THIRD ANNUAL
Constitution Day
Artistic Celebration

September 2010

Austin Community College District
Austin Community College’s Constitution Day is sponsored by The Center for Public Policy and Political Studies, the Social and Behavioral Sciences Division, and the Arts and Humanities Division. Prizes for 2D and 3D art, personal and researched essays, poetry and fiction are funded by private donations to the Center for Public Policy and Political Studies. Each year in October the topics for the following year are announced. Any student at ACC can submit work. Deadlines for next year’s entries will be around August 1, 2011. Constitution Day is always celebrated on September 17th.

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AUSTIN COMMUNITY COLLEGE
poetry
Blood-Stained
Sean Shelter

Cadence calls allow me to remember what my forefathers have said.

Salted skin reminds me of labors that helped protect a nation.

Blood-stained fatigues allow me to speak for those who have fallen.

My brothers laid in sacrifice, so everyone may enjoy freedom in the land.
**Alone**  
Audra Lyerla

The government can look at my e-mail,  
My telephone calls,  
My medical and financial information,  
Without me even knowing?

Always watched,  
Always fearing my calls are tapped,  
Afraid to speak out and face unwarranted consequences,  
Just because of what my father did.

The government can do all that  
Without even a warrant?  
It can suspect me of wrongdoing  
Based on my reading at the library?

Always watched,  
Always fearing my e-mails are being read,  
Afraid to say something and be labeled a terrorist,  
Just because I’m from the Middle East.

If I talk to my grandma in Israel,  
I could be suspected?  
Sending her something through international mail,  
Is grounds for surveillance?

Always watched,  
Always fearing my financial records are being perused,  
Afraid to defend myself and be put in jail,  
Just because of that mistake I made years ago.

My mother is afraid  
To put the word “terrorist”  
In a text message,  
Because yes, the government can do all this.
Illusory Flag
Alex Lietzke

Raise the Flag that serves this Land
For the just and liberty;
It marched for war, it marched for peace
The colors hung on all our streets.

Yet before our eyes
Lay what we despise,
Our enemy, projected from inside.
The surest truth we neglect and hide.

Racism, drugs, assassination,
War and flagrant capitalization;
For this Flag and democracy
We must seek to end our own hypocrisy.
Kill Them All
Mansoor Sheikh

Legatus Glabor pushes me into the gladiatorial fights.
Death eludes me on blood and sand.
Swiftly I move my sword, the heads, the arms, the legs, warriors fall.
Blood springs forth their bodies.
Celebration envelops me.
I pronounce my victory.
I live for another day.
I fight another day.
Every day, for freedom.
Women are sent to me to help me sleep.
Coin is showered upon me so I can bet.
All in dreams.
I am still a slave.
Ralph never liked chocolates.
Maybe once he did, not anymore. The dark curves of a truffle were as hideous to him as his secretary’s indifferent eyes. But he had to accept the gift.

It was not uncommon to receive gifts at his workplace, although this was the first time he had received one. He did not wish to get that gold box, with a silver ribbon wrapped around it. Every other person around him was envious of those chocolates; it was uncommon to get chocolates as a gift for anyone around there. Ralph knew that and was aware that everyone was waiting for him to untie the ribbon and share his chocolates. He did not want to do that. These were his chocolates, although he did not want them, and he would not give them to others.

As he sat at his desk, purposefully tapping his feet on the floor and looking at the box of chocolates, Ralph resisted the urge to open the box to see what kind of chocolates were in the box. He did not care for the variety of sweets; he was more interested in knowing what was it about chocolates that everyone at the office yearned.

With a swift action of his arm, Ralph took the gold box and placed it into the last drawer of his desk and got back to work.

Ralph had been working for many hours when his secretary knocked on the door. As Ralph looked up at the plump face of his secretary and then at the city through the big windows of his office, he realized it was time for him to go home. With a small gesture of his face, Ralph dismissed his secretary.

As the door closed and Ralph was alone again, he took out the box of chocolates and placed it neatly on the ledge of the window, as if to show the world that he held something that everyone wanted. He wanted to feel content, to him the box of chocolates did not represent his contentment but placing that box of chocolates on the windowsill was his real gift. With a half smile, Ralph took the box and put it next to the door so as to not forget to take it with him when he left.
It was dark already, the sun had set and the lights of the city had turned on, as if one switch in the middle of the city had been turned on and the city was washed with lights. The bridge connecting the city to the outer suburbs was completely packed with headlights of many cars, and Ralph could see this great spectacle from where he stood at his window. Ralph was at ease.

Ralph placed his camel hair coat on his back, leaving his arms outside his coat. It was a cold night, thus Ralph took his scarf from his drawer and wrapped his neck with his scarf. Warmth was already radiating from Ralph’s clothing as he looked at the box of chocolates and picked it up with a swish. Ralph thought about the movement of his whole arm as he picked up the box, and he smiled. As Ralph stepped out of the building and onto the street, cold winds swept him away for a moment, almost taking with it the box of chocolates under his arm.

Walking towards the bus stop, a smile was frozen on Ralph’s face, a face made hard by what was behind that smile. The dark curves and deep lines on his face repulsed anyone who passed by him. Instead of flower petals at his feet, Ralph was left with an open path to walk on as others walking besides him stayed a good three feet away from him.

Standing on the bus stop, Ralph saw the bus arriving and got ready to board. As the doors opened and Ralph got in, he was suddenly reminded of the box of chocolates with him. Taking a moment, Ralph got out of the bus. The bus left without him.

Unaware of himself, Ralph threw the box of chocolates in the empty trash can besides the bus stop and started walking towards home.
2-d art
Select as-Spam-Delete
Mayra Vacaflor
mixed-media
Let Us Pray
Kay Ramsey
mixed-media
3-d art
The Key to All Other Freedoms
Aaron Lehr
wood/mixed media
Eyes Spy
Anna Schoolfield
furniture, photographs, lamp
Happy Couple
Fang-Yi Su
ceramics
Lawrence vs. TX
Matthew Conway
multimedia sculpture
Birth Control of a Nation
Soromya Lanka
plaster and mixed media
The Right To Be Left Alone
Pamela Farley

The right to be left alone assumes trust, not only of the people in the government but also of the government in the people. Even then, the right to be left alone requires boundaries. Imagine for a moment you are in your car at a four-way intersection with no light or stop sign. What would be the consequences of crossing such an intersection? The stop signs and stoplights are at those intersections for a reason: to prevent us from being a danger to ourselves and to others. They do not serve to prevent us from going where we so desire, they just make sure that everyone has a fair chance to go at a given time so as not to create a chaotic mess of crumpled metal and dismembered bodies.

When America’s founders were drawing up documents, they wanted individuals to be free to pursue happiness. They wanted a government that was controlled by the people, not a people controlled by the government, but they understood that people were human and therefore not all would be moral. Chances are that none of the framers could have had even a glimpse in their imaginations of where America would be in the year 2010. John Adams stated that “Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.” Benjamin Franklin stated, “Only a virtuous people are capable of freedom. As nations become corrupt and vicious, they have more need of masters.” If we stop to consider that maybe John Adams and Benjamin Franklin had it right for a minute, then comparing America today from where she was over 200 years ago brings to light just how much times have changed, how much trust has been lost, and how dependent we are upon more government regulation and control than ever before. James Madison believed that “A well-instructed people alone can be permanently a free people.” George Washington wanted the main focus to be “...the education of our youth in the science of government... communicating it to those who are to be the future guardians of the liberties of the country.” The number of citizens has increased over the years, but the education of our
young and preparing them for roles of leadership and guardianship of what makes America great has not increased. Sadly, if anything, it has decreased. Democracy is based on government by the people for the people, but the debate then becomes who qualifies as “people.” White supremacy led to frustrations of minorities which then paved the way for civil rights revolts; college students then formed a revolution with a rebellious theme. Suddenly American government found itself tested on every boundary listed on the law books. It was no longer enough that the law said murder was wrong. Now exceptions had to be made for murder in the form of self defense, accidental reasons, or even insanity. It is like a domino effect.

Fast forward to 2010; America has already experienced terrorist attacks, overpopulation of cities, immigration issues, and religious wars. The people, who are supposed to be governing the government to keep it in check, are instead tearing apart their own liberties, including the right to be left alone, then crying foul. The ACLU comes in and argues that posting the Ten Commandments at public courthouses is a violation of rights. Prayer in public schools is outlawed. Christmas trees should not be displayed on government property, including Capitol grounds, courthouses, and public schools. Yet, there is no outcry from the ACLU over Islam, illegal immigration, or secret drug exchanges on school campuses. Parents using age-old, traditional disciplinary methods on their children that they themselves grew up with get in trouble under the pretense of “child abuse” while abortion, the murder of a fetus, is labeled “choice.”

I believe Americans have the right to be left alone, but with boundaries. Law-abiding citizens should have the right to pursue happiness as long as it is within the legal limits of the law, basically following commonly agreed-upon rules of society such as no murder, no theft, common respect for fellow Americans, etc. As individuals, however, humans are capable of becoming sidetracked, arrogant, selfish, and irresponsible. We need each other as a society to hold each other accountable for our actions and to preserve democracy and freedoms. We need government to look at us and say, “Yes, you’re right, that boundary should exist,” then provide the resources to enforce such a boundary, but we do not need government taking
a stance that it is okay to strip us of our privacy, gather our personal information, or tell us what to believe or not believe, how to live, or what to do in our own homes. The First Amendment must have been important to the Framers to have been put in the position it is and in such context. It simply states that government will not dictate any one religion, will not have the authority to tell someone they cannot follow their chosen religion, and will not interfere with the people’s right of speech, press, and assembly. The people are allowed to petition the government for a redress of grievances. (US Constitution, Amendment I).

The right to be left alone cannot exist in America’s current state. As I stated in my opening, freedom assumes there is trust. There must be a trust from the government towards the people, from the people towards the government, and finally, from the people towards each other. Our lack of immigration control, the chaos of homeland security, the misunderstanding between “freedom OF religion” and “freedom FROM religion” (and the attempt to remove religious freedom as a result), and the lack of education nationwide on the contents and purposes of the Constitution all mix together to create a form of evil that lashes out against each other and undermines the ability to reasonably trust that another is not abusing his or her freedoms granted by the Bill of Rights. We have wasted so many years trying to analyze the fine print and the space between the lines of the Constitution, and in the process we have created more chaos leading to more analysis leading to more unconstitutional laws. If America as a whole would agree to return to the original documents, if those violating such freedoms were deported, if immigration was better controlled, we could take heed of what Thomas Jefferson once said…”On every question of construction, [let us] carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text, or invented against it, conform to the probable one in which it was passed.”

I share sentiment with Thomas Jefferson towards whether Americans have the right to be left alone. Yes, they do. Without a doubt; it is only constitutional. Changing the question to, “Can Americans keep their right to be left alone in today’s society?” is
where the challenge becomes fuzzy. Are we willing to backtrack and return to the original establishments the country was founded on? Are we willing to get a bigger handle on what prevents us from having our freedom (misinterpretation of original intentions masked by the cry of “Well, it violated MY implied right!”)? Can we once again come together in unity and agree once again on the issues that once made America great: The issues that so many of our members risked and lost their lives for? Or have they died in vain on account of our ignorance?
Today I joined the masses and flooded in to see the blockbuster hit AVATAR. I was one of the few people disinterested in this unrealistic movie filled with impossible seeming interactions between Americans and animated blue creatures; but with the persuasion of my friends, I stood in line for two hours to eventually take my seat in the IMAX Theater. As I watched, I couldn’t help but see the similarities between what the Americans were doing to the indigenous people in the movie and what we, as Americans, do to the rest of the world, posing the question: AVATAR: fiction or social commentary?

The entire movie, not to spoil it for any of those who still have not yet seen or desire to see it, is about a group of beings who inhabit a world full of natural elements very valuable to the Americans. American businessmen, scientists, and military units essentially create a war in pursuit of this element for the sake of capitalism, and will stop at nothing until they get that for which they came. Sound familiar?

The Right to Be Left Alone: A right that we, as Americans, claim to value above all else. Essentially our entire “country” (I say country, knowing now that we are not really a country—but that’s another paper, entirely) was created to break away from our motherland, so that we could control our own actions and decisions. Welcome to the present: 2010. We don’t follow the Constitution; we don’t elect people of a non-Christian religion; we wiretap phone lines without permission; we can call anyone a terrorist. We revoked habeas corpus; we trusted that our government officials would give us back our constitutional rights (or at least some) when elected and then we sat by helplessly (or hopelessly) when they lied to us. Our entire “country” is one gigantic contradiction!

The Right to Be Left Alone: Our free country who believes that everyone is “created equal” won’t allow me to get married. Why shouldn’t I have the right to put myself through all the hardships that other couples, not of my orientation, have the right to do? If I
want to torture myself with the constraints of marriage it should be my right to do so, because I have the right to be left alone (Olmstead v United States.) We don’t truly believe in the right to be left alone, just the principle that YOU should leave ME alone.

We fear terrorist attacks but complain that it takes too long to get through airport security. We whine about overpopulation and immigration, yet we tell children they must give birth because it is God’s will. We fight for “freedom” all around the world but complacently let it be taken away from our own lives. At what point is enough, enough?

I believe, in theory, we have the right to be left alone; in practice, I do not believe this right exists. Of course, safety is an issue; but when is the sacrifice of freedom worth the price of security (which hasn’t particularly seemed to change anyhow?) I am all for keeping bombs off of airplanes and guns out of our schools, but there are ways to achieve this without infringing on our personal privacies and individual rights.

A few years ago Austin banned smoking in all the buildings within the city limits. I am not a smoker, so it is without a smoker’s bias that I say this: I do not believe it is the right of the city to say what the owner of a business can or cannot do. This applies to all buildings, in my opinion, be it airports, schools, courts, or any type of structure. If it is government owned, then by all means, apply all the sanctions and rules that you want to that particular facility. If it happens to be a bar on Sixth Street and it wants to allow smoking, then the government should allow the business owner to make that decision. The patron can decide whether or not he or she will frequent that establishment.

Laws of country and state are not in question; I am by no means suggesting that there is no need for, as well as enforcement of, laws. I am proposing that every day people should be left to their own devices: locally and internationally. Of course, Americans have the right to be left alone. Do we deserve it? Some could argue both ways, and frankly, with our record, I’m not sure we do; but until I have done something unlawful that should warrant the loss of my right to privacy, I am sure going to fight for it.

It so happens that we’re fighting right now. We claim to fight for
“freedom” and for the injustices that have occurred on our soil; but what about the damage we have done, both at home and on foreign land? Is the right to be left alone for Americans only or an inherent right given to mankind? Give me a war for real freedom and I will raise; a war where our only weapons are our brains and I will fight. Give me a war where we restore hope, not take it away; a war for peace, not for oil... but then how would we get such great movies?
The Right to Be Left Alone
Tyler Barstow

It is a right, but not one we can handle. Being left alone denotes privacy. Keeping secrets from each other is not something we as people can do.

We thrive on the business of others. We need to know who is sleeping with who, who’s got what disease, why the neighbor’s kid is going to a different school. We do this because we are afraid of our own privacy, and others knowing it. So we point the finger, to avoid more being pointed at ourselves. We point at the child molester, we point at the crossdresser, we point at the adulteress in an effort to make as much noise as possible, focused on someone else.

We need these distractions, we need gossip. Can we survive without it? No, we’re human beings. Petty, meddling humans who strive on negativity. We feed news organizations who preach fear and tell stories of bad things so we can say “glad that’s not me,” or “I can’t believe that, what kind of a world is this?” We’re quick to do this because we all have something we don’t want someone else to know. With the way technology is now, I don’t think we’re too far from losing this. With the right credentials, you can find out who checked into the abortion clinic. You can find out who looks at porn on their computer. All of this is out there, and I believe it’s only a matter of time before someone takes it.

But why? It’s simple: we can’t trust ourselves. We’re afraid that there are people out there that do bad things and we need to be protected from them.

My solution: make nothing private. We will do away with the idea. In knowing everything, there will be nothing to hide. You’ll be able to learn everything about everyone. It is your right, isn’t it?

We’ll start off simple; the census already has its foot in the door for us. A few expanded questions, but nothing too obvious at first. Then we can introduce drugs and laws that make the information “more readily released.” Barbaric, yes. Will it destroy values and trust? Yes. But you will be taken care of. And you’ll know all that privy information you wanted to know about your neighbor.
You may lose friends after you find out about them or they find out about you. But this act is here to protect you. No more guesswork, no more getting to know someone through normal social norms. All this information will be accessible, thanks to who?

By the government. They have yet to fail anyone. They can gather the information employing the military, or maybe a special branch to process and store this information. This way, we can solve the problem before it happens. We’ll just leave it to the government to decide what are problems and what are not. You need not know our standards, though; we will decide what is acceptable and what is not. After all, you trust the government, right?

And don’t throw out that word “brainwashing,” we are wiping nothing. And what we are gathering is essential to keep everyone safe.

If it gets too much for us to handle, we can always privatize and have the information gathered by institutions, much like the tax centers to help you do your taxes. We can privatize privacy, and create more jobs.

This plan will solve everything. And destroy a lot as well. Sadly, I can see it happening. As we get more and more untrusting of things, the government will try to do something about it. Phillip K. Dick’s *Minority Report* is not that far off in the idea that people will attempt to predict what will happen, and stop it before it does. It makes sense; we need to be safe in this crazy world.

We as a people have a great sense of entitlement but I don’t know where it comes from. I have yet to see anyone who is really deserving of what they have or what they want. But we do have our privacy. Our most inner secrets and the day that becomes public, is the day we lose it all.

People need an escape. They need their vices and hobbies and, for some, keeping that safe and close to themselves is necessary. Whether they collect ceramic teddy bears or do woodworking, it is their escape from the world and the stressors from family, work, etc., and they need to break away from that and retreat into something that only they know about. That is privacy, it is safe and it is comfortable.

The right to be left alone is something worth fighting for and not enough people have the fear of losing it and probably won’t until it is too late. Someday, all we will have to do is go to a computer, type in a name, and have everything about that person at our fingertips. This is the day we lose our greatest unspoken right: privacy.
Privacy, like many concepts, is subject to restriction and inhibition; like rules, by some adolescent stretch of the imagination, it is made to be broken. In a state that claims to be free, with all its rights that are already reserved, it seems to me, and I’m sure to most, that privacy shouldn’t even be a question. However, one must also consider this day and age and wonder to themselves if paranoia is a legitimate fear among our citizens; if we should, in fact, be afraid of our neighbors and take great lengths to make sure we remain at the top of the food chain, even within our own homeland. It is frustrating to think that times like these are upon us and that we must even consider invading the personal space our fore-citizens have worked so hard to create for us.

I strongly believe that the right to privacy, in most aspects goes hand in hand with the right to decide for oneself. It is a lot like voting. We, as citizens, for the most part know little to almost nothing about the way our federal government is run. And thus, we technically, as a duty to the betterment of ourselves, should not really be given the right to vote, for in a lot of elections, we, the people, have done more harm than good in electing our representatives.

As sticky of a topic as this is, abortion is more similar than you may think. I, as a woman, would like to think that I have the right to my own body, that the government, as far as personal privacy is concerned, should not be allowed to tell me what to do, should a pregnancy be an issue somewhere down the road. With that though, there are always people who will be reckless with their bodies, their lives, and their children. However, it is hard to justify that it is the government’s right to know or have an opinion on our private lives. Whether you support the concept of abortion or not, you don’t exactly have the right to make those decisions for other people, especially in the United States, where we have claimed to be a place of free will and that supports each other.

It is true some may argue that a lot of the reasoning behind pro-life campaigning lies in whether or not the whole concept of abortion
is considered murder. That once a life, sustaining energy and blood running through veins, it is then, a life possible of being taken away. I understand that this is a valid argument and that murder is illegal, and I can’t say that I would ever be able to abort. However, I’m not quite sure it’s up to the government, rather than simply the persons it concerns. Morally, I am pro life, but ethically I am pro choice.

As a high school student I have encountered many situations in which privacy on the public school campus is nearly non existent. For example, searching cars and lockers without a warrant is completely allowed and even expected. As teenagers, though, these are prime years, and the time when we are becoming adults and having mindsets of our own, yet I have seen that many students cannot understand why their inalienable and privacy rights seem to disappear from the picture. In most cases as we mature into upper classmen we are expected to act older, more mature. However they invade our space and violate our privacy as though we are not capable of being the adults they wished we were. It’s a shame for the rest of us that are all guilty until proven innocent.

Another big privacy issue with high schools, that most can agree has arisen within the past decade or so, is the ever evolving, exposing nature of advancing technology. Facebook and Myspace have suddenly presented their own issues with potential pornography and cyber bullying. But when is it okay for the government to claim that as their business? Unless some sort of harassment has been filed or there is serious danger threatened, it’s no business of the White House. For example, during fall of this past year, a rather large Halloween party was thrown. It wasn’t the first or the last time people had partied there but seemed to be the only time they ever got caught. A young girl’s mother took it upon herself to email pictures she found on the Internet site Facebook.com to all the principles at our high school. They exploited some under aged drinking that had taken place at the party, along with everyone that was there at all. Having no choice, the principle took charge and students involved in all sorts of organizations suffered consequences for their participation. Whether this was the fault of the students for taking place, the mother who turned in the pictures, or the principle, who by state regulations turned the students in, the entire situation should
have gone untouched. It should be no business but the enforcements what kind of illegal consumption happens with minors. This was no business of the school or the state.

Then there is always the issue with the picture phones. It seemed to all have started with some 7th grade boy in Florida who has been permanently stamped on the sexual predator list because he has pictures of his girlfriend’s boobs on his phone. The concept has continued to spread throughout the nation and is no longer considered all that radical. It is not that I condone the “sexting” that seems to be an escalating issue among our youth, but rather that it is not the government’s business what graphics or words a child has in his possession. That is his and his parent’s privacy, not the fed’s.

Privacy in the United States will always be an issue since we are a nation with citizens so diverse, and moral values so controversial. I can see both sides to many situations in which it is important that the government step in and take charge of an issue that may become a problem. However, I also expect them to focus on issues other than the pictures I post on Facebook, or the words I say and the decisions I make with my body. It is my reputation, that I am putting at stake, not theirs. So when the issue concerns an individual and their lifestyle, especially when it is not harming other people, it does not concern the government.
researched essay
Fundamental Right
Justin Wright

The right to be left alone, understood as a fundamental right of all people, partially traces its intellectual roots to Aristotle’s articulation of natural rights in the fourth century BC (Glen 15). Its defining characteristics have undergone frequent expansions to reflect the prevailing political issues and thoughts of the time, and evolved to mean entirely different things altogether. Within the digital age of the twenty-first century in particular, the concept of a right to be left alone has evolved to mean a right to restrict access to one’s personal information, and the right to be free from unnecessary government surveillance. The difficulty in achieving a clear boundary delineating the difference between an infringement of these rights and the proper exercise of governmental authority has proven to be a serious problem, progressively becoming more complicated as our nation advances technologically. In a society like the United States, where unprecedented amounts of highly sensitive personal information are available at the click of a button, it becomes extremely important to figure out where the demarcations of these boundaries lie, and figure out how to prevent malicious incursions into these precious liberties. The consequences of not properly defining and protecting these liberties, especially in relation to the new threats emanating from recent developments in networking and surveillance technologies, may prove disastrous for our society in the long run.

Understanding the implications of allowing the unregulated surveillance of people and the covert acquisition of citizen’s information requires one to understand the degree to which these issues give one power over another. Having personal information about another person to no longer means simply knowing their personal residency or telephone number, but includes a wide assortment of things: educational information, employment information, financial information, legal information, and numerous other types that serve as potentially incriminating and embarrassing indictments of one’s personal life. Information is power in this new world, and again as in all other eras of human history where a precious commodity is discovered, an elite
minority controls most of it. With the advent of interconnected private databases of personal information strewn throughout the globe, and sophisticated computer algorithms designed to extract patterns of behavior becoming more advanced everyday, this access to information takes on a new meaning. Websites, under the guise of offering some free service or quick entertainment fix, often require personal information before services are rendered or membership is given. Once this information is freely given, it ultimately becomes a form of currency sold to the highest bidder. Many believe the threat of this scenario to be limited, as it is held in the private sector free from government intrusion. This is a sadly mistaken notion predicated on the belief that the government doesn’t have equal access to this information. It also assumes that corporations themselves have a limited capacity for wrongdoing. According to Reg Whitaker, they need only purchase it now, where before they would have required warrants to attain it (81-118).

When one imagines the merging of information collected from the private sector with the vast reservoirs of information privy to the U.S. government, it is easy to see how a person’s liberty could easily be undermined. Though it may seem incomprehensible to some that the United States government would ever shift towards a less democratic and more monarchical system, one need only examine the annals of history to find numerous examples of this type of shift occurring. Given our society’s extreme level of centralization, dependence on vast supply chains far removed from our residencies, and a dearth of information about our habits available to the government, it may not be a stretch of the imagination to suggest that our supposedly impregnable last line of defense (the second amendment right to bear arms) may be obsolete deterrent to preventing government tyranny. Knowing the private details about someone’s life with the level of sophistication now available serves as an excellent weapon: it gives one access to potentially embarrassing personal information, it allows one to predict another’s behavior with uncanny accuracy for the purpose of exploitation, and provides all the necessary information needed to physically crush any potential political resistance. With this new arsenal available to the government and corporate interests, it is no longer necessary to rely on brute military force to politically or economically subjugate a population. Possessing this level of information makes it
strategically easy to eliminate opponents, and manipulate public sentiment towards a given policy (as we have often seen the media exploit), in accordance with the interests of the elite at the expense of the average citizen. Societies have always been hierarchically structured, fraught with perpetual class struggle and the majority of economic and political power disproportionately concentrated at the top, but their ability to maintain and perpetuate the power has been limited to traditional methods of control. With this new era of total information awareness that ability has been expanded upon, and if left unchecked will lead to a far less just and equitable society than the one we currently find ourselves in.

If human beings are ever to exercise any meaningful autonomy in civil affairs and become the true masters of their destiny, it is necessary for them to be capable of forming their own opinion free of coercive influence or fear of retribution, and be capable of liberty threatened. Though the government must be capable of limiting the degree to which people exercise their free will in daily matters so far as those determinations affect other citizens, any intrusion beyond this must be viewed with suspicion and vehemently opposed if we are to preserve the republic or ever hope to improve upon it. In the future, we will undoubtedly see an attempt by those in government and private corporations to expand upon their liberties of surveillance and access to the most intimate aspects of people’s lives. Whether or not they succeed will depend on the extent to which people consider these ostensibly innocuous intrusions harmful. What form the necessary legislation might take to curtail these growing threats is uncertain, but at the very least it must have the effect of regulating the amount of information that becomes centralized and available to corporations, or the extent to which government can acquire access to that information. Resolving the legal complications associated with these problems may be difficult, but will be essential to securing a more free and just society.

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America’s Privacy
Ryan Savant

The reauthorization of the Patriot Act on February 25, 2010, effectively usurped the rights of American citizens through 2011. The use of stealth legislation contributed to the reauthorization of the bill, which was reauthorized under the title of “Medicare Physician Payment Reform Act of 2009”, according to the Library of Congress website (H.R. 3961). The use of such deceptive tactics suggests that even the government doesn’t consider the PATRIOT Act to be lawful; therefore, they resort to the artifice of mislabeling such a document. The public denounces the constitutionality of the bill; however, government officials claim it is a necessary measure to decrease the chances of another terrorist attack, such as 9/11. The citizens of the United States have the right to their privacy, and regardless of the situation, the government should never practice the usurpation of citizens’ rights.

The Constitution does not explicitly grant citizens the right to privacy; however, the Supreme Court’s ruling of Griswold v. Connecticut, in 1965, was the first instance of a ruling establishing such a right. Connecticut had outlawed the use of contraceptives, but the Supreme Court invalidated the law due to the violation of the “right to marital privacy” (McBride). Nearly a decade later the Supreme Court would make a similar ruling. Roe v. Wade, in 1973, declared that privacy is an implied right; therefore, abortion was not made illegal, because it would involve the infringement of privacy to regulate. These rulings were made on the basis of the Ninth Amendment of the Constitution which states:

“The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.”

This essentially means that there are rights that the citizens possess, which aren’t specifically mentioned within the Constitution, such as the right to privacy.

To further bolster the validity of such a right, and that the invasion of such a right is unlawful, Article Six of the Constitution states:

“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be
made, under the Authority of the United States, shall be the supreme Law of the Land…”

This essentially deems the Constitution the “Law of the Land”, therefore, the contravention of privacy is unlawful on multiple levels. Due to Row v. Wade, Griswold v. Connecticut, the Ninth Amendment, and Article Six, it is conclusive that citizens have the right to privacy, because it is an implied constitutional right, therefore, such a right should be protected by the government.

The USA PATRIOT Act is a direct violation of each of these enactments, but those in favor of the bill attempt to justify such violations by advocating that it is a protective measure, necessary to the security of the United States. Regardless of the circumstance, or justification for the bill, it is entirely unlawful, and should be abolished. If the politicians are capable of violating the Constitution then the structural integrity of the government has been destroyed. The Constitution works to limit the capabilities of the government, and if the “supreme law of the land”, the Constitution, is only selectively applied, then it improperly functions. In effect, the government has essentially eradicated any authority that the constitution bears through the usurpation of citizens’ rights, and reserving powers that it does not rightly possess. If politicians can defy the single most important document to the establishment of United States, which was never meant to be refuted, unless properly amended, then the government has infinite capabilities.

Since it has been established that there is such a thing as the right to privacy, what is it exactly? The Supreme Court has, on several occasions, made it clear that there is such a thing, but has failed to fully define it, or determine the intricacies of such a right. I believe that privacy can be defined as humans’ clandestine refuge through ownership, in which one’s thoughts and innocuous actions are liberated. Thoughts or beliefs are owned by oneself, and impossible to transfer ownership of such, therefore, they remain eternally private, regardless of the setting.

In a public environment, such as stores, surveillance, in the form of cameras, is an acceptable practice, on the grounds that the owner of the store has the freedom to do with the property as he wishes, and a citizen has the choice of whether or not to enter the store.
A citizen’s actions are no longer considered private outside of one’s property, and because cameras only document the actions of individuals, without definitively identifying them, it may be considered a lawful practice. The installment of cameras, within stores, is beneficial to society by forcing people to meet decorum, and maintain integrity, which ultimately holds people accountable for their actions.

Definitive surveillance and documentation of one’s internet activity should be considered unlawful. Such information inputted to a computer may be confidential, and the surveillance of such can reveal personal information. Internet surveillance should be analogous to public surveillance in the aspect of ownership and documentation. The United States government is the owner of ICAN and IANA, two essential entities that are fundamental to the function of the internet, therefore, internet users are tapping into a government owned resource, which is entitled to surveillance of information on its most basic level (Ingram). Internet surveillance can gather information in surreptitious ways that a store camera can’t. Cameras, within stores, capture an individual’s actions, but don’t normally allow access to that person’s conversations, personal information, or access to their thoughts, however intensive internet surveillance can. The government, and owners of websites, should have access to generalized trafficking information, analogous to a camera in a store, due to ownership; however, the ability to identify specific individuals, access personal information, and continue to collect comprehensive data, goes beyond general surveillance standards, and should be considered unlawful.

The gathering of information doesn’t necessarily always have a detrimental outcome. Information is paramount to the success of any establishment. It is the gathering of information that serves to benefit society, in ways that lead to innovation and the improvement upon existing platforms. It is for this reason that the government should have access to some information of its citizens. The ambiguous nature of the Ninth Amendment is meant to benefit the people, but because of its ambiguities, certain issues may result in animosity, due to differences of interpretation. Some may possess dubious interpretations of the amendment, and it is for this reason that time should be spent detailing the rights of citizens. Any implied rights
that one may possess, due to the Ninth Amendment, is unknown until a case has been presented to the Supreme Court, who then decides what the implied rights are, such as privacy, granting the case involves such a ruling. Perhaps there should be a discussion to make provisions to the Constitution that accommodates all rights of citizens. Such provisions would be beneficial in determining the intricacies of citizens’ rights, such as privacy. The Constitution is the most important document to the most powerful government in the world; such a document deserves copious amounts of time and consideration to fully benefit the people.

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The Right to Privacy
Phyllis Effah

“Do citizens of the United States have the right to be left alone? Should they? If they do, what does it mean to that right?”

The Merriam-Webster dictionary defines right as “the power or privilege to which one is justly entitled” (Merriam-Webster, 1994). The right to be left alone is not just a power or privilege that our government should give us, it something that is an entitlement. When the government takes away this power or privilege, our constitutional rights have been violated. This is the reason why the Fourth Amendment to the United States constitution specifies the rights people have against unreasonable search and seizures by the government. The Amendment has become so central to protecting people's rights against government intrusions that it is generally referred to as “right to be left alone.”

The Founding fathers of the United States felt the need to protect the rights of citizens from an arbitrary use of power by the government by passing the Bill of Rights. The government is responsible for protecting the rights of the citizens. What happens when the government violates that trust? The Supreme Court and the lower court are there to protect these rights. One of the historical Supreme Court rulings on the Fourth Amendment was in the case of Mapp v. Ohio, 367 U.S. 643 (1961). The Cleveland Police department had gone to search without warrant Dollree Mapp house on a tip that that Miss Mapp was harboring a fugitive. On searching, several books considered obscene were found in her possession and she was subsequently arrested even though, she denied ownership and any knowledge of them in her possession. The Supreme Court ruled using the exclusionary rule that, evidence obtained illegally is not admissible in court.

An issue of bigger concern has been the privacy rights of citizen as stated in the United States constitution. The globalization of the world has made everybody using the internet and other modern technologies vulnerable to privacy invasion. You swipe your credit card and then the next thing is unsolicited mails and phone calls. In the Supreme Court ruling of Hepting v. AT&T in 2006 over the
unauthorized spying of its customers, the privacy rights of American citizens as stated by the Fourth Amendment were violated without repercussions. AT&T was accused of permitting and assisting NSA between 2002 and 2003 in installing NarusInsight system in its San Francisco switch center. That’s spying on customers activities on the internet and telecommunications. To that effect, congress passed the FISA amendment Act which gave retroactive immunity to telecommunications companies for their past violations of FISA.

The Facebook lost to a class action lawsuit by Facebook users over Facebook sharing users’ information with Beacon and its affiliates such as Blockbuster and Overstock.com. The lawsuit alleged that Facebook, Beacon and its affiliates had violated the communication privacy Act and video Privacy protection Act (Vijayan, 2010). Facebook was ordered to set up $9.5 million online privacy fund.

Kravets (2010) has analyzed privacy violation involving a class action lawsuit against Lower Merion School District of Ardmore in Pennsylvania is pending in court. The school district was accused of spying on students via school-issued computers. The webcam was remotely activated when turned on, taking images of students in their homes and at school where they used the laptops. The school officials reprimanded some of the students for improper behavior based on the photos the computer took. The school district has since deactivated the webcam-tracking program.

In response to the call by the Electronic Frontier Foundation (EFF), Senator Arlen Specter introduced a bill (Surreptitious Video Surveillance Act of 2010) co-sponsored by Senators Feingold and Kaufman (Bankston, 2010). The bill would update federal wiretapping statute by creating serious criminal and civil penalties for secret, nonconsensual video surveillance inside any temporary or permanent residence.

Even though people demand and want government to respect their right to be left alone, we are willing to give up the rights for the national good. In the wake of 9/11, citizens were willing to give up some of the rights to personal freedom. Wiretapping was used as means of listening in on conversations that might threaten our nation. It was, however, expected to end when there was no imminent danger to the nation.
I know there are a lot of Americans who hate the telemarketers calling their telephone, spam text messages, and spam emails. It is not safe anymore to give out your personal information. Getting on the internet leaves you at the mercy of spam emails from around the world. There are countless number of people who have fallen victims to the internet scams through spam emails. There are websites like spokeo.com, which sell people’s personal information like your income, date of birth, number of household members, your educational level, past and present addresses, including your current home address.

In addition to being left alone by intrusive government in our private life, we are now seeing businesses collecting customers’ information without their consent. Although collecting customers’ information is not necessarily illegal, some of these businesses are selling this information. An interesting piece on how credit card companies use customers’ information was written by Nicholas Ciarelli (2010) in the Daily Beast. Credit companies use customers’ purchases to predict how likely they would get a divorce. Predictive models are used to classify customers as high or low risk. When the model predicts that a customer would likely have a divorce, the person is classified as high risk because people who are going through divorce are more likely to miss payments. While a person’s spouse may not know that divorce is imminent, a credit card company knows and has what is going to happen to your marriage based on your purchasing trends. Unfortunately, this time of intrusive business behavior does not have any consumer-protection legislation.

It is very important to stress that when we talk about the right to be left alone, the Constitution has specified what areas are covered under this. If the government wants to arrest or search someone, a warrant from the courts should be needed. The Constitution provided this process so that the executive branch of our government does not violate individual rights without getting clearance from the courts.

The proliferation of Internet services has challenged the notion of the right to be left alone. Internet providers have too much information about their customers. The fear is that the government can force companies to provide customer information that is deemed of national security interest. Our right to privacy is severely threatened.
without intervention from Congress and the courts. Unfortunately, Congress did not advance our right to be left alone when granted AT&T retroactively immunity in the Hepting v. AT&T case. Americans, therefore, should have the right to be left alone, and expect the government and the courts to make people are not subjected to unreasonable search and seizure. Consumer protection laws are needed to specify which areas of business practices should be covered by the right to be left alone.

References


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