

***The Peace Press* – June/July 2008**

The Elections: What's Not on the Table

Getting Centered – What are our Issues of Concern?

by Elizabeth Stinson, Director

It never helps to draw a line and dismiss some people as enemies, even those who act violently... If we work for peace out of anger, we will never succeed. Peace is not an end. It can never come about through non-peaceful means. – Thich Nhat Hahn

The diversion of the presidential primaries and sensationalizing of the inane has given us even more reason to focus on the key issues left out of the presidential debates that those who claim to represent us choose to ignore. This column is not meant to depress us, but to help us point ourselves in a productive way towards our future, with eyes and hearts open to the people of Burma, to the Winter Soldiers, to the underlying inability of those elected to serve us and the process by which we insist on more humane regard for all people.

Impeachment – The process is important to the people, as evidenced in grassroots efforts to make the elected consider it as an appropriate response to the many abuses of power. The impeachment process is critically important, if for no other reason than to examine the crimes that led us into this war, so that they are not so easily repeated in the future by both politicians and the media.

Torture – Please read the excellent legal testimony of Marjorie Cohn in this issue of the *Peace Press* from her May 5th appearance before the Congressional investigation committee on the illegal use of torture. Marjorie makes a sound legal and moral argument that must be understood and supported.

Lack of affordable and sufficient health care, and the current and worsening global water crisis, results in thousands of children's deaths every day from water born diseases.

Global Warming has been used only as a token concern by most political candidates.

Environmental concerns need to be addressed regionally, nationally and internationally as the impact of ignoring concerns for the past eight years becomes painfully apparent when one leaves the US and looks back at it from a distance. In other parts of the globe the momentum to change wasteful habits and educate the populations are felt on a daily basis, in sharp contrast with our corporate managed wasteful habits and intellect.

The committing of war crimes under orders in Iraq and Afghanistan, as testified to by the Winter Soldiers in Silver Springs, Maryland on March 14-16, alone should be of great concern to the candidates.

Education is in crisis due to many factors, not the least of which is the implementation of the highly touted "no child left behind" bill. This bill opened the doors to recruiters nationally by threatening to remove federal funding of those schools that attempted to limit recruiter access. No child left behind is often referred to as "no child left un-recruited."

End the Occupation – We entered into a long-term occupation in the Middle East with no exit plan. Headlines tell us that 43,000 of those ordered deployed to fight this illegal war are unfit for deployment. Military experts and enlisted soldiers alike report the inadequacy of the military in both supplies and training. The suicide rate is reported to be 120 veterans a month in recent congressional testimony which reported the inadequacy of the VA to address the mounting mental health crisis.

These crises are home, if not coming home. They are ours to bear and we must insist on leaders who can recognize the importance of addressing them before it is too late.

Making Votes Count – Proportional Representation

How often have you heard people say their votes don't really matter? Have you felt that way yourself? Here are four steps we need to take to make our votes count.

First, we have to cast our votes. Even in the all-important presidential election of 2004 only 63% of those eligible actually voted. The problems addressed by the second through fourth steps below are among the reasons for this.

Second, our votes have to get counted accurately and honestly – and we have to know that. Can you spell O-H-I-O and F-L-O-R-I-D-A? We are learning the hard way that voter confidence in election results rests on non-partisan election administration, transparency and citizen oversight.

Third, our votes have to count for candidates we actually support. Have you ever voted for the lesser evil (from your point of view) because voting your true preference would only help your greater evil? A very good solution to this problem is rapidly gaining acceptance in the US. Instant runoff voting (IRV) elects a majority winner in a single election. When your first choice is eliminated, your vote counts for your second choice, and so on until one candidate has a majority. You can vote your heart and your head on the same ballot.

The fourth step is by far the biggest and most important. Candidates we actually support have to win elections so they can, in fact, represent us. But, you say, doesn't somebody have to lose every election? How can every voter get representation when up to half of us vote for losing candidates?

Most of the world's economically advanced countries have solved this dilemma by implementing proportional representation (PR). PR means majority rule combined with representation of minority groups and political parties proportional to their support. A party that gets 51% of the vote gets 51% of the seats, rather than 55%, 60% or more. A party that gets 10% of the vote gets 10% of the seats, rather than nothing. Unless you support an extremely unpopular point of view, your vote counts for a winner and you are represented by somebody you support.

It's that simple, but the United States and some other English-speaking countries continue to elect their legislative bodies by a different method – one that almost guarantees that minority points of view are not adequately represented. It is called "winner-take-all", because there is only one winner in each legislative district.

The principle of PR sounds good, you say, but isn't that pretty much what happens now? I may be a Republican in a Democratic district but Republicans win in other districts and represent my views. Doesn't it balance out?

In a word, no. Single member districts inherently over-represent the largest party and under-represent everyone else. This doesn't just affect small political parties. It affects independents (the third largest group of voters) just as much. Never mind that Democrats elected from urban districts have a hard time representing the interests of rural Democrats.

If single-member districts don't work, what does? There are several ways to elect legislatures that represent nearly all voters. All rely on electing at least some legislators from multi-member districts.

In one form of PR, voters choose candidates from party lists, and each party wins seats in proportion to its share of the total vote. In another, voters choose both a candidate to represent a small single-member district and a statewide or national party list. Enough candidates are elected from each party list to ensure overall proportionality.

In a third method, voters rank individual candidates in large districts that elect from 5 to 9 members each. The rankings are used to maximize the number of voters who help elect one of the

winners and insure that minorities get their fair share of representation. This method is just IRV in multi-member districts, which is called "choice voting." It doesn't require political parties and is the best method available for non-partisan local elections.

All of these methods do more than ensure full representation. They also make elections more competitive, all but eliminate gerrymandering, reduce pork barrel politics, and – returning to our first step – encourage higher voter turnout.

The first three steps seem doable, you say, but the fourth one seems like too big a leap. The secret is to start at the local level. Cambridge, Massachusetts has used PR for city elections since 1941, and 22 other cities have done so in the past. Recently Davis, California approved choice voting in an advisory ballot measure.

For more on making everyone's vote count, visit FairVote – The Center for Voting and Democracy at fairvote.org.

An Election Without Meaning

by Peter Phillips

Will November 2008 bring a meaningful change to America? Will getting rid of George W. Bush and Richard Cheney without impeachment or indictment really make a difference? Will a \$600 billion dollar war/defense budget be cut in half and used for desperately needed domestic spending? Will the \$93 billion dollar profits of the private health insurance companies – those parasitic intermediates between you and your doctor – be used instead for full healthcare coverage for all? Will Habeas Corpus and Posse Comitatus be restored to the people? Will torture stop? Will all students in public universities be able to enroll for free? Will the US national security agencies stop mass spying on our personal communications? Will the neo-conservative agenda of total military domination of the world be reversed?

The answer to these questions in the context of the current billion dollar presidential campaign is an absolute "NO". Instead, we have a campaign of personalities and platitudes. There is a race candidate, a gender candidate and a tortured veteran candidate, each talking about change in America, national security, freedom and the American way. The candidates are running with support from political parties so deeply embedded with the military industrial complex, the health insurance companies, Wall Street and corporate media that it is undeterminable where the board rooms separate from the state rooms.

The 2008 presidential race is a media entertainment spectacle with props, gossip, accusations and public relations. It is impression management from a candidate's perspective. "How can we fool the most people into believing that we stand for something?" It is billions of dollars of gravy for the media folks and continued profit maximization for the war machine, Wall Street and insurance companies, no matter who is determined the winner in November.

We must face the fact that the US government's primary mission is to protect the wealthy and insure capital expansion worldwide. US military spending – more than the rest of the militaries of the world combined – is the muscle behind this protect-capital-at-all-costs agenda, and will be used against the American people if deemed necessary to support the mission.

Homeland Security, the North American Command, mass arrest practices with the FALCON raids, new detention centers and broadened "terrorism" laws to include interference with business profits are all now in place to insure domestic tranquility, through extra judicial means if needed.

The two party corporate political system is having a HOMELAND presidential campaign – Hillary, Obama, McCain, Election, Lacking, Actual, National, Debate. It is time for real change, but it will only come with a social movement of reform in the tradition of the progressive, labor, civil rights

and anti-war movements of the last century. We need to use all of our activist, legal and political resources to reverse these threats to freedom. Naomi Wolf says it is not too late to prevent totalitarianism, but we have to act fast.

Peter Phillips is a Professor of Sociology at Sonoma State University, and director of Project Censored. Access to verifying facts and analysis for the issues mentioned above is available at www.projectcensored.org.

Warfare and Healthcare

Norman Solomon

It's kind of logical, in a pathological way. A country that devotes a vast array of resources to killing capabilities will steadily undermine its potential for healing. For social justice. For healthcare as a human right. Martin Luther King Jr. described the horrific trend-line four decades ago: "A nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual death." If a society keeps approaching spiritual death, it's apt to arrive.

Here's an indicator: Nearly one in six Americans has no health insurance, and tens of millions of others are badly under-insured. Here's another: The United States, the world's preeminent warfare state, now spends about \$2 billion per day on military pursuits.

Gaining healthcare for all will require overcoming the priorities of the warfare state. That's the genuine logic behind the new "Healthcare NOT Warfare" campaign. I remember the ferocious media debate over the proper government role in healthcare – 43 years ago. As the spring of 1965 got underway, the bombast was splattering across front pages and flying through airwaves. Many commentators warned that a proposal for a vast new program would bring "socialism" and destroy the sanctity of the free-enterprise system. The new federal program was called Medicare.

These days, when speaking on campuses, I bring up current proposals for a "single payer" system – in effect, Medicare for Americans of all ages. Most students seem to think it's a good idea. But once in a while, someone vocally objects that such an arrangement would be "socialism." The objection takes me back to the media uproar of early 1965. Today, we're left with the unfulfilled potential of Medicare for all. It could make healthcare real as a human right. And it could spare our society a massive amount of money now going to administrative costs and corporate gouging. At last count, annual insurance-industry profits reached \$57.5 billion in 2006.

On Capitol Hill, lobbyists for the corporate profiteers are determined to block H.R. 676, the bill to create a universal single-payer system to implement healthcare as a human right. In the current presidential campaign, none of the major candidates can be heard raising the possibility of ejecting the gargantuan insurance industry from the nation's healthcare system. Instead, there's plenty of nattering about whether "mandates" are a good idea. Hillary Clinton even has the audacity (not of hope but of duplicity) to equate proposed healthcare "mandates" with the must-pay-in requirements that sustain Social Security and Medicare. For Clinton's analogy to make sense, we'd have to accept the idea that requiring everyone to pay taxes to the government for a common-good program is akin to requiring everyone to pay premiums to private insurance companies for personal medical coverage.

A recent *New York Times* story was authoritative as it plied the conventional media wisdom. The lead sentence declared that an "immediate challenge that will confront the next administration" is the matter of "how to tame the soaring costs of Medicare and Medicaid." And the news article pointedly noted that current federal spending for those health-related programs adds up to \$627 billion. I've been waiting for a *New York Times* news story to declare that an immediate challenge for the next administration will be the matter of how to tame the soaring costs of the Pentagon. After

all, the government's annual military spending – when you factor in the supplemental bills for warfare in Afghanistan and Iraq – is well above the \$627 billion for Medicare and Medicaid that can cause such alarm in the upper reaches of the nation's media establishment.

Assessing the current presidential race, the *Times* reported: "The Democrats do not say, in any detail, how they would slow the growth of Medicare and Medicaid or what they think about the main policy options: rationing care, raising taxes, cutting payments to providers or requiring beneficiaries to pay more."

There are other "policy options" – including drastic cuts in the Pentagon budget. And healthcare for all.

Write your legislators to support the bill sponsored by Rep. John Conyers, H.R. 676 – guaranteeing comprehensive, publicly funded, privately delivered healthcare for everyone in the United States.

Norman Solomon, the author of "War Made Easy," is on the advisory board of Progressive Democrats of America. PDA's new nationwide petition for Healthcare NOT Warfare is online www.thedatabank.com/dpg/309/personal2.asp?formid=healthpet

Demophobia and Complex (In)Securities – The Shaping of Our Consciousness

by Jack Wikse

Today US electoral politics is more about name calling than anything else. Competitive individualism, horse race campaigning, free speech as \$\$\$, and the cult of presidential personality are all factors that contribute to a radically narrow political debate. Guilt by association, (Obama with Reverend Wright, Clinton with Bill), race, class and gender as fragments of identity politics ("Can Obama attract white, working class men?") fit the sound-bitten, limited attention span of this longest ever electro-tainment.

One of the most derogatory political epithets is the term "demagogue", a political leader who seeks power by appealing to peoples' emotions, instincts and prejudices in a manipulative or dangerous way. A demagogue leads the people astray. Is there a candidate on the national stage today who can avoid this label?

A survey of literature reveals the term "demagogue" applied to such diverse individuals as Martin Luther King, Huey Long, and Joseph McCarthy. Recently I find it used to describe Barack Obama and Arnold Schwarzenegger. It is sometimes said that the sign of a demagogue is the ability to adopt a position that reflects poorly on one's opponent. If so, this has become the US political style, par excellence.

But there is another term that I think should be even more widely used to characterize contemporary politics: "demophobia", fear of the people. Fear of the people is a structural aspect of our lives. It is not an attribute of individuals, but of systematic assumptions that repress collaborative decision making in schooling, work, media and governing. This is what Antonio Gramsci called "cultural hegemony" – the dominance of certain images of value and meaning that shape political thought. How often have you heard recently in the media that the economy is not in a recession? Over and over. Now that the housing bubble has burst, oil is the center of price inflation. Perhaps 40% of the price of oil is attributable to hedge fund speculation. And the war in the Middle East feeds and rationalizes such speculation. Clinton and McCain offer to suspend the Federal gas tax for the summer. Like the economic "stimulus" package designed to pacify voters, this misses the issue. There is no discussion about regulating the hedge funds.

The demophobes say the price of oil is being driven up by demand from China. Repeat after me the litany of market worship: "supply and demand, supply and demand – the Chinese are

coming!" Repetition does not transform a lie into a truth, but it does shape the common consciousness. If militarism and nationalism form the stage upon which our demagogues strut, the Dow Jones is the script they follow.

We must think of the long term. Political reality goes beyond individual lives, raising questions about how the generations will follow from one to another. It took 72 years for the woman's suffrage movement to get the vote. Today we need to move from a Horatio Alger mythology, (look out for #1, hard work is rewarded, everyone wants to be a millionaire, the ownership society, and the "American Dream"), to the Iroquois myth of seven generations – that in thinking about politics we are thinking about our ancestors, (e.g., Stanton, Thoreau, Marx, Ghandi, King), the unborn (part of a living seven generational human-beingness) and the five generations among us, including those who have lived since before WWI.

The “bundled” complex “securities,” the deregulated banks created to inflate the housing bubble while capital was fleeing the US to find greener pastures and cheap labor elsewhere, have left people insecure and fearful of one another. That fear is structuring our current national electoral debate. Capital wants to undercut social security, it wants to separate the generations from one another, it wants us to fear “the people”. The word “security” is from the Latin “sequor” – to follow. We need to create a politics that will allow one generation to support and follow the next. That's the antidote to demophobia.

We Need a Social “Reboot” – Reducing the Need for Police

by Ben Saari

Police Abolition is so far off the table that even framing the idea is difficult for them.

The solution to the problem of police abuse for most Progressives is to call for increased training of police or the creation of a police review board. Usually expanded police power goes along with increased training. For example, the psychiatric emergency training that local officers are currently receiving is supposed to prevent escalations of psychological emergencies into violence. However, Heather Smith (Billings) of Rohnert Park was killed by a recent police graduate of the new psych emergency training. In cities that have a police review board, the board often functions as a “flack catcher”, protecting the police from what would be direct criticism. The thought of reducing police power and reviewing their role in the community is not considered and remains off the table.

Why do calls for help that range from lost pets to loud neighbors to psychological emergencies to violent conflicts, all go to the same agency? Why aren't communities trained and prepared to solve some of their problems themselves? Why do people and the media uncritically accept any solutions that are proposed by police departments? Why do people and the media think that the police department is a neutral force? Each of these questions deserves a book-long answer.

There is an idea among the public that police are a natural and calming presence in our communities, and that they are needed to protect “good” people from “bad” people. An examination of the historical development of police force in the US, shows that policing have not always been what they are today. I would recommend reading Kristian Williams' book, “Our Enemies In Blue”, for an excellent critical history of American policing. Williams posits that modern police are the coalescence of several institutions: night watches, slave patrols, and mercenary detectives. As America became more urbanized, forms of policing began to change. Classically, police have had the unlimited authority to use force with minimal accountability to government, the law and their own enforcement responsibilities. Police practices and institutions will be much different in the future. We must be the ones to determine what the role of the police becomes, or if their role should continue to exist at all.

There is a long history of community groups who have tried to reduce their need for police. They begin in communities that have a distrust of the police and have looked elsewhere for public safety. The members of these communities are usually profiled workers and people of color. In 1919 the Seattle General Workers Strike was defeated. Although Mayor Ole' Hanson was quoted as saying "there was no violence", the Labor War Veteran's Guard force was nevertheless created to control and "manage" the workers.

Half a century later, the NAACP Chapter in Monroe, North Carolina, armed itself to repel attacks from the Ku Klux Klan. Other self-defense groups were formed through out the south for self-protection. In the 1950's, the Deacons of Defense protected civil rights workers and members of the Black community. By the 1960's, self-defense groups had spread into western and northern cities and the Black Panther Party emerged, fulfilling community needs beyond mere self-defense by working to increase access to food, health care, and education in the Black community.

Taking a look on an international level, we see that South African Street Committees were developed in Black townships to subvert and avoid the white racist government there. Some of these committees continue to function today helping Black South Africans. And in Ireland, the IRA instituted a system of Community Restorative Justice, which after widespread success, was dismantled in the final stages of their peace process.

The police force as it exists today is not what our communities need to be healthy and safe. I seriously doubt that such a professional group, when given "super human" discretionary powers, will be willing to accept any oversight, act with accountability, or accept criticism. I think we need a "reboot".

Ben Saari is a founder of Free Mind Media. He works tirelessly and sometimes at great personal risk in his role with Santa Rosa Cop Watch to protect the rights of individuals who encounter the police force.

Court Oversight for a Fair Election at KBBF

by Ann Tompkins

On April 25 of this year a Judge of the Superior Court of California issued a ruling that among other things, ordered that an election be held later this year for the Board of Directors (BOD) of bilingual public radio, KBBF 89.1FM. The station has broadcast in Sonoma County for nearly 35 years. For those who have followed the saga of the two-year quest for a fair vote at the nation's first bilingual public noncommercial radio (the Judge calls it a "major cultural asset... a treasure") the question might well arise, "What's new?"

Before getting to what's new, here is a brief recap: Over 100 members, perceived to be potentially voting against the status quo Board, were systematically barred from having their ballots counted in the September 2006 election. Following a mediated agreement there was to be another election attempt in June 2007. The Board sent out announcement of the upcoming election but failed to notify nearly 150 members who were eligible to vote for Directors. Six weeks later in August, two of the three election inspectors refused to certify the election as valid after observing numerous irregularities. The lone dissenting inspector was subsequently appointed to the BOD and has ascended to the role of Board President.

In the Judge's decree, all the failures to deliver a fair election have been placed at the feet of the status quo BOD under the leadership of the vice-president and perpetual interim General Manager, Jesus Lozano. The Judge wrote: "the court does believe that it would be much easier to heal the divisions at KBBF were Mr. Lozano to leave." Lozano has refused to do so but by the court's ruling he cannot participate in the election process though he can, if he chooses, be a candidate for reelection.

What will be new in this election cycle is that the Judge has stated his intention to maintain close scrutiny over the entire process. He has ordered that a professional election managing service be contracted at the station's expense. It will handle the logistics of a new election, including direct mailing of ballots to members instead of having election by proxy. Currently the parties are to be called before the Judge every two to three weeks to explain the progress that has been made and to report their observations. The Court has said that it will schedule an all-party meeting at which the previously agreed upon mediation agreement will be tweaked and augmented to assure a clean, fair process.

The plaintiffs and their supporters who brought suit to request judicial review of the activities of the BOD are collectively known as *Voces Cruzando Fronteras/Voces Crossing Borders (Voces)*. With three slots open on the KBBF Board, the judge ordered that three Voces candidates: Josue Lopez, Evelina Molina and David Janda, be seated immediately. The Voces' mission statement reads: "To create a strong multilingual voice that empowers and engages the community-at-large by upholding the original intent of KBBF to achieve social justice through education, celebration of culture and local/international news coverage."

The new election will take place sometime after mid-July. In order to qualify to vote one must be a supporter/member of KBBF by filling out an application form and paying the annual membership fee of \$20. To assure that applications are recorded on the membership list, new applicants are encouraged to notify one of the new Board members so verification can be made. *Voces Cruzando Fronteras* invites questions and comments.

To offer talent or resources and to find out how to participate in the effort to bring democracy to KBBF radio, Voces can be reached at (707) 568-5403. To have a community issue discussed or an event publicized contact KBBF directly at (707) 545-8833.

Winter Soldier part 2 – Forgotten Casualties

by Elizabeth Stinson

On May 15, 2008, some of those who testified in Silver Springs, Maryland (on war crimes in Iraq & Afghanistan), will testify in front of a congressional committee:

On March 13, 2008, Joyce and Kevin Lucie told the story of their son Jeff. Jeffery Lucie served in Iraq in the US Marine Corps and returned home a drastically changed man. Jeffrey told his mother that he only wanted to help people, and his parents now only aim to do the same. With that mission in mind they came to tell their sons story.

On March 20, 2003, Jeff wrote in his journal that the reality of the war had finally hit him. In letters home, Jeff hinted at what demons he would carry with him the rest of his short life. Jeff was throwing up every day, seeming distant, having nightmares, and wearing the dog tags of men he had killed around his neck.

He had found college to be quite difficult; he couldn't pay attention or focus. After being prescribed antidepressants, the mixture of prescription drugs and alcohol started to hurt him more and more; Jeff had PTSD.

After answering in the affirmative that he had had suicidal thoughts, he was still discharged from the Marine Corps.

His mother reports, in hindsight, that a suspicious car accident in June, may have been a suicide attempt on Jeff's part.

Afterwards, his behavior became more and more reckless. In desperation, the family worked to have Jeff hospitalized. During a short stay, Jeff received little relief or treatment.

Upon his return, Jeff's parents purged their house of whatever they thought he could harm himself with, but they still felt anxious and helpless.

Kevin Lucie was surprised when his son finally let it all out about how angry he was with the country, and the war, and the VA, and the pain. Kevin described to those of us in the hearing room, an attempt he made to comfort Jeffrey, rocking his son on his lap, while he wept with despair. The next day, Kevin found his son hanging from the rafters in the cellar, a garden hose around his neck.

The room was quiet as Mr. Lucie read the note that Jeff left for his family, when he took his own life in the cellar of their house.

As we listened to Jeffrey's story, we realized that Jeff was dropped through every crack in the VA mental health system, even with all the most obvious warning signs and symptoms.

We won't find Jeffrey Lucie on any list of OIF/OEF casualties, but he and others like him are the forgotten veterans and forgotten casualties. 120 veterans take their lives per week while the government does one study after another without any real change.

Kevin asks, "Where is the rage?" When are we going to truly honor and support our veterans? How can we support our troops, when funding for PTSD was stricken from the 2005 supplementary budget?

After the testimony, I was able to speak to Kevin and Joyce Lucie. It felt important to honor their efforts to draw attention to the plight and neglect of the mental health of returning, traumatized veterans, in spite of their deep anguish at having to relive their trauma and loss.

In our work to acquire medical discharges for returning veterans, we have consistently encountered a system that will not diagnose or treat the trauma without a struggle. Those who are suffering are unable to advocate for themselves.

We have met with members of the Armed Services Committee to discuss the managing of the mental health of the returning veterans. The complaint and concern must come from all of us for hope for any change.

From the Department of Justice to Guantánamo Bay

Testimony of Marjorie Cohn before the Subcommittee on the Constitution, Civil Rights and Civil Liberties: May 6, 2008

What does torture have in common with genocide, slavery, and wars of aggression? They are all *jus cogens*. *Jus cogens* is Latin for "higher law" or "compelling law." This means that no country can ever pass a law that allows torture. There can be no immunity from criminal liability for violation of a *jus cogens* prohibition.

The United States has always prohibited the use of torture in our Constitution, laws, executive statements and judicial decisions. We have ratified three treaties that all outlaw torture and cruel, inhuman or degrading treatment or punishment. When the United States ratifies a treaty, it becomes part of the Supreme Law of the Land under the Supremacy Clause of the Constitution.

The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, says, "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for torture."

Whether someone is a POW or not, he must always be treated humanely; there are no gaps in the Geneva Conventions. He must be protected against torture, mutilation, cruel treatment, and outrages upon personal dignity, particularly humiliating and degrading treatment, under Common Article 3. In *Hamdan v. Rumsfeld*, the Supreme Court rejected the Bush administration's argument

that Common Article 3 doesn't cover the prisoners at Guantánamo. Justice Kennedy wrote that violations of Common Article 3 are war crimes.

We have federal laws that criminalize torture.

The War Crimes Act punishes any grave breach of the Geneva Conventions, as well as any violation of Common Article 3. That includes torture, willfully causing great suffering or serious injury to body or health, and inhuman, humiliating or degrading treatment.

The Torture Statute provides for life in prison, or even the death penalty if the victim dies, for anyone who commits, attempts, or conspires to commit torture outside the United States.

The US Army Field Manual's provisions governing intelligence interrogations prohibit the "use of force, mental torture, threats, insults, or exposure to unpleasant and inhumane treatment of any kind." Brainwashing, mental torture, or any other form of mental coercion, including the use of drugs, are also prohibited.

Military personnel who mistreat prisoners can be prosecuted by court-martial under provisions of the Uniform Code of Military Justice. These include conspiracy, cruelty and maltreatment, murder, manslaughter, maiming, sodomy, and assault.

In *Filartiga v. Peña-Irala*, the Second Circuit declared the prohibition against torture is universal, obligatory, specific and definable. Since then, every US circuit court has reaffirmed that torture violates universal and customary international law. In the *Paquete Habana*, the Supreme Court held that customary international law is part of US law. The Constitution gives Congress the power to make the laws and the President the duty to carry them out. Yet on February 7, 2002, President Bush, relying on memos by lawyers including John Yoo, announced that the Geneva Conventions did not apply to alleged Taliban and Al Qaeda members. Bush said, however, "As a matter of policy, the United States Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva." But torture is never allowed under our laws.

Lawyers in the Department of Justice's Office of Legal Counsel wrote memos at the request of high-ranking government officials in order to insulate them from future prosecution for subjecting detainees to torture. In memos dated August 1, 2002 and March 18, 2003, former Deputy Assistant Attorney General John Yoo (Jay Bybee, now a federal judge, signed the 2002 memo), advised the Bush administration that the Department of Justice would not enforce the US criminal laws against torture, assault, maiming and stalking, in the detention and interrogation of enemy combatants.

The federal maiming statute makes it a crime for someone "with the intent to torture, maim, or disfigure" to "cut, bite, or slit the nose, ear or lip, or cut out or disable the tongue, or put out or destroy an eye, or cut off or disable a limb or any member of another person." It further prohibits individuals from "throwing or pouring upon another person any scalding water, corrosive acid, or caustic substance" with like intent.

Yoo said in an interview in *Esquire* magazine that "just because the statute says – that doesn't mean you have to do it." In a debate with Notre Dame Professor Doug Cassell, Yoo said there is no treaty that prohibits the President from torturing someone by crushing the testicles of the person's child. In Yoo's view, it depends on the President's motive, notwithstanding the absolute prohibition against torture in all circumstances.

The Torture Convention defines torture as the intentional infliction of severe physical or mental pain or suffering. The US attached an "understanding" to its ratification of the Torture Convention, which added the requirement that the torturer "specifically" intend to inflict the severe physical or mental pain or suffering. This is a distinction without a difference for three reasons. First, under well-established principles of criminal law, a person specifically intends to cause a result when he either consciously desires that result or when he knows the result is practically certain to

follow. Second, unlike a "reservation" to a treaty provision, an "understanding" cannot change an international legal obligation. Third, under the Vienna Convention on the Law of Treaties, an "understanding" that violates the object and purpose of a treaty is void. The claim that treatment of prisoners which would amount to torture under the Torture Convention does not constitute torture under the US "understanding", violates the object and purpose of the Convention, which is to ensure that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." The US "understanding" that adds the specific intent requirement is embodied in the US Torture Statute.

Nevertheless, Yoo twisted the law and redefined torture much more narrowly than the definitions in the Convention Against Torture and the Torture Statute. Under Yoo's definition, the victim must experience intense pain or suffering equivalent to pain associated with serious physical injury so severe that death, organ failure or permanent damage resulting in loss of significant body functions will likely result.

Yoo wrote that self-defense or necessity could be used as a defense to war crimes prosecutions for torture, notwithstanding the Torture Convention's absolute prohibition against torture in all circumstances. There can be no justification for torture.

After the exposure of the atrocities at Abu Ghraib and the publication of the August 1, 2002 memo, the Department of Justice knew the memo could not be legally defended. That memo was withdrawn as of June 1, 2004. A new opinion, authored by Daniel Levin, Acting Assistant Attorney General Office of Legal Counsel, is dated December 30, 2004. It specifically rejects Yoo's definition of torture, and admits that a defendant's motives to protect national security will not shield him from a torture prosecution. The rescission of the August 2002 memo constitutes an admission by the Justice Department that the legal reasoning in that memo was wrong. But for 22 months it was in effect, it sanctioned and led to the torture of prisoners in US custody.

John Yoo admitted the coercive interrogation "policies were part of a common, unifying approach to the war on terrorism." Yoo and other Department of Justice lawyers, including Jay Bybee, David Addington, William Haynes and Alberto Gonzalez, were part of a common plan to violate US and international laws outlawing torture. It was reasonably foreseeable that the advice they gave would result in great physical or mental harm or death to many detainees. Indeed, more than 100 have died, many from torture.

ABC News reported last month that the National Security Council Principals Committee, consisting of Dick Cheney, Condoleezza Rice, Donald Rumsfeld, Colin Powell, George Tenet, and John Ashcroft, met in the White House and micromanaged the torture of terrorism suspects by approving specific torture techniques such as waterboarding. Bush admitted, "Yes, I'm aware our national security team met on this issue. And I approved." These top US officials are liable for war crimes under the US War Crimes Act and torture under the Torture Statute. They ordered the torture that was carried out by the interrogators. Under the doctrine of command responsibility, used at Nuremberg and enshrined in the Army Field Manual, commanders, all the way up the chain of command to the commander in chief, can be liable for war crimes if they knew or should have known their subordinates would commit them, and they did nothing to stop or prevent it. The Bush officials ordered the torture after seeking legal cover from their lawyers.

The President can no more order the commission of torture than he can order the commission of genocide, or establish a system of slavery, or wage a war of aggression. A Select Committee of Congress should launch an immediate and thorough investigation of the circumstances under which torture was authorized and rationalized. The high officials of our government and their lawyers who advised them should be investigated and prosecuted by a Special Prosecutor, independent of the Justice Department, for their crimes. John Yoo, Jay Bybee, and David Addington should be subjected to particular scrutiny because of the seriousness of their

roles in misusing the rule of law and legal analysis to justify torture and other crimes in flagrant violation of domestic and international law.

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Aerial Pesticide Spraying: Not Safe, Not Effective, Not Necessary

by Will Shonbrun

The focus of this Peace Press is to discuss some of the political issues that are "off the table" this election season. I actually think the concern about pesticide spraying which Will raises is related to a broader national issue. The environment – and the health of humans and the earth in general – is still getting mostly lip service. When push comes to shove, both Republicans and Democrats (in varying degrees) end up supporting the rights of the corporations (in this case corporate farmers and the corporations that provide the chemicals), over the health of the earth in the interest of the economy. As we continually fail to discuss the fact that capitalism and unlimited growth are based upon a myth, we also fail to discuss the need that corporations have to continually find new ways to make money. Ever increasingly, their profits are made by tapping into the public purse to finance a new, false "need," whether it be a war, educational testing, mandated private health insurance or an insect enemy. I fail to see whether either political party's candidate understands the real core of the problem; therefore, they can't possibly provide any solutions. – Susan Lamont

Does being repeatedly sprayed with a toxic pesticide over the course of the next 5-10 years appeal to you? Consider that this pesticide has not been tested for its short or long-term effects on human health, or its impacts on the environment. Then note that aerial spraying already began in late 2007 in Monterey and Santa Cruz counties, resulting in over 600 health complaints, as well as reports of environmental damage.

The California Department of Food and Agriculture (CDFA) claims that it must conduct a blanket and long-term program of aerial pesticide spraying to eradicate an infestation of the light brown apple moth (LBAM) because it "may pose a threat" to various crops, plants and trees. It has declared a state of emergency in order to do this without environmental review or public health testing.

However, the fact of the matter is that the LBAM has been in California for at least 30 years with no devastation of any crops or plant life, by CDFA's own admission. The LBAM originated from New Zealand and Australia, and has been there for 100 years or more: there is likewise no crop or plant life devastation on record there. In fact, those countries don't use aerial spraying, and have opted for the least toxic and most natural methods of pest control that do not put human or environmental health at risk. So what is the "emergency"?

At least 10 Bay Area counties, including Richmond, San Francisco and Marin, have been targeted for blanket aerial spraying to begin in August of this year. Aerial and other blanket pesticide applications have repeatedly been shown in the past to upset natural ecosystem balance in unpredictable and often catastrophic ways, having serious human health effects as well. CDFA is relying on pesticides that contain ingredients that are also highly toxic to aquatic life.

Incredibly, the State of California began aerial spraying, initially in Santa Cruz and Monterey, before a mandatory environmental impact report (EIR) was conducted: the State effectively skirted this environmental protection by declaring a state of emergency. Equally disturbing is the fact that aerial spraying of chemicals is expensive and inefficient, and biologists have testified that spraying is extremely unlikely to eradicate the LBAM.

A recent scientific study indicates that pesticide spray particles can penetrate deeply into the lungs, posing a significant health risk. Most at risk are vulnerable populations: infants, children, the

elderly, field workers and those with compromised immune systems. And, most alarmingly, the LBAM spraying program has not been tested for toxic health effects when used in areas of concentrated population. The State has relied almost entirely on its own scientists to address public concerns about the spray program, and has not employed independent outside experts to evaluate and support the program or address issues in a direct and impartial manner.

To date, 19 cities and counties representing over 850,000 people, have passed resolutions urging the Department of Food and Agriculture to impose a moratorium on any aerial spraying that is a part of the LBAM eradication campaign until the Department can demonstrate that the pesticide it has used or it may use is safe to both humans and animals. In addition, bills in the State Senate and Assembly have called for protection of all citizens' constitutional rights of informed consent, and completion of an EIR before aerial application resumes.

Until independent and impartial testing is done, one can only assume that blanket and prolonged aerial spraying is not safe, is not effective, and is not necessary.

Will Shonbrun is publisher of the Sonoma Valley Voice and can be contacted at <http://www.shonbrunreport.blogspot.com>.

Power and Choice

by Susan Lamont

Though the Peace Press Collective chose the focus for this issue, "What's "off the table" in the current election cycle", this article represents the views of the author and not necessarily the views of the entire Collective.

Last year I was visiting my oldest daughter in New York City, where she is a Ph.D. student at New York University. On her bookshelves was *Power: A Radical View* by Steven Lukes, one of her professors. After flipping through it, I asked her to give it to me for a Christmas gift.

Lukes caught my attention in the first paragraph of his introduction. He wrote, "Power is at its most effective when least observable." Now here was something immediately familiar. He wasn't just talking about the "What's the matter with Kansas?" people. He was talking about the Progressives right here in Sonoma County, who are actually excited by the choices the power elite has offered them in the upcoming presidential election.

Power is the ability to control the choices over those whom one has power. That's a radical view. Traditionally, power has been viewed as the ability to choose, without any consideration of the source of those choices. I believe we have not been given power to choose a Democratic president just because I can choose Clinton over Obama, or Obama over McCain. This non-choice makes me feel powerless in the face of the upcoming presidential election.

Power is the ability to hide one's control of the choices and the ability to make the powerless feel that the choices are inevitable. For instance, most US citizens believe that single-payer healthcare is a "communist" plan. They are not even willing to look into the substance of the plan. They don't realize that they can get better healthcare for less money from a single-payer system. This is an indication of the power of insurance companies and those (such as Clinton, Obama and McCain) who receive kickbacks, also known as campaign contributions, for their support of the insurance industry.

How many people do you know, including those in the Progressive community, who know that ex-Congresswoman Cynthia McKinney is running for president in 2008 (without the support of the insurance industry)? How many people do you know who wouldn't "waste" their vote on her even though she more closely reflects their views on the issues? She's just one example of the

many candidates off the radar screen because of their refusal to submit to the “rules” as defined by those who control our choices.

In 1956 C. Wright Mills wrote, “The powers of ordinary men [let’s add women] are circumscribed by the everyday worlds in which they live, yet even in these rounds of job, family and neighborhood they often seem driven by forces they can neither understand nor govern.” Sound familiar? Even those of us who do understand how our powers are circumscribed find our lives driven by forces we don’t “govern”: our legislators who are supposed to represent us.

It reminds me of an apparent *faux pas* that I witnessed by new Santa Rosa City Council member Veronica Jacobi. She tried to take an action on behalf of the Council in a way that had not been done before. She did not suggest anything illegal, but as *Press Democrat* columnist Chris Smith was quick to point out, the old way had always worked well. What he failed to mention was FOR WHOM it had always worked well. And the truly sad part is that most citizens of Santa Rosa are likely to feel that it has worked for them, even when it hasn’t. The power brokers of the city have controlled the citizens’ concept of reality.

In his 1950’s book *Community Power Structure: A Study of Decision Makers*, Floyd Hunter wrote, “The men of real power controlled the expenditures for both the public and private agencies devoted to health and welfare programs in the community and how the various associations in the community, from the luncheon clubs to the fraternal organizations,... are controlled by men [and I’ll include women] who use their influence in devious ways, which may be lumped under the phrase ‘being practical’, to keep down public discussion on all issues except those that have the stamp of approval of the power group.”

In this issue of the *Peace Press*, we’re featuring a cartoon representing Dennis Kucinich and Ron Paul being excluded from the presidential debates because they have strong views – very well articulated – on our criminal occupation of Iraq. It’s not enough to ridicule and shout them down. Their opinions are not allowed to see the light of day. That this exclusion was orchestrated by those who find Obama and Clinton acceptable should tell us a lot.

So with this edition, we want to point out just a few of the areas of concern to you, our readers, that will not see the light of day in this campaign. Many of our politicians work in collusion with the media to keep, according to Lukes, “potentially threatening demands from becoming politically dangerous.” In limiting our choices and shutting down any true discussion of what we really care about, we are forced to vote for someone who isn’t really a serious “choice” at all. And so, we come to the really critical question: what are we going to do about it? What is the true action we’re called to take instead of placing Hillary or Obama bumper stickers on our cars?

Why I’m Not Voting for a Democrat

by Susan Lamont

This article represents the opinion of the author and not the Peace & Justice Center, which does not endorse parties or candidates.

At a recent dinner table discussion, my father said to my daughters, “Your mother doesn’t care what happens to you!” This was his response to my statement that I would not vote for a Democrat in the 2008 election. The fact that my loving father could make such a statement verifies my observation that fear clouds all political discussion of our country’s future.

I have voted in every election without fail for the last forty years. During that time I never voted outside of the Democratic Party, that is, until 2004. Even after I realized that I was really a socialist, I continued to vote for the Democratic candidate because I wanted my vote “to count.”

It took me many years to realize just HOW the Democrats counted my vote. They saw me as someone who was willing to vote for candidates I didn't agree with to avoid the "greater evil." The truth is, the Democratic Party has taken my VOTE and ignored ME.

What is the result of voting my fear rather than my heart? America today has a Democratic Party that is to the right of Eisenhower. There are good people in the Democratic Party, but they are continually compromised. In the fall of 2006, Democratic Congresswoman Lynn Woolsey told me that she was going to hold a press conference, declaring herself against all war. But with the Democratic gains in Congress in the 2006 election, that press conference disappeared into thin air. I can't know what happened, but I can guess that she believes she would be seen as criticizing her own party – and she was already being sufficiently marginalized by that party.

One of the biggest problems with the Democratic Party is its statement that it can't fight for the things in which it claims to believe. Decades ago President Franklin D. Roosevelt gave America a plethora of social programs that the citizens didn't think they wanted. The current Democratic Party couldn't lead the country out of a paper bag!

The way I see it, the Republicans are walking backwards toward the edge of a cliff. They are dragging a piece of meat on a string and the Democratic hound dogs are in hot pursuit. That the Republicans may lead us over the cliff just a little bit sooner than the Democrats is no consolation to me. Those hound dog Democrats interpret your vote as approval of the run to the cliff.

The way in which we all live in the world is political. Whether you shop at a chain store or a locally owned business, whether you get to work by bike, bus or car, your daily decisions are political. If your choices are artificially limited – by a lousy public transportation system, for instance, or a Wal-Mart squeezing out the local businesses – your choices become driven by someone else's politics, not your own. We need multiple political parties in this country, each with equal access to the media. We need to take money out of politics. We need proportional vote counting. We're not getting any of that by voting for the ones giving us the cliff as our only choice.

Many people are afraid of another Republican administration. I'm afraid of it, too. But with every election cycle, we find ourselves in this same place, and even farther to the political right each time. Unfortunately, we're all right. If you are voting for Obama or Clinton, you're right that they are better than McCain. But I am also right in saying that they are not the answer to our problems.

I still see a Democratic Party driven by corporate capitalism – mandated health insurance sends our money to insurance giants, war with no end in sight sends our money to private contractors, our education system sends our money to corporations that test our children beyond all reason. And we can be sure that the Democratic Party is not going to give us a Supreme Court Justice who will save us.

The Democratic Party simply can't take us where I want to go. I'm looking for what has been called an "eco-psycho-social cycle of dependent co-arising", a world in which we have healthy people in a healthy society living on a healthy planet. A candidate whose pockets are filled with wads of corporate cash is not the answer. We need our dreams to be bigger than our fears.

As the serpent said to Eve in George Bernard Shaw's *Back To Methuselah*, "You see things and you say Why? But I dream things that never were, and I say Why not?"

I, my father and you, dear reader, may simply have to agree to disagree.