



Associated Collegiate Press /  
National Scholastic Press Association  
All American  
1984 1985 1986  
1987 1988 1989  
1990 1991 1992  
Regional Pacemaker  
1988  
Journalism Association  
of Community Colleges  
First in General Excellence,  
Northern California  
Fall 1994  
General Excellence  
Fall 2000  
General Excellence  
Fall 2004

**Editor in chief:** Anna Nemchuk  
**News editor:** Omer Ahmed  
**Opinion editor:** Matthew So  
**Features editor:** Morgan Brinlee  
**Sports editor:** Nick Zambrano  
**Photo editor:** Christa Meier  
**Online editor:** Chen Lin  
**Staff writers:** Michael Aburas,  
Frankie Addiego, Sabahat Adil, Emily  
Burkett, Eric Dorman, Jessica Frye, Noah  
Levin, Jessica Losee, Brittany Wilson  
**Ad manager:** Danelle Meyer  
**Ad staff:** Manika Casterline,  
Janelle Feliciano, Dulce Fernandez  
**Adviser:** Bill Parks  
**Printer:** F-P Press

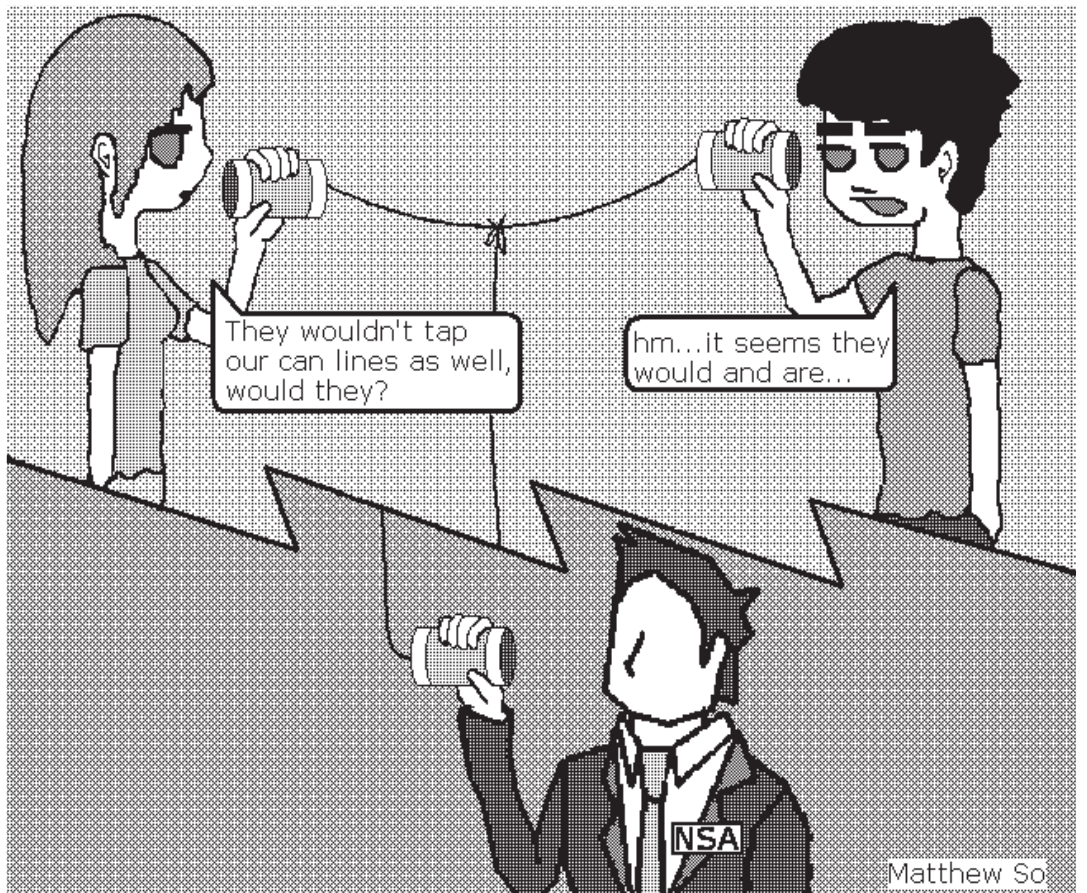


Offices are located in Room 5310 on campus, 43600 Mission Blvd., Fremont 94539-5884. Call (510) 659-6075. Fax: (510) 659-6076. E-mail: monitor@ohlone.cc.ca.us

Opinions expressed in the *MONITOR* are those of the respective authors and are not necessarily those of the staff, the college or the Associated Students of Ohlone College. Unsigned editorials reflect the majority view of staff members. Advertising material is printed herein for informational purposes and is not to be construed as an expression of endorsement or verification of such commercial ventures by the staff or college.

The *MONITOR* is funded by the district, by the Associated Students of Ohlone College, and through advertising revenue.

The *MONITOR* is a member of the Associated Collegiate Press, Journalism Association of Community Colleges, Community College Journalism Association, California Newspaper Publishers Association, College Media Advisers and Society of Newspaper Design.



OPINION

# Bush oversteps constitutional guidelines

By **EMILY BURKETT**  
Staff writer

On Sept. 28, the House passed a bill providing a legal channel for President George W. Bush's wiretaps. The National Security Association (NSA) wiretaps have been paraded through the media for months and are likely the most notorious, domestic action Bush has taken. Surprisingly, the House bill is rather redundant, as a legal channel existed previously; our esteemed President simply chose to ignore it.

In reality, the issue surrounding wiretaps isn't so much the act of wiretapping; it's the philosophy behind it. The idea that the executive power reigns supreme is a dogma consistently battled in and out of courtrooms and legislative office. For better or for worse (probably worse), our current President is ar-

guably the greatest proponent of this proposed executive sovereignty. Bush has used his administration as the ultimate platform for the expansion of executive powers. From wiretaps to signing statements, this President has left no power ungrasped.

The wiretapping incident, first discovered in December 2005, is considered a violation of the Fourth Amendment, the separation of powers, a breach of judicial authority, as well as an abuse of executive powers. The wiretapping, as authorized by Bush, allowed for the NSA to listen in on phone calls without the consultation of the United States Foreign Intelligence Court (FISA) and therefore without warrants. Unfortunately for Bush, this very act of eavesdropping has been labeled "unreasonable search and seizure" and barred by the Fourth Amendment since *Katz v. United*

*States* (1967). This problem of unconstitutionality could have easily been remedied by a court warrant, an out overlooked by Bush.

There was no real reason for Bush to avoid consulting FISA and procuring the necessary warrants to legalize his wiretaps. According to Judge Royce Lamberth, former presiding judge of the FISA Court, FISA served as a "giant rubber stamp" for warrants, serving the intelligence community 24 hours a day, seven days a week.

"I would get calls at three in the morning to sign a warrant," Lamberth said. Compounding the convenience of obeying the law, FISA regulations also allow for a 72-hour window where surveillance can occur without a warrant, giving Bush's administration ample time to procure the necessary paperwork.

But to hell with higher law. It's not as if our nation was founded

on that ideal.

Bush has cited the Authorization for Use of Military Force Resolution (AUMF) and powers attributed to his office in the Second Article of the Constitution as evidence of his right to authorize the illegal wiretaps. In theory, he would be correct. However, the case of *Hamdi v. Rumsfeld* (2004), the Supreme Court explicitly stated, "A state of war is not a blank check for the President when it comes to the rights of the Nation's citizens." The ruling further undermined Bush's justification for the warrantless wiretaps.

Ironically, Bush is the only American president in history to openly admit to an impeachable offense: illegal wiretaps. Even more ironic, Bush's validation wouldn't be necessary if he had simply adhered to established FISA procedure. Experts such as

Lamberth have admitted that it would have been absurdly easy for Bush to procure warrants for the NSA wiretaps, and thus avoid this particular controversy.

However, overstepping his bounds in the judicial arena isn't Bush's only transgression. Two words. Signing. Statements. A signing statement is exactly what it sounds like: a miniature essay attached to whatever bill the President signed. In the past, presidents have used signing statements to indicate misgivings or support they may feel for a particular piece of legislation, but rarely would they ever move to challenge it. Bush, however, seems to be an exception. To date, Bush has issued 130 signing statements. To give some perspective, all of the administrations up until Reagan have issued a total of 75 signing statements. The most controversial

*Continued on Page 8*

## Good student writing should be brief, concise and clear

By **CHEN LIN**  
Online editor

Write clearly. This is one unchanging rule of all good prose. As a student, it should be your focus in all your writing, and it requires two things: clarity and brevity.

Non-fiction writing succeeds only when it is clear. The average student is not a bestselling author; he will likely fail trying to adorn his prose with colorful adjectives and complex sentence constructions. So he must write concisely - avoiding figurative language and using only the active voice.

Simple writing is no less impres-

sive or easy to do than fancy prose. Discipline in writing - knowing when to remove awkward or redundant phrases, however great they may sound alone - is a skill requiring not only practice, but strength of will. Some writers (Ayn Rand comes to mind) have completed entire novels without ever showing improvement.

This opinion, for example, could just as easily be twice as long, but to prove a point, it's been kept to about the length of an average SAT essay - about 400 words. In only that much space, its point is made clear and its argument well supported. What's more, it's clear and requires no conjecture on the reader's part.

That's not to say all good writing

has to share these characteristics. However, there's no better foundation for the beginning writer. Whereas Shakespeare wrote more to please his audience than to convey information, the average student needs only demonstrate his grasp of the topic at hand - and there's no better way to do that than to be clear.

### CAMPUS COMMENT >>>

## How would you feel if your phones were tapped?



**CHRIS RODARTY**  
Engineering

"That would be kind of messed up...your phone, that's personal."



**AFSHEEN OLYAIE**  
Undecided

"I wouldn't like that at all. That would be an invasion of privacy."



**NIKKO ADRE**  
Business Management

"Scared, I guess. I'd watch what I'd say."



**KRISTEN KIE**  
Interpreting

"I'm pretty sure they already have. Personally, I don't like it."



**DANNY HUYNH**  
Biology

"I'd sue! I'd feel violated."