



U.S. Department of Justice
Executive Office for United States Attorneys
Office of the Director

Main Justice Building, Room 2616
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

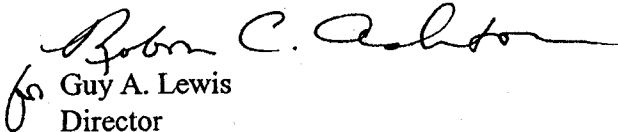
(202) 514-2121

AUG 14 2003

Memorandum - Sent via Electronic Mail

TO: ALL UNITED STATES ATTORNEYS

FROM:


for Guy A. Lewis
Director

SUBJECT: USA PATRIOT Act Outreach Initiative

- ACTIONS REQUIRED:
- 1) Call and/or Meet With Congressional Representatives in Your District As You Deem Appropriate to Discuss the USA PATRIOT Act and Otter Amendment by August 29, 2003;
 - 2) Conduct Community Meetings in Your District to Discuss the USA PATRIOT Act in August/September;
 - 3) Report Back to EOUSA on Meetings and Contacts by September 3, 2003.

CONTACT PERSON: Kelly E. Shackelford
Counsel to the Director Staff
Executive Office for United States Attorneys
(202) 305-1214

Thank you for your participation in the conference call on Wednesday. We appreciate your input and have answered in this memorandum several of the questions that were raised during the call. Please let us know if you have any additional questions.

The Background

Following its enactment in October of 2001, the USA PATRIOT Act has played a significant role in a number of successful counterterrorism operations and has enhanced our ability to prevent, investigate, and prosecute acts of terrorism. While the results have been important, the USA PATRIOT Act provided for only modest, incremental changes in the law; in



many instances simply taking existing legal principles and adjusting them to meet the challenges posed by a global terrorism network. The USA PATRIOT Act facilitated information sharing and cooperation among government agencies that had not previously occurred. It updated the law to reflect new technologies, and expanded existing uses of wiretap orders and other court orders so these tools could be used in national security investigations.

Congress recognized the necessity of the USA PATRIOT Act to help fight the war on terrorism when it enacted the Act by an overwhelming majority with the support of members from across the political spectrum. The USA PATRIOT Act's positive effects, however, have been diminished by negative attacks and proposed Congressional Amendments designed to limit its scope. The purpose of the initiative described in this memorandum is to continue to educate the public concerning the Act's effectiveness in protecting our nation against terrorists. As the Attorney General has stated, "[o]ur ability to prevent another catastrophic attack on American soil would be more difficult, if not impossible, without the PATRIOT Act. It has been the key weapon used across America in successful counterterrorist operations to protect innocent Americans from the deadly plans of terrorists."

The Initiative

The Attorney General is requesting the assistance of all United States Attorneys (USAs) to educate the public regarding the USA PATRIOT Act. USAs are on the front lines in the war on terrorism, are using the tools contained in the PATRIOT Act, and therefore are in the best position to deliver the message that the USA PATRIOT Act plays an essential role in fighting the war on terrorism, and deserves the support of every American. In this memorandum, we ask that each of you assist in this effort in several ways. With each request, you have the discretion to make individual decisions about the most effective means for accomplishing the request based on your knowledge of your community. Please notify EOUSA of your efforts and we will use this information to update the Department of your assistance.

Attorney General Kick-off and District Visits

On August 19, 2003, the Attorney General will "kick-off" the initiative in Washington, D.C., by announcing a strategy in support of the USA PATRIOT Act. This "kick-off" will begin a 16-state, 18-city PATRIOT Act tour ending on September 9, 2003. At each location, the Attorney General will speak to a selected group of law enforcement and public officials and will also meet with the local media.

Community Meetings

United States Attorneys are requested to conduct community meetings in their districts that are open to the press as soon as possible. These meetings may be conducted in any location, using any format, based on your knowledge of your district. Please report to EOUSA on or before September 3, 2003, what meetings have been conducted or scheduled, and provide a brief description of the meeting using the form attached for your convenience.

Your role is educational only. You must not encourage citizens or public officials to

make congressional contacts, or to attempt to influence any vote concerning the USA PATRIOT Act.

Congressional Contacts: The Otter Amendment

On July 22, 2003, the United States House of Representatives passed the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 2004." Included in the legislation was an amendment, offered by Congressman C.L. "Butch" Otter of Idaho, that prevents any funds appropriated to the Department of Justice from being used to "seek a delay under Section 3103a(b) of Title 18 United States Code" (Section 213 of the USA PATRIOT Act). This Amendment was adopted by an overwhelming majority in the House. The Otter Amendment could have a devastating effect on our ongoing efforts to detect and prevent terrorism, as well as to combat other serious crimes.

Section 213 of the PATRIOT Act was included to ensure that law enforcement could use delayed notification search warrants -- a longstanding, crime-fighting tool upheld by courts nationwide for decades in sophisticated crime and drug cases -- in terrorism cases, in order to prevent tipping off terrorists, and to formalize the standards of its previous use. Should the Otter Amendment become law, terrorists and other criminals would be tipped off to investigations before law enforcement could obtain the needed information to locate their terrorist or criminal associates, identify and disrupt their plans, or initiate arrests. This could result in the intimidation of witnesses, destruction of evidence, flight from prosecution, physical injury, and even death.

We ask that you immediately share your valuable knowledge on the importance of Section 213 of the USA PATRIOT Act and the potentially deleterious effects of the Otter Amendment with congressional representatives in your district, as you deem appropriate. You are encouraged to call personally or meet with those congressional representatives to discuss this important PATRIOT Act provision. You may begin to make these congressional contacts prior to the Attorney General's "kick-off" on August 19, 2003. You may also provide your congressional representatives with a copy of the attached letter sent to Speaker Hastert which provides the official view of the Administration on the Otter Amendment. Given the critical nature and timing of this Amendment, we request that your calls and visits take place no later than Friday, August 29, 2003.

Note Important Ethical Information Before You Make Any Congressional Contacts

Before you make any congressional contacts, please review this important information in order to comply with the Anti-Lobbying Act. As the presidentially-appointed United States Attorney, you are authorized to make these requested congressional contacts to educate the congressional representatives in your district on the PATRIOT Act, and the Otter Amendment and their impact on law enforcement efforts to fight terrorism. You are authorized to make this contact through a personal visit and/or a personal telephone call. No one else in your office, even at your request, is authorized to make these congressional contacts. If there are professional or personal reasons that you would like someone other than yourself to make the congressional contacts, you must call EOUSA and we will assist you in obtaining the necessary approval from

the OLA. If you have specific questions about permissible conduct under the Anti-Lobbying Act, please direct your questions to Suzanne Bell, Deputy General Counsel, EOUSA, at 202-514-5291.

Thank you for your efforts in the war against terrorism. If you have any questions or need assistance, please call Kelly Shackelford at (202) 305-1214.

Attachments

USA PATRIOT Act Summary and Overview

Winning the War on Terrorism

Ten Myths About the USA PATRIOT Act

The USA PATRIOT Act: Detailed Myth vs. Reality

House Members and Senators Voting on the USA PATRIOT Act

The Otter Amendment: Just Say "No" to the "Terrorist Tip-Off" Amendment

Letter to the Speaker of the House, J. Dennis Hastert

Letter to the Speaker of the House expressing the views of the Fraternal Order of Police

Otter Amendment Floor Debate

List containing the names of the United States Attorneys and the names of the congressional representatives representing their districts

Washington Post Newspaper Article, August 13, 2003

PLEASE COMPLETE AND FAX THIS FORM BY SEPTEMBER 3, 2003, TO:

Kelly Shackelford

FAX: (202) 353-3349

United States Attorney: _____

District: _____

Community Meeting Conducted or Scheduled (please include date, location, and a brief description):

Names of Congressional Representative(s) Contacted and Nature of Contact:
