



Photos by Kevin Protz

Expert on surveillance speaks at World Forum

By **SANDEEP ABRAHAM**
Staff writer

University of the Pacific Professor of Law John Cary Sims spoke at the Feb. 22 World Forum and drew a crowd of about 200 students, faculty and community members. The major objectives of the World Forum were to better inform the average college student about federal surveillance as well as to engage those already informed in meaningful debate according to the forum's website. In a period of two hours, Sims attempted this, speaking on the topic and holding a Q & A session afterward.

Before the event, President Doug Treadway organized a luncheon with Professor Sims to discuss the World Forum and Ohlone's relation to contemporary politics. At the informal meeting, Sims noted that students in the United States often have very little exposure to the world at large and lack an understanding of many political issues. He also said that many students have little knowledge of exactly what goes on in the higher echelons of the United States government and whether or not their rights are at stake. After discussing this further and a hearty turkey sandwich, Sims was ready to speak at the World Forum.

He began the lecture by jokingly changing the title of his speech from "Is the Government Listening In On You?" to "And Then The Attorney General Blinkered." To explain this change, he mentioned a recent article he had read about Attorney General Alberto Gonzales withdrawing his support for National Security Agency's (NSA) wiretapping on Jan. 17, one day before he was scheduled to testify on it. Sims emphasized the fact that Gonzales originally contended, rather forcefully, that there could be no protection for the United States if the NSA did not use its surveillance methods.

However, this story was simply an appetizer for the main part of the speech. Sims went on to discuss many aspects of government surveillance and the various pieces of legislation used to defend it. He talked about how the *New York Times* published its story on NSA surveillance in 2005 even though it had been going on since 2001. He speculated that this might have been because the *New York Times'* sources had to have been high ranking military or NSA officials.

Sims also outlined the Fourth Amendment, which is the main point of contention in current controversies. According to the Fourth Amendment to the Constitution, the government can perform no unreasonable searches and seizures without probable cause. The text reads, "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."

The Supreme Court had long ago recognized that wiretapping and other forms of electronic interception were searches such as the kind mentioned in the Fourth Amendment. Because of this, Sims asserted that what the government was doing through the NSA was inherently illegal, regardless of what he called recent non-constitutional legislation. Sims referred to the Omnibus Crime Control Act of 1968 (OCCA), specifically its third section or Title III. Under this law, wiretapping is officially recognized as a type of search and seizure where the average person can reasonably expect some privacy. Sims pointed out that this act only allows wiretapping and surveillance of foreign powers in order to protect the country against foreign threats. Although it also allows the president to take whatever measures he deems necessary, he may not go after domestic targets through surveillance and wiretap-

ping. Sims noted that NSA has consistently been exempted from the restrictions of this law and has conducted domestic surveillance on various individuals in the United States.

In addition to OCCA, there was also the Foreign Intelligence Surveillance Act of 1978 (FISA), which further specified the powers of government as they related to the Fourth Amendment and set up FISA courts to approve certain actions. Sims stressed the fact that this law doesn't restrict broad domestic surveillance, only surveillance of specific individual targets. He also alleviated fears by talking about how the NSA doesn't listen to every piece of communication they intercept because there are far too many. Instead, they filter each interception until they have only those that, with probable cause, somehow relate to terrorism or other dangers to the United States.

After his lecture, Sims allowed about an hour for questions from the audience. There were many concerns about the use of warrants and National Security Letters used to gain access to credit card records and telecommunications records without the knowledge or permission of the target. Sims answered that these were very serious problems in the current administration's policies and that it was important for American residents to know about this.

The next World Forum, titled "Understanding Indigenous Peoples of the World from the Ohlone Indian Experience," will take place Wednesday, April 4. Like the last forum, it will start at 1 p.m. and be followed by a Q & A session. Admission will be free to the public.

Top, students, faculty and community members listen from the bleachers in the gym while Professor John Cary Sims speaks during the Feb. 22 World Forum. Close-up, Sims explains the specifics of law from his podium.



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 Mary Tyler Moore
International Chairman


Correction

In the last issue of the *Monitor*, an article ran on the front page with incorrect information.

The article, titled "ASOC inducts senators," claimed that Board of Trustees member Bob Brunton would be coming to the next ASOC meeting to speak about his time on the board last semester. He was actually set to talk with ASOC members about general issues and hear their concerns.