



EX ANTE

TIMELY DEFINITIONS

The third edition of Bryan Garner's *Black's Law Dictionary* (the ninth edition overall) is a product of its time. See, for example, the following new entries:

advance-fee fraud. A criminal fraud in which the victim is persuaded by the perpetrator to pay “fees” in anticipation of receiving a much larger benefit that is ultimately never delivered. • The perpetrator usually claims to have, or to represent someone with, a large sum of money that must be immediately transferred out of a foreign country for some compelling reason, such as to avoid seizure by a government. The criminal promises the victim a portion of the money in return for the victim's agreement to open a bank account in the victim's name. The victim then must pay “upfront fees” to the designated “bank” and others. Although the Internet has become a favorite tool for this fraud, it has been around for years, beginning with handwritten or typed letters and later faxes. Because advance-fee fraud is believed to have originated in Nigeria, it is also termed *419 fraud* after the section of the Nigerian penal code designed to punish those who defraud by this method.

affinity fraud. A fraud in which the perpetrator tailors the fraud to target members of a particular group united by common traits or interests that produce inherent trust. • The perpetrator often is or pretends to be a member of the group. Investment scams such as Ponzi or pyramid schemes are common forms of affinity fraud. When a religious group is targeted, it is usually called *religious-affinity fraud*.

complementarity principle. *International law.* The doctrine that a country with control of a person accused of violating international

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criminal law has the jurisdiction to charge and try a person. • Because the jurisdiction of the International Criminal Court is complementary to the criminal jurisdiction of countries, that tribunal can assert jurisdiction over the accused person only if the country is unable or unwilling to undertake a genuine investigation and prosecution. – Sometimes shortened to *complementarity*.

conflict diamond. A diamond that originated in an area controlled by forces or factions opposed to a legitimate, internationally recognized government, and is used to fund military action against that government. • Congress enacted the Clean Diamond Trade Act in 2003 to stop trade in conflict diamonds. 19 USCA §§ 3901 et seq. – Also termed *blood diamond*.

national-security letter. A document that is issued by an FBI official, or by a senior official of another federal agency, and that functions as a subpoena requiring the recipient, usu. a business, to turn over specific business documents. • The Department of Justice provides guidelines for the issuance of a national-security letter, which is not typically reviewed by a court or magistrate. Federal law prohibits the letter's recipient from disclosing the existence of the letter, except to an attorney. – Abbr. NSL.

NINJA loan. *abbr.* No-income, no-job, no-assets loan. Cf. *liar's loan* (1); *no-doc loan* (1); *stated-income loan* (1).

Schumer box. In a credit-card agreement, a table that summarizes all the costs for which the cardholder is liable, so that the cardholder can more easily compare credit-card agreements. • The term derives from the name of Senator Charles Schumer, who proposed the disclosure requirements. The box must contain the information listed in 15 USCA § 1637(c)(1)(A)-(B). – Also termed *Schumer's box*.

waterboarding. A form of torture in which water is poured over the face of a supine, immobilized victim whose head is pulled back so that the victim cannot avoid inhaling water, and thus experiences the sensation of drowning. • In some variations, fabric or plastic may be draped over the victim's face or the victim may be gagged before the water is poured. See TORTURE.

