



*September 14, 2001*

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## Editorial

### **We Grieve For The Lives Lost To Terrorist Attack**

It was with profound shock that we watched the television images of the terrorist attacks carried out against the North and South Towers of the World Trade Center and the West Wing of the Pentagon. Once again, the world has been treated to the spectacle of mankind turning viciously against another member of his species. In a moment's time, the thought flashed across my mind: Is there any doubt that we, supposedly a higher level of species, are the world's most dangerous inhabitants of earth? Our savagery has no match.

Unfortunately, we have the illusion that somehow we are more civilized than the rest of the humans who live in other areas of the world. We are quick to criticize, condemn, and fly into uncontrollable rages against those who commit terrorist acts against our country. We are quick to get emotionally inflamed and call for immediate retribution. Not only for the few terrorists responsible for the heinous acts committed, but we also call for retribution against their people, their government, and their religion. Calls for nuclear bombardment of the terrorists' entire country are already being raised.

It is right to seek out those who carried out this dastardly act against innocent residents of this country. When found, they should be brought to justice before the highest tribunals of this country and the international community of nations. Nations that harbor terrorists and give them aid and support should be condemned and deemed pariahs of the world. Their governments should be brought to task and charged before the Hague for aiding and abating the carrying out of crimes against humanity.

Somehow, America has to find the way to lead the world to peaceful ways to settle our differences and raise the level of human interaction to a notch above the level of the beasts that share our earth. We are angry, saddened and hurt by the terrorism that has been imported into our country. We must go beyond the rantings and ravings of the jingoists among us and lead the world in raising the level of communication and intercourse between humankind. We must rise above our gutlevel reaction to strike out unthinkingly.

Lest we forget, America carried out the worse crime against humankind, ever, when it dropped atomic bombs on Hiroshima and Nagasaki and killed hundreds of thousands of Japanese citizens in the closing days of World War II. History has informed us that it was not necessary. Our Pacific Forces had already won the war. Have the Japanese forgiven us for our brutality and state terrorism? Have we as people moved beyond the animal stages of behavior?



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*September 21, 2001*

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## Editorial

# War or Diplomacy? Arrogance or Greatness?

War hysteria has inflicted the President, his cabinet and a great number of the Republican & Democratic members of Congress. One has to wonder if the terrorist act has unnerved the government to the point that it has forgotten that America is a sovereign nation that must act in a manner befitting its stature within the family of nations. Thus far, our leadership has behaved as if America is a banana republic ruled by a bunch of thugs.

The incessant promotion of the concept that America is involved in a WAR, instead of an act of TERRORISM carried out by a group of fanatical radicals, makes one wonder just what the end purpose of such a political position is.

It appears that no one in a position of authority in America is able to make the distinction between a sovereign nation and a group of individuals bent on carrying out sadistic acts. War is a condition that sovereign nations take against other sovereign nations. War is the final action taken when all other political actions have failed. War signals the end of all civilized discourse; it comes at a time when there is no other choice but to go to war and attempt to win on the battlefield that for which you could not negotiate. War requires a formal declaration by both countries. Once hostilities commence, international protocols are put in place that put constraints on the combatants. Failure to do so ensures that the countries that ignore the protocols will be held accountable by the international courts responsible for bringing charges against them. Only a sovereign nation can declare war against another sovereign nation.

In our country we have had the experience of carrying out armed conflicts against other sovereign nations- Korea and Vietnam. Congress could not vote to declare war due to internal opposition by the people. Our Presidents, therefore, received authority to carry out "POLICE ACTIONS". We saw the results of those unwise actions . . . instability in our country and youth fleeing the country in order to avoid serving. Worst of all, America suffered a stalemate in Korea and still has to maintain troops on the border between North and South Korea. We also suffered a humiliating defeat in Viet Nam. In both "Police Actions" we lost thousands of lives, humiliating massacres occurred and we as a country stooped to barbaric acts that resulted in the murder of hundreds of civilians, women and children.

Are we going to repeat the mistakes of the past? Do a handful of terrorists a nation make, or is there another secret agenda behind the obvious effort to generate hysteria through the media and cause the Congress to declare war?

There are options that haven't been discussed on how to response to individual acts of terrorism. Nations that harbor terrorists can be made to pay economic penalties or be ostracized from the family of nations. Their citizens could be excluded from the right to travel beyond their own borders.

We remind the President: "You have the opportunity to act PRESIDENTIAL, or you may continue on the path to being just another incompetent President . . . a mere blip in American History."

# Ashcroft Urges Stiffer Penalties for Terrorism

*Attorney General Also Asks Congress for Increased Wiretapping Authority*

By **JESSEJ. HOLLAND**

*c The Associated Press*

WASHINGTON (Sept. 25) - Punishing terrorists as harshly as drug dealers and mafia dons and updating the FBI's wiretapping abilities are necessary for the Justice Department to battle terrorism, Attorney General John Ashcroft said Tuesday.

Ashcroft, who testified to the Senate Judiciary Committee, asked Congress to pass an entire anti-terrorism package before the end of the year. But when asked to pare down his proposed legislation to the most important items, Ashcroft picked increasing the terrorism penalties and updating the technology laws.

"Those are the two things that are priorities," Ashcroft said.

The Senate Judiciary Committee chairman, Sen. Patrick Leahy, D-Vt., promised to work with Ashcroft on getting some parts of his legislation through the Senate, although Leahy has an anti-terrorism proposal of his own that he wants lawmakers to consider. "There are a whole lot of things we can work on and we can agree on," he told Ashcroft.

This was Ashcroft's second day on Capitol Hill calling for his anti-terrorism legislation. The attorney general acknowledged in testimony to the House Judiciary Committee Monday that the proposals would not have prevented the attacks but said they are necessary for a safer future.

"The mere fact that we can't do everything shouldn't keep us from doing what we can do," he says.

"The American people do not have the luxury of unlimited time in erecting the necessary defenses to future terrorist acts,"

the attorney general said.

Questions about the constitutionality of his provisions and how they would affect Americans' civil liberties have prompted lawmakers to slow down the legislation.

The House committee had planned to vote on the legislation Tuesday, but Rep. James Sensenbrenner, R-Wis., who chairs the panel, delayed it until late next week to give the panel time to work out worries aired by some lawmakers.

"We are very close to reaching a bill that has bipartisan support and that would pass the House of Representatives," Sensenbrenner said.

Ashcroft, a former senator, wants Congress to expand the FBI's wiretapping authority, impose stronger penalties on those who harbor or finance terrorists and increase punishments of terrorists. "Every day that passes with outdated statutes and the old rules of engagement is a day that terrorists have a competitive advantage," Ashcroft said.

But he said the new powers would not necessarily have prevented the attacks two weeks ago that left more than 6,500 people dead or missing in New York City, at the Pentagon and in Pennsylvania. "We do know that without them the occurrence took place, and we do know that each of them would strengthen our ability to curtail, disrupt and prevent terrorism," Ashcroft said. "But we have absolutely no assurance."

Both Democrats and Republicans on the committee said the issues are too important to rush the legislation.

Rep. John Conyers of Michigan, the panel's senior Democrat, said the parties had agreed on 16 items in Ashcroft's package, but that some others "give us constitutional trouble."

Ashcroft's proposal also would allow immigrants suspected of terrorism to be held indefinitely - something Conyers said the courts already have viewed as unconstitutional.

Concerns also were raised about the proposed use in U.S. courts of electronic surveillance gathered by foreign governments with methods that violate the Fourth Amendment protection against unreasonable search and seizure.

"While some would say that's unconstitutional on its face, let me be more polite: We're deeply troubled," Conyers said.

Ashcroft said he was sure his bill would pass constitutional muster. "We are conducting this effort with a total commitment to protect the rights and privacy of all Americans and the constitutional protections we hold dear," he said.

AP-NY-09-25-01 1254EDT

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*September 28, 2001*

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## Editorial

### **Zealotry Confounds United States Leadership**

Who could possibly believe that a few bearded, camel drivers could so humble and panic our elected leadership? Fanatical zealots have terrorized different cities, villages, or groups throughout the world since time immemorial. Zealotry has been a hallmark of civilization since early homosapiens crawled out of their caves and noticed that there were others out there seeking their food and space, and wanting to control their tribe.

The response in those days was simple: bash them over the head with a rock, take the tribe's food source and steal their female members. The surviving tribe then huddled in their cave and danced to their guiding spirits, be it a bear, bird or jaguar. In the name of their gods they derived the power and strength to attack all that they felt threatened by.

Weapons evolved and tactics changed, but the fundamental driving force was the fanatical driving force that became a part of their hearts and souls. The ultimate fanatics were quickly changed into zealots! Zealots knew only one weapon that could stop their enemies. They would destroy their belief system and their high priests.

Zealots sneaked into our country, stole a few planes and smashed them against concrete towers, killing the innocents who were in the towers. They didn't know them, and they didn't care to. They were bent on destroying a symbol of what they perceived to be the gods of American society. As a zealot, you are duty bound to destroy the enemy's gods. Only then can you prove your own god's superiority, and thus take command.

Our leadership failed to understand the weapon that was hurled at them and responded, instead, with weapons of the past. Buildings mean nothing to the Zealots. Bombing the current place in which they reside means nothing to them. They will move and take their zealotry with them. Ships, planes and smart bombs are irrelevant. Their power lies beyond these earthly weapons.

America's leaders need to understand that we are in a war over who will control the minds of mankind. Our weapons must go beyond the weapons of the past. We must change our plan of attack or suffer the penalties of defeat.

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October 3, 2001

SAFETY AND LIBERTY

## Plan to Expand U.S. Powers Alarming Some in Colorado

By TIMOTHY EGAN

**C**OLORADO SPRINGS, Oct. 2 — The people who live under the formidable jaw of Pikes Peak like their churches, houses and cars big, and their government small. They send a steady flow of Republicans east, and do not expect much to come west, unless it is tax cuts or farm subsidies.

So to many it has come as a surprise, bordering on outrage, that a government thought to be safely controlled by like-minded conservatives is trying to expand the power and size of the federal policing authority, increase surveillance and wiretapping powers, even consider proposals for national identification cards.

"Here it comes — our government trying to take away freedoms again in the name of a national emergency," said Ted Adamovich, a 53-year-old resident of Colorado Springs. "They can put a little more surveillance in airports, but beyond that — no. Let them try to make me sign up for a national ID card. I dare them."

Mr. Adamovich says he bleeds red, white and blue, and has been consistently loyal to one party. "I'm Republican, for now," he said. "But if they push this stuff, who knows where I'll end up."

His warning was echoed throughout the cradle of New West Republicanism, where it is almost as hard to is a slice of street-side pizza. To hear some people talk, Janet Reno is still attorney general and Bill Clinton president.

"Some of this stuff they're proposing reminds me of a police state," said Bob Kossler, a member of the National Rifle Association, a Republican and an Air Force veteran who lives in this booming, conservative city along the Front Range.

"Cameras, wiretapping, e-mail surveillance," Mr. Kossler counted off, wearing a T-shirt featuring an embroidered American flag. "Are they going to be asking us to show our papers everywhere were go, like the Germans did?"

After the Oklahoma City bombing in 1995, Mr. Clinton proposed expanding the reach of government wiretaps and giving authorities power to trace gun powder from explosives. But a storm of opposition that blew in from the Rocky Mountain West and the South helped t

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After the Sept. 11 terrorist attacks, the Bush administration quickly put forward antiterrorism legislation that gave the government more authority to seize people's assets, detain immigrants longer between court appearances, wiretapping and other surveillance and to subpoena e-mail correspondence.

A national ID card was not part of the package the administration requested, but some members of Congress saw the possibility in the days the antiterrorist plan was being assembled.

Many leading Republicans, including Westerners like Senator Orrin G. Hatch of Utah, favored the plan that was introduced, and some called for even stricter measures. But Republican and Democratic negotiators in Congress scaled back some of what the administration sought, deciding to make the wiretap provision temporary, for

Still, the train of expanded government authority has run into the very people who helped to put many Republicans in power over the last decade — strong gun supporters and former independents with a Western feistiness. They have joined, for the moment, by allies from a distant and unlikely camp: liberals like Representative Barney Frank of Massachusetts, and the American Civil Liberties Union.

"My position, and the position of most pro-gun organizations, is that it is not a crime thing, it's a freedom thing," said Fabian, president of the Colorado State Shooting Association, which is the state affiliate of the National Rifle

"Any time the government is looking seriously at taking measures that roll back our freedoms as Americans — guns, communications or transportation — there needs to be very careful, cautious and measured evaluation," said

The National Rifle Association, while expressing concerns that some provisions of the antiterrorist bill could undo other administrations' actions against gun owners, said it did not oppose the measure.

"As written, we don't see anything in the bill that goes to gun ownership," said Jim Baker, chief lobbyist for the NRA. "The way we read it, it's all tied into terrorist acts."

In interviews conducted randomly in Colorado, people seemed particularly concerned about the prospect of expanded surveillance. "I don't mind profiling as long as they don't do it on average people," said Kory Birge, a high school senior touring the Professional Rodeo Hall of Fame here. "But on the surveillance, I don't want it to get like London where they have cameras everywhere."

Expanding the federal government's reach — through the establishment of a new home defense agency, increased involvement in airport security and bailouts for faltering sectors of the economy — has also struck a nerve with Westerners. They said they thought the era of big government was over when Mr. Clinton declared it dead.

But the mood across the nation, according to several recent polls, shows that antigovernment sentiments are still considerably strong. Not since 1966 has such a large majority — more than 60 percent in several polls — said that the government is doing the right thing most of the time.

And here in Colorado, plenty of people say the government should take whatever security steps are needed to prevent terrorism, even if it means a loss of civil liberties.

"I don't mind the stepped-up surveillance as long as they keep it in certain places, and don't try to come in on my property," said Chuck Rice, 55, of Colorado Springs.

While most of the attention has focused on airport security, people here have started to voice concerns about the expansion of federal authority.

"Just in the last few days, we've been hearing from a lot of people in the district who wonder what this is all about," said Sarah Shelden, a spokeswoman for Representative Joel Hefley, a Republican whose district includes Colorado Springs.



**Committee on Chicano Rights**

710 East Third Street • National City, CA 91950 • (619) 477-3800

October 5, 2001

**Congressman Bob Filner**  
333 "F" Street, Suite "A"  
Chula Vista, CA 91910

**Re.: Bush Administration Anti-Terrorist Legislation**

**Congressman Bob Filner:**

**"A people who give up their freedoms for security deserve neither one of them."**

**Thomas Jefferson**

For the record, (while we still have rights that are guaranteed and protected by the U.S. Constitution and the Bill of Rights), we adamantly oppose the Bush administration's "draconian" proposed anti-terrorism legislation presently before the U.S. Congress. History has taught us that our people's civil, constitutional and human rights have historically been violated. The proposed legislation, of detaining immigrants "indefinitely," wire tapping, e-mail surveillance, I.D. cards, etc. for citizens and residents, raises numerous "red flags" of serious concerns within Chicano communities throughout the U.S.

The proposed legislation has triggered misgivings, uneasiness, apprehensions and a heightened sense of profound fear in our communities. While it is understood that the horrific attack of September 11, 2001 must be addressed and resolved by the government, it must not be at the expense of violating the constitutional rights of the American people. We urge instead, that you and the U.S. Congress proceed without hysteria and address this serious matter in a careful, measured, and cautious manner.

Draconian powers such as granting the U.S. Attorney General unilateral powers to detain, deport, arrest and jail non-citizens indefinitely on "suspicion," when a "certified" non-citizen is no longer a threat, and determine their release, violates traditional checks and balances of the U.S. system. This poses a serious threat to established rights and smacks of totalitarian "police state" tactics.

Before you begin to seriously review, study, deliberate and vote on the proposed Bush administration's legislation, we urge that you and the U.S. Congress seriously ponder the historical questions before you. If approved, will the proposed legislation be used to fight terrorism or destroy the historical rights guaranteed under the Bill of Rights and U.S. Constitution?

Sincerely,

**Herman Baca, President**

**Cc. Senator Diana Feinstein, Senator Barbara Boxer, Congressman John Conyers**



*October 5, 2001*

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## Editorial

### **A Second Look at WTC Towers Incident Necessary**

The deliberate crashing of two passenger airliners into the top floors of the World Trade Center Twin Towers was a traumatic event for the millions of Americans who watched it unfold before their eyes on Sept. 11, 2001. The instant showing and constant re-showing of the deadly incident further traumatized them.

The spectacular crashes contained each of the elements that a television station most desires: action, carnage, fear, and excitement. It seemed as if the television cameras had been forewarned of the impending crash and had been set up to instantly catch the first crash onto the North Tower, which was then followed by a second plane that came crashing into the South Tower. It was television's moment of glory to so quickly capture the terrorists crashing into the buildings.

One is reminded of Desert Storm and the quickness of the CNN cameras to catch the first attacks by our troops. It seemed that CNN had been forewarned and allowed to have its cameras on the battlefield. It was later alleged that CNN officials had paid for the privilege to be there first, thus scooping the rest of the media.

No wonder the general public became traumatized by what they were viewing on their television screens. The constant bombardment of video scenes, hour after hour on every station in the United States, was overwhelming. As Herr Gobbles discovered in Nazi Germany, it was easy to propagandize a population to the point in which it was easily manipulated to do whatever Hitler wanted it to do. One wonders. . .

The general public has been aroused to go to war, if need be, over the deaths of nearly 7,000 unfortunates who were trapped within the Twin Towers. Without a doubt, we all grieve and feel greatly for the families of those who died due to these terrorist actions. Nothing that we can do will ever bring them back. One has to question whether 7,000 deaths is the threshold to go to war or to seek and destroy a group of people? Along this line, wouldn't it appear logical that we seek out a group of people in our own country who cause the deaths of 80,000 to 100,000 men, women, & children annually? Perhaps the automobile industry is a far worse danger to our country than a few foreigners who killed 7,000 people. The automobile industry has been directly responsible for the deaths of over 1,000,000 Americans in the last ten years. Yet, Americans endure that carnage.

We have to ponder whether or not the American public is being manipulated in order to solve a deeper problem in our country. Wars have always been a handy way to lift a country out of economic depression (WWII), carry out Imperialistic designs on other nations (Cuba, Puerto Rico, Mexico), or resolve serious internal political problems (Civil War, War for Independence). In each of these cases, propaganda has been the principle tool of manipulation. With most forms of communication in this country under the control of a small group of individuals, the question has to be raised as to whether we are once again being manipulated? If so, for what purpose?



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# South Bay Forum

45 El Rancho Vista  
Chula Vista, CA 91910  
(619) 422-0432

October 7, 2001

Congressman Bob Filner  
333 "F" Street, Suite A  
Chula Vista, CA. 91910

Dear Congressman Filner,

**South Bay Forum** (a Chicano/Latino political action committee) is deeply concerned with U.S. Attorney General Ashcroft's and President Bush Administration's attempts to take advantage of the September 11 attacks by proposing "anti-terrorism" legislation that undermine people's civil rights guaranteed and protected by the Bill of Rights and the U.S. Constitution.

There is no doubt that our country must respond to the vicious attack perpetrated against us, however we urge our leadership not to rush through a bill at the expense of violating the civil liberties of whole communities. Unfortunately, our country already has a long, blemished, and shameful history of violating such rights as evidenced with Chinese-Americans, Japanese-Americans, African-Americans, and Mexican-Americans, to name a few.

We are particularly concerned with, and adamantly opposed to, the request by Ashcroft to detain legal immigrants, who are neither material witnesses nor charged with a crime, for "indefinite" periods. This type of legislation, along with other requests such as unlimited wire tapping and e-mail surveillance, authorizes a "carte blanche" for abuse without repercussions to our governmental law enforcement agencies.

**South Bay Forum** urges you and the U.S. Congress to consider legislation that ensures the security of our country, without hysterical, knee-jerk reactions, which will only serve to repeat history by violating all the civil and human rights this country fought so much to ensure for all its citizens and residents.

If our organization can be of assistance to you in this matter, please do not hesitate to contact me at (619) 422-0432.

Sincerely,

Norma A. Cazares,  
President

Cc: Senator Barbara Boxer, Senator Dianne Feinstein, Congresspersons Davis, Issa, Cunningham, and Hunter



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# Senate OKs Anti-Terrorism Program

■ Congress: Electronic eavesdropping, greater authority to detain suspects are among the br passed, 96 to 1.

By ROBERT L. JACKSON, Times Staff Writer

WASHINGTON -- The Senate responded to President Bush's request for expanded anti-terrorist powers Thursday by approving a sweeping program that would make it easier for U.S. law enforcement officials to detect and detain suspected terrorists.

Satisfying the concerns of some civil liberties advocates, senators voted, 96 to 1, for broad measures that, among other provisions, would limit detention of suspects to seven days rather than the indefinite time period sought by the administration.

Senate leaders also began discussing an agreement with the House, which is expected to pass its own similar legislation today, to put a five-year limit on broadening the government's authority to conduct electronic surveillance.

Among the powers approved by the Senate were measures allowing law enforcement to eavesdrop on e-mail and other computer communications without permission from a court, to obtain wiretapping authority for multiple jurisdictions from a single court and to deploy so-called "roving wiretaps" that permit investigators to monitor a suspect's communications across multiple devices like cellular phones.

President Bush is expected to sign promptly the combined package that Congress sends to his desk.

So urgent was the legislation that Senate Majority Leader Tom Daschle (D-S.D.) kept his colleagues in session until they passed the measures at close to midnight.

Daschle also succeeded in getting the Senate overwhelmingly to reject three amendments by Sen. Russell D. Feingold (D-Wis.), who argued that his proposals would keep law enforcement officers from invading the privacy of innocent people with no connection to terror suspects. Feingold cast the lone dissenting vote.

Daschle said he sympathized with Feingold's aims but cautioned that the Senate bill already was a delicate bipartisan compromise that gave protection to individual liberties.

Sen. Patrick J. Leahy (D-Vt.), liberal chairman of the Judiciary Committee, said bipartisan efforts had produced "the best bill possible, one requiring Republicans and Democrats to come together."

Leahy added: "We were able to remove a number of unconstitutional parts the administration had proposed."

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Sen. Orrin G. Hatch (R-Utah), the committee's ranking minority member, said far-reaching legislation was needed because "we live in a dangerous and world today with terrorist cells in this country."

To those concerned about the potential loss of civil liberties in increasing the powers of the FBI and other agencies, Hatch advised them to ponder "the loss of civil liberties of those who died" in the terrorist attacks of Sept. 11.

But Hatch said the government cannot guarantee total protection of the public "when you have people willing to commit suicide to do us harm."

Advocating the need for roving wiretap authority, Sen. Dianne Feinstein (D-Calif.), a Judiciary Committee member, explained that "under current law, law enforcement must get a wiretap order for each individual phone line. Criminals and terrorists know this, so they often manage to defeat surveillance by simply moving locations or exchanging countless disposable or even stolen cell phones."

Besides expanding the government's power to eavesdrop on suspects and detain suspects and potential witnesses for limited periods, the Senate bill also mandates the sharing of investigative data between the FBI and CIA when such information could pertain to terrorist activities. Previously, such data often was protected by court order or by grand jury secrecy.

In addition, the bill increases maximum penalties for terrorist-related crimes that result in any deaths. It also triples the number of Border Patrol officers, Customs Service agents and U.S. immigration inspectors along the Canadian border, the boundary that some terrorists who hijacked airliners last month are believed to have crossed. The bill appropriates \$50 million to upgrade technology for those agents.

Additionally, the Senate legislation includes strict anti-money-laundering provisions designed to prevent terrorists from using U.S. banks in furtherance of their activities, and it improves the ability of federal agents to detect such use.

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LETTERS TO THE EDITOR

Watch draconian legislation for anti-terrorism measures

Wednesday, October 17, 2001

Editor:

This is a letter written to national legislators.

"A people who give up their freedoms for security deserve neither one of them."

— Thomas Jefferson

For the record (while we still have rights that are guaranteed and protected by the U.S. Constitution and the Bill of Rights), we adamantly oppose the Bush administration's draconian proposed anti-terrorism legislation presently before the U.S. Congress. History has taught us that our people's civil, constitutional and human rights have historically been violated. The proposed legislation, of detaining immigrants "indefinitely," wiretaping, email surveillance, I.D. cards, etc., for citizens and residents, raises numerous "red flags" of serious concerns within Chicano communities throughout the U.S.

The proposed legislation has triggered misgivings, uneasiness, apprehensions and a heightened sense of profound fear in our communities. While it is understood that the horrific attack of Sept. 11, 2001, must be addressed and resolved by the government, it must not be at the expense of violating the constitutional rights of the American people. We urge instead, that you and the U.S. Congress proceed without hysteria and address this serious matter in a careful, measured and cautious manner.

Draconian powers such as granting the U.S. Attorney General unilateral powers to detain, deport, arrest and jail non-citizens indefinitely on "suspicion," when a "certified" non-citizen is no longer a threat, and determine their release, violates traditional checks and balances of the U.S. system. This poses a serious threat to established rights and smacks of totalitarian "police state" tactics.

Before you begin to seriously review, study, deliberate and vote on the proposed Bush administration's legislation, we urge that you and the U.S. Congress seriously ponder the historical questions before you. If approved, will the proposed legislation be used to fight terrorism or destroy the historical rights guaranteed under the Bill of Rights and U.S. Constitution?

Herman Baca  
President  
Committee on  
Chicano Rights  
National City, Calif.

(Editor's note: Herman Baca is a Valencia County native who reads the News-Bulletin on the Internet in California.)

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# Bush Signs Anti-Terrorism Bill

By **JESSE J. HOLLAND**

*.c The Associated Press*

WASHINGTON (Oct. 26) - President Bush on Friday signed a sweeping anti-terrorism bill into law, giving police and intelligence agencies vast new powers to "counter a threat like no other our nation has ever faced."

"Today, we take an essential step in defeating terrorists while protecting the constitutional rights of all Americans," Bush said in an East Room ceremony even as the government grappled with a series of anthrax cases that may be linked to the Sept. 11 terrorist attacks.

"This government will enforce this law with all the urgency of a nation at war," Bush said.

The legislation, while somewhat weakened from the administration's original proposal, expands the FBI's wiretapping and electronic surveillance authority and imposes stronger penalties for harboring or financing terrorists. It increases the number of crimes considered terrorist acts and toughens the punishment for committing them.

The bill also gives police wide-ranging new anti-terrorism powers to secretly search people's homes and business records and to eavesdrop on telephone and computer conversations.

"This law will give intelligence and law enforcement officials new tools to fight a present danger," Bush said.

The ceremony, attended by Vice President Dick Cheney, lawmakers and uniformed law enforcement officials, came one day after Attorney General John Ashcroft said the Justice Department will begin using the new powers immediately.

"Upon the president's signature, I will direct investigators and prosecutors to begin immediately seeking court orders to intercept communications related to an expanded list of crimes under the legislation," he said.

Lawmakers, worried about possible abuse of the new wiretapping and surveillance powers, placed a four-year cap on that part of the legislation.

"It gives us the time to investigate whether there were any outrageous abuses," Sen. Dianne Feinstein, D-Calif., said.

The House and Senate approved Bush's anti-terrorism package in less than two months, skipping much of the normal committee process in their haste. Lawmakers say they still came up with a good bill.

"The gestation period has been a few weeks. But it's a heck of a lot better than to have given birth to a monster, and we didn't do that," said Sen. Patrick Leahy, D-Vt., the Senate Judiciary Committee chairman.

Critics disagreed. "It is still dangerous legislation, and unfortunately there are still too many weaknesses in the bill that could end up curbing and infringing fundamental civil rights and liberties," said Ralph Neas, president of the liberal People For the American Way.

Sen. Russ Feingold, D-Wis., was the only senator to vote against the package. "This bill does not strike the right balance between empowering law enforcement and protecting civil liberties," Feingold said.

Utah Sen. Orrin Hatch, senior Republican on the Judiciary Committee, retorted: "I don't know anybody in this country who's afraid of their law enforcement people at this time. They're afraid of terrorism."

The new legislation allows nationwide jurisdiction for search warrants and electronic surveillance devices, including legal expansion of those devices to e-mail and the Internet. It also authorizes the use of roving wiretaps, in which officials get orders that allow them to tap whatever telephone a person uses instead of one telephone at a time.

Senators also insisted on tacking money-laundering stipulations into the bill to thwart the flow of money to terrorist groups and protect the U.S. banking system from illicit money.

The House inserted an expiration date for the new wiretapping and electronic surveillance powers. Under the bill, Congress has to renew the anti-terrorism legislation before Dec. 31, 2005, or the eavesdropping sections expire.

Ashcroft and Bush fought strongly against that provision, but Republican leaders in the House told them the bill could not muster a majority without it.

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October 29, 2001

Herman Baca  
710 E 3rd St  
National City, CA 91950

Dear Herman:

Thank you for contacting me about the Mobilization Against Terrorism Act, H.R. 2975.

I wholeheartedly agree that during this crucial time, we must maintain our critical--and common--sense. And we must protect the civil liberties of every resident of the United States. I voted "no" on this legislation!

I appreciate your efforts to maintain civil liberties in our nation.

Sincerely,

A handwritten signature in black ink that reads "Bob".

BOB FILNER  
Member of Congress

BF/ms  
2056774

# God, country and feeling excluded from national unity

By Keith Taylor

While back our whole family: kids, parents, and us, their grandparents, vacationed in Maine for a week. We had a wonderful time even though we got on each other's nerves now and then.

As is my habitude, I grumbled about a thing or two — well, maybe a dozen or so. They grumbled right back. It's hard for a septuagenarian to keep in step with younger folks. The grumbling stung.

Still, I knew where they were coming from. Stress causes folks to lash out. The guy out of step is the obvious target.

Take the national mood today. Claiming to present a united front, our

Taylor is a Chula Vista resident. He can be reached via e-mail at [krtaylorxyz@aol.com](mailto:krtaylorxyz@aol.com).

more vociferous zealots are drawing lines claiming to speak for the *true* patriots — those who are in step.

Guess who's left out, and guess who will be easy targets for those smugly ensconced inside the lines? It doesn't pay to miss the cadence during times of tension or crisis.

The Reverends Pat Robertson and Jerry Falwell, custodians of everything good and holy, kicked it off. Their targets were the same folks they'd been ranting and raving about for decades now — the dreaded pagans, homos, lesbians, abortionists and the ACLU.

That included me. I don't even believe in the God touted by those two. And although one of them did apologize some three times, each apology more contrite than the previous, it sounded as if each was carefully crafted to respond to the outcry. With a half century's experience in looking

holy, he sure looked heartfelt though.

Outrageous as it was, many fall in line with the ideas of these men. God (or the idea of him) is everywhere and he gets credit, but not blame, for most everything. Nary a politician can commence a speech without telling of how God will protect us in this time of crisis.

Now and then a naysayer has the effrontery to ask where God was on the morning of Sept. 11. Pity that person! He will invariably be shouted down and ridiculed for his heresy. Soldiers marching onward will not allow anybody to get out of step.

Our flag inspires much the same fervor today and that makes me just as nervous. I love that old symbol. I always jump to attention and even click my heels just like a Marine when it's displayed during the National Anthem at a ball game. I'm proud to live in a

neighborhood where so many fly it on every patriotic occasion. Heck, I've been meaning to buy one myself for a long time.

Now more homes than ever fly Old Glory. That old patriotic fervor is afoot in Chula Vista. Too late to buy a flag — they were sold out — my wife retrieved a paper one from the newspaper and posted it proudly on the screen door. I was glad she did because it relieved me of making a rather painful decision.

I'm patriotic as the next fellow and can produce a 23-year Navy service record to prove it. I just feel a little uneasy in joining the "love it or leave it guys." They are so quick to add folks to the list whom they want to leave.

The religious fervor makes me even more uneasy. When the self-righteous get on the march, poor doubters like me best stand clear.

Even before the current jingoism started, I was excluded from much of mainstream America. Seven states specifically exclude the likes of me from holding office. The Boy Scouts won't have me. Even the veterans organizations honor a being I don't believe in.

Although I sometimes feel alone, I'm not. The top scientists, the folks who make things happen, are pretty much with me. Ninety-three percent of them do not believe in God either. You can compare that to the more than 99 percent of the folks on death row, all of whom are religious. Make of that what you will.

I really wish those who call for national unity in the country meant all of us, even those who don't bow our heads in prayer or who feel uncomfortable joining the jingoists who seem to be marching toward a holy war.

S.O. June 12-75-01

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 OPINION
 

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# Civil rights *vs.* terrorists' wrongs

## A return to frontier justice?

By Linda Hills

America's romantic image of itself includes the period of frontier justice — a time in which local townspeople often took matters into their own hands to protect themselves from outlaws. But over time, Americans in the Old West came to understand that the "Shootout at the OK Corral" was no substitute for a civil society that provided checks and balances between the authority of law enforcement and that of the judiciary.

The Sept. 11 terrorist attacks have brought frontier justice back to life. It is the underlying theme of Attorney General John Ashcroft's anti-terrorism proposals to change our nation's immigration laws in a way that would make the Department of Justice the judge, jury and jailer of any non-citizen suspected of being a national security risk.

Every American was horrified by the events on Sept. 11 and wants the perpetrators held accountable. Heightened security is clearly needed and we are willing to tolerate the extra inconvenience such security measures may bring. Because it seems certain that these horrific acts were perpetrated by non-citizens, probably Muslim extremists, we also know that Middle Eastern immigrants in this country will be the focus of the government's investigation. However, our

iting it to seven days and softening some other provisions. But even with those compromises, assuming they are part of the final bill, there will be a curtailment of certain basic liberties.

The administration already has instituted new rules that allow the Immigration and Naturalization Service to indefinitely extend the 24-hour deadline to charge or release immigrants for an "additional reasonable time period" in emergencies. Given the complexity of the current investigation, this could mean months or years.

The attorney general also proposes to use a "guilt by association" standard by expanding the definition of terrorism to allow the government to detain and deport even legal residents who have supported the legal activities of an organization found to have ever used or threatened to use violence. This proposal would be retroactive, making a contribution to such an organization illegal, even if it was not a designated terrorist organization when the support was provided and no laws were broken at that time. Under this law, a permanent resident alien could be deported today for making a past donation to Nelson Mandela's African National Congress because the group had engaged in military, as well as non-violent, opposition to apartheid.

These proposals offend the Constitution and are an affront to the millions of law-abid-

## Counseling understanding

By Harold Jaffe

In the days following the unprecedented terrorist attacks in New York City, Washington, D.C., and Pennsylvania, American newspapers were filled with images of people at prayer. Politicians, police, the military, professional athletes, corporate managers and children were all kneeling with eyes closed, praying.

Praying for what? Presumably for the deliverance of those souls so cruelly murdered in the World Trade Center, the Pentagon and aboard the four hijacked aircraft. In their agitation and sudden vulnerability, it is probable that most of those praying included an appeal for national solidarity. The question is to what extent did those prayers include the safeguarding of civil liberties both in the United States and — in the likely event of a war — abroad?

U.S. intelligence has identified the suicide terrorists as Arabs and has stated that many more Arabs and even Arab "host" countries are implicated. As a result, many Americans feel suspicious of all Muslims, or of people, like Sikhs, who seem to resemble Muslims.

But we must remind ourselves that Islam is the most populous religion in the world and that Arabs constitute only about 20 percent of Muslims worldwide. Of that number, no more than the most minuscule percentage is dedicated to inflicting grievous harm on the United States.

The dread word "jihad" commonly rendered

victims of the Sept. 11 attacks. Nor does anyone have the right to cynically deny the individual acts of heroism, such as those performed by firefighters and police at the World Trade Center, or in the passenger jet above Pennsylvania. But that is only one-half of the equation. The other half has to do with our disposition to the terrorists. Are we simply to demonize the terrorists and their sympathizers, as haters of American-style affluence, freedom and human rights; or attempt to understand what it is about recent United States foreign policy that has engendered such rage?

The unhappy fact is that not only in the Middle East, but in Europe, Asia, South America, and indeed throughout the world, the United States is commonly perceived as myopically self-righteous while actually committed, sometimes brutally, to, in the words of a British commentator, the "domineering pursuit of national self-interest, [to] punishing the crimes of its enemies while rewarding the crimes of its friends."

Specifically, critics, both Muslim and non-Muslim, have cited the United States' opportunistic support for despotic regimes such as Saudi Arabia and Kuwait, along with the stationing of American troops and military hardware on the Arabian Peninsula; its continuing sanctions of Iraq which have resulted in the deaths of hundreds of thousands of civilians and children; its (as reported in the U.K. daily, *The Independent*) deliberate

Security and civil liberties do not have to be at odds. We can ensure that law enforcement has the tools it needs to bring the terrorists to justice without trampling on the rights of law-abiding non-citizens in our country and undermining our precious inheritance of constitutionally protected civil liberties. But we will have to act quickly.

In the days following the attacks, the attorney general proposed legislation that gives him the power to unilaterally and immediately detain and deport — based on suspicion alone and without presenting any evidence — suspected terrorists and others who “may pose a risk to the national security.” Ashcroft’s proposals do not identify the evidence that is necessary for the certification to be issued. “Certified” non-citizens could be jailed indefinitely, even those who are here legally, have not been charged with an immigration violation, are not accused of being terrorists, or who have been granted political asylum.

Most importantly, there would be no opportunity to appear before a judge during this detention to contest the attorney general’s decision. The attorney general alone decides when someone is no longer a threat and should be released.

Fortunately, members of Congress, working with the administration, have offered a compromise on the indefinite detention, lim-

daughters of immigrants. Congress must approach the administration’s requests cautiously and ask whether all such Draconian measures are necessary in light of their severe impact upon our liberty. In several instances, the anti-terrorism bill goes far beyond any powers conceivably necessary to fight terrorism in the United States.

The Immigration and Naturalization Service already has very broad powers to detain and deport aliens. The INS can detain an immigrant who is “out of status,” i.e., on an expired visa or otherwise unlawfully present. The INS also has the authority to compel the detention of immigrants they are trying to remove because they may be terrorists. However, such detentions are subject to judicial review.

Since 1996, the government also has had the highly controversial power to use “secret evidence” — classified information not available to the defense — against immigrants suspected of terrorist activity. When the government has used secret evidence in the past, innocent people — virtually all of them Arabs or Muslims — have been detained without a fair hearing, sometimes for years. In several recent high-profile cases, many of these individuals established their innocence and were released.

The attorney general now wants to reduce this “secret evidence” standard to one of “no evidence” and “no hearing.” We can almost hear the sheriff rounding up the posse. If we undermine our liberties in this way and give up our way of life, the terrorists will have won.

sade, a word that makes most historically minded Muslims cringe, jihad’s meaning is elastic and dependent on context.

Muslims, it need hardly be said, are fundamentally no less civic-minded and law-abiding than Christians, Jews and Buddhists. Hence the United States must take special care in the wake of our national trauma to ensure that there be no racial or religious profiling, that Muslim people’s rights be fully protected.

Many Californians remember with chagrin the internment of innocent Japanese-Americans during the World War II. We must not repeat that cruelty or anything resembling it, with regard to American Muslims.

To say that Muslims are law-abiding is not to deny that some — perhaps even many — are convinced that the U.S. government has not addressed their needs and has in significant ways disrespected their faith. That is a conviction, not a crime. But one must wonder how such convictions will be viewed officially.

Under Attorney General John Ashcroft’s newly imposed powers, non-citizens may be kept in detention for an indefinite period. And the *Los Angeles Times* reports that “dozens of Middle Eastern nationals are already being held.”

This next point is a crucial one, which must be stated clearly. Every civilized human feels — or should feel — sympathy for the thousands of

Food and Agricultural Organization, “attacks wounds, scars and cuts, the navels of newborn babies and tic bites of both warm-blooded animals and humans;” its aggressively one-sided role in the long-standing Israeli-Palestinian conflict; its bombing in 1998 of one of Sudan’s two pharmaceutical factories on the disputable premise that it was linked to Osama bin Laden; its flip-flop on Afghanistan, first supplying the Mujahedeen with arms and technical assistance in their war against the Soviets, now itself preparing to invade the country with the anticipated deaths and dislocation of thousands of innocent Afghan people.

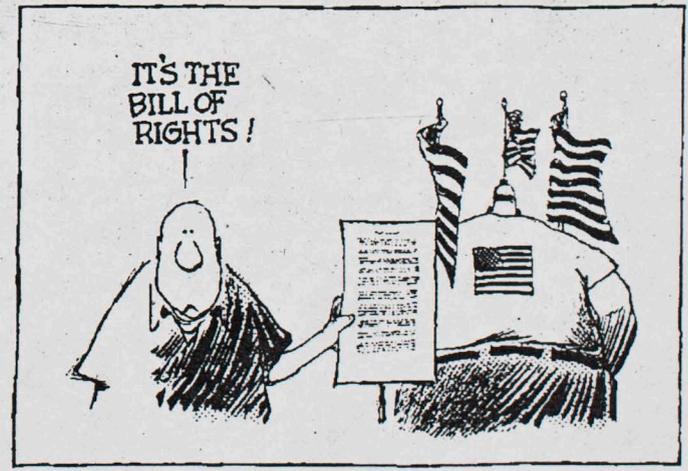
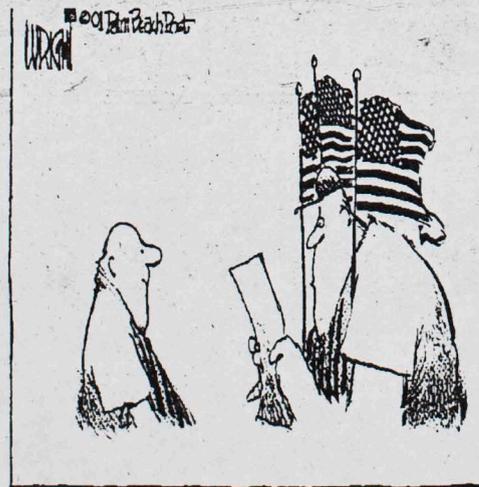
How much of this litany of U.S. evil-doing is actual and how much alleged cannot be readily sorted out. The reality is that those “crimes” and others have been persistently reported by newspapers and other media both in and outside the Middle East.

The attacks and mass murders of Sept. 11 were vile, indefensible. And that single fateful day has instantly wrenched the American people out of their seemingly secure geographic isolation into the bloody world battlefield. Now, both the Bush government and the Taliban terrorists are appealing to God to justify their right to wreak war.

It is tempting for a people in their wrath to confuse ideology with theology, to condone heartless terrorism or massive war never mind the “collateral” deaths and damage to the innocent. But it is our responsibility, not God’s, to counsel understanding and even dialogue, and at the very least to ensure the civil rights of innocent Muslims both in the United States and abroad.

**Jaffe** is an author, editor and professor of English and comparative literature at San Diego State University. His tenth volume, a collection of writings called “False Positive,” will be published in spring 2002.

**Hills** is executive director of the American Civil Liberties Union of San Diego and Imperial Counties.



# Senate passes legislation to fight terrorism

By Adam Clymer

NEW YORK TIMES NEWS SERVICE

WASHINGTON — The Senate passed sweeping anti-terrorism legislation yesterday, sending President Bush a measure that would expand the government's ability to conduct electronic surveillance, detain immigrants without charges and penetrate money-laundering banks.

The measure also permits officials to share grand jury information to thwart terrorism and relaxes the conditions under which judges can authorize intelligence wiretaps.

The president's deputy press secretary, Claire Buchan, said: "The president is pleased that the Congress has acted quickly to provide additional tools in fighting the war on terrorism, and he looks forward to signing the bill into law (today)."

Attorney General John Ashcroft said that within hours of Bush's signature he would distribute new directives to all federal prosecutors and FBI agents telling them how to use the law. One step to be taken right away, senior law enforcement officials said, is to seek subpoenas to

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## **Officer wounds fleeing suspect**

UNION-TRIBUNE

NATIONAL CITY — A police officer shot and critically wounded a man last night, authorities said.

National City police said the man reached toward his waistband as he was running from the officer. The officer fired once, hitting the man in the chest.

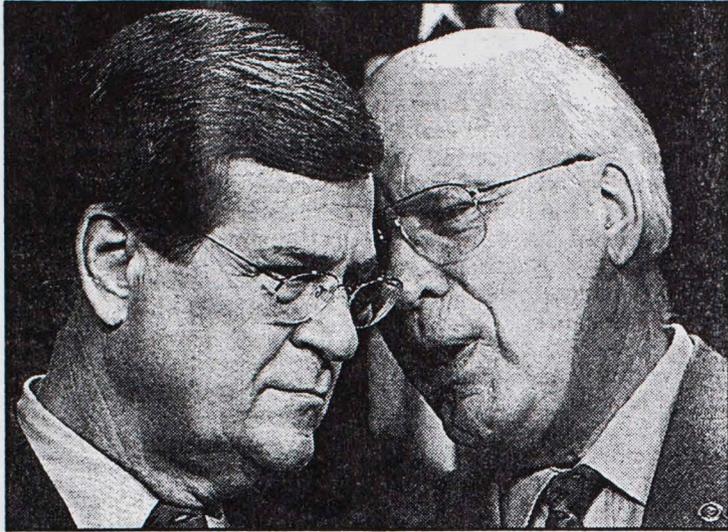
The man, whose name was unavailable, was taken to a San Diego hospital to undergo surgery. Late last night, he was listed in critical condition.

The shooting occurred shortly before 8:30 p.m. near 24th Street and Highland Avenue. No further details were immediately available.

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## ATTACKING TERRORISM



Senate Minority Leader Trent Lott, R-Miss. (left) and Sen. Patrick Leahy, D-Vermont, conferred yesterday after the anti-terrorism bill passed. *Kevin Lamarque / Reuters*

a suspect who might be using several cell phones.

Authorities now have the ability to get court orders to learn the numbers called from a particular phone. The new package would extend that principle to the cyber world, giving law enforcement the

ability to see the senders and receivers of e-mails, as well as the message subject lines.

Feingold, while praising his colleagues for denying Ashcroft all the powers he sought, complained of "relentless" pressure to move quickly, "without deliberation or debate." He at-

tacked the bill for enabling the government to obtain the business or medical records of anyone "who might have sat on an airplane" with a suspected terrorist.

Feingold also objected to the bill's liberal approval of intelligence wiretaps even if intelligence gathering is only a minor purpose of the tap. Such wiretaps are often issued in secrecy and under much looser standards than those required for wiretaps in criminal cases.

But Feingold was the lone dissenter. One senator, Mary Landrieu, D-La., did not vote.

Sen. Patrick Leahy, D-Vt., who heads the Judiciary Committee, said Ashcroft had asked that the legislation be passed in two days. Instead, Leahy said: "We took the time to look at it, and we took the time to read it. And we took time to remove those parts that were unconstitutional and those parts that would have actually hurt the rights of all Americans."

Leahy praised the addition of provisions to cope with money-laundering, saying he had

learned as a state prosecutor of the need to "follow the money."

The banking measures include allowing the secretary of the treasury to impose sanctions — up to cutting off all dealings with U.S. financial institutions — on banks in a nation whose bank secrecy laws deny information to the FBI or other agencies. Another provision would require foreign banks maintaining correspondent accounts in U.S. banks to designate someone here to receive subpoenas related to those accounts and their depositors.

If those subpoenas were not answered, the accounts could be ordered closed.

Other major provisions include barring U.S. banks from doing business with "shell banks" overseas that have no physical facilities and are not part of a regulated banking system.

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The Boston Globe contributed to this report.

## ATTACKING TERRORISM

## Powers in anti-terrorism bill worry some

## Civil liberties advocates fear abuses by authorities

By Robin Toner  
and Neil A. Lewis

NEW YORK TIMES NEWS SERVICE

WASHINGTON — Lawmakers hailed the anti-terrorism legislation passed yesterday as an appropriate balance between civil liberties and the heightened security needs of a nation at risk. But civil liberties advocates asserted that the new law jeopardized fundamental rights and would require vigilant oversight to keep the authorities in line.

Law enforcement authorities said they would move quickly to capitalize on new powers for the investigation, surveillance and detention of terrorism suspects. "Today, the Department of Justice is positioned to launch a new offensive against terrorism," said Attorney General John Ashcroft, promising "airtight surveillance of terrorists."

The reactions only underscored the reality of a lopsided vote in the House and the Senate: In this latest struggle between civil liberties advocates and law enforcement, the authorities had won. The pattern was a familiar one, many legal experts say. The federal government had reached for new powers in a time of crisis, and the Congress had complied, as it did after the Oklahoma City bombing in 1995.

But civil liberties advocates say there is another historical parallel — that new powers granted in a crisis are ripe for abuse. The new standards for surveillance and investigation are so flexible, so weighted toward the government, these advocates say, that the authorities are almost certain

to use such powers against law-abiding people.

The Federal Bureau of Investigation "is under great pressure," said Jerry Berman, executive director of the Center for Democracy and Technology, an advocacy group. "It will be under pressure from the press, from policy-makers, to leave no stone unturned. And unable to pierce the inside of a sophisticated terrorist cell, I'm afraid they're going to spend a lot of time on the outside of the circle, which includes many people who are not engaged in anything unlawful."

Privacy advocates like Berman note that the bill gives the government the ability to obtain an array of records and information about individuals, with little judicial oversight.

And civil libertarians say they have great concern about the expansion of the powers of a special court that grants secret authorization for the government to conduct electronic surveillance against people suspected of involvement with a foreign government.

Laura Murphy, director of the American Civil Liberties Union national office, also argued that the new law defines the crime of harboring and supporting terrorists so broadly that it was bound to have a chilling effect on political activity by Americans engaged in anti-war or pro-immigrant groups.

This debate was on vivid display at a legal conference yesterday in a joint appearance of several civil liberties lawyers and Viet Dinh, an assistant attorney general in the Bush Justice Department who helped draft the bill.

David Cole, a lawyer with the Center for Constitutional Rights who has represented Arab-Americans in national security cases,

argued that the law was heavily weighted against immigrants. It was also written so broadly, he said, that it would make people eligible for deportation for supporting groups that are only marginally involved with terrorism. For example, Cole asserted, the African National Congress under Nelson Mandela was for many years labeled a terrorist organization by the State Department, but was nevertheless very popular with Americans.

Eliot Minberg, the legal director of People for the American Way, a liberal group, asserted that the legislation was essentially saying: "We're the government. Trust us."

But Dinh of the Justice Department countered: "We're not saying you should trust us. I haven't used those words. I do not think these powers will be abused nor can they be abused." Dinh said that, in the end, the Constitution's protections would still apply — and that the courts would have the final say on many parts of the legislation.

Those who support the legislation — including many lawmakers traditionally identified as supporters of civil liberties — note that some of the most controversial provisions for surveillance authority will expire in four years under a sunset provision, unless Congress chooses to renew them.

Rep. Howard Berman, D-Los Angeles, who has an 85 percent rating from the ACLU, was among those voting for the bill. "It would not have passed pre-Sept. 11," he said. But Berman was one of many lawmakers who argued that the world obviously changed on Sept. 11. "I always have concern that what I think are important new powers will be misused," he said. "But to me the most important safety valve we have here is the sunset."

# SAN DIEGO

SUNDAY  
October 7, 2001

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THE SAN DIEGO  
UNION-TRIBUNE  
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**CITY EDITION**

## AMERICA ON ALERT

# Jailed clients put lawyer in spotlight

Local attorney defends  
3 held in terrorism probe

By Kelly Thornton  
STAFF WRITER

Randall Bruce Hamud was a low-profile personal-injury lawyer who preferred to spend his time country dancing, writing novels and galloping through Peñasquitos Canyon atop his black quarter horse.

Until the Sept. 11 terrorist attacks, Hamud had time for those pursuits, and he had anonymity. Most of his peers in San Diego's legal community never had heard of the self-described cowboy who wears black ostrich-feather boots to court but saves his

Stetson hat for weekends.

Now, as the nation seeks justice and braces for potential future attacks, Hamud is virtually the only lawyer in the national spotlight willing to wage a public fight for the rights of men arrested because of possible links to terrorists.

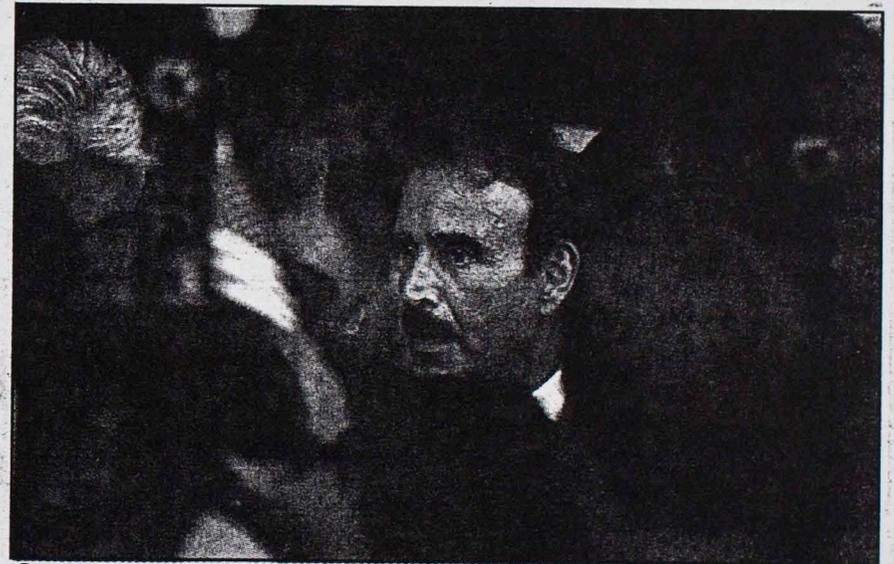
Hamud's passionate and eloquent warnings of a looming constitutional crisis have made him something of a pariah. Hamud, a second-generation Arab-American, says the civil rights of all Americans are at stake because three San Diego students have been jailed indefinitely without being charged with a crime.

"I am amazed that I, and I'm not being egotistical, seem to be the only one out here," Hamud said. "I don't

see a whole lot of lawyers stepping up to the plate and speaking out, and that frightens me."

Hamud represents Osama Awadallah of Jordan, Mohdar Abdallah of Yemen or Somalia and Yazeed Al-Salmi of Yemen, students at San Diego State University and Grossmont College. They were arrested as material witnesses two weeks ago in San Diego and taken to New York, where they are in federal jail waiting to testify before a grand jury.

In what is being called the biggest criminal investigation in U.S. history, legal scholars say the secrecy and methods involved are unprecedented. Hundreds of Middle Easterners have



Randall Bruce Hamud, attorney for three men held as material witnesses in the terrorist attacks, was surrounded by the media as he left the federal courthouse in San Diego late last month. Sean M. Haffey / Union-Tribune

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### Attorney was known in local Arab community

been detained or arrested without being charged. All court hearings are closed. Court documents are sealed.

In a country reeling from the actions of 19 Middle Eastern hijackers who lived among Americans for years, many see such detentions as worth the sacrifice if they result in greater national security and, perhaps later on, justice.

FBI sources said Awadallah, Abdallah and Al-Salmi have "strong connections" to hijackers. The three hijackers who lived in San Diego — Nawaf Alhazmi, Khalid al-Midhar and Hani Hanjour — are believed to have been aboard a flight originating from Dulles International Airport that crashed into the Pentagon.

It is a slippery slope defending people who may have sympathized with or aided terrorists who took the lives of thousands of Americans on U.S. soil. Some lawyers are afraid of the stigma if the jailed men turn out to be involved, federal investigators and attorneys said.

"I'm certain there are attorneys who would not decide to take on a case like that," said Aaron Katz, president of the San Diego County Bar Associa-

tion, of which Hamud is a member. "I think anyone would have to struggle with it."

Some federal law enforcers likened Hamud to Johnnie Cochran and F. Lee Bailey, suggesting that Hamud is merely a publicity hound.

"They all spun their story because it got them their 15 minutes of fame. He's in that community," said one official, who declined to be named because federal agents are forbidden to talk to the media about this case.

For whatever reason, Hamud said, he knows he is being shunned. He said he sent a detailed e-mail to about 150 colleagues who are members of a local lawyers chat group asking for help, ideas and expertise. He received two responses.

"It was the first indication I may be alone in all this," Hamud said. "I think it's because mainstream America has been whipped up into a frenzy. My guys are seen as terrorists, I'm representing terrorists and therefore I'm a terrorist."

"Most lawyers aren't coming forward because they're really worried about the impact it could have on their practice. I could end up in the same boat, but at the same time I'm not willing to surrender the Constitution because I'm worried about whether I'm going to make a buck tomorrow."

Lawyers around the city have noticed the newly famous Hamud and the effort he made to prevent his clients from being taken to New York.

"We were talking about what

great work he's doing to actually go into court to fight this," said said Miko A. Tokuhama, an attorney for the Legal Aid Society of San Diego Inc. and president of the American Immigration Lawyers Association.

Hamud was not entirely unknown in San Diego before this case. He worked on former Mayor Susan Golding's election campaigns in the 1990s, and was appointed by Golding to the Citizens Equal Opportunity Commission.

More recently, Hamud handled legal matters for the Islamic Center of San Diego for free. He is chairman of the Arab American Advisory Board for the San Diego Police Department, a liaison group between the Arab community and officers.

Because of his stature in the Arab community, Hamud was approached by the family of one of the arrested men, 21-year-old Awadallah, a legal resident who was studying English and computer science at Grossmont.

When Hamud went to the downtown federal jail in San Diego to meet his client for the first time, guards mistakenly brought in Abdallah. So Hamud took on his case, too, and eventually Al-Salmi's.

There was no hesitation.

"When I found out he and others had been cooperating and had been incarcerated without charge, I was aghast that this would happen in this day and age," Hamud said.

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Hamud is the grandson of

Lebanese immigrants. His parents were born in Detroit, home of the nation's largest Arab community, but moved to Montebello, where he and two younger brothers were born.

Hamud's father, a building contractor, moved his young family to San Bernardino to survive a recession. He bought an acre, built a house and opened a grocery store.

When Hamud was 18, his father died of cancer. It was the father's unfulfilled dream of becoming a lawyer that inspired two of his three sons to do so.

Hamud graduated from the University of California Riverside, then UCLA's law school, and was admitted to the State Bar of California in 1971. He worked as counsel for Atlantic Richfield Co. and for city attorneys in Los Angeles and Compton before moving to San Diego in the 1970s and opening his own general practice.

He is a 54-year-old divorced father of two grown sons. He has a real estate license, speaks Spanish fluently but not Arabic, and is Muslim but does not attend a mosque regularly.

Hamud has listed his firm on the Internet as having expertise in dog bite and vicious animal cases, medical malpractice, business and employment matters and civil rights.

His biggest cases until now include a medical malpractice case in which Hamud argued before the state Supreme Court and won. Because of that case, victims have more time to sue.

Outside the courtroom, Hamud started taking country western dancing lessons and donning the cowboy look about six years ago. But he said he did not like the idea of pretending to be something he is not.

So he bought a horse and became part owner of Canyonside Stables and Happy Trails horse rentals in Rancho Peñasquitos. He does not hide his romantic notions about being a cowboy.

"I like the cowboy way, fearless, with integrity, too," Hamud said. "If a cowboy's your friend, you've got a friend forever."

For now, there is no free time. Hamud is in New York, trying to get his clients released.

"I hope he doesn't get perceived as protecting terrorists in any way, shape or form, because he's not," said Dan Winne, owner of Happy Trails. "He just kind of got sucked up into it."