chemical-weapons offenses, the use of weapons of mass destruction, killing Americans abroad, and terrorism financing.
- Allows federal agents to follow sophisticated terrorists trained to evade detection. For years, law enforcement has been able to use "roving wiretaps" to investigate ordinary crimes, including drug offenses and racketeering. A roving wiretap can be authorized by a federal judge to apply to a particular suspect, rather than a particular phone or communications device. Because international terrorists are sophisticated and trained to thwart surveillance by rapidly changing locations and communication devices such as cell phones, the Act authorized agents to seek court permission to use the same techniques in national security investigations to track terrorists.

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- Allows law enforcement to conduct investigations without tipping off terrorists. In some cases if criminals are tipped off too early to an investigation, they might flee, destroy evidence, intimidate or kill witnesses, cut off contact with associates, or take other action to evade arrest. Therefore, federal courts in narrow circumstances long have allowed law enforcement to delay for a limited time when the subject is told that a judicially-approved search warrant has been executed. Notice is always provided, but the reasonable delay gives law enforcement time to identify the criminal's associates, eliminate immediate threats to our communities, and coordinate the arrests of multiple individuals without tipping them off beforehand. These delayed notification search warrants have been used for decades, have proven crucial in drug and organized crime cases, and have been upheld by courts as fully constitutional.

- Allows federal agents to ask a court for an order to obtain business records in national security terrorism cases. Examining business records often provides the key that investigators are looking for to solve a wide range of crimes. Investigators might seek select records from hardware stores or chemical plants, for example, to find out who bought materials to make a bomb, or bank records to see who's sending money to terrorists. Law enforcement authorities have always been able to obtain business records in criminal cases through grand jury subpoenas, and continue to do so in national security cases where appropriate. These records were sought in criminal cases such as the investigation of the Zodiac gunman, where police suspected the gunman was inspired by a Scottish occult poet, and wanted to learn who had checked the poet's books out of the library. In national security cases where use of the grand jury process was not appropriate, investigators previously had limited tools at their disposal to obtain certain business records. Under the Patriot Act, the government can now ask a

federal court (the Foreign Intelligence Surveillance Court), if needed to aid an investigation, to order production of the same type of records available through grand jury subpoenas. This federal court, however, can issue these orders only after the government demonstrates the records concerned are sought for an authorized investigation to obtain foreign intelligence information not concerning a U.S. person or to protect against international terrorism or clandestine intelligence activities.

2. The Patriot Act facilitated information sharing and cooperation among government agencies so that they can better "connect the dots." The Act removed the major legal barriers that prevented the law enforcement, intelligence, and national defense communities from talking and coordinating their work to protect the American people and our national security. The government's prevention efforts should not be restricted by boxes on an organizational chart. Now police officers, FBI agents, federal prosecutors and intelligence officials can protect our communities by "connecting the dots" to uncover terrorist plots before they are completed. As Sen. John Edwards (D-N.C.) said about the Patriot Act, "we simply cannot prevail in the battle against terrorism if the right hand of our government has no idea what the left hand is doing." (Press release, 10/26/01)

- Prosecutors can now share evidence obtained through grand juries with intelligence officials -- and intelligence information can now be shared more easily with federal prosecutors. Such sharing of information leads to concrete results. For example, a federal grand jury recently indicted an individual in Florida, Sami al-Arian, for allegedly being the U.S. leader of the Palestinian Islamic Jihad, one of the world's most violent terrorist outfits. Palestinian Islamic Jihad is responsible for murdering more than 100 innocent people, including a young American named Alisa Flatow who was killed in a tragic bus bombing in Gaza. The Patriot Act assisted us in obtaining the indictment by

enabling the full sharing of information and advice about the case among prosecutors and investigators.

3. The Patriot Act updated the law to reflect new technologies and new threats. The Act brought the law up to date with current technology, so we no longer have to fight a digital-age battle with antique weapons—legal authorities leftover from the era of rotary telephones. When investigating the murder of *Wall Street Journal* reporter Daniel Pearl, for example, law enforcement used one of the Act's new authorities to use high-tech means to identify and locate some of the killers.

- Allows law enforcement officials to obtain a search warrant anywhere a terrorist-related activity occurred. Before the Patriot Act, law enforcement personnel were required to obtain a search warrant in the district where they intended to conduct a search. However, modern terrorism investigations often span a number of districts, and officers therefore had to obtain multiple warrants in multiple jurisdictions, creating unnecessary delays. The Act provides that warrants can be obtained in any district in which terrorism-related activities occurred, regardless of where they will be executed. This provision does not change the standards governing the availability of a search warrant, but streamlines the search-warrant process.

4. The Patriot Act increased the penalties for those who commit terrorist crimes. Americans are threatened as much by the terrorist who pays for a bomb as by the one who pushes the button. That's why the Patriot Act imposed tough new penalties on those who commit and support terrorist operations, both at home and abroad. In particular, the Act:

- Prohibits the harboring of terrorists. The Act created a new offense that prohibits knowingly harboring persons who have committed or are about to commit a variety of terrorist offenses, such as: destruction of aircraft; use of nuclear, chemical, or biological weapons; use of weapons of mass destruction; bombing of

government property; sabotage of nuclear facilities; and aircraft piracy.

- Enhanced the inadequate maximum penalties for various crimes likely to be committed by terrorists: including arson, destruction of energy facilities, material support to terrorists and terrorist organizations, and destruction of national-defense materials.
- Enhanced a number of conspiracy penalties, including for arson, killings in federal facilities, attacking communications systems, material support to terrorists, sabotage of nuclear facilities, and interference with flight crew members. Under previous law, many terrorism statutes did not specifically prohibit engaging in conspiracies to commit the underlying offenses. In such cases, the government could only bring prosecutions under the general federal conspiracy provision, which carries a maximum penalty of only five years in prison.
- Punishes terrorist attacks on mass transit systems.
- Punishes bioterrorists.
- Eliminates the statutes of limitations for certain terrorism crimes and lengthens them for other terrorist crimes.

The government's success in preventing another catastrophic attack on the American homeland since September 11, 2001, would have been much more difficult, if not impossible, without the USA Patriot Act. The authorities Congress provided have substantially enhanced our ability to prevent, investigate, and prosecute acts of terror.

### **STORY:**

(AP) - In the two years since law



enforcement agencies gained fresh powers to help them track down and punish terrorists, police and prosecutors have increasingly turned the force

of the new laws not on al-Qaida cells but on people charged with common crimes. The Justice Department said it has used authority given to it by the USA Patriot Act to crack down on currency

smugglers and seize money hidden overseas by alleged bookies, con artists and drug dealers.

Prosecutors used the act to file a charge of "terrorism using a weapon of mass destruction" against a man after a pipe bomb exploded in his lap, wounding him as he sat in his car.

A North Carolina county prosecutor charged a man accused of running a methamphetamine lab with breaking a new state law barring the manufacture of chemical weapons. If convicted, Martin Dwayne Miller could get 12 years to life in prison for a crime that usually brings about six months. Prosecutor Jerry Wilson says he isn't abusing the law, which defines chemical weapons of mass destruction as "any substance that is designed or has the capability to cause death or serious injury" and contains toxic chemicals.

Civil liberties and legal defense groups are bothered by the string of cases, and say the government soon will be routinely using harsh anti-terrorism laws against run-of-the-mill lawbreakers. "Within six months of passing the Patriot Act, the Justice Department was conducting seminars on how to stretch the new wiretapping provisions to extend them beyond terror cases," said Dan Dodson, a spokesman for the National Association of Criminal Defense Attorneys.

Attorney General John Ashcroft completed a 16-city tour this week defending the Patriot Act as key to preventing a second catastrophic terrorist attack. Federal prosecutors have brought more than 250 criminal charges under the law, with more than 130 convictions or guilty pleas.

The law, passed two months after the Sept. 11 attacks, erased many restrictions that had barred the government from spying on its citizens, granting agents new powers to use wiretaps, conduct electronic and computer eavesdropping and access private financial data.

Stefan Cassella, deputy chief for legal policy for the Justice Department's asset forfeiture and money laundering section, said that while the Patriot Act's primary focus was on terrorism,

lawmakers were aware it contained provisions that had been on prosecutors' wish lists for years and would be used in a wide variety of cases.

In one case prosecuted this year, investigators used a provision of the Patriot Act to recover \$4.5 million from a group of telemarketers accused of tricking elderly U.S. citizens into thinking they had won the Canadian lottery. Prosecutors said the defendants told victims they would receive their prize as soon as they paid thousands of dollars in tax on their winnings.

Before the anti-terrorism act, U.S. officials would have had to use international treaties and appeal for help from foreign governments to retrieve the cash, deposited in banks in Jordan and Israel. Now, they simply seized it from assets held by those banks in the United States.

The complaint that anti-terrorism legislation is being used to go after people who aren't terrorists is just the latest in a string of criticisms. More than 150 local governments have passed resolutions opposing the law as an overly broad threat to constitutional rights. Critics also say the government has gone too far in charging three U.S. citizens as enemy combatants, a power presidents wield during wartime that is not part of the Patriot Act. The government can detain such individuals indefinitely without allowing them access to a lawyer.

And Muslim and civil liberties groups have criticized the government's decision to force thousands of mostly Middle Eastern men to risk deportation by registering with immigration authorities.

Some of the restrictions on government surveillance that were erased by the Patriot Act had been enacted after past abuses — including efforts by the FBI to spy on civil rights leaders and anti-war demonstrators during the Cold War. Tim Lynch, director of the Project on Criminal Justice at the Cato Institute, a libertarian think tank, said it isn't far fetched to believe that the government might overstep its bounds again.

For more information:

Justice Department: <http://www.usdoj.gov>  
American Civil Liberties Union: <http://www.aclu.org>

**THIS WEEK IN HISTORY:****September 15, 1963****Four Black Schoolgirls Killed in Birmingham**

A church bombing in an affluent African American neighborhood in Birmingham, Alabama, leaves four young African American girls dead. Denise McNair, 11 years old, and Carole Robertson, Cynthia Wesley, and Addie Mae Collins, all 14 years old, were killed at the 16th Street Baptist Church, a site of past civil rights rallies. They were attending Sunday services when the dynamite bomb planted by the Ku Klux Klan exploded. The tragedy helped to mobilize support for the civil rights movement.

The Federal Bureau of Investigation (FBI) identified four suspects in the bombing, but for an unknown reason blocked prosecution of the case. The prime suspect in the bombing, Robert Chambliss, was finally tried and convicted in 1977 at the instigation of the Alabama state attorney. He died in prison eight years later. In 2001, Thomas Blanton was convicted of first-degree murder for his involvement in the bombing. A third suspect, Bobby Frank Cherry, was deemed mentally incompetent to stand trial the same year.

[www.thehistorychannel.com](http://www.thehistorychannel.com)

**SPORTS:**

## Women's World Cup promises quality competition

(AFP) - - The 2003 Women's World Cup will have to make do without crowds of 90,000, but for the defending champion United States, the quality of the opposition will provide electricity enough. China, who succumbed to the US in a penalty shootout in the 1999 final at the Rose Bowl in California, will be eager to prove they don't need home field advantage to avenge that

defeat. The outbreak of Severe Acute Respiratory Syndrom (SARS) kept China from hosting the tournament as planned. The United States got the nod from FIFA, world football's governing body, to take over as host on a much smaller scale than in 1999.

US coach April Heinrichs said she didn't think the 2003 tournament, which kicks off Saturday in Philadelphia, should be judged against the previous event, a landmark in terms of attendance for a women's sports event. The final that year at the venerable Rose Bowl in Pasadena, California, drew 90,185, and a visit from President Bill Clinton.

This year the final, and third-place playoff, will be held in another Los Angeles suburb, Carson, at the the 30,000-seater stadium designed expressly for football at the new multi-sport Home Depot complex. Whoever does turn out for or tune in to the 16-nation, 32-match tournament - which conflicts this time around with the major league baseball playoffs, the National Football League and immensely popular college gridiron - will be rewarded with cut-throat competition, Heinrichs predicted.



The United States are in Group A, promptly dubbed the "Group of Death," with Sweden, Nigeria and North Korea. China head Group D, where they will face physically tough Russia, fast-improving Australia and Ghana, who will be trying to emerge from the shadow of fellow African side Nigeria. Norway, the 1995 winner and the reigning Olympic champions, head Group B, which also includes 1999's third-place team Brazil, South Korea and newcomers France.

Germany, five-time European champions who are still seeking to make their mark in the World Cup, lead Group C, which also includes Canada, Japan and Argentina.

The 24-match first round will conclude on September 28, when the day's four matches include the United States v North Korea.

## ENTERTAINMENT:

*Johnny Cash Dies at 71*

(AP) - Johnny Cash, a towering musical figure whose rough, unsteady voice championed the downtrodden and reached across generations died Friday. He was 71. Cash, known as "The Man in Black," died at 3 a.m. EDT in Baptist Hospital of complications from diabetes that resulted in respiratory failure, said his manager, Lou Robin.

Cash's arresting video for "Hurt" was nominated for six MTV Video Music Awards. Cash had been released from the hospital Wednesday after a two-week stay for treatment of an unspecified stomach ailment. The illness caused him to miss the awards, where his "Hurt" — a cover of the Nine Inch Nails song — won for cinematography.

## BIOGRAPHY:

**Johnny Cash**

Part country singer, part folk hero, Johnny Cash is one of the towering figures of American popular music. His effect on other musicians has been greater than his commercial success--and his commercial success has been huge (more than 100 top 40 country hits, plus a dozen pop hits). Johnny Cash has written more than 400 songs--songs about cowboys and Indians, convicts, railroad engineers and assorted blue-collar workers--and he sings them in a deep, profound voice that sounds less like a typical singer and more like a narrator of the American vision.

J.R. Cash was born February 26, 1932 in rural Kingsland, Arkansas--the name "John" came later and he wasn't "Johnny" until he made his first records. He made those records at Sam Phillips' Sun Studio after spending four years in the Air Force, moving to Memphis and hooking up with guitarist Luther Perkins and bassist Marshall Grant. Cash had four number-one singles among

his two dozen hits for Sun: "I Walk The Line," "There You Go," "Ballad Of A Teenage Queen" and "Guess Things Happen That Way." When he went to Columbia Records in 1958, he was already an established star.

Cash spent nearly 30 years on Columbia, during which he recorded such classics as "Ring Of Fire," "Understand Your Man," "Man In Black" and "A Boy Named Sue" (recorded live at San Quentin Prison, the record won Cash a Grammy and the Country Music Association's Single Of The Year award in 1969). In 1961, he met June Carter, the granddaughter of Mother Maybelle Carter of the Carter Family, and they began touring together; eight years later, they married. Both Cash and Carter had daughters from previous marriages who would go on to successful singing careers of their own: Rosanne Cash and Carlene Carter.

In 1969, Cash won CMA awards for Entertainer Of The Year, Male Vocalist Of The Year, Vocal Group Of The Year (with June), Single Of The Year and Album Of The Year for *Johnny Cash At San Quentin Prison* (his other live prison album, *Johnny Cash At Folsom Prison* won the previous year). He and "A Boy Named Sue" won five Grammys between 1967 and 1970. Cash hosted his own TV show on ABC from 1969-1971. Later, Cash would be elected to the Country Music Hall Of Fame in 1980, making him the youngest living person ever inducted. When he was elected to the Rock 'N' Roll Hall Of Fame in 1992, he became the first person inducted into both halls. He was also given the Grammy's Living Legends Award in 1990.

Since leaving Columbia in the late '80s, Cash has recorded for Mercury and American Recordings. Country radio no longer plays his music, but he has been embraced by rock and alternative-country crowds. He has battled a disease of the nervous system, autonomic neuropathy, and pneumonia in recent years. His second wife, singer June Carter Cash, who co-wrote Cash's hit "Ring of Fire," died in May.

by **Brian Mansfield**

## FEATURE:

## What is DIABETES?

Diabetes Mellitus is a disease in which the pancreas produces little or no insulin, a hormone that helps the body's tissues absorb glucose (sugar) so it can be used as energy. The condition may also develop if muscle, fat, and liver cells respond poorly to insulin. In people with diabetes, glucose levels build up in the blood and urine, causing excessive urination, thirst, hunger, and problems with fat and protein metabolism.

In the United States, about 16 million people (6 % of the population) suffer from diabetes. Every year, about 800,000 people learn they have the disease. Diabetes mellitus kills about 193,000 U.S. residents each year, and it is the seventh leading cause of all deaths and the sixth leading cause of all deaths caused by disease.

Diabetes is most common in adults over 45 years of age; in people who are overweight or physically inactive; in individuals who have an immediate family member with diabetes; and in people of African, Hispanic, and Native American descent. The highest rate of diabetes in the world occurs in Native Americans. More women than men have been diagnosed with the disease.

In diabetes, low insulin levels prevent cells from absorbing glucose. As a result, glucose builds up in the blood. When glucose-laden blood passes through the kidneys, the organs that remove blood impurities, the kidneys cannot absorb all of the excess glucose. This excess glucose spills into the urine, accompanied by water and electrolytes — ions required by cells to regulate the electric charge and flow of water molecules across the cell membrane. This causes frequent urination to get rid of the additional water drawn into the urine; excessive thirst to trigger replacement of lost water; and hunger to replace the glucose lost in urination. Additional symptoms may include blurred vision, dramatic weight loss, irritability, weakness and fatigue, and nausea and vomiting.

**TYPE 1 DIABETES** Diabetes is classified into two types. In Type 1 diabetes,

formerly called insulin-dependent diabetes mellitus (IDDM) and juvenile-onset diabetes, the body does not produce insulin or produces it only in very small quantities. Symptoms usually appear suddenly, typically in individuals under 20 years of age. Most cases occur around puberty—around age 10 to 12 in girls and age 12 to 14 in boys. In the United States Type 1 diabetes accounts for 5 to 10 percent of all diabetes cases.

Type 1 diabetes is considered an autoimmune disease because the *immune system* (system of organs, tissues, and cells that rid the body of disease-causing organisms or substances) attacks and destroys insulin-producing cells, known as beta cells, in the pancreas. Scientists believe that a combination of genetic and environmental factors may somehow trigger the immune system to destroy these cells.

Untreated Type 1 diabetes affects the metabolism of fat. Because the body cannot convert glucose into energy, it begins to break down stored fat for fuel. This produces increasing amounts of acidic compounds in the blood, which interfere with cellular respiration, the energy-producing process in cells.

**TYPE 2 DIABETES** In Type 2 diabetes, formerly known as non-insulin-dependent diabetes mellitus (NIDDM) and adult-onset diabetes, the body's delicate balance between insulin production and the ability of cells to use insulin goes awry. Symptoms characteristic of Type 2 diabetes include those found in Type 1 diabetes, as well as repeated infections or skin sores that heal slowly or not at all, generalized tiredness, and tingling or numbness in the hands or feet.

Of the nearly 16 million people in the United States with diabetes, 90 to 95 percent (about 15 million people) have Type 2 diabetes. The onset of Type 2 diabetes usually occurs after the age of 45, although the incidence of the disease in younger people is growing rapidly. A number of genes work together to cause Type 2 diabetes. In addition, scientists believe that there is a strong relationship between obesity and Type 2 diabetes.

[Next Week: Part 2](#)

*Quote of the Week:*

Every man alone is sincere;  
At the entrance of a second person the hypocrisy  
begins.

-Ralph Waldo Emerson, *Friendship*

*Word of the Week:*

Quidnunc (kwid'nungk), n. One curious to know  
everything that passes; one who pretends to know all  
that goes on.

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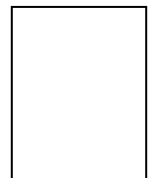
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