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TRUMP ELECTION COMMISSION

Voter Fraud, Voter Suppression and the Need for a New Electoral Process

The Trump administration recently established a Presidential Advisory Commission on Election Integrity. Trump's shorthand title for the Commission, as he has tweeted, is "Voter Fraud Panel." The

Commission is chaired by Vice President Pence and Kansas Secretary of State Kris Kobach is vice-chair. On June 28, Kobach sent a letter to all 50 states and Washington,

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Demand U.S. Eliminate All Its Nuclear Weapons

The majority of the world's countries recently adopted a treaty to ban nuclear weapons. The states signing on to the treaty agree to never under any circumstances: "Develop, test, produce, manufacture, otherwise acquire, possess, or stockpile nuclear weapons or other nuclear explosive

devices" and to never "use or threaten to use nuclear weapons or other nuclear explosive devices." The U.S. refused to even participate in the negotiations and is refusing to sign the treaty. The U.S., along with Russia, who also refused to sign, control about

Eliminate U.S. Nuclear Weapons • 13

MAKE U.S. A FACTOR FOR PEACE

End Threats of Nuclear Attack, Support Korean Reunification and Sign a Peace Treaty

During a press conference July 6, President Donald Trump said he is considering some "pretty severe things" against the Democratic People's Republic of Korea (DPRK). He made the threat after the DPRK successfully launched

an intercontinental ballistic missile. While the U.S. routinely tests its nuclear weapons and is modernizing its nuclear arsenal, already the largest in the world, it insists that the DPRK cannot test

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I • New Electoral Process

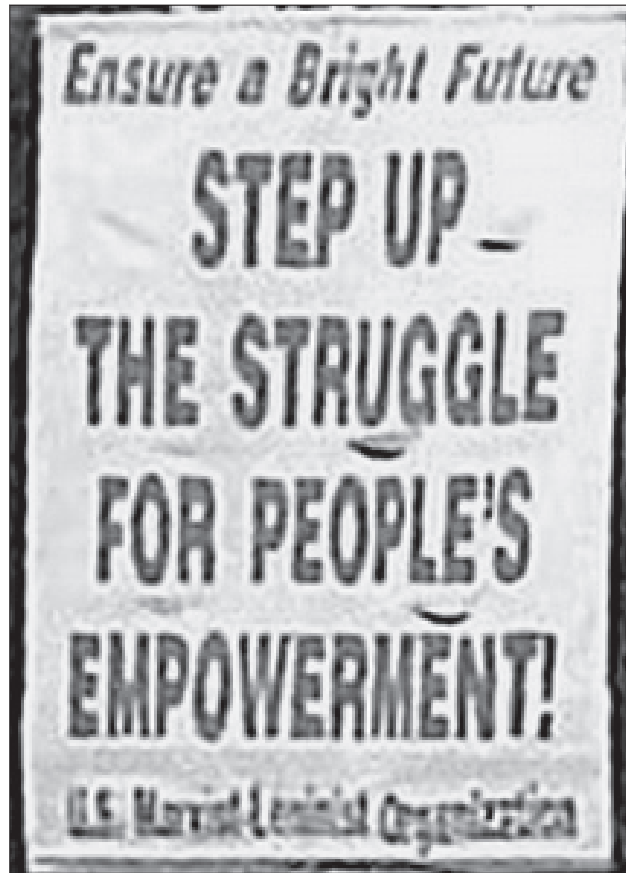
DC, asking for voter registration information, including Social Security numbers, party affiliation and voting history, felony convictions, military status and more. More than forty states are refusing to provide information, with some of the largest, California, Illinois, New York and Virginia refusing to provide any information.

State officials, both Democrat and Republican, are condemning the effort, stating voter fraud is not a problem in their states and that the federal government should not interfere. Mississippi's Secretary of State Delbert Hosemann, a Republican, said, "My reply would be: They can go jump in the Gulf of Mexico, and Mississippi is a great state to launch from." Hosemann added, "Mississippi residents should celebrate Independence Day and our state's right to protect the privacy of our citizens by conducting our own electoral processes."

Both state-level officials and various civil rights organizations are also putting forward that a main purpose of the Commission is to justify federal intervention in the elections, in the name of stopping voter fraud. As Virginia Governor Terry McAuliffe, put it, "This entire commission is based on the specious and false notion that there was widespread voter fraud last November." He added, "At best this commission was set up as a pretext to validate Donald Trump's alternative election facts, and at worst is a tool to commit large-scale voter suppression."

Overall, the problem with elections is being posed as one of voter fraud, or one of voter suppression. What stands out is what is absent in the discourse, which is that the fraud of U.S. elections is that the people are kept out of power, and their majority anti-war, pro-social will is blocked by the election process. The issue is not whether fraud by an individual voter exists, as is being promoted, but rather that the entire process is a fraud — it is not the modern democracy required by the times.

The problem in need of discussion is the necessity for a new electoral process that empowers the people themselves to govern and decide. The people's decisions concerning war, the environment and poverty would be far different than those of the rulers today. But they are blocked from being decision makers. Decision making by the people themselves is needed



to modernize elections.

One step in that direction would be public funding of the electoral process, not the candidates and parties. And that process would be designed to *inform* the public, providing the facts and information needed for serious debate, banning all negative advertising and requiring candidates to address *solutions* to the *agenda set by the people*. It would serve to put all candidates on an equal footing so that representatives from among working people could be chosen by the people and win elections. Far from being diverted by the current false debates, what is key is addressing the need for a new electoral process that empowers the people to govern and decide.

Voter suppression is and has long been a major feature of the U.S. electoral process. As one representative of the rulers put it, "Elections are not won by a majority of people, they never

have been from the beginning of our country, and they are not now. As a matter of fact, our leverage in the elections quite candidly goes up as the voting populace goes down."

The existing process where voter registration must be done by the voters themselves necessarily provides tools in the hands of the rulers to block people from voting. This has occurred since the Constitution specifically gave white men of property only the ability to vote and enshrined property rights not human rights, including treating slaves as property. Since that time, whole sections of the population, such as African Americans, have been blocked from voting in an effort to block them from participation in the political life of the country. These efforts to impose civil death have occurred at both the state and federal level.

The problem now is not whether voter registration is controlled by the states or the federal government, but that the entire process is yet another means to disempower and depoliticize the people. At minimum all eligible voters should automatically be registered and able to vote with no other requirements. But more significantly what is needed is an electoral process that raises the level of political discourse and reflects and serves the interests of the people. A new and modern electoral process is needed and fighting for it is vital part of advancing democracy today.

Forty-four States and DC Refusing to Give Voter Information to Trump Commission

Across the country, state officials and election boards have responded to a letter from Trump's Presidential Advisory Commission on Election Integrity, many by refusing to cooperate. Some states are altogether rejecting the request and most others supplying only that information already publicly available, but no more. The states rejecting the request, some of the largest, include: Arizona, California, Delaware, District of Columbia, Illinois, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi, New Mexico, New York, South Carolina, South Dakota, Tennessee, Virginia and Wyoming.

Kansas Secretary of State Kris Kobach, vice chairman of the Commission, which Trump created by executive order in May, sent a letter to all 50 states June 28 requesting a large amount of voter data, which he said will eventually be made available to the public (see letter p. 11). This includes: the full first and last names of all registrants, middle names or initials if available, addresses, dates of birth, political party (if recorded in your state), last four digits of social security number if available, voter history (elections voted in) from 2006 onward, active/inactive status, cancelled status, information regarding any felony convictions, information regarding voter registration in another state, information regarding military status, and overseas citizen information.

Generally, the federal government has a limited role in issues concerning elections, which are primarily controlled by each state. The exceptions are certain federal laws, such as the *Help America Vote Act of 2002 (HAVA)*, requiring computer voting machines and that the rolls be centralized, commonly in the office of the state secretary of state, and what is commonly called the *Motor Voter Act*, which calls for voter registration to be made available at locations where public services are provided, such as the Department of Motor Vehicles (DMV).

The letter to states came months after Trump claimed, without evidence, that millions had voted illegally in the 2016 presidential election, in part in his effort to discredit the popular vote, won by Clinton by about 2.8 million votes. Now, when states expressed concerns about the legality of the Commission's efforts to investigate voter fraud, Trump called them out on Twitter on July 1: "Numerous states are refusing to give information to the very distinguished VOTER FRAUD PANEL. What are they trying to hide?" Trump tweeted.

In this manner, the Commission is already being used to defame the states, likely so as to justify increased federal intervention. The various comments by state officials are also making clear that conflicts between state and federal authorities are intensifying. The Constitution enshrined this division, in part by giving states control of elections. In conditions where the current form of governance is in crisis and dysfunctional, the issue at hand is not more, or less federal

control but rather the need for the people themselves to control the process.

Commission can "Go jump in the Gulf of Mexico"

The letter from Kobach twice requests only "public" voter information, but it is well known that much of the information asked for is considered private. Every state that responded, including Kobach's Kansas, said it could not provide Social Security numbers. Others said they consider information such as birth dates and party affiliations to be private.

Kobach also asked states to supply the information through an online portal. Many states have rejected this specific request, noting that the commission should file a voter information request through established state websites, as any other party would. [...]

Just three states — Colorado, Missouri and Tennessee — commented positively about Kobach's attempt, but even they are only partially complying. Most other states were more critical, with nineteen openly criticizing the commission's request, including many Republican officials.

Mississippi's Secretary of State Delbert Hosemann, a Republican, said, "My reply would be: They can go jump in the Gulf of Mexico, and Mississippi is a great state to launch from," Hosemann added, "Mississippi residents should celebrate Independence Day and our state's right to protect the privacy of our citizens by conducting our own electoral processes."

Louisiana Secretary of State Tom Schedler, also a Republican said, "The President's Commission has quickly politicized its work by asking states for an incredible amount of voter data that I have, time and time again, refused to release." He added "My response to the Commission is, you're not going to play politics with Louisiana's voter data, and if you are, then you can purchase the limited public information available by law, to any candidate running for office. That's it."

Three state officials also raised doubts about the integrity of the commission itself, and many questioned the existence of widespread voter fraud.

"This entire commission is based on the specious and false notion that there was widespread voter fraud last November," Virginia Governor Terry McAuliffe, a Democrat. "At best this commission was set up as a pretext to validate Donald Trump's alternative election facts, and at worst is a tool to commit large-scale voter suppression."

"Given Secretary Kobach's history we find it very difficult to have confidence in the work of this Commission," Connecticut Secretary of State Denise Merrill, also a Democrat, said in a statement, pointing to what she said was Kobach's "lengthy record of illegally disenfranchising eligible voters in Kansas."

Response by States to Election Commission

On June 28, Trump's Commission on Election Integrity sent a letter to all fifty states and Washington, D.C. requesting a large amount of voter information, including not only names and addresses but birth dates, party affiliation, voting history, and social security numbers. To date 44 states are refusing the request, in whole or in part (see p. 4). The conflict in part reveals the contending federal and state authorities when it comes to elections, and efforts by the federal government to more directly interfere and control elections. It is also a means for the federal government to have a national voter registration list, for potential use in targeting people based on how they vote and in unjustly purging voter rolls, as has already occurred at the state level. Below are statements from state officials.

* * *

Alabama: "This office will not share any information not already available to the public. ..." Secretary of State John Merrill said. "The Secretary of State's Office will comply with the request if we are convinced that the overall effort will produce the necessary results to accomplish the Commission's stated goal without compromising the integrity of the voter rolls in Alabama,"

Alaska: The Division of Elections will release only public information, a press release from Lieutenant Governor Byron Mallott said. "State law allows only some information to be public. Public information does not include: last four numbers of Social Security numbers, date of birth, or residence address," among other data.

Arizona: "We will only make available the same redacted information that is available to the general public through a public records request," Secretary of State Michele Reagan said. "Social security numbers, Date of Birth and identifying information such as Mother's maiden name will not be transmitted. Arizona's voters can expect to have their personal information remain private and safe."

Arkansas: "We have not yet received a letter. When we do, we will review it," Assistant Director of Communications and Education Chris Powell said.

California: "I will not provide sensitive voter information to a commission that has already inaccurately passed judgment that millions of Californians voted illegally. ..." Secretary of State Alex Padilla said in a statement. "California's participation would only serve to legitimize the false

and already debunked claims of massive voter fraud made by the President, the Vice President, and Mr. Kobach. The President's Commission is a waste of taxpayer money and a distraction from the real threats to the integrity of our elections today."

Colorado: "We are very glad they are asking for information before making decisions, Secretary of State Wayne Williams said. His office will release voter-roll information that is public under state law but withhold data that is confidential.

Connecticut: "Given Secretary Kobach's history we find it very difficult to have confidence in the work of this Commission," Secretary of State Denise Merrill said in a statement.

District of Columbia: "The best thing I can do to instill confidence among DC residents in our elections is to protect their personal identifiable information from the Commission on Election Integrity. Its request for voter information, such as Social Security numbers, serves no legitimate purpose and only raises questions on its intent. I will join leaders of states around the country and work with our partners on the DC Council to protect our residents from this intrusion," DC Mayor Muriel Bowser said in a statement.

Delaware: "Releasing this information to the White House would not serve the mission of safeguarding the fairness and integrity of elections in Delaware and would not be in the best interests of Delaware voters," said State Election Commissioner Elaine Manlove. Secretary of State Jeffrey Bullock echoed the sentiment in the same statement: "Delaware will not be a party to this disingenuous and inappropriate campaign against one of the nation's foundational institutions."

Florida: "We have received the letter. We are reviewing it," Director of Communications Sarah Revell said. The Florida Senate wrote a letter in opposition to the commission's request.

Georgia: "The Georgia Secretary of State's Office will provide the publicly available voter list," Press Secretary Candice L. Broce said. "As specified in Georgia law, the public list does not contain a registered voter's driver's license number, social security number, month and day of birth, site of voter registration, phone number, or email address."

Hawaii: Officials in Hawaii are still reviewing the request and have not responded yet.

Idaho: "We are interpreting this as a public records request from the Commission," Secretary of State Lawrence Denney said in a statement. "As such, Idaho law requires me to respond ONLY with the non-exempt public records available under the request." The statement also noted that "while additional information is requested in the letter (such as driver's license and the last 4 of a voter's social security number), that information is NOT considered public and Secretary Denney could not be compelled, outside of a specific court order detailing the need for and intended use of such data, to provide that information under Idaho Public Records statutes."

Illinois: The Illinois State Board of Elections said that it would not comply with the Commission's request for voter information. "The Illinois Election Code ... protects the confidentiality and privacy of voter registration data, limiting its release to registered political



NEED FOR A NEW ELECTORAL PROCESS

committees for political purposes and to governmental entities for governmental purposes, subject to the restriction that voter data not be released to the public,” Election Board legal counsel Ken Menzel wrote to Kobach. “Your letter indicates that any information and voter registration data provided to the commission will be made available to the public. In short, the State of Illinois does not have a publicly available voter roll. Therefore, our agency does not have any material responsive to the commission’s request.”

Indiana: “Indiana law doesn’t permit the Secretary of State to provide the personal information requested by Secretary Kobach,” Secretary of State Connie Lawson tweeted Friday. “Under Indiana public records laws, certain voter information is available to the public, the media and any other person who requested the information for non-commercial purposes. The information publicly available is name, address and congressional district assignment.

Iowa: Secretary of State Paul Pate tweeted, “Providing personal voter information, such as Social Security numbers, is forbidden under Iowa Code.”

Kansas: “Only “publicly available” information will be shared with the Commission,” Secretary Kobach’s spokeswoman Samantha Poetter said. “Any person in Kansas can obtain it. It is the basic information — name, address, etc. — not the sensitive information like last four SSN. That information is not publicly available, and therefore it is not part of the request.”

Kentucky: “As the Commonwealth’s Secretary of State and chief election official, I do not intend to release Kentuckians’ sensitive personal data to the federal government. ...” Secretary of State Alison Lundergan Grimes said in a statement. “The president created his election commission based on the false notion that “voter fraud” is a widespread issue — it is not. Indeed, despite bipartisan objections and a lack of authority, the President has repeatedly spread the lie that three to five million illegal votes were cast in the last election. Kentucky will not aid a commission that is at best a waste of taxpayer money and at worst an attempt to legitimize voter suppression efforts across the country.”

Louisiana: “The President’s Commission has quickly politicized its work by asking states for an incredible amount of voter data that I have, time and time again, refused to release,” Secretary of State Tom Schedler said. “My response to the Commission is, you’re not going to play politics with Louisiana’s voter data, and if you are, then you can purchase the limited public information available by law, to any candidate running for office. That’s it.”

Maine: “Maine citizens can be confident that our office will not release any data that is protected under Maine law, to the commission or any other requesting entity,” Secretary of State Matthew Dunlap said in a press release Friday. The statement noted that Maine law does allow the release of the voter’s name, year of birth, residence address, mailing address, voter status, voter record



number and any special designations indicating uniformed service voters, overseas voters or township voters, but not Social Security number.

Maryland: “The assistant attorneys general representing SBE have considered the request and have determined the disclosure is prohibited by law,” Attorney General Brian Frosh said in a tweet, “I find this request repugnant; appears designed only 2 intimidate voters and 2 indulge the President’s fantasy that he won the popular vote.”

Massachusetts: The state’s voter registry is not a public record and information in it will not be shared with the Commission on Election Integrity, Com-

munications Director Brian S. McNiff said.

Michigan: “As in most other states, Michigan law does provide for disclosure of some basic public voter information,” Secretary Ruth Johnson’s office said in a Facebook post. “Political parties, candidates and news organizations routinely request and receive this data. State law for decades has allowed anyone to review voter lists to ensure election integrity. ... Michigan will certainly not go beyond what is legally required in any response to this data request, and we are highly sensitive to people’s desires to keep what is private as private.”

Minnesota: “I will not hand over Minnesota voters’ sensitive personal information to the commission,” Secretary of State Steve Simon said in a statement. “As I’ve said before, I have serious doubts about the commission’s credibility and trustworthiness. Its two co-chairs have publicly backed President Trump’s false and irresponsible claim that millions of ineligible votes were cast in the last election. They, along with other recent appointees, appear to have a strong interest in steering the commission toward their predetermined conclusions and outcomes. I fear that the commission risks becoming a partisan tool to shut out millions of eligible American voters.”

Mississippi: “My reply would be: They can go jump in the Gulf of Mexico, and Mississippi is a great State to launch from,” Secretary of State Delbert Hosemann said. “Mississippi residents should celebrate our State’s right to protect the privacy of our citizens by conducting our own electoral processes.”

Missouri: “The commission’s letter asks for ‘publicly-available’ information, which we would share with any person or organization making an open records request,” Secretary of State Jay Ashcroft said. “We will protect Missourians’ private information. The laws of each state are different, and in Missouri, some of the data requested by the commission is open to the public. We plan to comply by providing publicly available information per state law. The commission’s questions are fair and we will be glad to assist in offering our thoughts on these important matters. I look forward to working with Secretary Kris Kobach and the commission on its findings and offer our support in the collective effort to enhance the American people’s confidence in the integrity of the

elections process.”

Montana: Secretary of State Corey Stapleton will not release voters' birthdays or Social Security numbers to the president's commission on election integrity, director of elections and voter services Derek Oestreicher told the *Independent Record*.

Nebraska: Nebraska lawmakers disagreed over the federal request for voter registration data. A group of six state senators signed a letter asking Nebraska's top election official to reject the request. The letter to Secretary of State John Gale cites concerns that the release of voters' personal information could lead to identity theft. The senators who signed the letter also questioned how the data might be used and said they've heard from numerous concerned constituents. "Nebraska voters deserve to know how publicly compiled information shared in good faith will be used outside of the state," the letter states. The chair of the legislative committee that deals with election issues is encouraging Gale to share any public records. Gale has not yet made a decision

Nevada: "While this request has understandably raised concerns with privacy advocates, voter registration information in Nevada is generally available for public inspection under state law, including name, address, date of birth, and whether the voter participated in a prior election," Secretary of State Barbara Cegavske said in a statement. "Election officials in Nevada do, however, collect certain information that is not considered a public record under state law and is therefore not available for public inspection. This information includes: Social Security Number; Driver's License Number; DMV Identification Card Number; and Email Address."

New Hampshire: "There's no information (here) someone can't publicly get anyway," Secretary of State Bill Gardner told the *Concord Monitor*. "People have the right to purchase it, only what's public by law."

New Jersey: The state Division of Elections has issued a statement that "No information has been released nor will any future information be released that is not publicly available or does not follow the appropriate legal process for information requests," indicating the federal government will have to formally request the data via the Open Records Act. Under state law, the first five pieces of information in the state's voter database — name, address, date of birth, party, and voting history — are explicitly public. In fact, this is information that political campaigns routinely obtain and use in sending out targeted election mailings.

New Mexico: Secretary of State Maggie Toulouse Oliver said, "I will never release the personally identifiable information of New Mexico voters protected by law, including their social security number and birth date. I will not release any other voter information like names, addresses or voting history unless and until I am convinced the information will not be used for nefarious or unlawful purposes, and only if I am provided a clear plan for how it will be secured." She added, "It seems to maybe be a fishing expedition or a witch hunt of some kind, and I'm very concerned about that."

New York: "The electoral process is sacred and New York law has strong safeguards in place to prevent sharing of sensitive voter data and harassment against those who exercise their right to vote... New York refuses to perpetuate the myth voter fraud played a role in our election... We will not be complying with this request and

I encourage the Election Commission to work on issues of vital importance to voters, including ballot access" said Governor Andrew Cuomo.

North Carolina: "Integrity of our elections is critical, and a recent State

Board of Elections investigation already found there was no evidence of significant voter fraud in North Carolina," Governor Roy Cooper said in a statement on Twitter. "My staff has told the State Board of Elections that we should not participate in providing sensitive information beyond what is public record as it is unnecessary, and because I have concerns that it is an effort to justify the President's false claims about voter fraud."

North Dakota: Deputy Secretary of State Jim Silrum said: "We will answer those questions on the survey that North Dakota law allows us to answer."

Ohio: "After each of the last three federal elections, I instructed the bipartisan boards of elections to conduct a review of credible allegations of voter fraud and voter suppression" Secretary of State Jon Husted said in a statement. "The results of this review is already in the public domain and available to the Commission. Additionally, voter registration information is a public record and is available online. The Confidential information, such as the last four digits of a voter's Social Security number or their Ohio driver license number is not publicly available and will not be provided to the Commission. In responding to the Commission, we will have ideas on how the federal government can better support states in running elections. However, we will make it clear that we do not want any federal intervention in our state's right and responsibility to conduct elections."

Oklahoma: "Full or partial Social Security numbers are not publicly available under Oklahoma law," said Bryan Dean, public information officer for the Oklahoma State Election Board. "We will provide the Commission with the publicly-available information they requested, just as we would anyone who requested the information. We are required to provide public information upon request under the Oklahoma Open Records Act. We have instructions available on our website for requesting that data."

Oregon: "Oregon policy prohibits disclosure of some of the information you requested, such as social security numbers and drivers' license numbers ..." Secretary of State Dennis Richardson said. "It is my duty to follow these statutes. Oregon law provides that any person may receive a statewide list of electors upon payment of \$500. It is a violation of Oregon law for voter registration



data to be used for commercial purposes.”

Pennsylvania: “I have serious reservations about the true intentions of this effort in light of the false statements this administration has made regarding voting integrity, the historical suppression of voting rights, and the way that such data has been used in the past ...” Governor Tom Wolf said. “That said, like any citizen, you are welcome to purchase the publicly available voter file from the Pennsylvania Department of State.

Rhode Island: “We are reviewing Secretary Kobach’s request for information,” Secretary of State Nellie M. Gorbea said in a statement. “I will safeguard the privacy of Rhode Island voters and respond only with data that is already publicly available. I will not release social security information or any information that was requested by Secretary Kobach regarding felony status, military status, or overseas citizen information.”

South Carolina: Governor Henry McMaster tweeted in a string of statements “By law, the SC Election Commission maintains the list of registered voters for all 46 counties (1/3) ... They are required to make the list available to the public upon request and Social Security numbers are never disclosed (2/3) ... Constitution ensures voters ballot choices will always be secret. Americans have died protecting this freedom (3/3).”

South Dakota: Secretary of State Shantel Krebs’ spokesman, Jason Williams, said in an email to the Associated Press that Krebs “will not share voter information with the commission.”

Tennessee: “Although I appreciate the commission’s mission to address election-related issues, like voter fraud, Tennessee state law does not allow my office to release the voter information requested to the federal commission,” tweeted Secretary of State Tre Hargett.

Texas: Texas Secretary of State Rolando Pablos said, “The Secretary of State’s office will provide the Election Integrity Commission with public information and will protect the private information of Texas citizens while working to maintain the security and integrity of our state’s elections system.” He added, “As always, my office will continue to exercise the utmost care whenever sensitive voter information is required to be released by state or federal law.” Governor Greg Abbott tweeted: “Texas is keeping private your private information.” Under Texas law the following information is public: full names of all registrants addresses of most registrants, dates of birth, voting history from 2006 onward, active/inactive status and whether a voter’s registration has been canceled.

Utah: “Ensuring the integrity of the election process is the highest priority of my office,” Lieutenant Governor Spencer J. Cox said. “There has been no evidence of mass voter fraud in Utah and we look forward to helping the federal government better understand the steps we have taken to ensure the security and validity of Utah’s elections. ... While my office is required to provide public records to this Commission, as we would to any other person or entity, I assure the voters of Utah that we will only provide information that is otherwise available to the public.”



Vermont: “I wholeheartedly disagree with the premise of this Commission: namely, that there is widespread voter fraud,” Secretary of State James C. Condos said in a statement. “There is no evidence of the kind of massive fraud alleged by President Trump, Vice President Pence or Secretary of State Kobach. I believe these unproven claims are an effort to set the stage to weaken our democratic process through a systematic national effort of voter suppression and intimidation. ... My focus is to protect Vermont citizens from bogus attacks on our democracy. I will not release any more information about Vermont voters than is available to any citizen requesting our voter file.”

Virginia: “I have no intention of honoring this request,” Governor Terry McAuliffe said in a statement. “There is no evidence of significant voter fraud in Virginia. This entire commission is based on the specious and false notion that there was widespread voter fraud last November. At best this commission was set up as a pretext to validate Donald Trump’s alternative election facts, and at worst is a tool to commit large-scale voter suppression.”

Washington: “We are required by law to provide public records upon request,” Secretary of State Kim Wyman tweeted. “Other requests from fed elections commission will be considered thoughtfully. ... Info that is NOT public record=your SS# (even last 4), DL #, phone #, email, language preference. We ensure this info remains private.”

West Virginia: “Number one, we’ve never received a letter,” Secretary of State Mac Warner’s communications director, Mike Queen, told the *Charleston Gazette-Mail*. “Number two, we can’t see whether every state has received a letter, I don’t know what states were selected or anything like that, but we haven’t received it. Number three, we would never release Social Security numbers.”

Wisconsin: “Wisconsin statutes do not permit the state to release a voter’s date of birth, driver license number or Social Security number,” said Michael Haas, administrator of the Wisconsin Elections Commission (WEC). “State statutes permit the WEC to share confidential information in limited circumstances with law enforcement agencies or agencies of other states. The Presidential Commission does not appear to qualify under either of these categories. The WEC does not have the discretion to deny a request for the public information in the voter registration database if the required fee is paid. By administrative rule, the price is \$12,500 for the entire statewide voter file, and Wisconsin law does not contain any provision for waiving the fee for voter data.”

Wyoming: “I’m going to decline to provide any Wyoming voter information,” Secretary of State Ed Murray told the *Casper Star-Tribune*. “It’s not sitting well with me. ... Elections are the responsibility of states under the Constitution. I’m wondering if this request could lead to some federal overreach. ... I have not experienced any secretary of state who has expressed any concerns or worry about fraud or some type of nefarious activity occurring that jeopardizes their respective election process.”

Trump Commission Laying Groundwork for Nationwide Voter Suppression

Amy Goodman, Democracy Now! July 05, 2017

To date, 44 states have said they will not hand over detailed personal information about U.S. voters to Trump's Presidential Advisory Commission on Election Integrity. Kris Kobach, the Kansas Secretary of State is vice chair of Trump's commission. Kobach has pushed for the strictest voter identification laws in the country and advocated for a "proof-of-citizenship" requirement to register, which civil rights advocates say is aimed at suppressing voter turnout. We speak with Ari Berman journalist for *The Nation* and Kristen Clarke, president and executive director of the Lawyers' Committee for Civil Rights Under Law. The organization filed a complaint July 3 against Kansas Secretary of State Kris Kobach.

AMY GOODMAN: Kansas Secretary of State Kris Kobach has defended President Trump's unfounded claim that millions of people illegally voted, supposedly costing Trump the popular vote. He lost by what? About 3 million votes to Hillary Clinton but won the Electoral College. Kobach said, "I think Trump is absolutely correct when he says the number of illegal votes cast exceeds the popular vote margin between him and Hillary Clinton."

ARI BERMAN: It is important to note, first off, that Kobach is really the leading architect of voter suppression efforts nationwide. He is not just the secretary of state of Kansas. He has been going all around the country trying to put in place suppressive voting laws. One of the laws that Kansas has in place, for example, is providing proof of citizenship for voter registration. You have to have a passport, a birth certificate or naturalization papers to be registered to vote in Kansas, if you register after 2013.

Most people do not carry around those documents with them when they go to register to vote. So, in Kansas, one in seven new registrants have been blocked from voting because of this one law alone. And Kobach says he wants to see proof-of-citizenship laws in every state, which would have an unbelievably suppressive effect on voter registration and disenfranchise millions of people.

I looked into all of Kobach's claims about voter fraud. And I found, number one, that non-citizen registration is exceedingly rare nationwide. There is no reason why a non-citizen would register to vote and risk a felony and deportation. The second thing is that Kobach is the only secretary of state in the country with the power to personally prosecute voter fraud cases. So he can actually bring these cases. And of all the cases in Kansas, he has only convicted one non-citizen of voting. So if it were so widespread, you would think that in Kansas, where he has prosecutorial power, he would be able to show this, but he has not shown this. And this entire commission is predicated on this gigantic lie that millions of people voted illegally.

Kris Kobach is interesting because before he was a leading proponent of voter suppression, he was a leading proponent of restricting immigration. And most people think of these issues as separate. They think of immigration, and they think of voting. But what Kobach has tried to do is combine these two issues. He drafted all of these anti-immigration laws, like Arizona's SB 1070, which

was the "papers please" law, where police could stop anyone and check their citizenship. He went all around the country drafting these laws. Then he became secretary of state of Kansas and started drafting anti-voting laws. [...]

AMY GOODMAN: Where does this commission go now, with 44 states refusing to either fully or partly comply with the information request from Kobach's commission?

ARI BERMAN: Well, I think Trump's commission is still going to make the argument that voter fraud is widespread, rampant and massive, and we have to put in place all of these policies to try to suppress votes in reaction to that. But the point is, we are seeing they are not even going to get the data to be able to do this kind of analysis. The fact that all of these states have refused to hand over the data means that this commission, in my view, should be disbanded. It serves no purpose at this point.

AMY GOODMAN: Kristen Clarke, do you see that happening? Where do you see this commission going and your complaint going?

KRISTEN CLARKE: Well, we hope that they will revoke the election integrity commission. We believe that it has a baseless mission, which is to substantiate the president's false allegations about widespread vote fraud. They have put together a dream team of voter suppressor proponents — not just Kris Kobach, but Hans von Spakovsky. It is also rumored that Ken Blackwell, former secretary of state of Ohio, is also part of it. These are folks who have made a career out of erecting barriers to the ballot box around our country. Ken Blackwell, during his tenure as secretary of state, rejected voter registration forms that he thought were not printed on the right weight of paper. Hans von Spakovsky is someone who has championed voter ID laws and championed laws that seek to make it harder for people to vote, including taking away the right to vote from people with a criminal history. When you peel back the layers, the goal of this commission is clear. It is intended to lay the groundwork for voter suppression laws across our country.

The Lawyers' Committee for Civil Rights Under Law filed this *Hatch Act* complaint against Kris Kobach, but we think that the commission, as it stands today, is illegitimate. You have states around the country that are saying that they will refuse to participate. We intend to continue to bring pressure on other states to discourage them from turning over data or information of any kind to this illegitimate commission. We know that there are folks in Congress who are introducing legislation, calling for the defunding of the commission and calling for revocation of the commission.

And all of this is coming at a time where we are seeing the Justice Department turning the clock back on federal civil rights enforcement, including enforcement of the *Voting Rights Act*. We need to return our focus in this country to doing work that brings people into the process, and get to a place where all eligible Americans are able to participate in our democracy. And the commission runs against that important goal.

Justice Department Requests State Voter Information

On June 28, the same day that Trump's Commission on elections sent a letter to all 50 states and Washington, DC, demanding they turn over a large amount of private voter data, the Department of Justice (DoJ) also sent a letter to states seeking information on their "maintenance" of voter registration lists. The letter said, "As part of our nationwide enforcement effort, we are reviewing voter registration list maintenance procedures in each state covered by the *National Voter Registration Act (NVRA)*."

The *Act*, commonly known as the *Motor Voter Act*, had as a main feature requiring the states to increase voter registration, requiring states "to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office" and it recognized that "the right of citizens of the United States to vote is a fundamental right."

The DoJ request did not include an information request for compliance with *NVRA* requirements that voter registration forms be made easily available for distribution, for simultaneous voter registration while applying for a driver's license, and that state offices that provide public assistance and services to those with disabilities provide voter registration application forms and assistance.

In the letter, DoJ officials requested a more narrow demand for data relating to supposed issues of fraud, including the number of voters removed from voting lists and how states purge

registrations of people who have died or moved. While it is known that voter rolls include people who have died, there is not evidence to date that such people have voted. States were given 30 days to respond, while the letter from Trump's Commission gave states two weeks.

The Electronic Privacy Information Center (EPIC) filed a Freedom of Information Act request in response to the letter, raising concerns about the reasons for the DoJ request. "The DoJ offered no explanation or justification for the unprecedented time-bound request," the center said. The DoJ action is considered unprecedented, much like the demands from the Trump Commission. Former DoJ civil rights official and professor Justin Levitt told *ProPublica* that "he did not recall a time when the DoJ has previously requested such broad information." Former senior litigator with the DoJ's Voting Section, David Becker called the move unprecedented: "In the quarter-century since passage of the *NVRA*, of which I spent seven years as a DoJ lawyer enforcing the *NVRA*, among other laws, I do not know of the DoJ conducting any other broad-based fishing expedition into list maintenance compliance, whether during Democratic or Republican administrations."

Former deputy assistant general for civil rights Sam Bag-nestos warned: "Let's be clear about what this letter signals: DoJ Civil Rights is preparing to sue states to force them to trim their voting rolls."

Study Shows Strict Voter ID Laws Suppress Voting by People of Color

Rebekah Barber, Facing South

The courts have found that voter identification (ID) laws intentionally discriminate against voters of color. Now newly published research offers details about the laws' politically suppressive effects.

A study led by researchers at the University of California, San Diego (UCSD) that appeared in the *Journal of Politics* shows how strict voter ID laws drive down turnout of racial and ethnic minorities. [...]

To date, few studies have documented the consequences of strict voter ID laws, which require voters to show one of a restricted number of IDs before casting a ballot. The study by Hajnal et al. looked at all 10 states that had strict voter ID laws in place in 2014: Arizona, Georgia, Indiana, Kansas, Mississippi, North Dakota, Ohio, Tennessee, Texas and Virginia. Since then, the Texas law has been struck down by the courts while Wisconsin has adopted one.

Much of the previous research on voter ID effects analyzed elections that occurred prior to implementation of strict voter ID laws. It also relied on self-reported voter turnout, which is

often overstated.

But Hajnal and his co-authors — Nazita Lajevardi of UCSD and Lindsay Nielson of Bucknell University — used data from the Cooperative Congressional Election Study to analyze the validated participation of racial and ethnic minorities during recent elections. They then compared voter turnout in states with strict ID laws to states without such laws.

Like most previous studies on voter ID, theirs found no significant difference in overall turnout when comparing strict and non-strict ID states. However, when they refined their research to specifically examine turnout by people of color, they saw a dip in their participation in states with strict ID laws.

Among the findings:

- In states with strict ID laws, Hispanic turnout was 7.1 percentage points lower in general elections and 5.3 percentage points lower in primary elections compared to states without such laws.

- Turnout among Asian American voters in strict ID states was 5.4 percentage points lower in general elections and 6.7

percentage points lower in primaries.

• There was no significant difference between turnout of African Americans in strict voter ID states and their counterparts in non-strict states in general elections. But in primaries, African American turnout was 4.6 percentage points lower in states with strict ID laws. Given the South's long history of racially discriminatory voter disenfranchisement, the researchers compared the effect of strict voter ID laws in Southern and non-Southern states. They found that the political consequences of voter ID laws were more pronounced in the South, skewing turnout toward the political right in both general elections and primaries.

The researchers offer two possible explanations for the effects of strict voter ID laws. Most obviously, some people simply lack the required ID. For example, Blacks, Latinos, and the poor are more likely to lack transportation to ID-issuing offices that are often miles away, particularly in rural areas of the South.

But the authors also consider that voter ID laws might discourage voting in more subtle ways.

“Where and when these laws are passed, members of certain groups might feel unwelcome at the polls,” they write, pointing to previous research. “This is especially true for racial minorities, who have been the subject of election-related violence at different points in American history.”



Letter to the States from Presidential Advisory Commission on Elections

June 28, 2017

I serve as the Vice Chair for the Presidential Advisory Commission on Election Integrity (“Commission”), which was formed pursuant to Executive Order 13799 of May 11, 2017. The Commission is charged with studying the registration and voting processes used in federal elections and submitting a report to the President of the United States that identifies laws, rules, policies, activities, strategies, and practices that enhance or undermine the American people’s confidence in the integrity of federal elections processes.

As the Commission begins its work, I invite you to contribute your views and recommendations throughout this process. In particular:

1. What changes, if any, to federal election laws would you recommend to enhance the integrity of federal elections?
2. How can the Commission support state and local election administrators with regard to information technology security and vulnerabilities?
3. What laws, policies, or other issues hinder your ability to ensure the integrity of elections you administer?
4. What evidence or information do you have regarding instances of voter fraud or registration fraud in your state?
5. What convictions for election-related crimes have occurred in your state since the November 2000 federal election?
6. What recommendations do you have for preventing voter intimidation or disenfranchisement?
7. What other issues do you believe the Commission should consider?

In addition, in order for the Commission to fully analyze vulnerabilities and issues related to voter registration and voting, I am requesting that you provide to the Commission the publicly available voter roll data for [state name], including,

if publicly available under the laws of your state: the full first and last names of all registrants, middle names or initials if available, addresses, dates of birth, political party (if recorded in your state), last four digits of social security number if available, voter history (elections voted in) from 2006 onward, active/inactive status, cancelled status, information regarding any felony convictions, information regarding voter registration in another state, information regarding military status, and overseas citizen information.

You may submit your responses electronically to ElectionIntegrityStaff@ovp.eop.gov or by utilizing the Safe Access File Exchange (“SAFE”), which is a secure FTP site the federal government uses for transferring large data files. You can access the SAFE site at <https://safe.amrdec.army.mil/safe/Welcome.aspx>.

We would appreciate a response by July 14, 2017. Please be aware that any documents that are submitted to the full Commission will also be made available to the public. If you have any questions, please contact Commission staff at the same email address.

On behalf of my fellow commissioners, I also want to acknowledge your important leadership role in administering the elections within your state and the importance of state-level authority in our federalist system. It is crucial for the Commission to consider your input as it collects data and identifies areas of opportunity to increase the integrity of our election systems.

I look forward to hearing from you and working with you in the months ahead.

Sincerely,
Kris W. Kobach
Vice Chair
Presidential Advisory Commission on Election Integrity

Presidential Executive Order on the Establishment of Presidential Advisory Commission on Election Integrity

White House, May 11, 2017

Establishment Of Presidential Advisory Commission On Election Integrity

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote fair and honest Federal elections, it is hereby ordered as follows:

Section 1. Establishment. The Presidential Advisory Commission on Election Integrity (Commission) is hereby established.

Sec. 2. Membership. The Vice President shall chair the Commission, which shall be composed of not more than 15 additional members. The President shall appoint the additional members, who shall include individuals with knowledge and experience in elections, election management, election fraud detection, and voter integrity efforts, and any other individuals with knowledge or experience that the

President determines to be of value to the Commission. The Vice President may select a Vice Chair of the Commission from among the members appointed by the President.

Sec. 3. Mission. The Commission shall, consistent with applicable law, study the registration and voting processes used in Federal elections. The Commission shall be solely advisory and shall submit a report to the President that identifies the following:

(a) those laws, rules, policies, activities, strategies, and practices that enhance the American people's confidence in the integrity of the voting processes used in Federal elections;

(b) those laws, rules, policies, activities, strategies, and practices that undermine the American people's confidence in the integrity of the voting processes used in Federal elections; and

(c) those vulnerabilities in voting systems and practices used for Federal elections that could lead to improper voter registrations and improper voting, including fraudulent voter registrations and fraudulent voting.

Sec. 4. Definitions. For purposes of this order:

(a) The term "improper voter registration" means any situation where an individual who does not possess the legal right to vote in a jurisdiction is included as an eligible voter on that jurisdiction's voter list, regardless of the state of mind or intent of such individual



(b) The term "improper voting" means the act of an individual casting a non-provisional ballot in a jurisdiction in which that individual is ineligible to vote, or the act of an individual casting a ballot in multiple jurisdictions, regardless of the state of mind or intent of that individual.

(c) The term "fraudulent voter registration" means any situation where an individual knowingly and intentionally takes steps to add ineligible individuals to voter lists.

(d) The term "fraudulent voting" means the act of casting a non-provisional ballot or multiple ballots with knowledge that casting the ballot or ballots is illegal.

Sec. 5. Administration. The Commission shall hold public meetings and engage with Federal, State, and local officials, and election law experts, as necessary, to carry out its mission. The Commission shall be

informed by, and shall strive to avoid duplicating, the efforts of existing government entities. The Commission shall have staff to provide support for its functions.

Sec. 6. Termination. The Commission shall terminate 30 days after it submits its report to the President.

Sec. 7. General Provisions. (a) To the extent permitted by law, and subject to the availability of appropriations, the General Services Administration shall provide the Commission with such administrative services, funds, facilities, staff, equipment, and other support services as may be necessary to carry out its mission on a reimbursable basis.

(b) Relevant executive departments and agencies shall endeavor to cooperate with the Commission.

(c) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (the "Act"), may apply to the Commission, any functions of the President under that Act, except for those in section 6 of the Act, shall be performed by the Administrator of General Services.

(d) Members of the Commission shall serve without any additional compensation for their work on the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, to the extent permitted by law for persons serving intermittently in the Government service (5 U.S.C. 5701-5707). [...]

I • Eliminate U.S. Nuclear Weapons

93% of all nuclear weapons.

While the majority of the world's countries adopted the treaty text and plan to sign the treaty, the U.S. not only refused, it is blatantly acting against it. President Trump continues to threaten first-strike use of nuclear weapons against the Democratic People's Republic of Korea (DPRK) and sent nuclear-armed warships to the region and conducted a massive war game that included practice runs for dropping nuclear weapons on the DPRK. These blatant preparations for aggressive war and threats to use nuclear weapons are crimes against the peace. It is the U.S. committing the crimes, the U.S. with troops occupying south Korea, the U.S. that has used nuclear weapons, not the Koreans.

For the U.S. to be a factor for peace, in addition to the call to *Bring All U.S. Troops Home Now!* increased efforts must be made to demand the U.S. eliminate all nuclear weapons. This includes

condemning the current arrangements where the U.S. president can single-handedly launch nuclear war and demand instead that such decisions, like those to ban nuclear weapons, be in the hands of the people. It is the people that need to be empowered to decide these vital issues of war and peace. So let all work together for a new direction for political affairs, so that the anti-war government needed to secure elimination of nuclear weapons and decisions that favor the people can be brought into being.

People in the U.S. and worldwide have long demanded the elimination of nuclear weapons. They are weapons of mass destruction aimed specifically at destroying human productive capacities, with human beings the main force in those capacities. The U.S. must lead in their elimination, not, as is occurring, spending hundreds of billions modernizing the U.S. nuclear arsenal. Let the U.S. instead join the world's people in signing the nuclear weapons ban treaty!

U.S. a No-Show as Historic Nuclear Weapons Ban Treaty Adopted

Andrea Germanos, Common Dreams

“The United States [refused to sign] a historic United Nations (UN) treaty to ban nuclear weapons, adopted by a majority of the world's countries. One hundred twenty-two nations agreed to the final draft text after weeks of negotiations that were not attended by any of the nine nuclear-armed states, which include the U.S. and Russia [who together possess approximately 93% of the 15,000 nuclear weapons that exist]. Significantly, among those signing the treaty were Iran and Iraq. The Netherlands cast the sole vote against the treaty.

“Right now,” Jeff Carter, executive director of Physicians for Social Responsibility said, “the U.S. government defies its existing disarmament obligations under the Nonproliferation Treaty by planning to fund an extensive buildup of its nuclear arsenal. The ban treaty is the start of a new worldwide movement that gives the United States an opportunity to break from its self-destructive nuclear weapons policy.” He added, “In the twenty-first century, we can no longer pretend that these doomsday devices are instruments of security. The active conscience of the American health community calls on the United States to sign the nuclear weapons ban treaty to ensure that we safeguard our world for the next generation. It is past time that we part from this untenable path. Prohibiting and eliminating these weapons of mass destruction is the only responsible course of action for U.S. nuclear weapons policy.”

Ahead of its adoption, Elayne Whyte Gómez, Costa Rica's ambassador to the UN and president of the United Nations Conference to Negotiate a Legally Binding Instrument to Prohibit Nuclear Weapons, championed the agreement, calling it “the first multilateral nuclear disarmament treaty to be concluded in more than 20 years.”

Noting that the landmark moment comes 72 years after the atomic-bombing of Hiroshima and Nagasaki, an editorial in Japan's Mainichi said: “The international community's firm determination



not to repeat these tragedies is the linchpin of the convention.”

The treaty is based in humanitarian law and prohibits the development, testing, production, possession, or stockpiling of nuclear weapons or other nuclear explosive devices, the transfer of such weapons, and also bans not only their use but the threat of their use. It also calls for states to undertake environmental remediation for areas contaminated by nuclear weapons use or testing, and for states to provide assistance to victims “including medical care, rehabilitation, and psychological support, as well as provide for their social and economic inclusion.”

The treaty insists that the dangers posed by nuclear weapons “concern the security of all humanity,” and also calls the long-overdue elimination of nuclear weapons “a global public good of the highest order, serving both national and collective security interests.”

The International Campaign to Abolish Nuclear Weapons (ICAN) said Thursday it was “overwhelmingly positive about the draft treaty,” adding: “We are on the cusp of a truly historic moment — when the international community declares, unambiguously,

for the first time, that nuclear weapons are not only immoral, but also illegal. There should be no doubt that the draft before us establishes a clear, categorical ban on the worst weapons of mass destruction.”

Dr. Matthew McKinzie, Natural Resources Defense Council Senior Scientist and director of NRDC’s nuclear program, at a U.N. media briefing last month said, “Both the U.S. and Russia are modernizing their nuclear arsenals.”

He added, “That reveals an expectation that instead of reducing

and eliminating nuclear arsenals, we will have these weapons for generations to come. That is not the future we want.” [...]

Added Jon Rainwater, executive director of Peace Action: “Preaching temperance from a barstool never works. The U.S. cannot lead the push for nuclear non-proliferation on the Korean peninsula while it spends billions to maintain one of the world’s two biggest nuclear arsenals. It is time for the U.S. to get off of the barstool and lead by example.”

States can sign on to the treaty starting September 20, 2017.

After the Nuclear Weapons Ban Treaty: A New Disarmament Politics

Zia Mian, Bulletin of Atomic Scientists

A treaty on the prohibition of nuclear weapons was adopted by an overwhelming vote and met with loud cheers this week at the United Nations. More than 70 years in the making, the treaty offers widely agreed principles, commitments, and mechanisms for ending the nuclear weapons age. Getting here was not easy, and achieving nuclear disarmament will still be a long struggle. But the new treaty creates space and means for a creative new disarmament politics based on law and ethics and democracy that go beyond well-trodden debates on the dangers and costs of nuclear weapons and traditional practices of arms control based on step-by-step reductions that limit only the size of arsenals.

Having achieved their goal of negotiating a treaty prohibiting nuclear weapons and aiming explicitly at their elimination, officials from more than 120 countries and countless peace activists who have been engaged in the talks now need to take up the political challenge of having the treaty quickly and widely adopted and owned by publics and governments around the world. The treaty will open for signature on September 20. The treaty adopted this week requires 50 states to formally join before it enters into force. This should occur soon. In the vote at the United Nations, 122 states voted in favor, and only the Netherlands, which hosts nuclear weapons belonging to the United States, voted against.

The treaty is in many ways an attempt to reaffirm — and hold humanity to — the highest universal ideals of a world of peace and justice based on law. It exposes the fundamental contradiction between nuclear weapons and the existing international system. The treaty opens with the simple declaration that the countries adopting it are “[d]etermined to contribute to the realization of the purposes and principles of the Charter of the United Nations.”

Signed on June 26, 1945 in San Francisco, the Charter says, in Article 1.1 that “[t]he purposes of the United Nations are: To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.”

Given this purpose, it should be no surprise that the United Nations has always struggled with the question of nuclear weapons

and has been the primary forum for international demands to eliminate these weapons, which more than any other human instrument constitute a threat to international peace and security. This struggle began in the very first meeting of the United Nations, on January 24, 1946, when the newly formed General Assembly took up as its first order of business the need for specific proposals “for the elimination from national armaments of atomic weapons.” This historic demand is recalled in the preamble to the new nuclear weapons ban treaty.

In framing the obligations of states under the treaty, and by implication the conduct of all states, the preamble makes a case that nuclear weapons are in fundamental conflict with basic humanitarian sensibilities and international law. If the treaty is to ultimately be successful, this view will have to become the common sense of the world.

The treaty’s foundational claims are that “any use of nuclear weapons would be contrary to the rules of international law applicable in armed conflict, in particular the principles and rules of international humanitarian law,” and that “any use of nuclear weapons would also be abhorrent to the principles of humanity and the dictates of public conscience.” Put simply, any use of nuclear weapons would by any reasonable measure be illegal and immoral, and so they should have no place in national policies or human affairs.

On this foundation are built the core obligations of the treaty — which must now become common knowledge. Article I of the treaty states that each state party undertakes never under any circumstances to:

Develop, test, produce, manufacture, otherwise acquire, possess, or stockpile nuclear weapons or other nuclear explosive devices.

Transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices, directly or indirectly.

Receive the transfer of or control over nuclear weapons or other nuclear explosive devices directly or indirectly.

Use or threaten to use nuclear weapons or other nuclear explosive devices.

Assist, encourage, or induce, in any way, anyone to engage in any activity prohibited to a state party.

Seek or receive any assistance, in any way, from anyone to

DEMAND U.S. ELIMINATE ITS NUCLEAR WEAPONS

engage in any activity prohibited to a state party.

Allow any stationing, installation or deployment of any nuclear weapons or other nuclear explosive devices in its territory or at any place under its jurisdiction or control.

These obligations break new ground. The prohibition on threatening to use nuclear weapons, for example, sets up a fundamental challenge to all policies based on nuclear deterrence. From now on, deterrence advocates are on the wrong side of the law, as understood and accepted by the majority of countries in the world.

The treaty requires that nuclear weapons, weapon programs, and weapon facilities be eliminated, in agreed verifiable, irreversible, time-bound plans. It requires any treaty signatory that has nuclear weapons to “immediately remove them from operational status and destroy them, as soon as possible but not later than a deadline to be determined by the first meeting of states parties, in accordance with a legally binding, time-bound plan for the verified and irreversible elimination of that State Party’s nuclear-weapon program, including all nuclear-weapons-related facilities.” [...]

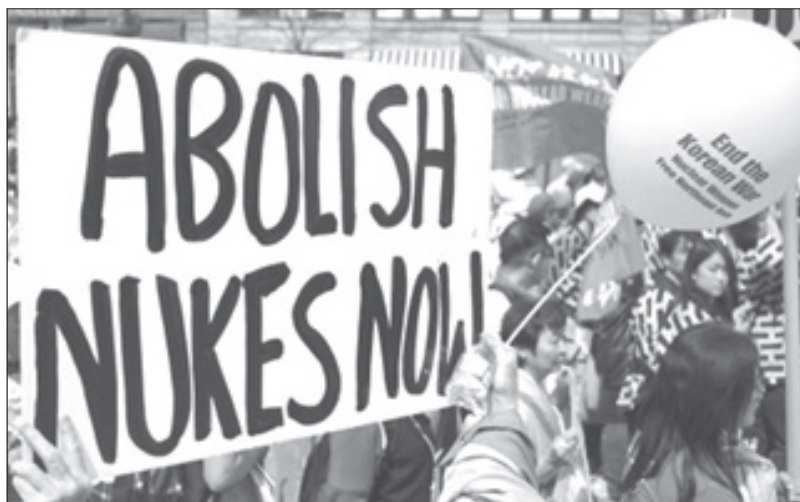
The challenge of nuclear disarmament politics going forward will be getting publics and policy makers in nuclear weapon states (and their allies) to set aside their long held, deeply institutionalized sense of nuclear superiority and moral exceptionalism and accept the treaty’s humanitarian imperative, its lawfulness, and the obligations that follow. The nine countries with nuclear weapons all stayed away from the talks, and some of them will work hard to prevent the treaty gaining ground. [Though the Democratic People’s Republic of Korea, has called for making the Korean Peninsula, and region and nuclear-free zone — VOR Ed. Note].

The key to long-term progress will be the United States, which more than any other country has set the global nuclear agenda since it made the first nuclear weapons and remains the only country ever to have used them in war. It is also the country most responsible for the existing international system.

In a potentially powerful obligation, the ban requires the states that sign up to make membership of the treaty part of their political engagement with the nuclear weapon states. Article 12 of the treaty mandates that states practice disarmament diplomacy and more. It declares that “[e]ach State Party shall encourage States not party to this Treaty to ratify, accept, approve or accede to the Treaty, with the goal of universal adherence of all States to the Treaty.” This will require new kinds of official and public engagement with weapons states and opens the door for new kinds of transnational citizen diplomacy on disarmament. A key step in the new disarmament politics must be discussion of the forms that this encouragement can take, and what role citizens of ban treaty states and of nuclear weapon states can and should play in this effort.

But persuading nuclear weapons countries to join the treaty will not be easy. It will require that governments and citizens use new forms of international politics that the treaty empowers.

For example, politically charged demands for nuclear disarmament can now be brought up when presidents and prime ministers from ban treaty states meet with their counterparts in nuclear



weapon states. Along with trade, investment, tourism and sports delegations, ban treaty countries can now sponsor disarmament delegations, to explain why they signed the treaty — and why weapon states should do the same. Along with these types of engagement, there can also be sanctions and boycotts. The ban treaty permits a politics of nuclear naming and shaming, shunning and divestment. These tools are well established when it comes to human rights and war crimes; they can be applied with new force to nuclear weapon sites, institutions, officials, and employees. [...]

If they are to prevail, the ban treaty states will need to hold together and present unified demands — at the General Assembly and in other international forums — that weapon states join the treaty. They can hold joint Article 12 summits and support campaigns in the weapon states to focus attention and build support for the treaty.

Ban treaty states could seek to further embed the treaty’s prohibitions into international law by seeking an amendment to the statute of the International Criminal Court to make the use of nuclear weapons a war crime. The court’s statute permits such an amendment if it relates to “weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition.” The ban treaty is a comprehensive prohibition, and many ban states are signatories of the International Criminal Court statute and could build a majority in support of such an amendment.

Above all, to be taken seriously by the nuclear-weapon states, the growing community of ban treaty states and peace activists worldwide must be willing to continue to be bold and take political risks, as they did in getting the treaty. They must put at the heart of their relationship with the weapon states the treaty’s acknowledgment of “the ethical imperatives for nuclear disarmament and the urgency of achieving and maintaining a nuclear-weapon-free world, which is a global public good of the highest order, serving both national and collective security interests.” Having prohibited nuclear weapons as an ethical imperative, there is now no way back.

(Zia Mian is at Princeton University’s Program on Science and Global Security.)

I • Make U.S. a Factor for Peace

missiles. And while Iran recently supported the nuclear weapons ban treaty and the DPRK has called for a nuclear weapons free zone in the region, the U.S. has threatened pre-emptive nuclear strikes and brought three nuclear carrier strike groups to the area. It is not the DPRK that has 28,000 troops occupying south Korea, it is not the DPRK that has warships and bombers engaging in war games in the region, it is not the DPRK that has used nuclear weapons. These are crimes of the U.S. Taking even more “severe” action will not contribute to peace in the region.

Further, Secretary of State Tillerson threatened all countries, including China, that do not submit to U.S. demands to isolate and sanction the DPRK: “Any country that hosts North Korean guest workers, provides any economic or military benefits, or

fails to fully implement UN Security Council resolutions is aiding and abetting a dangerous regime. All nations should publicly demonstrate to North Korea that there are consequences to their pursuit of nuclear weapons.” In this manner the U.S. is threatening all the many countries that have relations with the DPRK.

Threats of nuclear attack and other war preparations in no way contribute to peace, something demanded by all the peoples of the region and the U.S. There is a clear path forward for the U.S. to be a factor for peace. It begins by ending all its threats and instead signing a peace treaty with the DPRK. Then *Bring All U.S. Troops Home Now*, so as to leave the Koreans free to sort out their problems on their own terms and secure peaceful reunification, the ardent desire of all, south and north.

U.S. War Games Are Crimes Against the Peace

The U.S. continues to increase its preparations for war against the Democratic People’s Republic of Korea (DPRK), deploying warships and carrying out war games — all crimes against the peace. The U.S. has deployed the USS Nimitz strike group in the western Pacific. The nuclear carrier strike group will kick off a naval operation targeting the DPRK. It joins the already deployed Ronald Reagan and Carl Vinson nuclear carrier strike groups. This means three naval strike groups with their aircraft are in the region, all as a means to threaten the Koreans.

On June 20, the U.S. brought its B-1B bombers, stationed on Guam, to south Korea to stage a mock nuclear bomb dropping drill. The U.S. also brought long-range air-to-surface missiles to its airbase in Kunsan, North Jolla Province of south Korea in a bid to strike Pyongyang, the capital city of the DPRK, and other major strategic objects. And it had the commander of the

Second Division of its army present in south Korea publicly call for “scaling up south Korea-U.S. joint drills.”

These war preparations, which follow massive war games in March and April, show the U.S. is preparing for a nuclear war on the peninsula, something it continually threatens with its calls for pre-emptive nuclear strikes. While Trump has recently said he will use “maximum pressure and engagement,” facts on the ground show use of military might is planned.

The DPRK has repeatedly called for making the region a nuclear-free zone and expressed its willingness to take the necessary steps to eliminate nuclear weapons. It is the U.S. that refuses to do so. It is also the U.S. that refuses to sign a peace treaty to finally end the Korean War and contribute to peaceful relations. It is the U.S. that is the threat in the region, as its warships and troops show. U.S. crimes against the peace are the greatest danger and must be vigorously opposed.

17TH ANNIVERSARY OF THE KOREAN NORTH-SOUTH JOINT DECLARATION

The Korean People’s Movement for Reunification Is Determined to Prevail

Yi Nicholls

June 15, 2017 marks the 17th anniversary of the signing of the June 15 North-South Joint Declaration between north and south Korea. This was an historic event that gave impetus and encouragement to the Korean people’s movement for the reunification of their divided country, which is their ardent desire.

It was the U.S. that divided Korea through force of arms following the Second World War, and which keeps Korea divided to this day. If the U.S. military occupation of south Korea is ended and the Korean people are left to solve their own problems without outside interference, the whole country will move toward reunification. This is what the U.S. will not permit. The U.S.

refusal to sign a Peace Treaty to finally the end of hostilities of the Korean War serves to make sure that the Korean people are not able to exercise their sovereign will and establish institutions that genuinely reflect it.

The U.S. divided Korea along the 38th parallel to impose its geopolitical imperialist interests in the Cold War period. Korea was to become a forward staging ground for U.S. wars of aggression against China and the Soviet Union and the Korean people were to be cannon-fodder in these plans. The south of Korea was first occupied by the U.S. Army Military Government in Korea from 1945 to 1948 to ensure that the U.S. could lay

U.S. TROOPS OUT OF KOREA

claim to all the factories, mines, and other industries that the Japanese had developed in Korea for their war machine during World War Two. The U.S. then instigated the Korean War in 1950 to expand its occupation to all of Korea. This plan was defeated by the Korean people united around the Korean People's Army, which forced the U.S. to sign the Armistice Agreement in 1953.

The U.S. continues to maintain a hostile presence on the Korean Peninsula and its ongoing refusal to sign a peace treaty with the Democratic People's Republic of Korea (DPRK) — as demanded by the Armistice Agreement which ended the fighting in the Korean War — shows its true intentions. The signing of such a treaty would not only contribute to peace and stability on the Korean peninsula, but would stabilize the region and favor not only the Korean people but also the peoples of Asia and the world. Such a peace treaty would also be an important step towards Korea's national reunification.

Another factor in the U.S. refusing to permit reunification is their deathly fear of a reunified Korea, which would be an economic powerhouse, a champion for the independence and self-determination of all nations and peoples, and a nail in the coffin of Anglo-American imperialism.

Today the U.S. is beating the war-drums against the DPRK to keep the Korean people divided and U.S. troops and weapons of mass destruction in the south. The U.S. spreads disinformation about the system, the people and government of the DPRK to sabotage the movement for reunification.

The Korean people can make headway in their striving to reunify their country so long as both sides are guided by the spirit of genuine openness and co-operation codified in the June 15, 2000 Joint Declaration. When the pro-U.S. Lee Myung-bak government took office in south Korea in 2007, the U.S. again introduced a hostile spirit in north-south relations. This hostile attitude was carried forward by the government of Park Geun-hye, which came to power in February 2013. President Park, the first woman President of south Korea, was deposed due to her rampant corruption. She is the daughter of the anti-communist pro-U.S. dictator Park Jung-hee who ruled south Korea with an iron-fist from 1961 to 1979, when he was assassinated by the head of his own security unit.

President Park was herself hostile to the independent Korean re-unification movement and openly said that south Korea must forge stronger economic and military bi-lateral relations with the U.S. She extended the U.S.-south Korea Joint Military Command structure beyond December 2015



in violation of an earlier agreement signed between the U.S. and south Korea and did so to keep the Command in the hands of the U.S. What is more, the Park government agreed that south Korea would assume more of the “non-military” costs of the U.S. military presence in south Korea which amounts to \$1.5 billion today. Under her regime, south Korea became the single greatest purchaser of U.S. weapons for the foreseeable future. The Park government also stepped up criminalization of the Korean reunification movement and targeting and criminalizing of pro-reunification activists under the notorious anti-communist National Security Law introduced by the U.S. into south Korea in 1948.

This year, however, under the new government of Moon Jae-in in south Korea, there are prospects to revitalize north-south relations. President Moon has indicated that he is keen to re-open the Kaesong Industrial Zone, which operated for more than a decade, as a joint north-south economic project for mutual benefit. It was unilaterally ended by the Park government in March 2016.

Moon's new government has so far approved close to 10 requests from humanitarian organizations for contact with organizations in the north, with many other requests pending approval. Especially significant is that 100 members of the South Korean Committee for Implementing the June 15 Joint Statement have approval to travel to Pyongyang to celebrate the 17th anniversary of the North-South Joint Declaration. These are all positive developments that encourage the efforts for the Korean people to come together to resolve the problem of the re-unification of Korea, and together stay the hands of the U.S. imperialists.

Driving the U.S. military occupiers out of south Korea is necessary for national reunification to succeed. Despite the challenges facing them, the Korean people, relying on the justice of their cause, their own political unity and through their own peaceful efforts are holding high the banner of national reunification and carrying it forward.

*U.S. Troops Out of Korea!
Korea Is One!*

South Korean Villagers Blockade US THAAD Missile Base

Yoichi Shimatsu, 4th Media

This idyllic valley of peach orchards, melon patches and tiny swatches of rice paddy is humming, not with bees but from an odd whine as irritating as a buzzing mosquito. The tinnitus-like sensation in one's inner ear comes from the X-band range of the electromagnetic spectrum, which borders on the frequency of microwave ovens. The X-band waves, approximately 3 centimeters in height, cause water molecules to jiggle, and since the human body is about 90 percent water, anyone who gets close enough to the radar unit will boil like a one-minute meal. The interior of the ear is especially sensitive because the microwaves cause its fluid, called the endolymph, to heat up, resulting in the hydrops disorder, which causes dizziness, loss of balance and falling.

Meanwhile, the vibrations of a powerful electricity generator for the radar unit rumble through the granite of the surrounding peaks, causing infants to cry and villagers to lose sleep. The alien disruptions are coming from a missile-interceptor system operated by the U.S. Army's Ballistic Missile Defense Command (BMDC) located just a kilometer around the bend, installed a year ago in late August 2016.

By early autumn the disruptive sonic emissions triggered nonviolent protests by thousands of residents from here and nearby Gimcheong township. When Army trucks forced their way through the crowds, the villagers responded by raising barriers of granite stones and a manned checkpoint to block the only road into the missile site. To avoid negative publicity from truck collisions, the U.S. Army decided to ferry in personnel and supplies by helicopter to the missile camp. For months, the rattle of low-flying choppers has further aggravated local tempers against the unwanted invaders.

Are the village fears about radar threats to human health exaggerated, just another instance of rural folklore? The authoritative answer came from the American captain who commanded the first THAAD deployment a decade ago in Shariki, northwest Japan. "The system is serious — it could burn a person standing in the wrong place at the wrong time." With its range of 1,000 miles (twice that when the reflection off a target is included), military X-band is millions of times more powerful than an average household microwave oven.

End to the Morning Calm

On orders from the presidential Blue House, the national police reacted by preventing the villagers from marching on the military installment by posting "No Entry" signs further up the lane at a crossroads. There, two monks and a nun are sitting under a canopy, appealing for removal of the war-making equipment from this valley, the one-time parish of the second-ranked founder of the Korean faith known as Won Buddhism. The aluminum poles of their first tent, smashed by the police, are piled on the roadside.

Along the walk back to the village center, a shopkeeper offers me a sample of the small yellow melons that put Seongju on the nation's culinary map. Peeled and sliced, the fruit renders a sweet and mildly salty flavor, a perfect counter to fiery kimchee. Under an open-air roof, local parishioners are conducting the Won liturgy of bowing and supplicating for peace and calm.

There I am greeted by Im Sun Bung, the leader of village's women's committee, which provides social support and counseling for mothers and children. "We cannot accept that the peaceful tradition of our village has been violated for war-making," she explained. "My farmland's been in my brother's family for a century, and before that with our ancestors for countless centuries. This military intrusion is intolerable."

The police presence forces me to walk with a young Won monk through the woods for a view of the missile site. Along the way, the orchards are visibly bare of green fruit. According to student volunteers from a teachers' college in Busan, X-band radar has been causing arboreal sterility for the first time ever in the centuries-long history of Seongju. I noted the absence of bees among the few roadside flowers. The valley is dying.

A strenuous climb straight up a hillside eventually reached a geological rosary of limestone boulders, called since ancient times Bodhi Peak. Its namesake is Bodhidharma, the Indian-born founder of Zen who meditated inside the Shadow Cave at Shaolin, the world-renowned center of kungfu. [...] At the summit, monk Kang said, "The peace and calm of this sacred valley has been broken by the deployment of weapons of war."

The Long Valley

Down below, a narrow road curves a kilometer from Seongju village on our right (east) to the Lotte Sky Hill golf resort, where an 8-barreled THAAD launcher pointed at the sky sits on the fairway near the 18th hole. It is an empty shell because the missiles have yet to be delivered from Raytheon's factory in Alabama. They are not needed anyway because the real weapon is the X-band radar.

The upland valley was chosen over a nearby South Korean artillery base because of its altitude of more than 600 meters above sea level, which provides a head-start against incoming ballistic missiles dropping down from the upper atmosphere. On the other side of the lozenge-shaped golf course, rugged hills extend northward, cupping the upper floors of apartment blocks in Gimcheon town. The monk jokes: "The American soldiers seem to enjoy playing golf without paying the price of a club membership."

On the far side of the fairways are a huge twin-towered country club, which serves as the command-and-control center for the THAAD launchers, and a red-roofed luxury hotel, now used as barracks for 100 artillerymen and defense contractors with Academi (formerly known as Blackwater).

Peering through heavy binoculars, I notice the truck-mounted X-band radar nestled under the cover of trees by a southside pond. Then a sideways scan shows a clutter of containers and long steel boxes, probably containing mid-range rockets, then a Patriot launch vehicle that was delivered piecemeal and was now being assembled.

This is a stunning discovery because the Pentagon had argued that the THAAD batteries were necessary to protect South Koreans from Pyongyang's ballistic missiles, the ground for gaining permission from the since-deposed government of President Park Geun-hye. In contrast to THAAD, which targets large high-altitude missiles during their re-entry into the atmosphere, the Patriot system focuses on low-flying intermediate-range rockets.

Why, nearly a year after the THAAD deployment, was a Patriot-3 unit being deployed here? The answer was obvious: To defend the supercarriers USS Carl Vinson and Ronald Reagan against land-to-sea anti-ship missiles. The Patriot, and probably the THAAD X-band radar too, are not here to protect South Korean cities but to provide with U.S. armed forces with an offensive military advantage against north Korea, and possibly China and Russia as well.

Focusing the zoom of my digital camera toward the Patriot launcher, I realized that this was the portrait of yet another tall tale from the Pentagon, in line with the Tonkin Gulf incident and the Saddam WMD story.

Target China and Russia East

If the actual focus of the Raytheon-Lockheed Martin THAAD system at Seongju is north Korea, then it is completely superfluous, a ridiculous waste of \$1 billion in American taxpayers' money. The Democratic People's Republic of Korea (DPRK) is already triple-covered by the three THAAD X-band systems already based in Japan, including the Japan Air Self-Defense Force (ASDF) stations at Shariki, Tsugaru district on the northwest tip of Honshu, Kyotango, Kyoto Province, near the Maizuru naval base on the Japan Sea/East Sea, and Kadena Airbase in Okinawa. The wave-interference of double coverage by X-band radar enables detection of flying objects at a millimeter level. Therefore, the X-band radar in South Korea is aimed at the Shenyang Military District in Northeast China and at Beijing.

The X-band radar component has a minimum range of 1,000 miles, meaning the Japanese installations cover the entire Asian continental airspace over the Sea of Okhotsk down to Hainan, the major Chinese naval base in the South China Sea. The former



designation of THAAD, which was FBXT (Forward Base X-band Transportable) gave away the fact that THAAD is not a defensive system; rather so-called missile defense provides a cover for over-the-horizon aerial surveillance, aircraft targeting and electronic warfare. THAAD is a weapon of offense being deployed against China's People's Liberation Army and the Russian Eastern Military Region, which includes the naval base at Vladivostok and forward bases in Kamchatka.

The concept of "kinetic" interception, or direct hits on incoming ballistic missiles, is preposterous, with the only "proof" being rigged repetitive tests at a 25-kilometer-wide target range at Kwajalein atoll in the Marshall Islands. The real mission is to detect aircraft and missiles deep inside enemy territory and knock out their electronic piloting systems.

The electronic warfare role of X-band radar ("X" stands for Top Secret) and other passive-array radar (PAR) has been demonstrated time and again in accidents and blackouts. The first known shipboard PAR-caused incident occurred in October 1986, which was immediately hushed-up, according to one of the crew members who told me: "Admiral (then captain) Jeremy 'Mike' Boord was an enthusiastic advocate of high-tech innovations, including advanced radar. After the commissioning of a new navy ship, he ordered the crew to switch on the radar and it immediately knocked out the power at LAX (Los Angeles International Airport) and grounded all the flights." [...]

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CANADA AT 150 NEEDS RENEWAL

The Need to Build Canada on the New Historical Basis

Communist Party of Canada (Marxist-Leninist), cpcml.ca

Canada Day 2017 marks the 150th anniversary of Confederation established by the Royal Proclamation of 1867. Today, Canadians face the necessity to enact a new Constitution to replace the one used to found Canada in the conditions that prevailed in 1867. They need to provide Canada with a modern constitution that abolishes the Royal Prerogative on which the present Constitution is based. They need a constitution that vests sovereignty in the people and gets rid of the police powers which maintain privileges in lieu of rights.

A modern constitution for Canada is needed to end the colonial injustice and old arrangements suffocating the Indigenous peoples. Such a constitution must implement the principle of nation-to-nation relations. It must recognize Quebec's right to self-determination and recognize the rights of citizens and residents by virtue of being human. It must provide these rights with a guarantee and a modern political process and forms of governance where members of the polity have a say and control and practical means to hold to account those in government.

A modern Canada and constitution are needed to stop the nation-wrecking of those who have submitted the country to the decision-making power and empire-building of foreign powers and financial interests, supranational trade arrangements and U.S.-led military alliances and wars. Canada needs

independence so Canadians can develop modern human relations amongst themselves and with all humanity.

Canada needs a Constitution that recognizes the rights of all human persons by virtue of being human. It requires a modern political process based on equal membership in the body politic. The renewal of the political process is required so that citizens and residents can directly decide the matters that concern them and affect their lives, solve problems and take up in earnest the humanizing of the social and natural environment.

Canada also needs an anti-war government that makes Canada a zone for peace and demands that problems in international relations are solved without violence and war.

History calls on the peoples of Canada, Quebec and the Indigenous peoples to establish modern arrangements amongst themselves based on a free and equal union of sovereign entities. The challenges are great but the present conditions beckon us all to be up to the task to build a bright future where the rights of all are guaranteed.

Let the working class constitute the nation and vest sovereignty in the people with a modern constitution that builds Canada on the new historical basis!

All Out to Build the New!

NEW BILL TO STRENGTHEN SECRET POLICE POWERS ON EVE OF CANADA 150

All Out to Oppose the Trudeau Government's Police State Bill C-59!

No to police dirty tricks and their legalization!

The Communist Party of Canada (Marxist-Leninist) denounces the dangerous anti-social direction the Trudeau government is taking Canada's national security regime. The Liberal government introduced Bill C-59, an Act respecting national security matters, in the House of Commons on June 20. The act broadly expands secret police powers and proposes to enshrine these and the powers of previous security bills as part of the rule of law and make them constitutional.

The Liberal direction makes a mockery not only of the conception of a rule of law but also of civil rights and civil society. To proclaim with such fanfare to "constitutionalize" police powers on the eve of Canada 150, shows how anachronistic Canada's constitution has become, and the necessity for democratic renewal and a modern constitution that provides the rights of all with a guarantee. CPC(M-L) calls on Canadians to take up the work for democratic renewal and a modern constitution as a matter of greatest importance.

The proposed measures of the Trudeau government are an insult to the hundreds of thousands of Canadians who took action to stop and repeal the previous Harper legislation Bill C-51,

the Anti-Terrorism Act, 2015. Similar to Bill C-51, Trudeau's Bill C-59 is an omnibus bill that amends or enacts various laws making many changes to the powers of the security agencies. Far from responding to the clearly expressed demand to repeal Bill C-51, the Liberals' new police state bill responds instead to the demands of the secret agencies within the imperialist system of states to maintain and enhance their powers. The claim that changes to existing laws proposed in Bill C-59 "support the consistency of these powers with the [Charter of Rights and Freedoms]," merely shows that the Charter itself is subordinate to the police powers and their "reasonable limits" decided by the state, not the people.

Bill C-59 Must Not Pass!

Bill C-59 further entrenches the unacceptable powers contained in Bill C-51 and must not pass! CPC(M-L) states clearly that it is not a matter of amending this new bill but withdrawing it altogether, along with the anti-terrorism legislation enacted by the previous Harper government.

Besides playing with words, of which the Liberals are past masters, the new Bill C-59 does not undo a single secret police

OPPOSE POLICE STATE MEASURES

power in the former Harper government's Bill C-51.[1] The act continues the efforts demanded by the imperialist system of states since the post-9/11 Anti-Terrorism Act towards "modernizing" Canada's national security laws. The aim of this "modernization" is to enshrine and legalize the powers already used illegally by state agencies against the people and to streamline their use. The fact that this is what all the recent "anti-terrorism" laws in Canada have done was made clear by the House of Commons Standing Committee on Public Safety in May 2017 which noted, "CSIS had been engaging in disruption activities for some time inside Canada, although the [CSIS Act] did not expressly authorize it." [2]

This now includes the legalization and constitutionalization of military espionage and sabotage activities already carried out by the Communications Security Establishment (CSE). CSE activities, including cyberattacks and interference in foreign countries, are now to be codified in the name of protecting national security and Canada's democratic institutions.

With Bill C-59, the Anglo-Canadian state has apparently recovered from the shame of the 1977-1981 McDonald Commission into RCMP wrongdoing. The act explicitly legalizes every nefarious activity the Commission cited as reason to curtail the RCMP's role as political police and create the Canadian Security Intelligence Service (CSIS). While Harper's 2015 Anti-Terrorism Act left more or less ambiguous and subject to judicial discretion the "disruptive" actions CSIS officers can take, Trudeau's Bill C-59 explicitly authorizes every tool in the police kit of dirty tricks. With tongue in cheek, the Liberal government claims the dirty tricks spelled out in the act fall short of causing bodily harm or engaging in torture and obstruction of justice, sexual assault and kidnapping.[3] Everyone knows that similar rules for CSIS and previously for the RCMP did not stop those police state agencies from engaging in practices outside their legal authorization.

Refusing to address any serious concern with the police powers in Bill C-51, the proposed act declares those and other powers "constitutional." Using trite phrases, the government states that nothing on the list of powers "authorizes the infringement of a right or freedom guaranteed by the Charter." As was the case under Bill C-51, these police powers are supposed to be subject to some kind of judicial authorization, the hearings for which take place in camera based on evidence the police themselves provide. Whereas Bill C-51 required judicial authorization to violate the Charter, CSIS must now go before a judge in a secret court when an action would "limit rights or freedoms under the Charter" to have the judge declare that the Charter will not be infringed.

Bill C-59 doubles down on the powers of CSIS and other agencies to criminalize and subvert all those fighting for change. The act targets Canadians organizing for modern constitutional arrangements that enshrine the rights of Quebec and the Indigenous nations to self-determination and, importantly, the rights of the citizenry to have decision-making power vested in the people.

CSIS black ops and dirty tricks are explicitly directed against



not only "espionage, sabotage, foreign influenced activities" and "terrorism," but also any "activities against the constitutionally established system of government in Canada," which the act labels "domestic subversion." Bill C-59 confirms that "advocacy protest, dissent, and artistic expression activities" can be subject to broad information collection and sharing among state agencies if "any of these activities are carried out in conjunction with activities that undermine the security of Canada," using the virtually limitless definition of those activities already found in Bill C-51.

Communications Security Establishment

The Liberals' Bill C-59 is further an aggressive, warmongering piece of legislation that creates a legal veneer and official authorization for the CSE and the surveillance and cyberattacks it conducts against Canadians and foreign countries and peoples.

The CSE was established in secret in 1946 with its existence not revealed until 1974. It was not officially recognized until given a limited official mandate in the 2001 Anti-Terrorism Act. The CSE occupies a 110,000 square meter (12,000 square yards) headquarters in Ottawa completed in 2015 at a cost of more than \$1.1 billion. With over 2,000 employees, its annual budget exceeds \$600 million.

Despite being officially prohibited from carrying out activities against Canadians, the CSE has repeatedly been found to do so yet never held to account. Many of these activities are now to become "legal" including the collection and use of "publicly available information" about Canadians. This includes the acquisition of "aggregations [of information about individuals] using

modern technologies and then offered for sale by data-brokers.”

Furthermore, the assurance that the CSE does not spy on Canadians has been from its beginning duplicity at its worst. Through its participation in the Five Eyes or ECHELON surveillance arrangement with the U.S., Britain, Australia and New Zealand, each nation can spy on the citizens of the other Five Eyes and provide that information to all members yet still deny “legally” that each nation spies on its own people.

Not unlike what Bill C-51 did in officially expanding CSIS powers from intelligence-gathering to “disruption,” Bill C-59 changes the mandate of CSE from data-collection to conducting “cyber-operations.” The CSE “would be authorized to conduct both “defensive cyber operations” and “active cyber operations.”[4] The term “active” is a thinly veiled euphemism for “offensive” or “aggressive” operations.

Anti-People Aim and Mandate of Bill C-59

CPC(M-L) calls on Canadians to look seriously into the question of whether these police state measures are to protect the government of Canada against alleged nefarious foreign actors, or to protect powerful private interests and disrupt the people’s resistance struggles and opposition to the denial of their rights, especially the right to conscience and to organize themselves for a new pro-social direction for the country.

The answer lies in what the bill mandates. The new Bill C-59 mandates the CSE to “defend” private organizations and networks including to “more extensively share information” with “the owners of critical infrastructure.” The CSE’s offensive role will be used “in support of the government’s broader strategic objectives” and may include “action online to disrupt foreign threats, including activities to protect our democratic institutions, counter violent extremism and terrorist planning, or counter cyber aggression by foreign states.”

All of this is stated without providing a single guarantee for the rights of the citizenry. The people are expected to take comfort from the formation of new state agencies the Liberals are creating to “review” the actions of their fellow state intelligence agencies. And of course, as the Liberals always enjoy saying, the Charter will not be violated, at least not unless certain “reasonable limits” decided by the state have been breached. In this scheme, Canadians are clearly fair game on whatever grounds the state deems fit.

The Liberal fraud is to “legalize and constitutionalize” in detail all the police state powers and how they will be exercised.



This means that according to the Liberals, now CSIS, CSE and other agencies will operate within the rule of law and under civilian control as outlined in Bill C-59. One example of the absurdity of this claim regards the CSE. It is a military agency operating under the Department of National Defense yet the Liberals claim it is “accountable to the Privacy Commissioner of Canada, the Auditor General, the Information Commissioner of Canada, the Canadian Human Rights Commission, and the Commissioner of Official Languages.” The government contends CSE, and presumably its military headquarters and generals, which by definition under the present constitution and state arrangement operate outside the rule of law, will also be “accountable” to a new government-appointed administrative position called the Intelligence Commissioner.

Canadians exercise no control over any state agencies, let alone CSIS, CSE and the military. Their police powers are by definition above the rule of law and their “civilian control” is subordinate to the police powers. The CSIS, CSE and the military, for example its Joint Task Force 2, have been embroiled in repeated scandals during recent years, not to speak of the RCMP wrongdoings detailed in the McDonald Commission. These agencies are caught red-handed doing something objectionable and outside the law; they or the government, issue a statement that they will correct themselves and then carry on with business as usual. This includes incidents that put the lie to the claim that CSE does not collect information on Canadians, and that CSIS does not infiltrate and try to subvert legal institutions. CSIS was found to do just that, for instance, to the Canadian Union of Postal Workers since the 1970s including infiltrating workplaces.[5]

The Liberal government has fabricated a story that its anti-people “modernization” of Canada’s spy agencies amounts to increased “transparency” and “accountability.” To fool the gullible, it covers up its aim for increased police powers outside and in opposition to any rule of law by presenting two different and opposing demands, as if they are on par and equilibrium can be found -- those of the state agencies for increased powers, and those of Canadians to defend rights.

The Liberals state, “Successive CSE Commissioners have called on the governments of the day to clarify ambiguities in CSE’s legislation and increase transparency. Canadians have also been clear that they are looking for increased accountability and transparency of their security and intelligence agencies.”

As well, the creation of various new state agencies appointed under the Prime Minister’s prerogative powers — an

“Intelligence Commissioner” to authorize various measures, a “National Security and Intelligence Review Agency” to achieve the much-vaunted goal of eliminating “silencing” of information amongst agencies and a “Center of Expertise on Information Sharing” — are all presented as measures strengthening accountability rather than the further concentration of police powers to the detriment of peace, freedom and democracy.

Canadians have clearly opposed the powers in Bill C-51 as well as those contained in earlier “anti-terrorist” legislation, none of which seriously defined terrorism or what constitutes a terrorist. Expanding the trend in Bill C-51, the Liberals’ new security Bill C-59 can paint as terrorist anyone who opposes the “constitutionally established system of government in Canada” or what “the government’s broader strategic objectives” dictate as a potential threat. Those targeted are subjected to police measures contained in the mandates of the national security agencies. The targets include the political movements of the people against war and the violations of rights, those opposed to the illegitimate institutions within the imperialist system of states such as NATO, the G7, etc., which the government claims are in the national interest, and the independent institutions of the working class organized to defend its rights at the place of work and to lead the building of the new.

Denounce Bills C-51 and 59 Across the Country

CPC(M-L) calls on the Canadian working people, youth and others to speak up against Bills C-51 and Bill C-59 from coast to coast. Canadians have found in recent years repeated examples of state agencies themselves organizing alleged terror plots and targeting the most vulnerable.[6] Bill C-59 further enshrines all these unacceptable anti-social, anti-people and anti-national activities and wants them to be accepted as the new normal.

Despite praise for Bill C-59 and calls for supportive amendments from the Liberals’ social base, particularly those in the monopoly media, universities and think-tanks, the fact remains that Bill C-59 is even more dangerous than the Harper government’s Bill C-51. Similar to previous “anti-terrorism” bills, the changes to Canada’s security regime are not to counter foreign threats to the so-called democratic institutions but are measures dictated by the espionage agencies of the biggest warmongering foreign powers to serve their empire-building and to repress the people’s striving for peace, democracy and freedom.

The measures do not answer to the needs of Canadians whose security lies in their fight for the rights of all and not in a police state. With the passing of Bill C-59 the people’s lives will become more insecure as a result of increasing state-organized dirty tricks, black ops, defamation and disinformation, which will be declared acceptable in practice and legal. Canadians said No! to Bill C-51 and its secret police powers, which contributed to the massive opposition to the ruling Conservative Party of Stephen Harper. Canadians are now charged with saying No! to Bill C-59 of the Trudeau Liberals. Affirm in your thousands that *No Means No!*

Our Security Lies in Our Fight for the Rights of All!

*A Modern Constitution and Democratic Renewal
Must Provide Our Rights with a Guarantee!
All Out to Oppose the Trudeau Government’s Police State
Bill C-59!
No! to Bill C-59 Means No!*

Notes

1. The sole exception is the reverting of the threshold for judicial authorization for a recognizance order (peace bond) against an individual to its pre-Bill C-51 level. “Under the proposed legislation, a recognizance would need to be ‘necessary to prevent’ a terrorist activity instead of ‘likely to prevent’ it.”

2. Report 9 — Protecting Canadians and their Rights: A New Road Map for Canada’s National Security.

Documents provided by former U.S. intelligence contractor Edward Snowden to the U.S. news website The Intercept in 2015, show that with regards to CSE, “Canada’s electronic surveillance agency has secretly developed an arsenal of cyberweapons capable of stealing data and destroying adversaries’ infrastructure....” See “Documents Reveal Canada’s Secret Hacking Tactics,” Ryan Gallagher, The Intercept, May 23, 2015.

3. The explicit police powers above the rule of law given to CSIS include:

“altering, removing, replacing, destroying, disrupting or degrading a communication or means of communication;

“altering, removing, replacing, destroying, degrading or providing — or interfering with the use or delivery of — any thing or part of a thing, including records, documents, goods, components and equipment;

“fabricating or disseminating any information, record or document;

“making or attempting to make, directly or indirectly, any financial transaction that involves or purports to involve currency or a monetary instrument;

“interrupting or redirecting, directly or indirectly, any financial transaction that involves currency or a monetary instrument;

“interfering with the movement of any person; and

“personating a person, other than a police officer, in order to take a measure referred to in any of paragraphs (a) to (f).”

4. This includes “defensive” measures to “help protect”:

“federal institutions’ electronic information and information infrastructures; and electronic information and information infrastructures designated by the Minister as being of importance to the Government of Canada.”

As well as, “active” measures to “degrade, disrupt, influence, respond to or interfere with the capabilities, intentions or activities of a foreign individual, state, organization or terrorist group as they relate to Canada’s defense, security or international affairs.”

5. See “Postal Workers Concerned about Bill C-51,” Canadian Union of Postal Workers, March 25, 2015.

6. For one example, see “Ongoing Court case Over RCMP/CSIS Sting Operation,” Renewal Update, February 8, 2016.

(All quotes are from Bill C-59 or CSIS and Trudeau government statements on Bill C-59 unless stated otherwise.)

Make Canada a Factor for Peace, Not War and Aggression!

Windsor Peace Coalition

July 1 is the 150th anniversary of the establishment of the Canadian confederation through Royal Proclamation. On this occasion we encourage everyone to together affirm that we want Canada to be a force for peace in the present and future, not an instrument of colonial domination, war and empire as has been the case for the last 150 years.

Since 1867 successive governments, whether Liberal or Conservative, have negated the hereditary and other rights of Indigenous peoples, placed Canada's territory, resources and youth in the service of expeditionary wars, enforced colonial arrangements and participated in the attempts to suppress Soviet Russia in 1918, and in the suppression of the anti-colonial movements of the peoples of India, Africa and other countries fighting for independence and liberation.

First Canada participated in the service of the British imperialists and their quest to maintain their empire. In World War II Canadians joined the world's peoples to fight fascism, occupation and militarism. Following this however Canada joined the U.S. in launching the Cold War and, under the guise of fighting communism, Canada became a willing instrument of the U.S. imperialists through the aggressive military and political alliances NATO and NORAD. This led to the suppression of the right to conscience at home and the deployment of Canada's military to serve U.S. aims abroad, beginning in Korea and most recently in Iraq and Syria as well as Ukraine and Eastern Europe.



**MAKE CANADA
A ZONE FOR
PEACE!**
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Today Canada has become so intertwined with the U.S. project for global domination that our military, natural resources and territory are designated as part and parcel of the U.S. "Homeland," which it controls and patrols through NORAD and other North American police and military arrangements. Today the U.S. is able to overtly wield its powers inside Canada against Canadians and anyone else it views as a potential threat to its striving for world domination.

Today the Prime Minister "celebrates" Canadian snipers in Iraq as they assassinate people from miles away under U.S. command. The Minister of Defense brags about being the "architect" of an operation led by the U.S. in Afghanistan which killed thousands. The Foreign Minister "represents" Canada abroad by openly interfering in the affairs of other countries, all the while being "proud" of her Nazi collaborator grandfather.

These people do not reflect the personality of a modern Canada but a continuation of Canada as a willing instrument of war and empire.

In Canada we have the Indigenous nations who represent the best traditions of the anti-colonial and independence struggles of the 19th and 20th centuries. They are joined by peace-loving people from all over the world. All of us want a modern Canada which upholds the best of the past and contributes to the development of all peoples, not a Canada that upholds global domination as a lofty goal.

Today, we want peaceful and fraternal relations with all nations and peoples both inside and outside of Canada's borders. On the occasion of Canada 150, the Windsor Peace Coalition encourages everyone to consider Canada's present and future and take a bold stand together to discard all those arrangements which put Canada in the position of facilitating and participating in war and aggression.