

Bush violates spirit of Fourth Amendment

By Ron Walters

Special to Sentinel-Voice

The latest scandal involving George Bush is the finding by *The New York Times* that his administration has authorized the National Security Agency to conduct intelligence operations, thumbing its nose at the established law for gathering foreign intelligence.

The Fourth Amendment to the Constitution says: "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated and no warrants shall issue, based upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized."

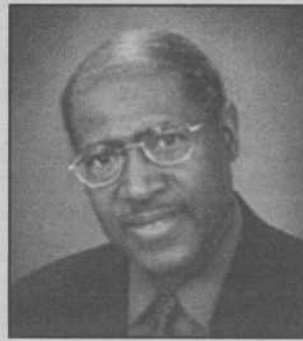
At least the spirit of this amendment appears to have been violated since the administration did not seek a warrant for its operation from the court established under the Foreign Intelligence Surveillance Act (FISA) passed in 1978. This Act, passed by Congress at the end of the Vietnam War, in the wake of Nixon administration's questionable uses of intelligence sources, was intended to establish procedures to promote accountability.

Bush, however, joined by his attorney general, rationalized this act as constitutional, based on the authority given to the president to pursue the Iraq war by Congress in 2002.

But since this was not an explicit grant of authority to Bush to rearrange the methods of gathering foreign intelligence, it amounts to an aggressive and arrogant usurpation of power. Amazingly, Vice President Cheney has been arguing that the expansion of executive power in this area was a deliberate aim of the administration.

The American people should not buy Bush's recent Oval Office speech where he inferred that communications have become so sophisticated that the FISA procedure is outmoded, and the president has to match the ability of terrorists to act quickly. But, the FISA law gives a president 72 hours to conduct warrant-less surveillance before having to obtain such authority from the FISA Court. And since FISA was created, 7,500 requests for surveillance have been made to the Court that has approved but one. So, the court does not appear to be much of an obstacle.

In fact, I would say that the FISA Court itself should be re-examined to determine whether it adequately protects American rights. One expert says that FISA plaintiffs are not notified of the charges, not advised of trial date, not allowed a public trial, not



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allowed to appear in their own defense, now allowed counsel, not allowed a transcript of the proceedings, not allowed to appeal and not even allowed to be present at trial. Moreover, FISA was expanded by the Clinton administration to allow physical searches as well as electronic surveillance, leading to a clear conflict with the Fourth Amendment when intelligence agents can physically enter the premises of innocent people fishing for evidence in a case. In this sense, the Clinton administration may have allowed a critical crossing of the line in law enforcement between the methods of gathering foreign intelligence and evidence for use in domestic cases.

In fact, the beginning of the current administration's attempt to expand FISA came when Attorney General John Ashcroft sought to allow prosecutors access to information obtained by surveillance without adequate proof of the target's complicity in a case.

Here, the FISA Court rendered an unprecedented judgment that this gave too much of an advantage to prosecutors in criminal cases and prohibited the change. It appears then,

that rather than working through the court, the Bush administration sought to go around it on the lame excuse that they had "notified Congress." Certain Democratic senators on the Intelligence Committee, such as Jay Rockefeller, knew about the practice, but were powerless to stop it.

The main question is whether the Bush administration has violated FISA by engaging in unauthorized surveillance, potentially exposing it to sanctions of up to \$10,000, five years in jail, or both. Both of which may also be defined as an impeachable offenses.

I have often suggested that the radical excesses of the conservative movement and its leaders don't seem to matter to a majority of the American people.

The tragedy is that while Republican leaders in the House and Senate conducted a political impeachment of Bill Clinton, my guess is that they will thoroughly defend the Bush administration to the point that it will get away with the far more serious act of crushing the constitution under a welter of excuses. So, I wouldn't bet against them. They have been successful in scaring the American people into exchanging the promise of security for basic civil rights. But where will it end and with what damage?

Ron Walters is the director of the African-American Leadership Institute.

Is Iraq any more important than New Orleans?

By James Clingman

Special to Sentinel-Voice

Why have we spent as much as \$1 billion per week to build a "New Iraq," yet our compassionate government, headed by George Bush and his boys and girls, cannot find a billion a week to spend on New Orleans and those wiped out by Hurricane Katrina?

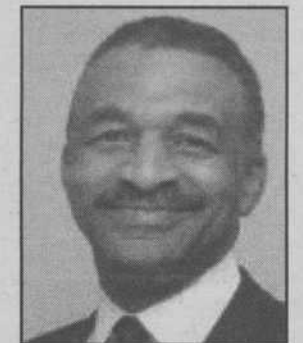
What kind of a country is this anyway? What kind of people are running this show? Immediate expenditures totaling billions of taxpayer dollars to rebuild a country we intentionally destroyed, but four months after the worst catastrophe in this country our government has hardly moved to take care of its own.

Yes, our eyes have been opened to several realities since the hurricanes hit the Gulf Coast, most of which we knew all along but were afraid or ashamed to admit, but this is ridiculous. Now we must face our deepest fears. Black and poor people must look at this country in a different light now, and we must respond, because we cannot like what we see. We cannot turn deaf ears to what is being

screamed at us: "You don't count!"

Yes, it took a hurricane, but as Eric Benet says on his latest CD, "Hurricane," released, by the way, prior to Katrina, "Sometimes what you fear the most is what you need, to find that road, right around that curve a lesson learned, now that I have the eyes to see. A hurricane — sometimes the only way to wash away the pain." How prophetic.

The president is touting his "plan" for victory in Iraq, now that the oil wells are secured and the petrodollar is back in full swing in that country. He is spending our money like a drunken sailor, urinating on us and telling us it's a spring rain. His attention is always on the New Iraq and seldom on a New Orleans. Victims of Katrina are testifying at congressional hearings, while Bush is busy justifying a war that he started under false pretenses.



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Bush and his ilk try to instill guilt in those who want to withdraw from Iraq by saying if we leave the 2000-plus who have died, would have died in vain. Two questions: Won't those killed in Iraq, no matter when the war ends or how it ends, have died in vain anyway since they were there because of lies and deceit?

And what about the folks in New Orleans who died as a result of mismanagement by FEMA's "Brownie" (the guy George Bush said was doing a fine job). Did they die in vain? Did the 9/11 victims die in vain, since we have not caught Osama Bin Laden? Hmmm.

We cut and ran from New Orleans, but in New Iraq we will stay until the people "put their lives back together," "...until they are back on their feet," "...until they have a stable government." We can't have a timetable for leaving Iraq, but we certainly came up with a timetable for putting New Orleans evacu-

ees out of their hotel room shelters. George Bush said, "We have \$62 billion on the table" for New Orleans, (and that's the problem, George: it's "on the table"); but, we have about \$250 billion "on the ground" (and in the pockets of corporate raiders) in New Iraq.

What hypocrisy! What disdain is being shown for the people of New Orleans by Mr. Compassion himself. Why so much concern for the New Iraq and little or no concern for New Orleans. Could it be economics?

In an interview, Bush said, "Call me anything, but don't call me a racist." Well, here goes...

Bush is arrogant, vindictive, egomaniacal, and aloof; he's disconnected, discombobulated, befuddled, entrenched, recalcitrant, and obstinate; he's corny, spoiled, ignorant, scornful, disrespectful, phony, condescending and just plain weird. (Maybe it would be better if he were just a racist.) I am sure there is some good stuff somewhere inside this guy; I just haven't seen it.

Bush spends billions for the New Iraq, while he emphatically brags about asking Congress to allocate a measly \$1.2 billion to stockpile bird flu vaccine, which, by the way, will only buy enough to vaccinate 20 million citizens. I wonder which 20 million they will be.

Bush's Secretary of Defense should be happy with that decision; according to an article I read, Rumsfeld stands to make "a fortune on royalties as a panicked world population scrambles to buy a drug worthless in curing effects of alleged Avian Flu." Another article stated, "Among the beneficiaries of the run on Tamiflu is Secretary of Defense Donald Rumsfeld, who was chairman of Gilead [Sciences] and owns at least \$5 million of the stock, which has jumped from \$35 in April [2005] to \$47." Can you say, Cheney and Halliburton?

Finally, Bush says the New Iraq is com-
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neighborhoods of America's inner cities, where conditions of violent crime, drug use, poor education, unemployment and lack of proper healthcare are prevalent.

Our politicians and other civic leaders need to focus attention and resources on how to improve the terrible conditions in these communities — and hip-hop artists need to be enlisted in this process, not attacked.

Even some of us older Black adults feel the same way about these young people as mainstream America, but we need to be a little more open minded and realize that for many of these young people hip-hop is their only way out.

Most mainstream media outlets are neg-

ligent in that they consistently reference the deaths of Tupac Shakur, Notorious B.I.G. and Jam Master Jay while neglecting to point out one fact: All three of these young Black men were the victims of crime, not the perpetrators of it.

The recent fixation with celebrity criminal justice has hit the hip-hop segment harder than any other group in the entertainment industry. Many of hip-hop's luminaries have tussled with the judicial system. Some have been fortunate enough to walk away scot-free while others like Lil' Kim and Shyne are currently behind bars counting the days until they hit the streets again.

There is supposed to be a presumption of innocence when the accused go to trial, but

when you are a young person of color, that presumption of innocence goes out the window. Even when the evidence is weak, often young African-American and Latino youth go to prison and have their lives ruined.

And for you aspiring hip-hop artists, there are ways to protect yourself from vigilante district attorneys.

First, if you find yourself forced to deal with the capricious whims of the legal system, get a good lawyer. Second, keep good people around you who will be effective witnesses, your cousin or your dog just won't cut it.

And most importantly, remember that keeping it gangsta' may work in the streets, but it will get you burned in the courtroom.