

Thursday, June 2nd, 2005
Baton Rouge, Louisiana

BIG BROTHER IS WATCHING YOU.

Let's just be straight about it. You have very little privacy anymore. Modern privacy is dead. We live in this newfangled electronic world that is filled not only with government snoopers, but with hackers, viruses, tappers, pirates, and a prolifera of transferable savvy invaders. Don't doubt that you are being watched. It's just a question of who, at any given time, is watching you

Oh, it's all available in some way. Your phone and credit card numbers, complete financial information, access to your medical records, mental health status, and what drugs you take. But this is all supposed to be private, right? Guess again!

Now, this whole issue of your right to be left alone and not have all your personal records "rifled through" is particularly timely and relevant as Congress considers extending the Patriot Act. And there are certainly strong reasons, following 9/11, to have laws on the books that allow our government to gather "relevant" information to protect against further terrorist attacks. Look, any reasonable person realizes that we live in a technologically advanced age. And if you're going to go after the bad guys and stop them before they're allowed to create havoc, clearly there has to be some type of clandestine means of penetrating their communications network. We're talking about the defense of our country here. But how do you balance a constitutional right of privacy against gathering data that leads to an elusive kind of enemy called a terrorist?

Supreme Court Justice Louis Brandeis said it pretty well sometime back when he cited the framers of our Constitution -- "who sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations." Justice Brandeis continued in saying that our founding fathers -- "is sure it had conferred, as against the government, the right to be let alone -- the most comprehensive of rights in the right most valued by civilized man."

Protecting your privacy has been a thing of the past, for some time. Back in 1976, during a time when I served in the Louisiana Legislature, I wrote and passed legislation that would require any person's financial records to be kept completely private by any financial institution in Louisiana. The law received national recognition, and it was cited as a model act by a number of government watchdog groups. And you know what? Although the law has been on the books for over 30 years, it's never once been enforced. Your financial records are shared by banks, credit bureaus, and any number of other financial entities on a daily basis. All directly in violation of Louisiana law.

In a matter of weeks, the Congress in Washington will take final action on the Higher Education Act. Included in this new authorization is a requirement that any

university have to place a long list of personal information about all students enrolled into a national database maintained by the federal government. No, not just those students who are receiving some type of financial aid. Any student in any university would have to comply. And the information list is long: date of birth; home address; race; ethnicity; names of every college course begun and completed; attendance records; and complete financial information of the students. So do you trust the government with databases that include a long list of information on its citizens? I don't.

The executive director of the Center for Democracy, and Technology, said just last week: "once a database is created for one purpose, regardless how genuine or legitimate it is, it's very, very hard to prevent it from being used for law enforcement or intelligence purposes. If the FBI comes calling, it almost doesn't matter what the privacy policy is. They'll get the information they want."

As part of the extended Patriot Act, federal law enforcement officials want the authority to issue so-called administrative subpoenas, where they could demand a record is without a judge's approval, amounting, for all practical purposes, in having a "license to fish." Fortunately, a bipartisan group of senators on the Senate's Intelligence Committee are raising a number of concerns. As Oregon's Senator Ron Wyden observed: "You can fight terrorism ferociously without throwing people's rights in the trash can."

I wonder if any proponents of a search and seizure without a judge's approval ever read the Fourth Amendment to the Constitution. It's pretty clear.

"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, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

And how about this? Are you aware of the Pentagon's "Total Information Awareness system?" The program, according to privacy experts, allows the federal government to routinely scan thousands of databases -- -- from driver's licenses to bank statements to telephone records -- -- and to compile dossiers with little regard for people's innocence or guilt.

The program has been on the drawing board for years, and headed up by retired Adm. John Poindexter. You remember him, don't you? He was all tied up in the Iran -- Contra scandal, and convicted of lying, under oath, to Congress. His conviction was later thrown out. (Apparently, it's OK to lie under oath to the Congress of the United States, while it's not OK to be

“accused” of lying in an unrecorded, private meeting, with a law-enforcement official. Hummmm .)

The federal government certainly needs a broad range of powers as part of intelligence investigations, especially against foreign nationals. And obviously these investigations are conducted in secrecy. But checks and balances, including an independent judicial review, certainly seem reasonable to safeguard what many of us consider as a Basic constitutional are you ago as a to cement his amendment I right of privacy and freedom.

A little common sense should well be put in play here. There is a way for legislators of good faith, in a bipartisan effort, to find a middle ground. Isn't that what we sent them up there for in the first place?

It had been a while since I had a chance to talk to my old friend Andy Borowitz in the nation's capitol. He seems to always know what's happening in Washington. .

"So Andy, what's been going on up your way?"

Well, you know the new 'Star Wars' movie is now out. Really some great news to report, big guy. You know how US students have long been assailed for lagging the students of other nations in math and science? Would guess what? The Department of Education announced this week that American kids lead the world in their knowledge and comprehension of "Star Wars" trivia."

"How do they find that out?" I asked.

"Well, these positive findings were the result of a standardized 'Star Wars' trivia test that was administered to all US high school students during the 2004-5 school year. It was great. All the students were quizzed on their knowledge of such crucial 'Star Wars' concepts as the Clone Wars, the Jedi Council and the Sith."

"So what does all this mean about the president's 'No Child Left Behind' program? Does it making a difference?" I quizzed.

“Well, I got it right from the horse's mouth. Secretary of Education Margaret Spellings could not have been more blunt when she told us: “When it comes to understanding 'Star Wars,' our children leave the rest of the world behind.”

I continued to probe. “But what about all the recent test scores that show US students are having difficulty adding, subtracting, and finding the nation of Mexico in a world map?”

“Well that's the beauty of this study," said Andy. “The ‘Star Wars’ test paints an entirely different picture -one of academic excellence. And what's even more exciting is that in addition to their stellar performance in the field of ‘Star Wars’, Secretary Spellings told us that a recent study shows that American students’ mastery of the Sony PlayStation Portable outpaces that of students in Europe and the Far East.”

“Imagine that,” I responded.

“Yeah. Like the Education Secretary says, as the world economy becomes increasingly driven by ‘Star Wars’ movies and handheld computer games, American students are uniquely poised to lead the way.”

“Andy, about all I can say is: ‘Made the Force be with them!’”

“The Latin motto reads ‘Scientia Est Potentia’ — ‘knowledge is power.’ Exactly: The government's infinite knowledge about you is its power over you.”

William Safire

Peace and Justice.

Jim Brown

(Jim Brown’s new book, “JUSTICE DENIED,” is now available in C.D. To order, go to his website at <http://www.jimbrownla.com>.)