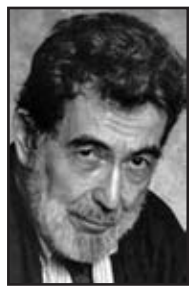


High-Tech Erasing 4th Amendment

By NAT HENTOFF
Universal Uclick Syndicate

I was thrilled to see this headline on the American Civil Liberties Union's website after the Supreme Court's unanimous Jan. 23 ruling on *United States v. Jones*: "Supreme Court GPS Ruling: Bringing the 4th Amendment Into the 21st Century" (aclu.org, Jan. 26). Wow!

And this dramatic praise from Marcia Hofmann, the senior staff attorney for leading digital civil liberties protector, the Electronic Frontier Foundation:



Hentoff

"The Supreme Court has unanimously confirmed that the Constitution prevents unbridled police use of new technologies to monitor our movements" ("Unanimous Supreme Court Ensures Americans Have Protections From GPS Surveillance," eff.org, Jan. 23). Do you hear that, President Obama?

But as soon as I read Justice Antonin Scalia's decision, I knew the Supreme Court had committed no such all-encompassing attack on how George W. Bush, Dick Cheney and Barack Obama have turned

us into a society constantly under surveillance by the government.

First, let's look at the actual case: In 2005, a joint FBI and Washington, D.C., police task force covertly placed a Global Positioning System (GPS) device on Antoine Jones' Jeep, which was parked in a public lot in Maryland. For four weeks, the GPS, using satellites, allowed the authorities to continuously monitor Jones' actions and movements as he drove his Jeep.

From what the authorities learned from the GPS's tracking, Jones was arrested and charged with conspiracy to distribute cocaine. Justice Scalia, joined by colleagues John Roberts, Anthony Kennedy, Clarence Thomas and Sonia Sotomayor, declared in the court's decision: "The government physically occupied private property for the purpose of obtaining information. We have no doubt that such a physical intrusion would have been considered a 'search' within the meaning of the Fourth Amendment when it was adopted."

Justice Scalia is notably proud of being an "originalist" — relying on the language of the Constitution when our founders were here. Accordingly, he adds that he is applying in this case "an 18th-century guarantee against unreasonable searches."

However, Justice Samuel Alito, in a concurring opinion with the three other justices, argues that "it is almost impossible to think of late-18th-century situations that are analogous to what took place in this case... the use of longer-term GPS monitoring in investigations of most offenses impinges on expectations of privacy."

All four justices maintain that the familiar "expectation of privacy" involves much more than government infringement of our private property rights.

Strongly agreeing with Alito, the Rutherford Institute's president, John W. Whitehead, an incisively alert constitutionalist, reminds us:

"The government's arsenal of surveillance technologies now includes a multitude of devices which enable it to comprehensively monitor an individual's private life without necessarily introducing the type of physical intrusion into his person or property covered by the (Jones) ruling" ("*U.S. v. Jones: The Battle for the Fourth Amendment Continues*," rutherford.org, Jan. 23).

Justice Scalia did not ignore Alito's reminder of the century we live in, but he tried to have the high court postpone doing anything about it, saying: "It may be that achieving the same result through electronic means without an accompanying trespass (on private property) is (also) an unconstitutional invasion of privacy, but the present case does not require us to answer that question."

What about those of us who still care about our privacy, sir, which is increasingly limited by so many

other means?

Justice Sotomayor, one of the justices to concur with the court's ruling, gently chides Scalia, writing:

"People disclose the phone numbers that they dial or text to their cellular providers; the URLs that they visit and the e-mail addresses with which they correspond to their Internet service providers; and the books, groceries and medications they purchase to online retailers."

"I, for one," she continues, "doubt that people would accept without complaint the warrantless disclosure to the government of a list of every website they had visited in the last week, or month, or year" — without the government having physically occupied their property.

A growing number of Americans and I would like to ask Justice Scalia and his four "let's stop here" colleagues why they're waiting to rule on our expectations of privacy in this century and others to come.

To those who are greatly overstating the significance of this decidedly limited *U.S. v. Jones* decision, I bring back John W. Whitehead, who does not mince his words:

"We have entered a new and frightening age when advancing technology is erasing the Fourth Amendment. Thankfully, in recognizing that the placement of a GPS device on Antoine Jones' Jeep violated the Fourth Amendment's protection against unreason-

able search and seizure, the U.S. Supreme Court has sent a resounding message to government officials — especially law enforcement officials — that there are limits to their powers" ("Victory: In 9-0 Ruling in *U.S. v. Jones*, U.S. Supreme Court Declares Warrantless GPS Use by Police Unconstitutional," rutherford.org, Jan. 23).

But it's not "a resounding message." In reporters' parlance, *U.S. v. Jones* is now a dead story. I'm not aware of any urgency on either side in Congress to address our Fourth Amendment expectations of privacy in such a way that will exceed the private property essence of *U.S. v. Jones*.

We know that President Obama, if re-elected, is tone-deaf on reviving the Fourth Amendment and certain other parts of the Bill of Rights, not to mention the separation of powers. (Obama, after all, was the government in this case.) And, watching the endless Republican presidential candidates' debates, I've not sensed any deep concern among them, with the exception of Ron Paul, about the flickering remnants of our personal privacy.

Next week, John W. Whitehead (despite calling this particular ruling "a resounding message") and others detail the frightening ways that swiftly advancing technology is tracking us far beyond the personal property limits on government surveillance in *U.S. v. Jones*.

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Thought for Today

"But if we walk in the light, as he is in the light, we have fellowship one with another, and the blood of Jesus Christ his Son cleanseth us from all sin." John 1:7

Romney Back On Track

Marietta Daily Journal

Mitt Romney is back on track in his quest for the Republican presidential nomination. His clear-cut victory in Tuesday's Florida Primary was evidence of a candidate who is sharpening his message and one who is proving he appeals to a broad spectrum of voters, rather than just to conservatives.

Romney came into Florida with a lot to prove after having narrowly lost in Iowa, easily won in New Hampshire (where he was essentially a favorite-son candidate), and then getting pummeled by candidate Newt Gingrich in South Carolina.

Romney failed to shine in the debates, failed to mount an effective defense of his work with Bain Capital and failed to present a strong case for why he, not Newt, should be the nominee.

But the former Massachusetts governor corrected his course in the Sunshine State. He was much more forceful in the debates, while at the same time Gingrich was lackluster. Romney and his allies gave Gingrich a taste of his own medicine when it came to "scorched earth" campaigning. And Romney's superior organization and better-funded campaign also were decisive factors.

Neither Rick Santorum nor Ron Paul competed in Florida. Whether they can find any momentum at this late date is problematic, to the say the least.

Florida is much more representative of the country as a whole than South Carolina or New Hampshire or Iowa are, and Romney proved once and for all that he can be competitive in such a setting.

The evangelical vote that did so much to fuel Gingrich's rise in South Carolina was much smaller in Florida, just like it is in the country at large. Exit polls of female voters in Florida showed them much more inclined to have concerns about Gingrich's turbulent personal life than their "sisters" in South Carolina were.

The former House Speaker also showed again

his historic proclivity for shooting himself in the foot, straying off-message to muse about establishing colonies on the Moon and making it our 51st state. It didn't play well even in Florida, the heart of the U.S. space industry. Meanwhile, Gingrich's amnesty-in-all-but-name immigration proposal flopped as well, as it deserves to.

Gingrich continuously touts his debating skills as a main reason why he should be the nominee. And yes, he has shown flashes of brilliance on the debate stage during this primary season, resurrecting himself from a footnote to a semi-finalist.

But the public is electing a president, not a debater-in-chief. And while he keeps talking about wanting to stage a series of debates with President Obama modeled on the 1858 Lincoln-Douglas debates, it's worth remembering that even though Lincoln won those debates, he lost that year's U.S. Senate race to Stephen Douglas.

Mitt Romney has an appeal to moderates and independent voters that Gingrich does not. There are plenty of Americans thoroughly disenchanted with the Obama regime who would vote for Romney, but who would never consider voting for Gingrich as an alternative to Obama.

And though Romney was much more moderate, even liberal, on certain issues earlier in his career (just as Newt has been), the most important thing is that he has moved to the right and says he plans to stay there. If only more Americans were doing the same.

The past month has been a baptism by fire for Romney and unquestionably has made him a stronger candidate. And if the race continues, as it looks like it will, with Georgia voters getting their chance to weigh in on "Super Tuesday," he will continue to improve and hone his appeal, ultimately making him an even stronger candidate this fall.

Language Is Misleading

The Macon Telegraph

"Shall the Constitution of Georgia be amended for the purpose of raising student achievement by allowing state and local approval of public charter schools upon the request of local communities?"

Can you guess what these words really mean? That's the language that will be on the ballot for residents to approve or disapprove if the proposed constitution amendment gets out of the General Assembly.

But there's a problem. The Georgia School Superintendents Association said, "The ballot wording is extremely vague and implies local involvement by using the phrases "local approval," and "local communities;" however, local boards of education are omitted from ballot language."

Let's back up. Last May, the Georgia Supreme Court ruled that only local school boards, not the state, had the authority to authorize charter schools.

Now comes House Resolution 1162. It would, if approved, change the state constitution to allow for state approval of charter schools and give it the power to redirect state and local taxpayer dollars to such schools even if local school boards turn the

charter applications down.

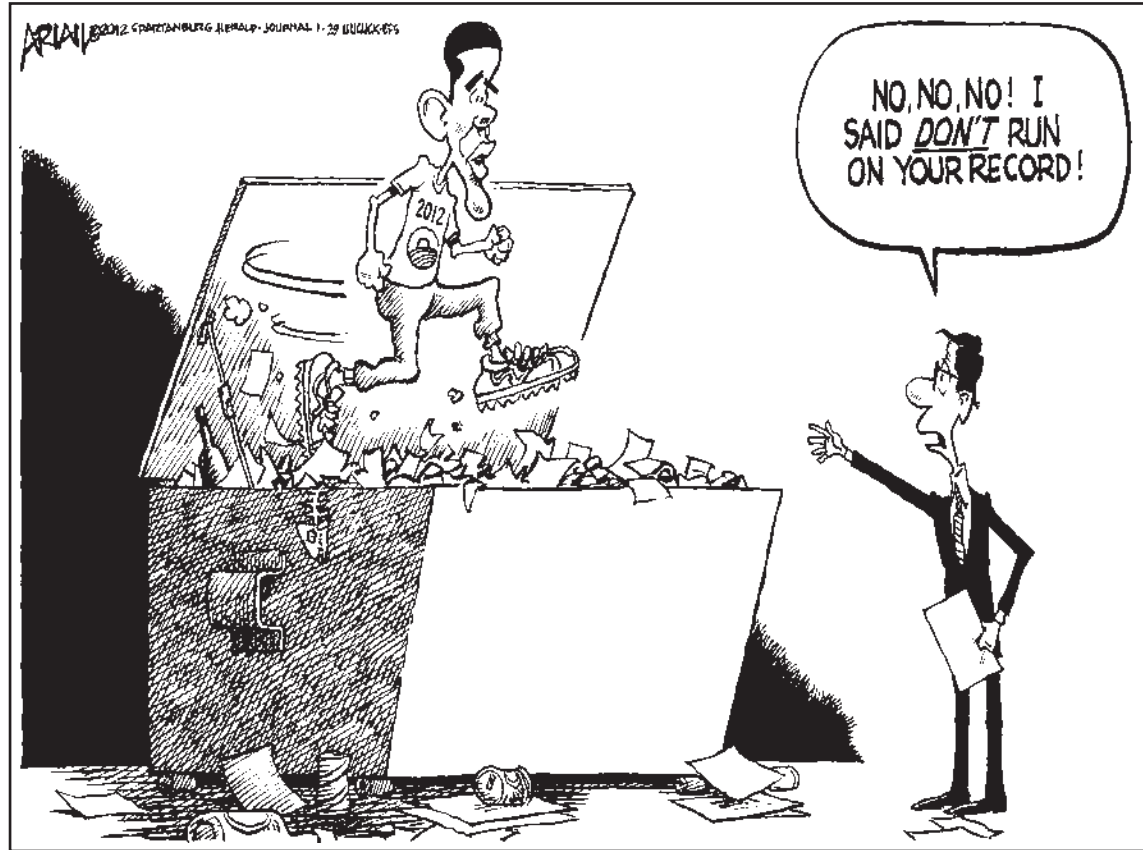
This idea has several problems, not to mention the loss of control over schools by locally elected officials. There is more than a \$1 billion funding hole hitting public schools, and the state is only paying 80 percent to 82 percent of its obligation according to Quality Basic Education Act formulas first approved in 1985.

That means local taxpayers have had to fill in the gap. Now the state wants to send local schools another unfunded mandate, literally taking more money from existing schools.

Certainly there have been many school boards that have looked on charter school applications, no matter how good, with disdain. T

That's why the General Assembly set up another mechanism. Still, the current process seems to work well with 160 charter schools approved by local boards as of last May. There were only 16 caught between a rock and the state's constitution.

The General Assembly should, at the very least, word the ballot measure so it says what will actually happen and not attempt to pull a rope-a-dope on public education supporters.



Georgia Hero Gov. Gordon Served South

By CALVIN E. JOHNSON JR.
Kennesaw, Ga.

EDITOR'S NOTE: *The writer is an American historical writer, speaker and author of the book, "When America Stood for God, Family and Country." He is a member of the Sons of Confederate Veterans.*

Stephen D. Lee, Commander-in-Chief, United Confederate Veterans, said of CSA General and Georgia Gov. John B. Gordon:

"He was a devout and humble Christian gentlemen. I know of no man more beloved in the South, and he was probably the most popular Southern man among the people of the North."

February is black history month. It is also the birthday month of George Washington, our first president. And it is the birthday month of John Brown Gordon of Georgia.

John B. Gordon, born February 6, 1832, was an orator, lawyer, statesman, soldier, publisher and governor of the state of Georgia. He is best known as one of Gen. Robert E. Lee's generals. At Appomattox, his corps' encounter with the Union soldiers under Joshua Chamberlain is a classic story that began the healing of America.

Carter G. Woodson, father of Black History Week, has much in common with Gordon. Both believed that accurate American history should be taught in our schools. Woodson believed the study of black history should include those African-Americans who fought on both sides of the War Between the States.

Black History Week became Black History Month in the 1960s.

Woodson, eleven years after the first Black History Week, founded the Negro History Bulletin for teachers, students and the public.

Gordon also stressed the need to tell the true story of those who fought for the Confederacy.

John B. Gordon believed in the South's constitutional right to secession, but after the war, he worked to unite the nation and helped white and black Southerners impoverished by the war.

The 1st Annual General John B. Gordon birthday celebration in Atlanta, Georgia was held on Saturday, February 6, 1993, in front of the state capitol. An estimated one thousand people came to remember Gordon on a beautiful warm day.

When the band played 'Dixie,' the people stood up straight and proudly sang the words.

Many speakers praised Gordon. One man turned to the statue of Gordon and asked "General Gordon what do you say about those who would change American History?" Gordon, the Confederate, the Southerner might have answered firmly, "Take your history and teach it or others will teach their history!"



Gen. Gordon

He set up a publishing company after the war to help teach young folks Southern history.

In 1995, the weather was cold and snowy but hundreds still came out. That year a young African-American man joined the list of speakers. Eddie Page was a true friend and defender of the heritage of America and the South.

John B. Gordon was born in Upson County, Ga. He was the fourth of twelve children of Zachariah and Malinda Cox Gordon. Young John was an excellent student at the University of Georgia.

He left the university before graduating and came to Atlanta to study law. There he met and married Rebecca Haralson and their marriage was long and happy.

September 17, 1862, is known as the bloodiest day in American history. Confederate Gen. Gordon was there, defending a position which became known as the "Bloody Lane." Wave upon wave of Union troops attacked Gordon's men. The casualties were beyond today's understanding. Gordon was struck by Yankee bullets four times, but continued to lead his men.

Then, a fifth bullet tore through his right jaw and out of his left cheek. He fell with his face in his hat and would have drowned in his own blood except for a hole in his hat. Though Gordon survived these wounds, the last one left him permanently scarred. That is why in later photographs of him you see him only from the right side.

For years the John B. Gordon celebration in Atlanta was concluded by a mile-long march down Martin Luther King Drive to historic Oakland Cemetery where the general is buried. Not since past Confederate Memorial days has there been a scene on this street of soldiers in Confederate gray and women and children of black mourning dress.

The spirits of Carter Woodson and John Gordon were there with us on those February days when Confederate gray marched through the black neighborhood. Though 130 years separated today from yesterday there was a spirit that transcended time and color.

When John B. Gordon died in 1904, President Theodore Roosevelt said of him, "A more gallant, generous, and fearless gentlemen and soldier has not been seen in this country."

Woodson and Gordon are still with us — in spirit and, if you listen, they are saying: 'Teach your children the whole story of America.'

EDITOR'S NOTE: *The War Between the States Sesquicentennial, 150th Anniversary, runs 2011 through 2015. The Georgia Division Sons of Confederate Veterans joins the nation in remembering this historic time in our nation's history. See information at: <http://www.150wbts.org/>*