



CONGRESSMAN JIM SENSENBRENNER NEWS FROM CONGRESS

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Advancing Justice Through DNA Technology

By now, many of you are familiar with the story of Steven Avery, the Manitowoc County resident who spent more than 17 years in jail for a crime he didn't commit. He was arrested in 1985 on charges of sexual assault and attempted murder. In September of this year, after DNA tests exonerated him, Avery was ordered free by the same judge who sentenced him in 1986. Evidence collected from the victim was determined to belong to another inmate, who is serving time for a different sexual assault.

Cases such as this are what spurred me to introduce HR 3214, the Advancing Justice Through DNA Technology Act of 2003, on October 1. Through my years in Congress on the Judiciary and Science Committees, I have seen the potential for DNA testing to improve our criminal justice system. DNA can identify criminals with pinpoint accuracy to help put them behind bars. It can clear suspects and exonerate persons mistakenly convicted of crimes. DNA technology ensures greater accuracy and fairness in the criminal justice system.

However, if DNA samples are not tested, that potential is wasted. Simply put, the current federal and state DNA

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Illegal Aliens Are Not Eligible For In-State Tuition

There is a reason why the United States has a reputation for being the 'land of opportunity'. With hard work and determination, any law-abiding citizen, or resident, can live a life of his or her choosing. We pride ourselves on being a nation that opens its borders to more immigrants than any other country in the world. However, over the years, as our nation has become an increasingly popular destination, more people have taken to coming over and staying illegally. This created problems for the now defunct Immigration and Naturalization Service (INS) agency, as well as for my constituents, including legal immigrants, who have to compete with illegal aliens for jobs, services, and even tuition costs at the University of Wisconsin.

As Chairman of the House Judiciary Committee, I was able to deal with the shortcomings of the INS. Shortly after the events of September 11, 2001, I introduced a bill to create a better immigration agency with clear missions, more accountability, and obvious chains of command. This bill, which passed the House by a vote of 405 to 9, served as a guide for the complete overhaul of the INS that was included in the Department of Homeland Security legislation signed into law earlier this year. As a result, the Bureau of Citizenship and Immigration Services, the Bureau of Immigration and Customs Enforcement, as well as the Bureau of Customs and Border Protection, were created within the Department of Homeland Security. These three bureaus have now essentially replaced the INS.

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Congressman Sensenbrenner and Members of the House Judiciary Committee mark-up HR 3214, the Advancing Justice Through DNA Technology Act of 2003. HR 3214 was approved by the Judiciary Committee on October 8.

PROTECT Act Results in First-Time Indictments For Pedophiles

Thanks to a tough, new federal law, great strides are being made to protect our children from pedophiles. On September 3, federal prosecutors in New York arrested a Philadelphia man named John Zuccarini, and charged him with one count of registering misleading domain names on the Internet. Then, on September 24, a federal grand jury in Seattle indicted Michael Lewis Clark, a 69-year old Puget Sound man on charges of traveling to Cambodia to have sex with two young boys. And on October 9, a three-year old child who had been missing was recovered in a Chicago neighborhood, after a citizen called the police about a child resembling the one who was abducted. The day before, the Illinois State Police had issued a statewide AMBER Alert about the child's disappearance, which helped in the swift recovery.

These three events are connected because they demonstrate the success of HR 1104, the Child Abduction Prevention Act, which I introduced earlier this year. On March 27, the House of Representatives passed HR 1104. Shortly thereafter, the Senate passed its version of the bill, known as the PROTECT Act. On April 30, President Bush signed into law the PROTECT Act, which incorporated HR 1104 and a number of other child protection bills added on the floor of the House.

In addition to the AMBER Alert language, the PROTECT Act included the 'truth in domain' provision that allowed authorities to arrest Mr. Zuccarini, and a provision strengthening the prohibition on sex tourism that led to the arrest of Mr. Clark. These provisions were contained in the Child Abduction Prevention Act before being incorporated into the PROTECT Act.

At the time that this issue was being deliberated, many said that Congress should pass a bill that only included the AMBER Alert provision. Rather than pass a bill that was reactive, because the AMBER Alert is initiated *after* a child is abducted, I insisted on passing a comprehensive bill to assist authorities in their efforts to crack down on pedophiles, and consequently help children *before, during, and after* they fall prey to child molesters.

The 'truth in domain' language makes it a crime to (a) knowingly use a misleading domain name with the intent to deceive a person into viewing obscenity on the Internet, and (b) knowingly use a misleading domain name with the intent to deceive a minor into viewing material on the Internet that is

harmful to them. According to the criminal complaint filed against him, Mr. Zuccarini had registered over 3000 domain names which included variations of famous people's names, cartoon characters, and other sites popular with children. When kids would accidentally log onto his site because of a misspelling, they would see advertisements for pornography and websites promoting pornography. Though Mr. Zuccarini had been sued by people and companies such as American Airlines and General Mills for this behavior, his arrest on September 3 represents the first time law enforcement officials have been able to arrest anyone for using misleading information in order to trick children into viewing pornographic sites.

The PROTECT Act also addresses the loopholes in our law that provide people with opportunities to engage in illicit sexual relations with minors. Although traveling overseas to have sex with a minor was already a crime, prior to passage of the PROTECT Act, the government had to prove that the person was traveling with the intent of having sex. This law has now been modified to remove the "intent" provision, so that the government only needs to prove that the suspect engaged in illegal sexual activity with a minor. According to Jeff Sullivan, the

Chief of the Criminal Division in the US Attorney's Office in Seattle, Mr. Clark is the first person to be indicted under this amended law. Moreover, the PROTECT Act strengthens the provisions which make it a crime for foreigners to travel into the US to engage in illicit sexual relations with minors, and it criminalizes the actions of sex tour operators by prohibiting anyone from arranging the travel of a person if he or she is traveling for the purpose of engaging in illicit sexual conduct.



"It is inherently evil to prey on the innocent mistakes of a child..."

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The arrests of John Zuccarini and Michael Lewis Clark reinforce my conviction that passing a comprehensive child abduction prevention bill was the right thing for Congress to have done. It is inherently evil to prey on the innocent mistakes of a child who might be searching for the Disneyland website, or to travel to another country for the purpose of taking advantage of poor children by offering them money to do unspeakable things. Their arrests prove that the child protection bill signed into law by the President is the most important and far-reaching child protection legislation in the last twenty years. If Congress had not passed my comprehensive child protection legislation, and only focused on an AMBER Alert bill, Mr. Zuccarini and Mr. Clark would be free men today. Instead, as their criminal cases move forward, they are now free to think about their exploits within the confines of a prison cell.

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Advancing Justice Through DNA Technology

collection and analysis systems need improvement. Public crime labs are ill-equipped, and consequently, overwhelmed by backlogs of unanalyzed DNA samples that could solve violent crimes if the states had the funds to process them. Experts have estimated that DNA evidence from more than 180,000 rape crime scenes have been collected, but never analyzed.

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HR 3214 will help to fix these problems. This bipartisan legislation authorizes \$755 million over five years to eliminate the current backlog of rape kits and other crime scene evidence awaiting DNA analysis in crime labs. It includes money for training for law enforcement, correctional, court, and medical personnel on the use of DNA evidence. HR 3214 funds research to improve forensic technology and authorizes \$10 million per year in grants to states, local governments, and tribal governments to eliminate forensic backlogs. It also authorizes funding for the use of forensic DNA technology to identify missing persons and unidentified human remains.

In addition, HR 3214 addresses the plight of those who may be wrongly convicted. The legislation establishes rules for post-conviction DNA testing of federal prison inmates, and requires the preservation of biological evidence in federal criminal cases while the defendant remains incarcerated.

The reality is that there are too many DNA samples not being tested. To have this tool available and not fully used is tragic. Many crimes could be solved, many guilty people could be arrested, and many victims, particularly women, could be spared from further crimes. In recognition of the importance of this legislation, particularly to women, the Wisconsin Coalition Against Domestic Violence gave me an award in October for my willingness to work to improve laws, policies, and funding that impact victims of domestic violence and their children.

The Judiciary Committee passed HR 3214 on October 8. I now hope to see this bill quickly approved by Congress, so that the President can sign it into law. No one should have to spend 17 years in prison for a crime he or she did not commit. Although it cannot help Steven Avery now, HR 3214 can help cut down the number of future wrongful convictions, and in the process, get the true criminals off our streets. ■

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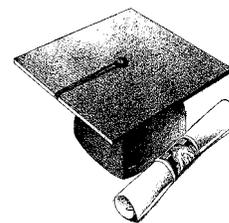
Illegal Aliens Are Not Eligible For In-State Tuition

But illegal aliens are still a problem. I recently met with a group of people who are advocating that illegal aliens be allowed to pay in-state tuition at state universities. I sympathize with the children who were brought into the country by their parents, and who have lived in the US since then. But to allow them to pay the same in-state tuition as other law-abiding Wisconsin residents is unfair. Moreover, each spot taken by an illegal alien who pays in-state tuition is one less spot available to a legal Wisconsin resident. This would make the in-state application process even more competitive, and could potentially increase education costs for families whose kids may have to attend another, more expensive school, because the University of Wisconsin quota for in-state students would be filled.

This practice is also unfair to legal out-of-state residents who have to pay the much higher tuition rate, even though they reside in the US legally. How would you feel if you learned that illegal aliens living in Michigan, for example, were being offered in-state tuition (approximately \$8,000) to attend the University of Michigan, while your son or daughter who may have been denied by the University of Wisconsin, was paying the full fare (approximately \$25,000)? Would you be outraged that after paying taxes and playing by the rules, your son or daughter was being treated like a second class citizen?

In addition to this unfairness is the fiscal impact on state universities. All states are strapped for cash, and this fiscal environment has hit state universities especially hard. Many schools, including the University of Wisconsin school system, have been forced to dramatically raise in-state tuition, thus increasing the burden on Wisconsin parents and their children. To make up the difference, the University of Wisconsin would potentially have to cut educational programs, raise tuition for everybody, or seek more money from Wisconsin's taxpayers.

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In 1996, Congress was disturbed to learn that a number of states were in fact offering greatly discounted in-state tuition to illegal aliens. We passed legislation stating that if a state university wanted to give illegal aliens in-state tuition, they could. However, as a matter of simple fairness, the legislation also specified that US citizen students throughout the nation would have to be given the same good deal.

Nevertheless, in the past few years, at least three states -- California, Texas, and New York -- have passed laws allowing illegal aliens to receive in-state tuition at public colleges and universities, while requiring American citizens and residents from other states to pay higher rates. This is very disturbing -- particularly since more states are contemplating a similar move. Not only do these actions do a great disservice to US citizens and legal immigrants, they also fly in the face of the law Congress passed seven years ago to ensure equal treatment.

I have therefore requested of Attorney General John Ashcroft that he review the actions of these states, and provide me with an assessment of whether they violate federal law. It is inexcusable that illegal aliens should receive preferential treatment over the sons and daughters of law abiding and tax-paying American citizens and legal immigrants. Providing in-state tuition to illegal immigrants would diminish the incentives we have in place for people to immigrate to the US legally. If Wisconsin joins the likes of these other states, then it will contribute to the ill-will that currently exists between those who came to America legally, and those who didn't. Moreover, it will do this on the backs of those students who were denied admittance to the University of Wisconsin. Ironically, this would deprive citizens and legal residents of opportunities in our 'land of opportunity'. Is that fair? ■

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