

Bush Aides Consider Domestic Spy Agency

by Paul Wolf, 17 September 2002

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Bush Aides Consider Domestic Spy Agency Concerns on FBI's Performance Spur Debate of Options

By Dana Priest and Dan Eggen, *Washington Post*, November 16, 2002

President Bush's top national security advisers have begun discussing the creation of a new, domestic intelligence agency that would take over responsibility for counterterrorism spying and analysis from the FBI, according to U.S. government officials and intelligence experts.

The high-level debate reflects a widespread concern that the FBI has been unable to transform itself from a law enforcement agency into an intelligence-gathering unit able to detect and thwart terrorist plans in the United States. The FBI has admitted it has not yet completed the cultural sea change necessary to turn its agents into spies, but the creation of a new agency is firmly opposed by FBI Director Robert S. Mueller III, who has said he believes the bureau can do the job.

On Veterans Day, top national security officials gathered for two hours to discuss the issue in a meeting chaired by national security adviser Condoleezza Rice. White House Chief of Staff Andrew H. Card Jr., Defense Secretary Donald H. Rumsfeld, CIA Director George J. Tenet, Attorney General John D. Ashcroft, Mueller and six others attended.

Homeland Security Director Tom Ridge was recently dispatched to London for a briefing on the fabled MI5, an agency empowered to collect and analyze intelligence within Britain, leaving law enforcement to the police. Similarly, if another agency were created in the United States, it would not replace the FBI but would have the primary role in gathering and analyzing intelligence about Americans and foreign nationals in the United States.

Revelations of the debate come amid heightened apprehension within the U.S. intelligence community over the possibility of large-scale terrorist strikes against the United States or Europe.

The FBI warned law enforcement agencies Thursday night that Osama bin Laden's terror

network may be plotting "spectacular" attacks inside the United States. Some intelligence officials described the threats as even more ominous than those picked up in the weeks prior to the Sept. 11, 2001, attacks. But the administration, citing a lack of specific information about the time or place of any attack, did not increase the national threat alert indicator from yellow or "elevated" -- a status that means there is a "significant" risk of terror attacks.

The FBI warning said "al Qaeda may favor spectacular attacks that meet several criteria: high symbolic value, mass casualties, severe damage to the U.S. economy and maximum psychological trauma," adding that the highest priority targets were historic landmarks, the nuclear sector, aviation and petroleum.

The alert came after the release of a new audiotape believed to be made by bin Laden threatening the United States and its allies.

At a news conference, Rice responded to criticism from some Senate Democrats that the war on terror was flagging and from foreign officials that the war on Iraq would distract the administration from its unfinished battle with al Qaeda.

Rice said that President Bush "does not begin his day on Iraq; he begins his day on the war on terrorism."

"This is the central focus of this administration," she added.

U.S. officials also revealed yesterday that they had recently captured a high-level al Qaeda member. They declined to identify him but said he is among the top dozen al Qaeda fugitives sought by the United States. It was not clear yesterday where the al Qaeda leader was being held.

A Bush administration spokesman, who asked not to be named, said no conclusions were reached about a domestic intelligence agency during the Veterans Day meeting. He said an MI5-style agency was just one option considered. The official, and other sources knowledgeable about the issue, said the White House first wants to launch a new Department of Homeland Security, which would include an intelligence analysis division.

Any major change such as this would come later, government sources said. More meetings on the subject are planned.

Some members of Congress have said they favor creating a domestic security agency and it is likely legislative proposals will be offered during the next Congress. "We're either going to create a working, effective, substantial domestic intelligence unit in the FBI or create a new agency," said Sen. Richard C. Shelby (R-Ala.), ranking member of the Senate Select Committee on Intelligence. "The results are dismal to this point."

He said creating a whole new agency "would be a big-ticket item from everyone's standpoint. We have to think this out carefully."

During the Veterans Day meeting, Mueller offered the same arguments about the FBI's structure that he has made in testimony on Capitol Hill, sources said. He has said the FBI is

uniquely positioned to act as the United States' primary domestic intelligence agency, and that reforms implemented since the Sept. 11 attacks have made counterterrorism the bureau's primary goal.

But others in the meeting were not as convinced, citing the FBI's progress to date and the inherent difficulties of retraining FBI agents who are accustomed to restrictions on domestic spying and prohibitions against gathering information on people who are not suspected of committing crimes.

The bureau worked hard to snuff out similar proposals earlier this year when the Homeland Security Department was first proposed.

But some former law enforcement officials such as George Terwilliger, a top official in President George H.W. Bush's Justice Department, advocate creating a domestic intelligence agency that would combine FBI counterterror efforts with CIA and military operations. Keeping foreign and domestic terrorism intelligence operations separate is an "outdated notion," he said. "Somebody needs to have ownership of the problem on a government-wide basis."

A number of outside intelligence experts and blue-ribbon panels recently have recommended radical overhauls of the United States' domestic intelligence structure.

In a preliminary report released this week, an advisory commission headed by former Virginia governor James S. Gilmore endorsed a new counterterrorism center made up of analysts now working for the CIA, FBI and other agencies. The center "would be responsible for the fusion of intelligence, from all sources, foreign and domestic, on potential attacks inside the United States," the commission said.

Mueller met with Gilmore prior to the report's release to try to persuade him not to recommend a separate intelligence agency, sources said.

In October, a separate bipartisan panel of high-technology experts and former intelligence officials recommended that the proposed Homeland Security Department take over collection and analysis of intelligence from the FBI. The Markle Foundation Task Force on National Security in the Information Age found that "the FBI has no effective process for providing intelligence on terrorism to policymakers or others outside the law enforcement community."

The proposed Homeland Security Department, which was approved by the House this week and is awaiting Senate approval, would include a new analysis division that would receive and analyze terrorism-related reports from the CIA, FBI, National Security Agency and other intelligence agencies. But the new department would not collect intelligence data on its own and would not have access to original information except in special circumstances, administration officials have said.

I.C. Smith, a former FBI counterintelligence official, said there is no need to create a new intelligence gathering agency outside the FBI, or to turn over more duties to Homeland Security. Smith and many other current and former FBI officials argue that the bureau was

renowned for its intelligence-gathering capabilities during the Cold War, though abuses led to restrictions on the bureau's powers.

"The FBI worked counterintelligence for decades and did it very, very well overall," Smith said. "It was able to bridge that gap between criminal investigations and intelligence operations. ... The problem is not the structure; it's a failure of management to implement the resources they have."

Staff writer Susan Schmidt contributed to this report.

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Bush Aides Consider Bolstering Domestic Spying

By Adam Entous, *Reuters*, November 16, 2002

WASHINGTON (Reuters) - The White House is considering ways to bolster domestic intelligence gathering to disrupt terrorist plans in the United States, but brushed aside calls for the creation of a new domestic spy agency as premature, administration officials said on Saturday.

The talks among Bush's senior national security advisers come as the administration prepares to set up a Department of Homeland Security, which would include a division charged with analyzing intelligence gathered by the FBI and other agencies.

"The administration is focused on setting up the information analysis and critical infrastructure protection division of the new Department of Homeland Security, as well as the restructuring of the FBI toward a counterterrorism focus," said Gordon Johndroe, a spokesman for the White House Office of Homeland Security.

But administration and congressional sources said Bush's advisers were considering more sweeping changes to improve counterterrorism spying once the new department is up and running, although they denied a report in the *Washington Post* that Bush was seriously considering setting up a new domestic intelligence agency modeled after Britain's MI5 spy agency.

A congressional advisory panel headed by former Virginia Gov. James Gilmore has called for a separate National Counter Terrorism Center to consolidate analysis of information on international terrorists and to take over intelligence gathering now done by the FBI.

CIVIL LIBERTIES

While creating a domestic intelligence agency raises concerns of infringing on civil liberties, Gilmore said the new agency would operate under tight restraints to ensure "proper" intelligence gathering.

In a sign the administration may be interested in the idea, Homeland Security Director Tom Ridge recently met with security officials in London about the terrorism-fighting experience

of MI5, which has the power to collect and analyze intelligence within Britain while leaving law enforcement to the police.

The Washington Post, which first reported deliberations at the White House over a new domestic spying agency in its Saturday edition, said the proposal reflected widespread concern that the FBI has been unable to transform itself after the Sept. 11 attacks into an intelligence-gathering unit that can prevent terrorist actions in the United States.

But administration officials brushed aside the proposal, at least for the time being.

"We are adding a new agency -- that is the Department of Homeland Security -- to the intelligence community, and of course that leads to discussions of how all these things fit together. But there is nothing moving forward at this time with regards to a 'domestic spying agency,'" an administration official said.

Officials noted that changes were already under way within the FBI.

Earlier this week, Bush asked Congress to free up \$49 million for the Foreign Terrorist Tracking Task Force, created after the Sept. 11 attacks to keep alleged terrorists and their supporters out of the United States while tracking, prosecuting and deporting those already in the country.

But the administration may have trouble resisting calls for the creation of a domestic spy agency if the FBI drags its feet on reforms.

"There are misgivings about the idea of a new agency, but frankly our commission doesn't seem to see any alternative," Gilmore told a House Armed Services subcommittee this week.

"We're either going to create a working, effective, substantial domestic intelligence unit in the FBI or create a new agency," Sen. Richard Shelby of Alabama, the top Republican on the Senate Select Committee on Intelligence, told the Washington Post.

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CIA Is Expanding Domestic Operations

More Offices, More Agents With FBI

By Dana Priest, *The Washington Post*, October 23, 2002

The Central Intelligence Agency is expanding its domestic presence, placing agents with nearly all of the FBI's 56 terrorism task forces in U.S. cities, a step that law enforcement and intelligence officials say will help overcome some of the communications obstacles between the two agencies that existed before the Sept. 11, 2001, attacks.

In many cities, according to local FBI special agents, the CIA employees help plan daily operations and set priorities, as well as share information about suspected foreigners and groups. They do not, however, take part in operations or make arrests.

FBI Director Robert S. Mueller III recently described the new arrangement as his answer to MI5, Britain's internal security service. Unlike the CIA, MI5 is empowered to collect intelligence within Britain and to act to disrupt domestic threats to British national security. "It goes some distance to accomplishing what the MI5 does," Mueller told a House-Senate intelligence panel last week in describing the new CIA role in the FBI task forces.

Separately, the CIA is undertaking what one intelligence official called a "concerted effort" to increase the number of case officers working in the agency's domestic field offices. Those offices, directed by the National Resources Division, are staffed by officers from the clandestine service.

The CIA's domestic field offices recruit foreigners living temporarily in the United States -- for example, scientists at universities, diplomats at embassies and business executives -- to work as agents for the CIA when they return home. They also conduct voluntary debriefings of Americans, mainly business executives and academics, who have recently returned from abroad. The division also is responsible for handling some defectors and for limited counterintelligence targeting.

In the mid-1980s, the agency maintained close to 35 field stations in the United States. But over the last decade, budget cuts and operational restrictions reduced the agency's domestic effort by about 30 percent, according to one former high-ranking CIA official. "They were in bad shape."

Since Sept. 11, the National Resources Division has been given more money and some of its domestic offices have been reopened to bring the number close to 30. "There is a concerted effort to enhance that," said one administration official said.

The CIA's domestic division was created in 1963 to conduct clandestine operations within the United States against foreign targets, usually foreign spies and organizations. But the CIA no longer conducts clandestine operations at home, in part because of the 1973 intelligence overhaul that curbed spying on U.S. citizens and enacted stricter oversight of covert operations. Since then, too, the FBI has strictly limited the information it accepts from the CIA, for fear of "tainting" ongoing domestic investigations with information it is not allowed to use or, in some cases, even possess.

While the new growth in the CIA's domestic work does not involving spying, it does represent a significant step in integrating the CIA's analytical capabilities with U.S. law enforcement efforts to find and apprehend terrorist suspects.

"We are stepping into an area that is fraught with peril," said Frederick Hitz, a former inspector general at the CIA. But Hitz and other analysts applauded the effort.

The CIA's work on the FBI task forces "is a sign of the times," said Sen. Bob Graham (D-Fla.), chairman of the Senate intelligence committee. "The idea is to get all the intel and law enforcement agencies that might be able to contribute to a coherent and comprehensive plan against terrorist activities."

None of the growth in the CIA's domestic work has required changes in law.

Under Executive Order 12333, signed by President Ronald Reagan, the CIA is permitted to secretly collect "significant" foreign intelligence within the United States if the collection effort is not aimed at the domestic activities of U.S. citizens and corporations.

Ellen Knowlton, the special agent in charge of the FBI's Las Vegas field office, called the CIA officers in her office "full and active participants" in day-to-day operations. The exchange of ideas among the FBI, the CIA and local law enforcement "is very interactive," she said.

"You balance how you use them" with the potential for compromising officers still under cover, said Joseph Billy Jr., special agent in charge of the FBI's New York field office. "We reserve the right for the CIA to make that call."

For this reason, the identities of CIA officers are often not shared with local law enforcement officials who are detailed, part-time, to work on the task forces. The CIA officers also usually work in special parts of the larger task force building, behind walls impenetrable to electronic eavesdropping.

In Oregon, Portland Police Chief Mark Kroeger said there remains a deep distrust toward giving law enforcement or the CIA expanded powers. Although he approves of the CIA presence, he said he purposefully stays clear of the CIA officers.

"I know very little about them and I chose to keep it that way," he said. "The CIA is not a dirty word," he said. "They have roles and responsibilities that certainly have shifted. I have a lot of admiration for the organization."

While the CIA presence is new in many cities, the agency has worked with local police departments for years in New York, New Jersey and a handful of other locations. The New York joint terrorism task force of 300 people from 21 agencies has had more a dozen CIA officers for years.

The CIA is reluctant to talk about its new task force role, or its domestic field offices. "This increased cooperation is critical in the fight against terrorism," said CIA spokesman Mark Mansfield. "It's critical to establish more and better linkages."

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Iraqis in U.S. to be monitored for terror threat

By David Johnson and Don Van Natta Jr., *New York Times*, Nov. 17, 2002

WASHINGTON, D.C. -- The Bush administration has begun to monitor Iraqis in the United States in an effort to identify potential domestic terrorist threats posed by sympathizers of the Baghdad regime, senior government officials said.

The previously undisclosed intelligence program involves tracking thousands of Iraqi citizens and Iraqi-Americans with dual citizenship who are attending U.S. universities or working at private corporations and who might pose a risk in the event of a U.S.-led war

against Iraq, officials said.

Some of the targets of the operation are being electronically monitored under the authority of national security warrants. Others are being selected for recruitment as informants, the officials said.

In the event of an U.S. attack on Iraq, officials would intensify the mission through arrests and detentions of Iraqis or Iraq sympathizers if they are believed to be planning terrorist operations.

The government officials who confirmed the outlines of the program did so in an apparent effort to rebut critics in Congress and elsewhere who have complained in recent days that U.S. intelligence agencies are failing in their war against terror.

Some Democratic senators have said the problems are demonstrated by the government's inability to find Osama bin Laden and to identify specific threats since the Sept. 11 attacks.

The domestic intelligence program is an addition to the government's continuing effort since the attacks on the World Trade Center and the Pentagon to identify citizens of Middle Eastern countries who may represent a potential threat. Those efforts have also been stepped up as the United States prepares for the possibility of war.

Serious discussion

This week, federal authorities plan to begin interviewing Arab- Americans, asking them to report suspicious activity related to Iraq, a senior government official said.

The interviews will be voluntary, but in the past, such efforts have been criticized by Arab-American groups. The FBI is planning to meet with Arab-American civic leaders to explain aspects of the operation, officials said.

Gordon Johndroe, a spokesman for the White House Office of Homeland Security, declined to comment on the surveillance program, which is classified.

The effort by intelligence agencies, particularly the FBI, to strengthen and expand their counterterrorism programs comes at a time of serious discussion in Congress and in the Bush administration about whether to create a domestic intelligence agency like MI-5, the British agency that collects information about internal threats.

Bush administration counterterrorism officials gathered on Veteran's Day at a White House meeting directed by Condoleezza Rice, the national security adviser, to discuss whether to relieve the FBI of its domestic security responsibilities.

No one in the administration has formally proposed creating a domestic intelligence agency. Several officials said taking some responsibilities away from the FBI remained an uncertain prospect, but they said a wide range of ideas was likely to be considered with the creation of a Homeland Security Department.

Another part of the new intelligence operation involves a focused effort to assess whether Saddam Hussein's regime has engaged in any actions, through alliances with Middle Eastern terrorist organizations or efforts to obtain weapons, that could threaten the United States or its interests abroad.

The operation is also tracing the movement of money by the Iraqi government, and organizations sympathetic with Iraq, around the world.

The officials said the monitoring operation has not detected any specific threats in the United States or overseas.

The operation draws on the experience of a smaller program that was undertaken in the Gulf War with Iraq in 1991, a conflict that resulted in little threat of terrorism in the United States.

During the war, the FBI and the Immigration and Naturalization Service (INS) conducted thousands of interviews with Iraqis and other Arab-Americans in the United States and investigated hundreds of Iraqis who had entered the United States on visitor's visas and who had not left when their entry permits expired.

A large number of government agencies are part of the new operation, including the Pentagon, the FBI, the CIA, the INS, the State Department and the National Security Agency, which eavesdrops on communications around the world, officials said.

Officials said the operation would also step up monitoring of Iraq's foreign intelligence service, which they believe operates under diplomatic cover from Baghdad's mission at the United Nations.

"This is the largest and most aggressive program like this we've ever had," said one senior official, who spoke on condition of anonymity. "We think we know who most of the bad guys are, but we are going to be very proactive here and not take any chances."

Inadequate

Sen. Bob Graham, the Florida Democrat who is departing as chairman of the Intelligence Committee, said in an interview last week that U.S. intelligence agencies, in particular the FBI, had failed to consider the full range of threats that might stem from a war with Iraq.

He said that beyond threats from Al-Qaida, U.S. intelligence agencies had not adequately assessed threats posed by other Middle Eastern terror groups that are likely to be inflamed by a war with Iraq, among them Hezbollah, Hamas and Islamic Jihad.

"I think we make a mistake when we assume that the threat is only Al-Qaida," Graham said. "There are a lot of terror groups out there, some of them with a large presence in the United States, who shouldn't be dismissed because in the past they have not attacked in the United States."

He said that FBI officials, in closed sessions with the committee, had been unable to provide basic information about Islamic militant groups with a presence in the United States.

"The kinds of questions that I've asked are: How many operatives are in the United States, where are they distributed, what is their infrastructure -- financially, logistically and with communications," Graham said. "It's the same inability to answer."

U.S. officials contend that the Iraqi intelligence service learned a lesson from its failure to engage in anti-American terrorist activities during the first Gulf War.

After the war, Iraq botched an attempt to assassinate former President George Bush on a visit to Kuwait in 1993, prompting President Bill Clinton to order a cruise missile strike on the Iraqi intelligence headquarters in Baghdad.

Since then, according to the CIA, there is no evidence that Iraq has engaged in terrorist activity against the United States.

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Congress strikes deal on independent commission on 9/11

The Scotsman, Sat 16 Nov 2002

THE House of Representatives has approved the setting up an independent commission to look into the 11 September terror attacks on New York and Washington.

The 366-to-three vote came early yesterday morning just hours after the White House and congressional leaders struck a deal on the long-sought investigation.

The measure now goes to the Senate, which is expected to approve it and send it to President George Bush to sign into law.

The ten-member commission would have 18 months to examine how the assaults on the World Trade Centre in New York and the Pentagon outside Washington were able to take place, specifically looking into any possible breakdown in security.

Ray LaHood, an Illinois Republican, cast one of the three "no" votes, denouncing it as a "blame-game commission".

But the Democratic whip Nancy Pelosi of California disagreed, saying: "The purpose ... isn't to assign blame. It is to find out why We have to get to the bottom of this."

The administration has opposed the setting up of the commission, arguing that a congressional investigation was better equipped to preserve national security secrets.

But families of the victims of the attacks, in which more than 3,000 people were killed, led a public campaign for its creation, putting pressure on the White House and congressional leaders to finally reach their agreement on Thursday. "This is a decisive victory for the families of 11 September victims and the nation as a whole," said Democratic Joseph Lieberman of Connecticut, who has pushed for the creation of the commission since shortly after the attacks.

"Finally we will get a clear picture of what government agencies failed, how they failed and why," Mr Lieberman said.

Congressional and administration negotiators agreed that the ten- member commission would be equally divided with five Republican appointees and five Democratic appointees.

In addition, Mr Bush would name the chairman and the Democratic congressional leadership would pick the vice- chairman.

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Specialty provisions threaten to sink homeland security bill

By James Kuhnenn, *Knight Ridder Newspapers*, Nov. 17, 2002

WASHINGTON - Tucked into the nearly 484-page bill creating a new homeland security department is a provision that permits the creation of university-based centers for homeland security.

It sets 15 standards that a university must meet to qualify for a lucrative federal grant. The main advocates of the university provision were Reps. Tom DeLay and Joe Barton, both Texas Republicans.

The most likely university to meet the bill's rigorous criteria? Texas A&M.

The homeland security bill is pockmarked with such specialty provisions. And they are threatening to sink it.

As soon as Monday, the Senate is scheduled to vote on an amendment by Sen. Joseph Lieberman D-Conn., that would strike seven items from the bill that the House of Representatives passed Wednesday. If successful, the amendment probably would kill the bill, because the House adjourned for the year early Friday.

"If the amendment passes, the odds are great the bill dies for the year," said Sen. Phil Gramm, R-Texas.

But Democrats said the House could come back, approve the amended bill and get it to the president for his signature by Christmas.

"Will the House let it die just because they went home for vacation and turkey?" asked Sen. John Breaux, D-La., a moderate.

Another provision targeted by Lieberman would provide liability protections for certain vaccine manufacturers, such as Eli Lilly and Dow Chemicals. Under existing law, the federal government compensates patients who are harmed by certain vaccinations, rather than the manufacturers paying the damages. The new provision would cover manufacturers of any component or ingredient of the vaccine, and would prevent lawsuits against them in state courts.

Critics say the language is designed to block lawsuits based on controversial components such as the mercury-based thimerosal, which is used as a preservative in vaccines. Pending lawsuits argue that the preservative is responsible for autism in children and other neurological disorders. The Food and Drug Administration and the Centers for Disease Control and Prevention say they have no evidence to back those claims.

Sellers of anti-terrorism technologies would also get liability protections. If an anti-terrorism product fails to provide protection in a terrorist act, the seller would be exempt from punitive damages, and liability would be limited to the seller's liability insurance.

Republicans also added a cyber-security provision to the bill that had been blocked in the Senate, where Democrats had a narrow majority. That section would broaden the ability of police to tap Internet or telephone communications. It also would set a life prison term for computer hackers who "recklessly" endanger people's lives. The provision is meant for cyber-terrorists whose actions could hurt the economy or damage crucial infrastructure, such as an electric power grid.

But lawmakers were not only in a giving mood. They also stripped or weakened other provisions that had been inserted or agreed to by the Senate and the White House.

Among them was a Senate-approved amendment, sought by the late Sen. Paul Wellstone, D-Minn., that would prohibit the department from entering into contracts with companies that avoid taxes by incorporating offshore. The new version gives the department secretary the right to waive the prohibition to prevent loss of U.S. jobs or to save money.

Republicans also eliminated Senate-crafted language that set narrow guidelines permitting the department to avoid the open-records requirements of the Freedom of Information Act. The current bill includes the House-approved language, which has broader exemptions and would keep more documents from public scrutiny. The bill also would allow the federal government to override state open-records laws and prohibit the release of any information that a state received from the department.

As for Texas A&M and its chances for a homeland security grant, Gramm noted that the criteria, which are not as narrow as they once were, also would apply to several other large universities.

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