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1. NSA's struggle to tap a wily foe

*By Peter Grier
The Christian Science Monitor
Friday, February 3, 2006*

WASHINGTON - In all likelihood in the mid-1990s the National Security Agency was listening to the communications traffic flowing through the Umm Haraz satellite ground station outside Khartoum, Sudan.

The reason: Osama bin Laden then lived nearby. According to an expert history of US eavesdropping, the NSA had identified the phone numbers of Mr. bin Laden and key associates. Intercepts yielded a trove of data about financing and organization of the fledgling Al Qaeda.

Fast forward to 2006. Bin Laden has decamped for parts unknown, and there is no Umm Haraz equivalent. Al Qaeda's communications no longer follow a well-worn track that's easy to intercept.

It's in this context that the current controversy over the NSA's domestic eavesdropping activities might be seen, say some experts. The nation's largest and most secretive intelligence agency is struggling to tap an adversary in a way that reflects the very nature of communication has changed.

Following the 9/11 terrorist attacks, President Bush authorized the NSA to eavesdrop, without a warrant, on the international communications of people outside the US, when the agency believed those communications were linked to terrorism.

Revelation of this program in a leaked story in The New York Times in December 2005 sparked widespread controversy, and lawsuits. The American Civil Liberties Union filed suit against the NSA itself on Jan. 17. On Jan. 31, another civil liberties group, the Electronic Frontier Foundation, sued AT&T for its alleged cooperation with the NSA eavesdropping.

Now, White House officials are beginning to testify publicly about the program. Before a Senate committee Thursday focused on international security, the National Intelligence Director John Negroponte said the eavesdropping program was crucial for protecting the US against terrorism. On Monday, at a Senate Judiciary Committee hearing on the disputed program, Attorney General Alberto Gonzales said the program was essential to the fight against terrorism.

Gonzales is expected to appear. Although committee chairman Sen. Arlen Specter (R) of Pennsylvania has given him a list of questions he would like answered, there's another question he is unlikely to ask in open session - or, at least in too-specific terms. Has the NSA developed eavesdropping technology that does not fit easily into the strictures of the 1978 law that sets out procedures for obtaining warrants in such situations?

"There are a lot of capabilities out there that were not envisioned when the law was passed," says Daniel Byman, director of Georgetown University's security studies program.

Some 10 years ago, the NSA did pick up phone conversations that linked Osama bin Laden with numerous operations, wrote independent historian Matthew Rosenberg in a 2003 journal article on signals intelligence and the terror fight.

Through much of its history, including bin Laden's time in Sudan, Al Qaeda operatives maintained poor communications security, he wrote. "The putative record shows that [between 1993 and 2003] bin Laden and his operative maintained virtually every basic tenet of good spying tradecraft, the most important commandment of which was and remains never to speak about one's operations using communications means that can be intercepted."

Administration officials have insisted that the warrantless eavesdropping program was a focused program from which the vast majority of Americans have nothing to fear.

On Jan. 23, former NSA director Gen. Michael Hayden, in an appearance before the National Press Club, said that the program "is not a drift net over Dearborn, Lackawanna or Fremont, grabbing conversations that we then sort out by using alleged keyword searches or data-mining tools."

The implication is that this eavesdropping is analogous to old-fashioned wiretaps, in which law enforcement first identifies a target person or number and then affixes an alligator clip to a phone line somewhere to listen in.

But it's possible that General Hayden has just chosen his words carefully, experts say. Given the NSA's massive size, and the dire nature of the terror threat, it would be surprising if the agency had not tried to develop cutting-edge techniques that old gumshoes might not recognize.

NSA has had the ability to do automatic speech and voice recognition for a decade, says John Pike of GlobalSecurity.org. It may have the technical capability to essentially monitor all electronic communications crossing U.S. borders.

The key here may be what Hayden meant when he said "grabbing conversations." Having phone and e-mail traffic flow through NSA computers may be one thing, but computer identifying something that might be important, such as a combination of phrases that could indicate a sleeper cell communication, and pulling it out of another. News reports say its effort to update its technology has fallen behind and generated huge cost overruns.

"The NSA has been routinely listening to US persons all along. What they have not done in the past is create a record on US persons," says Mr. Pike.

Hayden, however, has been adamant that the NSA respects Americans' privacy and that no one has been subject to warrantless listening unless they were believed to be linked in some manner to Al Qaeda.

[Click here to view story.](#)

2. Internet jihad: tackling terror on the Web

A British citizen faces US charges for running a militant site hosted in Connecticut.

*By James Brandon
The Christian Science Monitor
Friday, February 3, 2006*

LONDON - Sara Ahmad's voice quavers slightly as she recalls the summer evening nearly 18 months ago when her older brother, Babar, an IT professional, came over for dinner.

The following day Ms. Ahmad answered a knock at the door to find two people standing outside on her leafy suburban street. "They said he'd been arrested on an extradition request to the US," recalls Ahmad, a doctor. "I was completely shocked."

Their dinner together was the last time she's seen her brother.

Charged with running websites hosted in the US that promoted and supported Islamic militancy, Mr. Ahmad is still in British custody. He has appealed the extradition order and Britain's High Court will hear the case on Feb. 20. The proceedings will test the ability of Western governments to put on trial Islamic radicals who use the Internet as a key recruiting and organizational tool.

"In the last couple of years the use of the media by militants has grown in sophistication," says Gary Bunt, author of "Islam in the Digital Age" and a professor in Islamic Studies at the University of Wales. "It's very difficult to know what to be done," he says.

But while the US government pursues those who operate websites that encourage terrorism, some argue that the authorities should instead concentrate on shutting down the sites themselves as soon as possible to limit their impact.

"Leaving sites up ... for the convenience of content analysts and translators doesn't save lives," argues A. Aaron Weisburd, who runs a website monitoring jihadists' use of cyberspace. "Such monitoring did nothing to prevent them from being used as the principal means to build support for the jihadists who in turn kill American service men and women."

Observers caution, however, against overstating the significance of such cases.

"Measuring the impact of this material is problematic," says Bunt. "People sympathetic to this material might express it in different ways. It certainly doesn't mean that everyone who reads these sites goes off and does jihad."

Ahmad's case illustrates how seriously the US is taking such websites. His extradition warrant accuses him - among other things - of helping to run azzam.com, one of the earliest and most high-profile English-language pro-jihad websites, which for a time was run by an Internet Service Provider (ISP) headquartered in Connecticut. A federal grand jury in the US indicted Ahmad in October 2004 on four charges, including that of providing material support to terrorists and conspiring to kill persons in a foreign country. If found guilty, he faces life imprisonment.

US Homeland Security official Michael J. Garcia called the indictment "a significant development in our efforts to target those who are alleged to equip and train terrorists via the Internet."

The extradition request describes how websites allegedly run by Ahmad and other Muslims in the West how to send money, volunteers, and equipment - such as night-vision goggles - to the Taliban and Chechen rebels.

"Muslims must use every means at their disposal to undertake military and physical training for Jihad," says one passage posted on azzam.com, now shut down, quoted in the extradition warrant. "Someone who is not able to find a moment in time due to a valid excuse ... can start by the collection and management of funds."

Weisburd argues that such pro-jihad sites represent an immediate and growing threat. His own website, "Internet Haganah" encourages concerned individuals to report such sites to authorities.

pressure legitimate Internet companies, often based in the US or Britain, jihadist sites that use their servers to distribute material that incites violence.

"Causing websites to be removed, to be set back up again somewhere else, the bad guys busy online," Weisburd says. "The busier they are, the more opportunities we have to locate them and their associates."

But as fast as Weisburd can get the sites taken down, others spring up. The conflict is evolving in other ways, too.

While the sites Ahmad was accused of running focused on supporting conflicts against the Northern Alliance in Afghanistan or the Russians in Chechnya, a new generation of websites aim to encourage Muslims to carry out attacks within the US and Europe.

In December, the Al Safinat Internet forum posted a detailed guide in Arabic on carrying out attacks within America against economic and oil-related targets. It was part of Al Qaeda deputy Ayman al-Zawahiri's "bleed until bankruptcy" strategy for defeating the US.

One reader suggested that the document, which included detailed maps of the Trans-Alaska pipeline, be made into a single electronic PDF file so the information could be easily distributed and acted upon to "inflamm[e] the fire between them and us, and lead to their downfall."

"The strategy is certainly being taken seriously on the Web and is generating research traffic," reported SITE Institute, a Washington-based independent research body that first spotted the post. Canadian energy firm BC Hydro reportedly increased its security in response to the posting.

As governments plan measures against those using the Internet to incite attacks and spread radical ideology, they risk coming under fire for inflaming feelings of fear already endemic among many Muslims in the West.

"If Babar Ahmad is suspected of anything he should be tried in the UK," said Inayat Banglawala, spokesman of the Muslim Council of Britain. "We believe if his extradition goes ahead it will radicalize many young people and make them feel that they are being treated unjustly in the country in which they were born," he says.

[Click here to view story.](#)

3. Kidnapping foreign visitors: an Islamic perspective

*By Mustafa Abu Sway
The Christian Science Monitor
Friday, February 3, 2006*

JERUSALEM - Anyone who is familiar with the Koran and the traditions of prophet Muhammad knows that kidnapping civilians and harming them is absolutely prohibited. Those who do kidnap civilians defy the Islamic code of ethics. This ethos applies to every kidnapped civilian, including Jill Carroll, a freelance journalist on assignment for The Christian Science Monitor, who was kidnapped in Iraq until she was released early last month. I appeal to her kidnappers to immediately release her and to stop kidnapping civilians altogether.

Every now and then, we hear about the kidnapping of "foreign" nationals from Islamic countries. Recently the family of a former German minister was kidnapped in Yemen. In Gaza, Kate Burton, a British human rights activist, and her husband were kidnapped. By the time I had a chance to write about this topic, the news came that both captured families had been released. This was a happy event that I had really hoped for.

It is well known that the kidnappers' demands, in cases like these, usually have nothing to do directly with the kidnapped persons or their countries. This means, however, that it is permissible to kidnap innocent civilians should

exist. The two European families were kidnapped because they were easy targets. The same applies to Ms. Carroll.

I could have based the arguments in this article on the laws, treaties, and covenants that prohibit such deeds. I could have also brought up notions of magnanimity, nobility, and honor that require us to be generous and kind to guests. Many of those captured foreigners carried the burden of working for our causes and, for that, they endured hardships and paid a high price.

I have chosen, because of the cultural background of this nation, to present the Islamic position regarding kidnapping, which opposes it. We must get rid of this negative phenomenon that does not serve us in any way.

From the perspective of the Islamic sharia, the al-Mustamin is "the foreigner whose safety is guaranteed." Such a person is protected, even if his or her country is in a state of animosity with Muslims. Animosity is a temporary condition and, further, not all Western citizens necessarily support the foreign policies of their governments.

The Muslim must understand that the person who obtains a visitor's visa enters into a contract with the country that grants him the visa. The state, as an institution, does that on behalf of its people. Despite those who look with suspicion at the state, especially if the ruler lacks legitimacy, the visa should be recognized as a legitimate agreement for guests of our countries to move about without harm.

We have seen foreign visitors support our political rights and defend Islam. Indeed, despite being non-Muslims themselves, they have come to the aid of Muslims in their own countries when the need arose.

The International Union of Muslim Scholars (IUMS) declared its position on kidnapping and the taking of hostages in their communiqué which was published in September 2004. In what follows, I paraphrase and summarize their statement, which draws on verses and examples in the Koran prohibiting kidnapping. The full text is available in Arabic on www.Islamonline.net:

1. Kidnapping is an assault on another, whether a Muslim or non-Muslim. It is an unjust act that God forbids and prohibits: "Allah commands justice, the good and giving to kith and kin, and He forbids all shameful deeds, and he forbids and rebellion: He instructs you, that ye may receive admonition" (Koran, 16:90). God stressed that the mere differences in religion, even if in the context of conflict, do not justify assaulting another.

2. Kidnapping is considered an act of war. [In any case, it is prohibited to take a prisoner of war], he is absolutely destined to be released: "... afterward with grace or ransom...." (Koran, 47:4).

3. It is prohibited, in the case of actual war, to kidnap innocent people or civilians, who are [technically speaking] of the enemy. No act of war could be aimed at them. The civilians, from an Islamic perspective, are noncombatants: women, children, and the elderly who have nothing to do with war, and refugees and those who live in monasteries.

4. If kidnapping takes place during actual fighting, the kidnapped become prisoners of war, and should be treated according to the teachings of Islamic sharia regarding captives, which we summarize as follows: (a) Prisoners of war should be turned over to the authorities to decide what to do with them. (b) A person who caught the prisoner of war has no right or authority over him; it is a religious obligation to be kind to the prisoners of war, to treat them with generosity to them, to provide them with food and clothing, and not to torment them: "And they feed, for the love of Allah, the indigent, the orphan, and the captive" (Koran, 76:8). (c) The prisoners of war should be ultimately released.

5. It is prohibited to hold civilians from among the enemy as hostages or to threaten to kill them because of an action that is performed, or not, by them while they are not responsible for it, and they cannot stop it: (a) One of the most important rules of justice among people is that no one should be responsible for the actions of others.

the actions of others, and no one should be held accountable for crimes committed by others. This law of sharia was confirmed by the Koran in many verses: "If a burden can bear the burden of another" (Koran, 17:15).

It is clear that the message of the International Union of Muslim Scholars by Dr. Yusuf al-Qaradawi, calls for the prohibition of harming civilians in including kidnapping, even in a state of war.

We should not allow frustration to drive us to the use of violence, or to solve problems, regarding issues of internal change, through the use of arms. We have to give nonviolent resistance a general chance to prove whether it is a valid or invalid method. This is only possible through experimentation.

We should see in every foreigner a potential friend whom we can bring to actuality through kindness and benevolence. This is a path strewn with thorns of ignorance; it can be cleared with tools of knowledge and patience, without getting bored or tired. The Koran says:

"Nor can goodness and evil be equal. Repel [evil] with what is better: Then he, between whom and thee was hatred, become as it were thy friend and intimate.

"And no one will be granted such goodness except those who exercise patience and self-restraint, none but persons of the greatest good fortune." (Koran 34-35).

Mustafa Abu Sway is a professor of philosophy and Islamic studies at Al Quds University in East Jerusalem.

[Click here to view story.](#)

4. Stories differ on Taser use on 75-year-old

Deputies went to his home after a friend concerned about suicide called 911. The stories then diverge.

*By Chris Tisch
St. Petersburg Times
Friday, February 3, 2006*

MADEIRA BEACH - Charles Faybik, a 75-year-old who is blind in one eye, Pinellas deputies barged into his home and Tasered him three times with reason, hitting him with six electrified prongs.

Faybik, who was unarmed, said he felt each prong hit his chest and belly.

"I wondered when they were going to stop," he said. "I thought I was being hit by bullets."

Pinellas sheriff's officials say deputies believed there was reason to Taser despite his age. Deputies came to his home Dec. 28 after a friend called saying Faybik was threatening to shoot himself.

When deputies arrived, Faybik first wouldn't show his hands, then flailed and refused deputies' commands to calm down.

Now, Faybik and his attorney, John Trevena of Largo, are asking the Sheriff's Office to ban the use of Tasers on senior citizens. They also want an independent investigation into the deputies' actions and are considering a lawsuit.

Sheriff's officials say Tasers were the safest way to get Faybik under control. Other methods of force - pepper spray, a baton or grabbing him - could have injured him more.

"We will review the incident, but at this point we believe the deputies' actions were appropriate," said Mac McMullen, a sheriff's spokesman.

The incident comes at a time when Tasers are increasingly used by police people to comply with orders. Though civil rights advocates suspect police abusing the device, police officials say the Taser protects officers and the they encounter.

On the night of the incident, Faybik said he drank rum and Cokes at his 1 Beach condo, then called a friend to complain about loneliness during the holidays. He recalls wondering aloud what he might do with a gun, though doesn't have one in his home.

That friend's wife called 911 and told dispatchers Faybik had threatened himself.

Deputies tried to call Faybik but couldn't get through. They evacuated neighbors and assembled a team of deputies at his door.

Faybik, who has partial hearing loss and is blind in one eye, gave this account of what happened next:

He heard the doorbell and opened the door. Deputies pulled it out of his one pushed him backward into his home. "I thought someone was robbing," he said.

Faybik, who stands 5-foot-8 and weighs 152 pounds, then felt the Tasers. Deputies summoned rescue units, which took him to Suncoast Hospital for health treatment. He was released three days later.

Faybik, who has never been arrested, suffered no permanent injuries.

Deputies described the episode differently.

Because they feared Faybik was armed, they approached his condo with drawn, knocked on an outside door and yelled, "Sheriff's office!"

When Faybik came to the door, he refused to show his right hand. One deputy used a "ballistic shield" to push him backward.

Faybik flailed his arms while inside, where deputies said it was dark. A sergeant then yelled "Taser," and Faybik was zapped.

Like many police agencies, the Sheriff's Office discourages deputies from using Tasers on unarmed seniors and children, but does not expressly forbid it. The policy states that "guidelines cannot be written to encompass every possible application" and allows for deputy discretion based on individual situations.

Steve Tuttle, a spokesman for Taser International Inc., which makes the device, said there is no evidence Tasers harm older more than younger people.

Aside from Faybik's age, Trevena criticized deputies for using a Taser on people not fighting them.

But Tuttle said Tasers were created to defuse situations that could evolve into violence, not solely as an alternative to lethal force.

Studies have shown police are increasingly using the device on people who disobey commands.

The Sheriff's Office, like many agencies, tells deputies to consider using Tasers even before using their hands to take down people resisting their efforts. The policy even allows for using Tasers on handcuffed people or those in the back of squad cars.

"Law enforcement is using it as an alternative for courage so they don't have to dirty their hands," Trevena said.

Civil rights advocates say officers' increasing use of Tasers for compliance

dangerous, citing studies that show more than 120 people have died in the United States and Canada after being hit with a Taser.

Most deaths were attributed to other medical problems. Taser advocates say the devices are safe.

Only one person has died in the Tampa Bay area after a Taser shot, a man zapped by Hillsborough deputies in 2004. An autopsy attributed death to "accidental cocaine-induced agitated delirium."

Statistics paint an intriguing picture of how Tasers have affected Pinellas County's use of force since the agency began phasing in the devices in January 2004.

That year, the agency's deputies used force 1,404 times, which includes pepper spray, batons, hand-to-hand takedowns and Tasers. Of those incidents, deputies used or unholstered their Taser 22 percent of the time.

In 2005, they reported 1,151 uses of force, an 18 percent decrease. The frequency of Taser use increased to 47 percent.

Meanwhile, the number of deputy injuries in 2004 decreased by 37 percent to the lowest level in five years. Numbers for 2005 are not yet available.

Though the number of people injured in confrontations with deputies jumped 36 percent in 2004, the number declined by 42 percent in 2005.

Sheriff's officials credit Tasers for the changes.

Trevena also criticized deputies for firing three Tasers at Faybik simultaneously.

Taser International recommends using more than one Taser in "high-risk situations," Tuttle said.

The Taser produces 26 watts of power transmitted through two electrified probes.

A person hit by three Tasers does not feel triple that strength, though it takes up more muscle mass, said Cpl. Nathan Samoranski, who trains deputies with the Sheriff's Office. "It's a better way of making sure that person is able to stop violent behavior," he said.

But Trevena believes deputies could have simply tried harder to talk with the suspect instead of shocking him. He said law enforcement's use of the Taser as a compliance tool has gone too far.

"They're just blasting people," he said.

Times researcher Caryn Baird contributed to this report.

No to Tasers on small kids

MIAMI - Police should not use Taser stun guns to subdue small children, a Dade grand jury said Thursday. But it did not propose banning the use of Tasers on all minors, noting that some larger children could threaten police regardless of age.

The panel recommended that Tasers be employed by at least a pair of officers whenever possible, one to use the device and one to restrain the suspect.

[Click here to view story.](#)

5. Convict granted new day in court

A man facing the death penalty won a new trial from the state high court after ruling jurors were given unfair evidence. The decision bodes well for his co-defendant, Pablo Ibar, whose plight became a national cause in Spain.

*By Marc Caputo
The Miami Herald
Friday, February 3, 2006*

TALLAHASSEE - Seth Penalver, convicted in one of Broward County's most profile and expensive murder cases, will get a new trial, after the state Supreme Court ruled Thursday that jurors were prejudiced by 'irrelevant and inadmissible evidence.'

The court's unanimous decision means Penalver, facing execution, will sit his third jury since the 1994 caught-on-tape execution-style shootings and robbery of a Pembroke Park bar owner and two models. The case became so famous to many as the Casey's Nickelodeon murders, after the bar owned by one of the victims.

Not only did the court find that prosecutors unfairly introduced hearsay evidence and suggested witness tampering by the defense, justices questioned the key piece of evidence in the case: the surveillance camera that victim Casmir Sucharski put in his Miramar home.

'After reviewing the tape, we conclude that it is difficult to determine whether Penalver is the individual with the hat and sunglasses,' said the opinion, written by Chief Justice Barbara Pariente. The court noted there is no hard evidence such as DNA or fingerprints, linking Penalver to the crime.

The ruling also could bode well for Penalver's better-known co-defendant Ibar, who became a citizen of Spain after his conviction. Spanish politicians and anti-death penalty activists have helped pay for Ibar's appeal, which resumed Penalver's and was argued before the court only a few months after Penalver's conviction in 2003.

'The ruling was very favorable and inspires hope. But the Supreme Court could go either way with it,' said Ibar's attorney, Peter Raben, who repeatedly reviewed the 'grainy' and 'fuzzy' surveillance tape. Raben, expecting a decision in the case soon, said he received a few calls from Spanish news media Thursday.

INADMISSIBLE EVIDENCE

But there's a notable difference between their two cases: The man identified as Ibar took his mask off while the hidden camera rolled. The man identified as Penalver keeps his cap and glasses on throughout the murder.

The court noted this difference and the low-quality black-and-white videotape, pointing to the testimony of Mehmet Iscan, a forensic anthropology expert who worked on the Oklahoma City bombing case and the trial of a man accused of being the Nazi concentration camp guard 'Ivan the Terrible.'

'Because of the poor quality of the video and the lighting conditions, [Iskan] could not reach a positive conclusion about whether the individual in the video was Penalver. Iscan noted that there were discrepancies in the lower half of the tape which led him to lean to a conclusion that the individual on the tape was not Penalver,' Pariente wrote in the opinion, in which two justices agreed in the majority only.

ISSUES THROWN OUT

The video, though, wasn't the reason the court tossed the conviction. The court threw out nearly a dozen other issues, such as a jail inmate's statement that he overheard Penalver tell Ibar, 'My lawyer says I got a shot because I didn't take my mask off, you did.'

Another piece of evidence that the court let stand: Penalver's girlfriend's testimony that he 'said something to the fact that he had to go out and get somebody to get some money.'

The court ruled the judge shouldn't have allowed a witness to tell jurors that

conversation in which supposedly Penalver said, 'I might as well be dead want to kill myself.'

Jurors could have believed that Penalver was trying to avoid his day in cc high court said, even though he willingly turned himself in.

Those issues aside, the court was most concerned that the judge in the c allowed prosecutors to suggest Penalver's lawyer tampered with a witness gave conflicting testimony after the lawyer spoke with her.

'Such a suggestion,' the court wrote, ``undermines one of the foundations which our criminal justice system is premised: equal access by the State defense to witnesses.'

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6. Imprisoning the innocent: 'It's un-American'

*By Bill Berlow
The Tallahassee Democrat
Friday, February 3, 2006*

Alex Villalobos vividly remembers when he prosecuted his first case as an attorney in State Attorney Willie Meggs' office back in the late '80s.

Villalobos, then a Florida State University law student, was assigned a juvenile burglary case. The youth arrested for the crime was accused of breaking a window, entering a residence and stealing a gun.

He swore he didn't do it, but Villalobos won a conviction.

Eighteen years later, Villalobos, 42, is majority leader in the Florida Senate, an influential Republican from Miami who's in his 14th year as a lawmaker. If as it may be, he still wonders if that convicted burglar actually was telling the truth.

Five years ago the conservative politician first thrust himself into the spotlight as the Legislature's poster boy for defending the interests, through law and equity, of wrongfully convicted inmates.

And with postconviction DNA testing leading to the Jan. 23 release of a prisoner who spent 24 years behind bars for a brutal robbery and rape he didn't commit, the spotlight on Villalobos is growing brighter.

Not exactly the kind of cause that's likely to win votes and big campaign contributions, since so many of those in prison are poor and forgotten.

Why bother?

"It's un-American," Villalobos says, "to put somebody who's innocent in prison."

Villalobos was behind the 2001 bill that gave inmates who insisted on their innocence a chance to prove it, if DNA evidence was available.

But there was a deadline - and had the Florida Supreme Court not extended the July of this year, the window would have been shut.

Now Villalobos is sponsoring new legislation (Senate Bill 186) that would extend cutoff dates for testing, include all cases where a plea has been entered and establish uniform procedures.

With major advances in DNA technology, Villalobos says, it serves the interest of justice to do everything possible to make sure that the person who did it gets the time.

"Forget that (imprisoning an innocent person) is immoral, because it is. I

going to talk pure cost, it costs taxpayers \$25,000 or \$30,000 a year to have someone in prison," he says.

"This adds legitimacy to the legal system. That's what this is all about. It's not about politics, or conservatism or liberalism. Someone either did something or didn't. It does not serve anyone's interests to have the wrong guy in."

Sandy D'Alemberte needs no persuading. The former FSU president was at Florida State's law school when Villalobos was a student. Villalobos was his research aide.

D'Alemberte, a former American Bar Association president, is actively involved in efforts to expand DNA testing for people accused of crimes. He represents Wilton Dedge, a Brevard County man who served 22 years in prison for a crime he didn't commit. Dedge was released a year and a half ago, and in December received \$2 million in compensation from the Legislature.

When he first talked to Villalobos about DNA testing several years ago, D'Alemberte says, his former research assistant immediately understood what was at stake.

"One of the points he made is that we now have a test that was not available as sophisticated as when a number of these prosecutions took place," D'Alemberte recalls. "He said if we can demonstrate that someone is wrongly convicted and actually innocent, it means we failed to convict a guilty person."

Nobody in prison is technically innocent. When a judge or jury says you're innocent, the record says you are - even if you didn't do it. Nobody knows for sure how many truly innocent people are languishing behind bars, but inmate advocates estimate that the number is in the thousands.

Jenny Greenberg, executive director of the Florida Innocence Initiative, says her opposition to Villalobos' efforts are largely behind the scenes.

"Nobody will stand up and oppose this," she says. "That's what makes it so pernicious."

Even so, Villalobos thinks his new legislation will pass - because there's just no credible, moral argument against it.

D'Alemberte and Greenberg hope he's right. So should everyone who supports justice and fairness.

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Larry Helm Spalding
ACLU Legislative Counsel
Tallahassee, Florida

"Never doubt that a small group of committed citizens can change the world. In fact, it is the only thing that ever has."
- Margaret Mead