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## #1 No Habeas Corpus for “Any Person”

Sources:

*Consortium*, October 19, 2006

Title: “Who Is ‘Any Person’ in Tribunal Law?”

Author: Robert Parry

<http://consortiumnews.com/2006/101906.html>

*Consortium*, February 3, 2007

Title: “Still No Habeas Rights for You”

Author: Robert Parry

<http://consortiumnews.com/2007/020307.html>

*Common Dreams*, February 2, 2007

Title: “Repeal the Military Commissions Act and Restore the Most American Human Right”

Author: Thom Hartmann

<http://www.commondreams.org/views07/0212-24.htm>

Student Researchers: Bryce Cook and Julie Bickel

Faculty Evaluator: Andrew Roth, Ph.D.

With the approval of Congress and no outcry from corporate media, the Military Commissions Act (MCA) signed by Bush on October 17, 2006, ushered in military commission law for US citizens and non-citizens alike. While media, including a lead editorial in the *New York Times* October 19, have given false comfort that we, as American citizens, will not be the victims of the draconian measures legalized by this Act—such as military roundups and life-long detention with no rights or constitutional protections—Robert Parry points to text in the MCA that allows for the institution of a military alternative to the constitutional justice system for “any person” regardless of American citizenship. The MCA effectively does away with habeas corpus rights for “any person” arbitrarily deemed to be an “enemy of the state.” The judgment on who is deemed an “enemy combatant” is solely at the discretion of President Bush.

The oldest human right defined in the history of English-speaking civilization is the right to challenge governmental power of arrest and detention through the use of habeas corpus laws, considered to be the most critical parts of the Magna Carta which was signed by King John in 1215.

Alexander Hamilton wrote in *The Federalist #84* in August of 1788:

The establishment of the writ of *habeas corpus* are perhaps greater securities to liberty and republicanism than any it [the Constitution] contains. The practice of arbitrary imprisonments have been, in all ages, the favorite and most formidable instruments of tyranny. The observations of the judicious [British eighteenth-century legal scholar] Blackstone, in reference to the latter, are well worthy of recital:

“To bereave a man of life” says he, “or by violence to confiscate his estate, without accusation or trial, would be so gross and notorious an act of despotism, as must at once convey the alarm of tyranny throughout the whole nation; but confinement of the person, by secretly hurrying him to jail, where his sufferings are unknown or forgotten, is a less public, a less striking, and therefore a more dangerous engine of arbitrary government.”

While it is true that some parts of the MCA target non-citizens, other sections clearly apply to US citizens as well, putting citizens inside the same tribunal system with non-citizen residents and foreigners.

Section 950q of the MCA states that, “Any person is punishable as a principal under this chapter [of the MCA] who commits an offense punishable by this chapter, or aids, abets, counsels, commands, or procures its commission.”<sup>1</sup>

Section 950v. “Crimes Triable by Military Commissions” (26) of the MCA seems to specifically target American citizens by stating that, “Any person subject to this chapter who, in breach of an allegiance or duty to the United States, knowingly and intentionally aids an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished as a military commission under this chapter may direct.”<sup>1</sup>

“Who,” warns Parry, “has ‘an allegiance or duty to the United States’ if not an American citizen?”

Besides allowing “any person” to be swallowed up by Bush’s system, the law prohibits detainees once inside from appealing to the traditional American courts until after prosecution and sentencing, which could translate into an indefinite imprisonment since there are no timetables for Bush’s tribunal process to play out.

Section 950j of the law further states that once a person is detained, “notwithstanding any other provision of law (including section 2241 of title 28 or any other habeas corpus provision) no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions.”<sup>1</sup>

Other constitutional protections in the Bill of Rights, such as a speedy trial, the right to reasonable bail, and the ban on “cruel and unusual punishment,” would seem to be beyond a detainee’s reach as well.

Parry warns that, “In effect, what the new law appears to do is to create a parallel ‘star chamber’ system for the prosecution, imprisonment, and possible execution of enemies of the state, whether those enemies are foreign or domestic.

“Under the cloak of setting up military tribunals to try al-Qaeda suspects and other so-called unlawful enemy combatants, Bush and the Republican-controlled Congress effectively created a parallel legal system for ‘any person’—American citizen or otherwise—who crosses some ill-defined line.”

In one of the most chilling public statements ever made by a US Attorney General, Alberto Gonzales opined at a Senate Judiciary Committee hearing on Jan. 18, 2007, “The Constitution doesn’t say every individual in the United States or citizen is hereby granted or assured the right of habeas corpus. It doesn’t say that. It simply says the right shall not be suspended.”

More important than its sophomoric nature, Parry warns, is that Gonzales’s statement suggests he is still searching for arguments to make habeas corpus optional, subordinate to the President’s executive powers that Bush’s neoconservative legal advisers claim are virtually unlimited during “time of war.”

#### Citation

1. “Military Commissions Act of 2006” Public Law 109-366, 109th Congress. See [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109\\_cong\\_public\\_laws&docid=publ366.109](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_public_laws&docid=publ366.109).

#### UPDATE BY ROBERT PARRY

The Consortium series on the Military Commissions Act of 2006 pointed out that the law’s broad language seems to apply to both US citizens and non-citizens, contrary to some reassuring comments in the major news media that the law only denies habeas corpus rights to non-citizens. The law’s application to “any person” who aids and abets a wide variety of crimes related to terrorism—and the law’s provisions stripping away the jurisdiction of civilian courts—could apparently thrust anyone into the legal limbo of the military commissions where their rights are tightly constrained and their cases could languish indefinitely.

Despite the widespread distribution of our articles on the Internet, the major US news media continues to ignore the troubling “any person” language tucked in toward the end of the statute. To my knowledge, for instance, no major news organization has explained why, if the law is supposed to apply only to non-citizens, one section specifically targets “any person [who]

in breach of an allegiance or duty to the United States, knowingly and intentionally aids an enemy of the United States.” Indeed, the “any person” language in sections dealing with a wide array of crimes, including traditional offenses such as spying, suggests that a parallel legal system has been created outside the parameters of the US Constitution.

Since publication of the articles, the Democrats won control of both the House and Senate—and some prominent Democrats, such as Senate Judiciary Committee chairman Patrick Leahy, have voiced their intent to revise the law with the goal of restoring habeas corpus and other rights. However, other Democrats appear hesitant, fearing that any attempt to change the law would open them to charges that they are “soft on terrorism” and that Republicans would torpedo the reform legislation anyway. Outside of Congress, pro-Constitution groups have made reform of the Military Commissions Act a high priority. For instance, the American Civil Liberties Union organized a national protest rally against the law. But the public’s lack of a clear understanding of the law’s scope has undercut efforts to build a popular movement for repeal or revision of the law.

To learn more about the movement to rewrite the Military Commissions Act, readers can contact the ACLU at [https://secure.aclu.org/site/SPageServer?pagename=DOA\\_learn](https://secure.aclu.org/site/SPageServer?pagename=DOA_learn)  
[https://secure.aclu.org/site/SPageServer?pagename=DOA\\_learn](https://secure.aclu.org/site/SPageServer?pagename=DOA_learn).

#### Comment

On June 8, 2007 the Senate Judiciary Committee passed the Habeas Corpus Restoration Act on an 11-8 vote. If approved, the bipartisan bill, authored by Senator Patrick Leahy of Vermont and Senator Arlen Specter of Pennsylvania, will restore habeas rights that were taken away last year by the Military Commissions Act. The bill will move to the full Senate for vote late June 2007.

## #2 Bush Moves Toward Martial Law

Sources:

*Toward Freedom* , October 25, 2006

Title: “Bush Moves Toward Martial Law”

Author: Frank Morales

[www.towardfreedom.com/home/content/view/911](http://www.towardfreedom.com/home/content/view/911)

Student Researchers: Phillip Parfitt and Julie Bickel

Faculty Evaluator: Andy Merrifield, Ph.D.

The John Warner Defense Authorization Act of 2007, which was quietly signed by Bush on October 17, 2006, the very same day that he signed the Military Commissions Act, allows the president to station military troops anywhere in the United States and take control of state-based National Guard units without the consent of the governor or local authorities, in order to “suppress public disorder.”

By revising the two-century-old Insurrection Act, the law in effect repeals the Posse Comitatus Act, which placed strict prohibitions on military involvement in domestic law enforcement. The 1878 Act reads, “Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.” As the only US criminal statute that outlaws military operations directed against the American people, it has been our best protection against tyranny enforced by martial law—the harsh system of rules that takes effect when the military takes control of the normal administration of justice. Historically martial law has been imposed by various governments during times of war or occupation to intensify control of populations in spite of heightened unrest. In modern times it is most commonly used by authoritarian governments to enforce unpopular rule.<sup>1</sup>

Section 333 of the Defense Authorization Act of 2007, entitled “Major public emergencies; interference with State and Federal law,” states that “the President may employ the armed forces, including the National Guard in Federal service—to restore public order and enforce the laws of the United States when, as a result of a natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, or other condition in any State or possession of the United States, the President determines that domestic violence has occurred to such an extent that the constituted authorities of the State or possession are incapable of (or “refuse” or “fail” in) maintaining public order—in order to suppress, in any State, any insurrection, domestic violence, unlawful combination, or conspiracy.”

Thus an Act of Congress, superceding the Posse Comitatus Act, has paved the way toward a police state by granting the president unfettered legal authority to order federal troops onto the streets of America, directing military operations against the American people under the cover of “law enforcement.”

The massive Defense Authorization Act grants the Pentagon \$532.8 billion to include implementation of the new law which furthermore facilitates militarized police round-ups of protesters, so-called illegal aliens, potential terrorists, and other undesirables for detention in facilities already contracted and under construction, (see *Censored 2007*, Story #14) and transferring from the Pentagon to local police units the latest technology and weaponry designed to suppress dissent.

Author Frank Morales notes that despite the unprecedented and shocking nature of this act, there has been no outcry in the American media, and little reaction from our elected officials in Congress. On September 19, a lone Senator Patrick Leahy (D-Vermont) noted that 2007’s Defense Authorization Act contained a “widely opposed provision to allow the President more control over the National Guard [adopting] changes to the Insurrection Act, which will make it easier for this or any future President to use the military to restore domestic order without the consent of the nation’s governors.”

A few weeks later, on September 29, Leahy entered into the Congressional Record that he had “grave reservations about certain provisions of the fiscal Year 2007 Defense Authorization Bill Conference Report,” the language of which, he said, “subverts solid, longstanding posse comitatus statutes that limit the military’s involvement in law enforcement, thereby making it easier for the President to declare martial law.” This had been “slipped in,” Leahy said, “as a rider with little study,” while “other congressional committees with jurisdiction over these matters had no chance to comment, let alone hold hearings on, these proposals.”

Leahy noted “the implications of changing the [Posse Comitatus] Act are enormous.” “There is good reason,” he said, “for the constructive friction in existing law when it comes to martial law declarations. Using the military for law enforcement goes against one of the founding tenets of our democracy. We fail our Constitution, neglecting the rights of the States, when we make it easier for the President to declare martial law and trample on local and state sovereignty.”

Morales further asserts that “with the president’s polls at a historic low and Democrats taking back the Congress it is particularly worrisome that President Bush has seen fit, at this juncture to, in effect, declare himself dictator.”

#### Citation

1. See [http://en.wikipedia.org/wiki/Martial\\_law](http://en.wikipedia.org/wiki/Martial_law), “Martial Law,” May 2007

#### UPDATE BY FRANK MORALES

On April 24, 2007, Major General Timothy Lowenberg, the Adjutant General, Washington National Guard, and Director of the Washington Military Department, testified before the Senate Judiciary Committee on “The Insurrection Act Rider and State Control of the National Guard.” He was speaking in opposition to Section 1076 of the recently passed 2007 National Defense Authorization Act (NDAA), which President Bush quietly signed into law this past October 17. The law clears the way for the President to execute martial law, commandeer National Guard units around the country and unilaterally authorize military operations against the

American people in the event of an executive declaration of a “public emergency.” This move toward martial law, which is intended to facilitate more effective counterinsurgency measures on the home front, took place, according to Lowenberg, “without any hearing or consultation with the governors and without any articulation or justification of need.” This, despite the fact that Section 1076 of the new law “changed more than one hundred years of well-established and carefully balanced state-federal and civil-military relationships.” In other words, with one swipe of the pen, says the General, “one hundred years of law and policy were changed without any publicly or privately acknowledged author or proponent of the change.” Its “Federal Plans for Implementing Expanded Martial Law Authority” are to be executed via the recently created domestic military command, the Northern Command or NORTHCOM. “One key USNORTHCOM planning assumption,” says Lowenberg, “is that the President will invoke the new Martial Law powers if he concludes state and/or local authorities no longer possess either the capability or the will to maintain order.” In fact, this “highly subjective assumption,” as Lowenberg puts it, has been in the works for some time now. According to the General, the “US Northern Command has been engaged for some time in deliberative planning for implementation of Section 1076 of the 2007 National Defense Authorization. The formal NORTHCOM CONPLAN 2502-05 was approved by Secretary of Defense Gates on March 15, 2007,”

Further, according to the General, the 2007 NDAA provisions “could be used to compel National Guard forces to engage in civil disturbance operations under federal control.” In that case, NORTHCOM will effectuate its move to martial law, its “CONPLAN,” by way of its very own “civil disturbance plan,” Department of Defense Civil Disturbance Plan 55-2, code-named Garden Plot. Major Tom Herthel, of the United States Air Force Judge Advocate General School, recently laid out the Rules of Engagement & Rules for the Use of Force during the implementation of “GARDEN PLOT,” which according to Herthel, is “the plan to provide the basis for all preparation, deployment, employment, and redeployment of all designated forces, including National Guard forces called to active federal service, for use in domestic civil disturbance operations as directed by the President.” Among other things, the “rules” allow for the use of lethal force during domestic “civil disturbance operations.”

That is why many are urging Congress to repeal Section 1076 of the 2007 NDAA through immediate enactment of Senate Bill 513. Introduced in February 2007, and sponsored by Senator Patrick Leahy (D-Vt.), the bill seeks to repeal, or as the Congress puts it, “revive previous authority on the use of the Armed Forces and the militia to address interference with State or Federal law, and for other purposes,” through the “Repeal of Amendments made by Public Law 109-364-Section 1076 of the John Warner National Defense Authorization Act for Fiscal Year 2007.”

It is critical that Senate Bill 513 becomes law, and that our popular struggle succeeds in beating back the President’s attempt to further codify the immoral and criminal seizure of state control via woefully ill-advised and dictatorial moves toward martial law and military rule.

### **# 3 AFRICOM: US Military Control of Africa’s Resources**

Source:

MoonofAlabama.org 2/21/2007

Title: “Understanding AFRICOM”

Author: Bryan Hunt

[http://www.moonofalabama.org/2007/02/understanding\\_a\\_1.html](http://www.moonofalabama.org/2007/02/understanding_a_1.html)

Student Researcher: Ioana Lupu

Faculty Evaluator: Marco Calavita, Ph.D

In February 2007 the White House announced the formation of the US African Command (AFRICOM), a new unified Pentagon command center in Africa, to be established by September 2008. This military penetration of Africa is being presented as a humanitarian guard

in the Global War on Terror. The real objective is, however, the procurement and control of Africa's oil and its global delivery systems.

The most significant and growing challenge to US dominance in Africa is China. An increase in Chinese trade and investment in Africa threatens to substantially reduce US political and economic leverage in that resource-rich continent. The political implication of an economically emerging Africa in close alliance with China is resulting in a new cold war in which AFRICOM will be tasked with achieving full-spectrum military dominance over Africa.

AFRICOM will replace US military command posts in Africa, which were formerly under control of US European Command (EUCOM) and US Central Command (CENTCOM), with a more centralized and intensified US military presence.

A context for the pending strategic role of AFRICOM can be gained from observing CENTCOM in the Middle East. CENTCOM grew out of the Carter Doctrine of 1980 which described the oil flow from the Persian Gulf as a "vital interest" of the US, and affirmed that the US would employ "any means necessary, including military force" to overcome an attempt by hostile interests to block that flow.

It is in Western and Sub-Saharan Africa that the US military force is most rapidly increasing, as this area is projected to become as important a source of energy as the Middle East within the next decade. In this region, challenge to US domination and exploitation is coming from the people of Africa—most specifically in Nigeria, where seventy percent of Africa's oil is contained.

People native to the Niger Delta region have not benefited, but instead suffered, as a result of sitting on top of vast natural oil and natural gas deposits. Nigerian people's movements are demanding self-determination and equitable sharing of oil-receipts. Environmental and human rights activists have, for years, documented atrocities on the part of oil companies and the military in this region. As the tactics of resistance groups have shifted from petition and protest to more proactive measures, attacks on pipelines and oil facilities have curtailed the flow of oil leaving the region. As a Convergent Interests report puts it, "Within the first six months of 2006, there were nineteen attacks on foreign oil operations and over \$2.187 billion lost in oil revenues; the Department of Petroleum Resources claims this figure represents 32 percent of 'the revenue the country [Nigeria] generated this year.'"

Oil companies and the Pentagon are attempting to link these resistance groups to international terror networks in order to legitimize the use of the US military to "stabilize" these areas and secure the energy flow. No evidence has been found however to link the Niger Delta resistance groups to international terror networks or jihadists. Instead the situation in the Niger Delta is that of ethnic-nationalist movements fighting, by any means necessary, toward the political objective of self-determination. The volatility surrounding oil installations in Nigeria and elsewhere in the continent is, however, used by the US security establishment to justify military "support" in African oil producing states, under the guise of helping Africans defend themselves against those who would hinder their engagement in "Free Trade."

The December 2006 invasion of Somalia was coordinated using US bases throughout the region. The arrival of AFRICOM will effectively reinforce efforts to replace the popular Islamic Courts Union of Somalia with the oil industry-friendly Transitional Federal Government. Meanwhile, the persistent Western calls for "humanitarian intervention" into the Darfur region of Sudan sets up another possibility for military engagement to deliver regime change in another Islamic state rich in oil reserves.

Hunt warns that this sort of "support" is only bound to increase as rhetoric of stabilizing Africa makes the dailies, copied directly out of official AFRICOM press releases. Readers of the mainstream media can expect to encounter more frequent usage of terms like "genocide" and "misguided." He notes that already corporate media decry China's human rights record and support for Sudan and Zimbabwe while ignoring the ongoing violations of Western corporations engaged in the plunder of natural resources, the pollution other peoples' homelands, and the "shoring up" of repressive regimes.

In FY 2005 the Trans-Sahara Counter Terrorism Initiative received \$16 million; in FY 2006, nearly \$31 million. A big increase is expected in 2008, with the administration pushing for

\$100 million each year for five years. With the passage of AFRICOM and continued promotion of the Global War on Terror, Congressional funding is likely to increase significantly.

In the end, regardless of whether it's US or Chinese domination over Africa, the blood spilled will be African. Hunt concludes, "It does not require a crystal ball or great imagination to realize what the increased militarization of the continent through AFRICOM will bring to the peoples of Africa."

Update by Bryan Hunt

By spring 2007, US Department of Energy data showed that the United States now imports more oil from the continent of Africa than from the country of Saudi Arabia. While this statistic may be of surprise to the majority, provided such information even crosses their radar, it's certainly not the case for those figures who have been pushing for increased US military engagement on that continent for some time now, as my report documented. These import levels will rise.

In the first few months following the official announcement of AFRICOM, details are still few. It's expected that the combatant command will be operational as a subunit of EUCOM by October 2007, transitioning to a full-fledged stand-alone command some twelve months later. This will most likely entail the re-locating of AFRICOM headquarters from Stuttgart, Germany, where EUCOM is headquartered, to an African host country.

In April, US officials were traversing the continent to present their sales pitch for AFRICOM and to gauge official and public reaction. Initial perceptions are, not surprisingly, negative and highly suspect, given the history of US military involvement throughout the world, and Africa's long and bitter experience with colonizers.

Outside of a select audience, reaction in the United States has barely even registered. First of all, Africa is one of the least-covered continents in US media. And when African nations do draw media attention, coverage typically centers on catastrophe, conflict, or corruption, and generally features some form of benevolent foreign intervention, be it financial and humanitarian aid, or stern official posturing couched as paternal concerns over human rights. But US military activity on the continent largely goes unnoticed. This was recently evidenced by the sparse reporting on military support for the invasion of Somalia to rout the Islamic Courts Union and reinstall the unpopular warlords who had earlier divided up the country. The Pentagon went so far as to declare the operation a blueprint for future engagements.

The DOD states that a primary component of AFRICOM's mission will be to professionalize indigenous militaries to ensure stability, security, and accountable governance throughout Africa's various states and regions. Stability refers to establishing and maintaining order, and accountability, of course, refers to US interests. This year alone, 1,400 African military officers are anticipated to complete International Military Education and Training programs at US military schools.

Combine this tasking of militarization with an increased civilian component in AFRICOM emphasizing imported conceptions of "democracy promotion" and "capacity-building" and African autonomy and sovereignty are quick to suffer. Kenyans, for example, are currently finding themselves in this position.

It is hoped that, by drawing attention to the growing US footprint on Africa now, a contextual awareness of these issues can be useful to, at the very least, help mitigate some of the damages that will surely follow. At the moment, there is little public consciousness of AFRICOM and very few sources of information outside of official narratives. Widening the public dialogue on this topic is the first step toward addressing meaningful responses.

#### **# 4 Frenzy of Increasingly Destructive Trade Agreements**

Sources:

Oxfam International, March 2007

Title: "Singing Away The Future"

[http://www.oxfam.org/en/policy/briefingpapers/bp101\\_regional\\_trade\\_agreements\\_0703](http://www.oxfam.org/en/policy/briefingpapers/bp101_regional_trade_agreements_0703)

IPS coverage of Oxfam Report March 20, 2007

Title: "Free Trade Enslaving Poor Countries"

Author: Sanjay Suri

<http://ipsnews.org/news.asp?idnews=37008>

Student Researcher: Ann Marie O'Toole

Faculty Evaluator: Peter Phillips, Ph.D.

The Oxfam report, "Signing Away the Future," reveals that the US and European Union (EU) are vigorously pursuing increasingly destructive regional and bilateral trade and investment agreements outside the auspices of the WTO. These agreements are requiring enormous irreversible concessions from developing countries, while offering almost nothing in return. Faster and deeper, the US and EU are demanding unprecedented tariff reductions, sometimes to nothing, as the US and EU dump subsidized agricultural goods on undeveloped countries (see story #21), plunging local farmers into desperate poverty. Meanwhile the US and EU provide themselves with high tariffs and stringent import quotas to protect their own producers. Unprecedented loss of livelihood, displacement, slave labor, along with spiraling degradation of human rights and environments are resulting as economic governance is forced from governments of developing countries, and taken over by unaccountable multinational firms. During 2006, more than one hundred developing countries were involved in FTA or Bilateral Investment Treaty (BIT) negotiations. "An average of two treaties are signed every week," the report says, "Virtually no country, however poor, has been left out."

Much of the recent debate and controversy over trade negotiations has revolved around the increasingly devastating trade-distorting practices of rich countries versus the developing countries' needs for food security and industrial development. The new generation of agreements, however, extends far beyond this traditional area of trade policy—imposing a damaging set of binding rules in intellectual property, services, and investment with much deeper consequences for development and impacts on the poor.

Double standards in the intellectual-property rights chapters of most trade agreements are glaring. As new agreements limit developing countries' access to patented technology and medicines—while failing to protect traditional knowledge—the public-health consequences are staggering. The US-Colombia FTA is expected to reduce access to medicines by 40 percent and the US-Peru FTA is expected to leave 700,000 to 900,000 Peruvians without access to affordable medicines.

US and EU FTAs also require the adoption of plant-breeder rights that remove the right to share seeds among indigenous farmers. The livelihood of the world's poorest farmers is thus made even more vulnerable, while profit margins of the world's largest agribusinesses continue to climb. US FTAs are now pushing for patents on plants, which will not only limit the rights of farmers to exchange or sell seeds, but also forbid them to save and reuse seed they have grown themselves for generations. Under US FTAs including DR-CAFTA, US-Peru and US-Colombia FTAs, developing-country governments will no longer be able to reject a patent application because a firm fails to indicate the origin of a plant or show proof of consent for its use from a local community. As a result, communities could find themselves forced to pay for patented plant varieties based on genetic resources from their own soil.

New rules also pose a threat to essential services as FTAs allow foreign investors to take ownership of healthcare, education, water, and public utilities.

Investment chapters of new FTAs and BITs allow foreign investors to sue for lost profits, including anticipated future profits, if governments change regulations, even when such reforms are in the public interest. These rules undermine the sovereignty of developing nations, transferring power from governments to largely unaccountable multinational firms. A growing number of investment chapters and treaties further tip the scales of justice by preventing

governments from screening or regulating foreign investment—banning the use of all ‘performance requirements’ in all sectors including mining, manufacturing, and services. More than 170 countries have signed international investment agreements that provide foreign investors with the right to turn immediately to international investor-state arbitration to settle disputes, without first trying to resolve the matter in national courts. Such arbitration fails to consider public interest, basing decisions exclusively on commercial law. Not only is the legal basis for investment arbitration loaded against public interest, so are the proceedings. Despite the fact that many arbitration panels are hosted at the World Bank and the United Nations, the investment arbitration system is shrouded in secrecy. It is virtually impossible to find out what cases are being heard, let alone the outcome or rationale for decisions. As a result, there is no body of case decisions to inform governments of developing countries when drafting investments agreements. Oxfam notes that the only group privy to this information is an increasingly powerful select group of commercial lawyers, whose fees often place them out of reach of developing-country governments. These lawyers, according to the Oxfam report, are eager to advise foreign investors regarding opportunities to claim compensation from developing countries under international investment agreements. Strong opposition is growing to the political asymmetry inherent in these bilateral trade and investment agreements (see stories #8, #19, and #21). As Oxfam notes, “It is in nobody’s long-term interest to have a global economy that perpetuates social, economic, and environmental injustice.”

#### UPDATE BY LAURA RUSU OF OXFAM INTERNATIONAL

While real progress toward achieving a development-friendly outcome in the World Trade Organization’s Doha Round is still quite elusive, the negotiation of bilateral and regional free trade agreements (FTAs) that would undermine development continues at an unabated pace.

In the United States, the new Democratic leadership in Congress recently negotiated changes in the areas of labor, environment, and intellectual property in regard to access to medicines that are to be incorporated into the completed FTAs awaiting Congressional ratification. If implemented as agreed, these changes would mean important progress in enforcing core International Labor Organization standards and multilateral environmental agreements, and in promoting public health over private profits by reducing onerous protections for pharmaceutical monopolies. Still, more must be done in these areas, and harmful provisions remain in several other areas that will adversely affect developing countries, particularly the poor.

Without further changes, the FTAs create a profoundly unfair situation in which the US provides massive domestic agricultural supports and subsidies that allow products to be exported below their cost of production, while developing country trading partners are left with no means of protection. With large portions of their populations dependent upon agriculture for their livelihoods, the FTAs provide no effective safeguard to protect poor farmers from unfair competition. In addition, investment rules in the FTAs will hinder local and national governments from directing foreign investment so that it contributes to sustainable development. The investment chapter will give foreign companies leeway to challenge investment regulations, such as laws to protect the environment and public health. These and other provisions would deny developing countries the policy space needed to further their own development.

The US Administration hopes to bring FTAs with Peru, Panama, Colombia and Korea to a vote this year, although it remains doubtful whether there would be sufficient Congressional support to move the latter two. Congressional leadership is insisting that Colombia must also address its serious problems of violence and impunity, particularly as suffered by trade unionists, and has raised market-access concerns with regard to South Korea.

In a similar vein, the European Union has proceeded with FTA negotiations with African, Caribbean, and Pacific countries by pushing forward negotiating texts that will undermine the ability of poor countries to effectively govern their economies, protect their poorest people, improve livelihoods, and create new jobs. Going beyond the provisions negotiated at a

multilateral level, the EU is making requests that would impose far-reaching, hard-to-reverse rules in the areas of market access, agriculture, services and intellectual property. At the same time, the EU is proceeding to open formal negotiations with Central American countries for an FTA that would impose similar rules that undermine development. A similar agreement with Andean countries is expected to follow, and plans have been announced to open negotiations with ASEAN, India, and South Korea. In all of these negotiations, the EU, like the US, is failing to put development first.

For more information, please see <http://www.oxfamamerica.org>.

## **#5 Human Traffic Builds US Embassy in Iraq**

Source:

*CorpWatch*, October 17, 2007

Title: "A US Fortress Rises in Baghdad: Asian Workers Trafficked to Build World's Largest Embassy"

Author: David Phinney

<http://www.corpwatch.org/article.php?id=14173>

Student Researcher: Kristen Kebler and Angela Purcaro

Faculty Evaluator: Andrew Roth, Ph.D.

The enduring monument to US liberation and democracy in Iraq will be the most expensive and heavily fortified embassy in the world—and is being built by a Kuwait contractor repeatedly accused of using forced labor trafficked from South Asia under US contracts. The \$592 million, 104-acre fortress equal in size to the Vatican City is scheduled to open in September 2007. With a highly secretive contract awarded by the US State Department, First Kuwaiti Trading & Contracting has joined the ranks of Halliburton/KBR in Iraq by using bait-and-switch recruiting practices. Thousands of citizens from countries that have banned travel or work in Iraq are being tricked, smuggled into brutal and inhumane labor camps, and subjected to months of forced servitude—all in the middle of the US-controlled Green Zone, "right under the nose of the US State Department."

Though Associated Press reports that, "The 5,500 Americans and Iraqis working at the embassy are far more numerous than at any other US mission worldwide,"<sup>1</sup> there is no mention in corporate media of the 3,000 South Asian laborers working for contractors in dangerous and abysmal living and working conditions.

One such contractor is First Kuwaiti Trading and Contracting. FKTC has procured several billion dollars in US construction contracts since the war began in March 2003. Much of its work is performed by cheap labor hired from South Asia. The company currently employs an estimated 7,500 foreign laborers in theaters of war.

American FKTC employees report having witnessed the issuance of false boarding passes to Dubai, and passport seizure from planeloads of South Asian workers, who were instead routed to war-torn Baghdad. Former US Embassy construction manager for FKTC, John Owen, disclosed to author David Phinney that the deception had all the appearance of smuggling workers into Iraq.

On April 4, 2006, the Pentagon issued a contracting directive following an investigation that officially confirmed that contractors in Iraq, many working as subcontractors to Halliburton/KBR, were illegally confiscating worker passports, using deceptive bait-and-switch hiring practices, and charging recruiting fees that indebted low-paid migrant workers for many months or even years to their employers.

Section 1. (U) of the Pentagon directive states, "An inspection of contracting activities supporting DoD in Iraq revealed evidence of illegal confiscation of worker (Third Country National) passports by contractors/subcontractors; deceptive hiring practices and excessive recruiting fees, substandard worker living conditions at some sites, circumvention of Iraqi immigration procedures by contractors/subcontractors and lack of mandatory trafficking in

persons awareness training. This FRAGO [fragmentary order] establishes responsibilities within MNF-1 for combating trafficking in persons.”

An April 19, 2006 memorandum from Joint Contracting Command in Baghdad to All Contractors again states that, “Evidence indicates a widespread practice of withholding employee passports to, among other things, prevent employees ‘jumping’ to other employers. All contractors engaging in the above mentioned practice are directed to cease and desist in this practice immediately.”

The Pentagon has yet to announce, however, any penalty for those found to be in violation of US labor trafficking laws or contract requirements.

In a resignation letter dated June 2006, Owen told FKTC and US State Department officials that his managers at the US Embassy site regularly beat migrant workers, demonstrated little regard for worker safety, and routinely breached security. He also complained of poor sanitation, squalid living conditions and medical malpractice in labor camps where several thousand low-paid migrant workers, recruited from the Philippines, India, and Pakistan lived. Those workers, Owen noted, earned as little as \$10 to \$30 for a twelve-hour workday.

Rory Mayberry, a medic subcontracted to FKTC to attend construction crews at the Embassy, shares similar complaints about treatment of migrant laborers. In reports made available to the US State Department, the US Army, and FKTC, Mayberry called for the closure of the onsite medical clinic, listing dozens of serious safety hazards, unsanitary conditions, as well as routine negligence and malpractice. He furthermore called for an investigation into deaths that he suspected resulted from medical malpractice. Mayberry is not aware of any follow-up on his allegations.

Owen says that State Department officials supervising the US Embassy project are aware of abuse, but apparently do nothing. He recalls, “Once when seventeen workers climbed the wall of the construction site to escape, a State Department official helped round them up and put them in virtual lockdown.”

Phinney says that more FKTC employees are stepping forward to say that Owen’s and Mayberry’s testimonies “only begin to scratch the surface” of the conditions workers are forced to endure in building this monument to US liberation and democracy in Iraq.

Citation:

1. Associated Press, “New US Embassy in Iraq Cloaked in Mystery,” MSNBC, April 14, 2006.

#### UPDATE BY DAVID PHINNEY

When I first heard that Project Censored would recognize this story on the low-wage migrant laborers from South Asia building the US embassy in Baghdad, I admit I felt the story was a failure. Allegations of forced labor, lousy treatment of workers and beatings struck me as something that should rise to the level of torture at Abu Ghraib. Despite what appears to be a whitewash review of the embassy project by the State Department Inspector General that exonerated the contractor—even though more than a dozen sources on the site say conditions were abysmal—I am now encouraged by a recent effort at the US Justice Department to investigate allegations of labor trafficking and other matters. But the problem of labor abuse has been found to be “widespread” among contractors in the theater of war in Iraq. Unfortunately, not one contractor has been penalized—in fact, many are being rewarded with new US-funded contracts. That is a crime to humanity that may haunt the United States for years to come.

#### **#6 Operation FALCON Raids**

Sources:

*SourceWatch*, November 18, 2006

Title: “Operation Falcon”

Author: Brenda J. Elliot

[http://www.sourcewatch.org/index.php?title=Operation\\_FALCON](http://www.sourcewatch.org/index.php?title=Operation_FALCON)

*Ukernet*, February 26, 2007

Title: "Operation Falcon and the Looming Police State"

Author: Mike Whitney

<http://uruknet.info/?p=m30971&s1=h1>

Student Researcher: Erica Haikara and Celeste Winders

Faculty Evaluator: Ron Lopez, Ph.D.

Under the code name Operation FALCON (Federal and Local Cops Organized Nationally) three federally coordinated mass arrests occurred between April 2005 and October 2006. In an unprecedented move, more than 30,000 "fugitives" were arrested in the largest dragnets in the nation's history. The operations directly involved over 960 agencies (state, local, and federal) and were the brainchild of Attorney General Alberto Gonzales and US Marshal's Director Ben Reyna. The DoJ supplied television networks government-shot action videotape of Marshals and local cops raiding homes and breaking down doors, "targeting the worst of the worst criminals on the run," emphasizing suspected sex offenders. Yet less than ten percent of the total 30,150 were suspected sex offenders and less than two percent owned firearms. The press has not asked, "Who were the others?" And to date, the US Marshal's office has issued no public statement as to whether the people arrested in Operation Falcon have been processed or released. Author Mike Whitney cautions that Attorney General Gonzales has little interest in the petty offenders who were netted in this extraordinary crackdown. This action is instead, he warns, a practice roundup in the move toward martial law.

Altogether, there were three FALCON Operations, each netting roughly 10,000 criminal suspects. Between April 4–10, 2005, FALCON I swept up 10,340 fugitives in the largest nationwide mass arrest (to that date) in American history. Alberto Gonzalez proudly announced on April 15 through corporate media, "Operation FALCON is an excellent example of President Bush's direction and the Justice Department's dedication to deal both with the terrorist threat and traditional violent crime. This joint effort shows the commitment of our federal, state, and local partners to make our neighborhoods safer, and it has led to the highest number of arrests ever recorded for a single initiative of its kind. We will use all of our Nation's law enforcement resources to serve the people, to pursue justice, and to make our streets and Nation safer."

Operation FALCON II, carried out the week of April 17–23, 2006, arrested another 9,037 individuals from twenty-seven states mostly west of the Mississippi River. Operation FALCON III, conducted during the week of October 22–28, 2006, netted another 10,733 fugitives in twenty-four states east of the Mississippi River.

The US Marshals Service has not yet disclosed the names of the people arrested in these massive sweeps nor of what crimes they were accused. We have no way of knowing whether they were provided with due process of law, where they are now, or whether they have been abused while in custody.

*SourceWatch* contributors further ask for clarification, "Although Attorney General Gonzales stated on April 15, 2005 that Operation FALCON was 'an excellent example of President Bush's direction and the Justice Department's dedication to deal both with the terrorist threat and traditional violent crime,' where is the connection between the Operation FALCON roundups and catching terrorists? Why did police wait for federally orchestrated raids to arrest known sex offenders and suspected murders? Why were state and federal agencies integrated with local law enforcement to simply carry out routine police work?"

The media played an essential role in concealing the important details of the Operation. In fact, the non-critical "cookie cutter" articles which appeared in newspapers across the country suggest that the media may have collaborated directly with the Justice Department. (see Chapter 9, Fake News) Whitney notes that nearly identical "news" segments and articles put the best possible spin on a story that most Americans might find deeply disturbing, and perhaps

frightening.

While mass militarized police roundups make little sense as a method of apprehending fugitives, the FALCON program does make sense as a means of effectively setting up a chain-of-command structure that radiates from the Justice Department and relocates the levers of control to Washington where they can be manned by members of the administration. Whitney warns that the plan behind the FALCON program appears to have been devised to enhance the powers of the “unitary” executive by putting state and local law enforcement under federal supervision, ready for the institution of martial law (see story #2.)

Update by Mike Whitney

Operation FALCON presents the first time in US history that all of the domestic police agencies have been put under the direct control of the federal government. The implications for American democracy are quite profound.

Operation FALCON serves no purpose except to centralize power and establish the basic contours of an American police state. It is not an effective way of apprehending criminals. For the most part, the media completely ignored FALCON. In fact, these extraordinary police-state sweeps did not elicit even one editorial or one column-inch of commentary from any journalist in the country. Following the government’s version of events, the story was simply brushed aside as trivial. For those who care to explore the media’s true role in undermining the fundamental rights of Americans; FALCON is probably a good place to begin. It illustrates how the media deliberately obscures facts that do not serve the overall interests of the state.

The last FALCON operation was carried out on October 28, 2006. Since then, the project has been put on “hold,” presumably until some time in the future when it will be reactivated by presidential decree. The precedents have now been established for law enforcement agencies across the nation to be taken over by the chief executive at a moment’s notice. If there is another terrorist attack within the United States, or the outbreak of an epidemic, or a natural disaster on the scale of Hurricane Katrina; we can expect that President Bush will consolidate his power by asserting direct control over all of the various federal, state, and local police agencies. Eventually, we will see that FALCON was organized with that very purpose in mind. Recent changes to the Insurrection Act of 1807 as well as to the Posse Comitatus Act of 1878 allow President Bush to declare martial law at his own discretion and to take control of the National Guard from the state governors. That means that Bush now has a complete monopoly on all the means of organized violence in the country.

With the aid of the corporate media and an alliance of far-right organizations, Bush has successfully removed all the traditional obstacles to absolute power. The groundwork has been laid for an American dictatorship. FALCON is just one small part of that much larger plan.

#### UPDATE BY ARTIFICIAL INTELLIGENCE

A more recent and less publicized sweep was made March 7, 2007, in Baltimore, with the arrest of about two hundred fugitives. The rationale for this sweep is more puzzling, perhaps, as it was the only city involved. This sweep received only local media attention.

Numerous questions, as stated in the Operation FALCON article, remain unanswered. The mainstream press does not appear to be interested in exploring beyond the initial sweep events. Both House and Senate committees on the judiciary and government oversight are digging into DoJ operations due to the US attorney firings and politicization of the Department, with all roads leading to the White House. It is not unreasonable to expect that these sweeps may eventually come under investigation as well.

The mainstream press, to my knowledge, has not responded at all to my *SourceWatch* coverage of this story. The press coverage that Operation FALCON received appears to be limited to DoJ and USMS news releases with the addition of an occasional local interest story. Information on the fate of the 30,000 plus who were arrested is conspicuous by its absence. Additional information on this story should be available from both the DoJ and USMS. In reality, it most likely will not be, as neither has provided any updates. The *SourceWatch* article will continue to be updated when or if additional information becomes available.

## **#7 Behind Blackwater Inc.**

Source: *Democracy Now!* January 26, 2007

Title: "Our Mercenaries in Iraq: Blackwater Inc and Bush's Undeclared Surge"

Author: Jeremy Scahill

<http://www.democracynow.org/article.pl?sid=07/01/26/1559232>

Student Researcher: Sverre Tysl

Faculty Evaluator: Noel Byrne, Ph.D.

The company that most embodies the privatization of the military industrial complex—a primary part of the Project for a New American Century and the neoconservative revolution is the private security firm Blackwater. Blackwater is the most powerful mercenary firm in the world, with 20,000 soldiers, the world's largest private military base, a fleet of twenty aircraft, including helicopter gunships, and a private intelligence division. The firm is also manufacturing its own surveillance blimps and target systems.

Blackwater is headed by a very right-wing Christian-supremist and ex-Navy Seal named Erik Prince, whose family has had deep neo-conservative connections. Bush's latest call for voluntary civilian military corps to accommodate the "surge" will add to over half a billion dollars in federal contracts with Blackwater, allowing Prince to create a private army to defend Christendom around the world against Muslims and others.

One of the last things Dick Cheney did before leaving office as Defense Secretary under George H. W. Bush was to commission a Halliburton study on how to privatize the military bureaucracy. That study effectively created the groundwork for a continuing war profiteer bonanza.

During the Clinton years, Erik Prince envisioned a project that would take advantage of anticipated military outsourcing. Blackwater began in 1996 as a private military training facility, with an executive board of former Navy Seals and Elite Special Forces, in the Great Dismal Swamp of North Carolina. A decade later it is the most powerful mercenary firm in the world, embodying what the Bush administration views as "the necessary revolution in military affairs"—the outsourcing of armed forces.

In his 2007 State of the Union address Bush asked Congress to authorize an increase in the size of our active Army and Marine Corps by 92,000 in the next five years. He continued, "A second task we can take on together is to design and establish a volunteer civilian reserve corps. Such a corps would function much like our military reserve. It would ease the burden on the Armed Forces by allowing us to hire civilians with critical skills to serve on missions abroad when America needs them."

This is, however, precisely what the administration has already done—largely, Jeremy Scahill points out, behind the backs of the American people. Private contractors currently constitute the second-largest "force" in Iraq. At last count, there were about 100,000 contractors in Iraq, 48,000 of which work as private soldiers, according to a Government Accountability Office report. These soldiers have operated with almost no oversight or effective legal constraints and are politically expedient, as contractor deaths go uncounted in the official toll. With Prince calling for the creation of a "contractor brigade" before military audiences, the Bush administration has found a back door for engaging in an undeclared expansion of occupation.

Blackwater currently has about 2,300 personnel actively deployed in nine countries and is aggressively expanding its presence inside US borders. They provide the security for US diplomats in Iraq, guarding everyone from Paul Bremer and John Negroponte to the current US ambassador, Zalmay Khalilzad. They're training troops in Afghanistan and have been active in the Caspian Sea, where they set up a Special Forces base miles from the Iranian border. According to reports they are currently negotiating directly with the Southern Sudanese regional government to start training the Christian forces of Sudan.

Blackwater's connections are impressive. Joseph Schmitz, the former Pentagon Inspector General, whose job was to police the war contractor bonanza, has moved on to become the

vice chairman of the Prince Group, Blackwater's parent company, and the general counsel for Blackwater.

Bush recently hired Fred Fielding, Blackwater's former lawyer, to replace Harriet Miers as his top lawyer; and Ken Starr, the former Whitewater prosecutor who led the impeachment charge against President Clinton, is now Blackwater's counsel of record and has filed briefs with Supreme Court to fight wrongful death lawsuits brought against Blackwater.

Cofer Black, thirty-year CIA veteran and former head of CIA's counterterrorism center, credited with spearheading the extraordinary rendition program after 9/11, is now senior executive at Blackwater and perhaps its most powerful operative.

Prince and other Blackwater executives have been major bankrollers of the President, of former House Majority Leader, Tom DeLay, and of former Senator, Rick Santorum. Senator John Warner, the former head of the Senate Armed Services Committee, called Blackwater, "our silent partner in the global war on terror."

## **#8 KIA: The US Neoliberal Invasion of India**

Sources:

*Democracy Now!* December 13, 2006

Title: "Vandana Shiva on Farmer Suicides, the US-India Nuclear Deal, Wal-Mart in India"

Author: Vandana Shiva with Amy Goodman

<http://www.democracynow.org/article.pl?sid=06/12/13/1451229>

*Global Research*, October 9, 2006

Title: "Genetically Modified Seeds: Women in India Take on Monsanto"

Author: Arun Shrivastava

<http://www.globalresearch.ca/index.php?context=viewArticle&code=ARU20061009&articleId=3427>

SciDev.Net

Title: "Sowing Trouble: India's 'Second Green Revolution'"

Author: Suman Sahai

<http://www.scidev.net/content/opinions/eng/sowing-trouble-indias-second-green-revolution.cfm>

Student Researchers: Jonathan Stoumen and Michael Januleski

Faculty Evaluator: Phil Beard, Ph.D.

Farmers' cooperatives in India are defending the nation's food security and the future of Indian farmers against the neoliberal invasion of genetically modified (GM) seed. As many as 28,000 Indian farmers have committed suicide over the last decade as a result of debt incurred from failed GM crops and competition with subsidized US crops, yet when India's Prime Minister Singh met with President Bush in March 2006 to finalize nuclear agreements, they also signed the Indo-US Knowledge Initiative on Agriculture (KIA), backed by Monsanto, Archer Daniels Midland (ADM), and Wal-Mart. The KIA allows for the grab of India's seed sector by Monsanto, of its trade sector by giant agribusiness ADM and Cargill, and its retail sector by Wal-Mart.

Though the contours of KIA have been kept so secret that neither senior Indian politicians nor the scientific community know its details, it is clear that Prime Minister Singh has agreed to sacrifice India's agriculture sector to pay for US concessions in the nuclear field.

In one of very few public statements by a US government official regarding KIA, Nicholas Burns, Under Secretary of State for Political Affairs, states, "While the civilian nuclear initiative has garnered the most attention, our first priority is to continue giving governmental support to the huge growth in business between the Indian and American private sectors. Singh has also challenged the United States to help launch a second green revolution in India's vast agricultural heartland by enlisting the help of America's great land-grant institutions."

Vandana Shiva translates, “These are twin programs about a market grab and a security alignment.” Burns announced that while the nuclear deal is the cutting edge, what the US is really seeking is agricultural markets and real estate markets, “to take over the land of people, not through a market mechanism, but using the state and an old colonial law of land acquisition to grab the land by force.”

Through KIA, Monsanto and the US have asked for unhindered access to India’s gene banks, along with a change in India’s intellectual property laws to allow patents on seeds and genes, and to dilute provisions that protect farmers’ rights. A combination of physical access to India’s gene banks and a possible new intellectual property law that allows seed patents will in essence deliver India’s genetic wealth into US hands. This would be a severe blow to India’s food security and self-sufficiency.

At the same time KIA has paved the way for Wal-Mart’s plans to open five hundred stores in India, starting in August 2007, which will compound the outsourcing of India’s food supply and threaten 14 million small family vendors with loss of livelihood.

“This is not about ‘free trade,’” Shiva explains, “Today’s trade system, especially in agriculture, is dishonest, and dishonesty has become a war against farmers. It’s become a genocide.”

Farmers are, however, organizing to protect themselves against this economic invasion by maintaining traditional seed banks and setting up exemplary systems of community agrarian support. In response to the flood of debilitating debt tied to GM/hybrid seeds and the toxic petroleum based fertilizers and pesticides these crops depend on, one woman in the small village of Palarum says, “We do not buy seeds from the market because we suspect they may be contaminated with genetically engineered or terminator seeds.” Instead village women save and trade hardy traditional seeds that have evolved over centuries to produce low-maintenance, nutritious “crops of truth.”

Each village in this rural area of India has formed its own community-based organization called a *sangham*. Seventy-two sanghams are part of a regional federation. These sanghams form an informal social security network that, through the maintenance of seed banks, will come to the rescue of individuals or entire villages in times of crop failure. Every member of the community has access to food and is assured of some work even if landless. The federation furthermore trains students in skills such as carpentry, computing, pottery, bookbinding, veterinary science, herbal medicine, sewing, farming, waste management, and agro-forestry.

Author Arun Shrivastava comments that, “These seventy-two villages were once horizontally and vertically stratified along caste, class, and religious lines. Food scarcity was endemic, people were malnourished, the majority worked as unskilled day wagers. Today they are cohesive, interdependent. I did not see one malnourished person. Rarely do people go to urban centers to seek work.” Shrivastava continues, “The community is the most important entity that can help us ensure food and nutrition security. The right of access to natural resources—land, rivers, forests, air, and everything that Nature has given us, including seeds, is the fundamental right of the communities, not of the corporations or the state or the individual. No corporation has the right to expropriate what Nature gave us.”

Professor of genetics Suman Sahai concludes, “India must be cautious that it does not become the dumping ground for a technology and its controversial products that have been rejected in many parts of the world and whose safety and usefulness remain questionable. Food security is an integral part of national security. All India’s efforts in the nuclear arena to shore up its national security goals will be undermined if it allows itself to become insecure in the matter of food.”

Citation:

1. Nicholas Burns, “‘Heady Times’ For India And the US,” *Washington Post*, April 29, 2007.

UPDATE BY Arun Shrivastava

Nature has given us seeds and ‘crops of truth’ that do not require any tending but give us nutrition at no or low-cost. This knowledge needs to be rapidly disseminated; soon our lives may depend on it.

With current farming and food distribution systems it takes ten calories of fossil fuel energy to transport one calorie of food from farm to fork. That is unsustainable now; the era of cheap oil is effectively finished. Since we are already past peak oil, we all must learn to ensure food and nutrition security for our family and community. We will have to learn basic skills like conserving seeds, growing nutritious food, and medicinal crops without chemicals and machines. We will need more cohesive and interdependent local communities, like the women of Zaheerabad have shown.

The women of Zaheerabad save seeds in community-held seed banks and grow nutrition-dense food through a system that ensures health and livelihood for all. They have established how self-sufficient, sustainable communities might live in a post-carbon world.

A handful of multi-national corporations are patenting seeds. These genetically modified (GM) seeds neither increase yield nor reduce costs nor enhance nutritive content of foods, nor reduce dependence on oil. The seeds of deception have destroyed farmers in India, the US, and elsewhere.

Patenting ensures monopoly control while subverting farmers' right to save seeds; it is antithetical to natural rights of local communities. The Indo-US Knowledge Initiative in Agriculture covertly seeks to gain access and control over community-held seeds.

Since publication of the article, Deccan Development Society (DDS) has extended the model to twenty-six more villages but the community FM radio station remains silent.

At People's SAARC (South Asia Association for Regional Cooperation) summit in Kathmandu (March 2007) participants voted for a "GM-free South Asia," community control over seeds and protection of South-Asian biodiversity. Over six million farmers requested the Supreme Court of India (April 2007) to ban open field trials of GM seeds because of the dangers of irreversible contamination of community-held seeds and adverse impact on health.

The mainstream media is silent. They don't have space for disseminating information that will save us from disease and starvation. These are unglamorous issues.

For more information on growing crops of truth and the need for a new social order, the following are ideal sources:

1. The Web site of Deccan Development Society (DDS), initiator and facilitator of the sanghams, is <http://www.ddsindia.com/www/default.asp>. Contact PV Satheesh, Director of Zaheerabad Project.
2. Beej Bachao Andolan (BBA, Save the Seeds Movement) is a well-known movement of farmers who save traditional seeds of the Himalayan region. Contact Biju Negi, [negi.biju@gmail.com](mailto:negi.biju@gmail.com).
3. For information on growing food for health and personal freedom, go to [www.soilandhealth.org](http://www.soilandhealth.org).
4. For information on threats posed by multinational seeds firms, go to [www.gmwatch.org](http://www.gmwatch.org) and [www.mindfully.org](http://www.mindfully.org).
5. *The Seeds of Deception* by Jeffrey Smith discusses how GM foods, introduced in the US in 1993 without proper biosafety assessment, endanger our health. It is available at [www.seedsofdeception.com](http://www.seedsofdeception.com). See also the research of Dr. Irina Ermakova at <http://irina-ermakova.by.ru/eng/articles.html/>, and of Dr. Arpad Pusztai: <http://www.freenetpages.co.uk/hp/a.pusztai/>.
6. "*Heartless in the Heartland*" is the ghastly story of how Monsanto blackmailed US farmers not to save their seeds. See [www.mindfully.org](http://www.mindfully.org).
7. For an excellent summary, watch *The Future of Food*, a documentary by Deborah Koons Garcia, downloadable from [www.mindfully.org](http://www.mindfully.org).

8. For discussions on peak oil and food security, see Richard Heinberg's *Fifty Million Farmers*, published on November 17, 2006, available at <http://www.energybulletin.net/22584.html>. Also visit the Association for the Study of Peak Oil, managed by Dr. Colin Campbell, one of world's leading oil experts, at <http://www.peakoil.net>.

9. My two recent papers also shed light on the subject: "The attack on our seeds," a related article published by *Farmer's Forum* in India (contact the editor at [bksnd@airtelbroadband.in](mailto:bksnd@airtelbroadband.in)), and "The Silent War on the People of India," which can be found at [http://www.thepeoplesvoice.org/cgi-bin/blogs/voices.php/2007/03/22/the\\_silent\\_war\\_on\\_the\\_people\\_of\\_india](http://www.thepeoplesvoice.org/cgi-bin/blogs/voices.php/2007/03/22/the_silent_war_on_the_people_of_india).

UPDATE BY Vandana Shiva

The Indo-US Knowledge Initiative on Agriculture impacts 650 million farmers of India and 40 million small retailers and it is redefining the relationships between people in the two biggest democracies in the world.

A new movement on retail democracy has begun in India that is bringing together small shopkeepers, street hawkers, trade unions and farmers unions. On August 9, 2007, which is Quit India Day, the movement will be organizing actions across the country telling Wal-Mart to leave India.

For more information, visit our website at [www.navdanya.org](http://www.navdanya.org).

### **#9 Privatization of America's Infrastructure**

Sources:

*Mother Jones*, February 2007

Title; "The Highwaymen"

Author: Daniel Schulman with James Ridgeway

<http://www.motherjones.com/news/feature/2007/01/highwaymen.html>

*Human Events*, June 12, 2006

Title: "Bush Administration Quietly Plans NAFTA Super Highway"

Author: Jerome R. Corsi

<http://www.humanevents.com/article.php?id=15497>

Student Researcher: Rachel Icaza and Ioana Lupu

Faculty Evaluator: Marco Calavita, Ph.D.

We will soon be paying Wall Street investors, Australian bankers, and Spanish contractors for the privilege of driving on American roads, as more than twenty states have enacted legislation allowing public-private partnerships to build and run highways. Investment firms including Goldman Sachs, Morgan Stanley, and the Carlyle Group are approaching state politicians with advice to sell off public highway and transportation infrastructure. When advising state officials on the future of this vital public asset, these investment firms fail to mention that their sole purpose is to pick up infrastructure at the lowest price possible in order to maximize returns for their investors. Investors, most often foreign companies, are charging tolls and insisting on "noncompete" clauses that limit governments from expanding or improving nearby roads.

In 1956, President Eisenhower signed the Federal-Aid Highway Act, which called for the federal and state governments to build 41,000 miles of high-quality roads across the nation, over rivers and gorges, swamps and deserts, over and through vast mountain ranges, in what would later be called the "greatest public works project in human history." Eisenhower considered the interstate highway system so vital to the public interest that he authorized the federal government to assume 90 percent of the massive cost.

Fifty years later, states are selling off our nation's enormous, and aging, infrastructure to private investors. Proponents are celebrating these transactions as a no-pain, all-gain way to off-load maintenance expenses and increase highway-building funds without raising taxes.

Opponents are lambasting these plans as a major turn toward handing the nation's valuable common asset over to private firms whose fidelity is to stockholders—not to the public transportation system or the people who use it.

On June 29, 2006, Indiana's governor Mitch Daniels announced that Indiana had received \$3.8 billion from a foreign consortium made up of the Spanish construction firm Cintra and the Macquarie Infrastructure Group (MIG) of Australia. In exchange the state handed over operation of a 157-mile Indiana toll road for the next seventy-five years. With the consortium collecting the tolls, which will eventually rise far higher, the privatized road should generate \$11 billion for MIG-Cintra over the course of the contract.

In September 2005, Daniels solicited bids for the project, with Goldman Sachs serving as the state's financial adviser—a role that would net the bank a \$20 million advisory fee. When Goldman Sachs, one of the nation's most active and most profitable investment banks, with deep connections to Washington, began advising Indiana on selling its toll road, it failed to mention the fact that, even as it was advising Indiana on how to get the best return, its Australian subsidiary's mutual funds were ratcheting up their positions in MIG—becoming de facto investors in the deal.

Many are suspicious that governors like Daniels across the nation are taking questionable advice from corporate investment banks—and from Washington.

Despite public concerns, privatization of US transportation infrastructure has the full backing of the Bush administration. Tyler Duvall, the US Department of Transportation's assistant secretary for transportation policy, says the DoT has raised the idea with "almost every state" government and is working on sample legislation that states can use for such projects. Across the nation, there is now talk of privatizing the New York Thruway to the Ohio, Pennsylvania, and New Jersey turnpikes, as well as of inviting the private sector to build and operate highways and bridges from Alabama to Alaska.

In Texas, Governor Rick Perry still refuses to release details of a \$1.3 billion contract his administration signed with Cintra for a forty-mile toll road from Austin to Seguin, or of an enormous \$184 billion proposal to build a 4,000-mile network of toll roads through Texas.

It is known, however, that the Bush administration is quietly advancing the plan to build a huge ten-lane NAFTA Super Highway through the heart of the US along Interstate 35, from the Mexican border at Laredo, Texas to the Canadian border north of Duluth, Minnesota, financed largely through public-private partnerships. The Texas Department of Transportation will oversee the Trans-Texas Corridor as the first leg of the NAFTA Super Highway, which will be leased to the Cintra consortium as a privately operated toll road. Construction is slated to begin in 2007.

Authors Daniel Schulman and James Ridgeway warn that, just as the creation of a National Highway system promised to "change the face of America," in Eisenhower's words, so too could its demise.

## **# 10 Vulture Funds Threaten Poor Nations' Debt Relief**

Source:

*BBC Newsnight*, February 14, 2007

Title: "Vulture Fund Threat to Third World"

Author: Greg Palast with Meirion Jones

<http://www.informationclearinghouse.info/article17070.htm>

Student Researcher: Jenifer German

Faculty Evaluator: Robert Girling, Ph.D.

Vulture funds, otherwise known as "distressed-debt investors," are undermining UN and other global efforts to relieve impoverished Third World nations of the debt that has burdened them for many decades.

Vulture funds are financial organizations that buy up debts that are near default or bankruptcy. The vulture fund will pay the original investor pennies on the dollar for the debt and then approach the debtor to arrange a better repayment on the loan, or will go after the debtor in court.

In the private financial world, these funds, like the birds they are named for, provide a useful function for investors who are unable to follow up on defaulted debts and are themselves facing financial ruin if the debtor reneges entirely.

Under normal circumstances, distressed-debt investing—like day trading—is risky business. It is a gamble and the company knows that going in. The vulture fund may get nothing for its investment if the debtor continues to default and has no assets to attach. However, if there is still meat on the bones (the debtor has considerable assets to liquidate) the vulture fund can make millions.

A problem has arisen in recent years, however, as vulture funds have begun inserting themselves into an increasingly globalized “free market”—where no distinction is made between an irresponsible and defaulted company and a destitute and impoverished nation.

In the case of nations, the actions of vulture funds are corrupting the process begun in 1996 to provide debt relief for Third World nations struggling to emerge from the heavy debt laid upon them by previous corrupt rulers and colonial masters.

In one recent case, the poverty-stricken nation of Zambia was negotiating with Romania to reduce a \$40 million debt still owed from a 1979 loan to buy Romanian tractors. In 1999, Romania had agreed to liquidate the entire loan for \$3 million. Zambia planned to use the debt cancellation to invest in much-needed nurses, teachers, and basic infrastructure. Just before the deal was finalized however, investors at the England-based vulture fund Donegal International convinced the Romanian government to sell them the loan for just under \$4 million—not much more than Zambia had offered. Donegal then turned around and sued Zambia (where the average wage is barely a dollar a day) for the full \$40 million.

Throughout the lawsuit, global NGOs have pleaded with the English High Court to void the new contract and allow Zambia to honor the original agreement of \$3 million. But on February 15, 2007, an English court ruled that Donegal was entitled to much of what it was seeking—at least \$15 million, perhaps more.<sup>1</sup>

In a last desperate plea, global NGOs working to relieve Third World debt (such as Oxfam and the Jubilee Debt Campaign) turned to Donegal directly, asking them to forgive the debt.

Donegal knows that, as a national entity, even a cash-poor country like Zambia has access to considerable resources; in this case copper, cobalt, gem stones, coal, uranium, marble, and much more. Public works and other civic improvement projects can also be liquidated.

Also, Donegal has no history of mercy toward impoverished nations. In 1996 it paid \$11 million for a discounted Peruvian debt and threatened to bankrupt the country unless they paid \$58 million. Donegal got its money. Now they're suing Congo Brazzaville for \$400 million for a debt they bought for \$10 million. Donegal and other vulture funds have teams of lawyers combing the world for assets that can be seized.

Even worse, many of these vulture funds have influential ties to powerful world leaders like the Bush administration. The risk normally faced by distressed-debt investors is virtually eliminated when they have political influence that is greater than the poor nation they are suing. They raise most of their money through legal actions in US courts, where lobbying and political contributions hold influence. And many vulture fund CEOs have close links to top officials both in the US and England.

President Bush has the power to block collection of debts by vulture funds, either individual ones or all of them, if he considers it to be at odds with US foreign policy—in this case debt relief for poor countries.<sup>2</sup> According to Congressman John Conyers, “It’s our position that the Foreign Corrupt Practices Act and the comity doctrine brought from our constitution allows the president to require the courts defer in individual suits against foreign nations. And so, we’re conducting a couple of things. First of all, we want to know where these practices are going on at the present time, and, two, how we can get this information to President Bush so that he can, as he indicated to us, stop it immediately.”<sup>3</sup>

Chancellor Gordon Brown, now the prime minister of England, calls the vulture funds perverse and immoral. Oxfam and Jubilee have urged the chancellor to use his influence as chair of the International Monetary Fund's key decision-making committee to make sure that new regulations are devised that prevent private companies from bypassing international debt rules and pursuing debts from very poor countries.

#### Citations

1. Ashley Seager, "Court Lets Vulture Fund Claw Back Zambian Millions," *The Guardian*, February 16, 2007.
2. Ashley Seager, "Bush Could Block Debt Collection by 'Vulture' Funds," *Guardian Unlimited*, February 22, 2007.
3. "Conyers Confronts Bush On Vulture Bonds," an interview with *Democracy Now!*, February 16, 2007.

### # 11 The Scam of "Reconstruction" in Afghanistan

#### Sources:

Tomdispatch.com, August 27, 2006

Title: "Why It's Not Working in Afghanistan"

Author: Ann Jones

<http://www.tomdispatch.com/index.mhtml?pid=116512>

CorpWatch, October 6, 2006

Title: "Afghanistan Inc: a CorpWatch Investigative Report"

Author: Fariba Nawa

<http://www.corpwatch.org/article.php?id=13518>

Student Researchers: Madeline Hall and Julie Bickel

Faculty Evaluator: James Dean, Ph.D.

A report issued in June 2005 by the non-profit organization Action Aid reveals that much of the US tax money earmarked to rebuild Afghanistan actually ends up going no further than the pockets of wealthy US corporations. "Phantom aid" that never shows up in the recipient country is a scam in which paychecks for overpriced, and often incompetent, American "experts" under contract to USAID go directly from the Agency to American bank accounts. Additionally, 70 percent of the aid that does make it to a recipient country is carefully "tied" to the donor nation, requiring that the recipient use the donated money to buy products and services from the donor country, often at drastically inflated prices. The US far outstrips other nations in these schemes, as Action Aid calculates that 86 cents of every dollar of American aid is phantom.

Authors Ann Jones and Fariba Nawa suggest that in order to understand the failure and fraud in the reconstruction of Afghanistan, it is important to look at the peculiar system of American aid for international development. International and national agencies—including the World Bank, the International Monetary Fund and USAID, that traditionally distribute aid money to developing countries—have designed a system that is efficient in funneling money back to the wealthy donor countries, while undermining sustainable development in poor states.

A former head of USAID cited foreign aid as "a key foreign policy instrument" designed to help countries "become better markets for US exports." To guarantee that mission, the State Department recently took over the aid agency. USAID and the Army Corps of Engineers now cut in US business and government interests from the start, making sure that money is allocated according to US economic, political, strategic, and military priorities, rather than according to what the recipient nation might consider important.

Though Afghans have petitioned to allocate aid money as they find appropriate, donor countries object, claiming that the Afghan government is too corrupt to be trusted. Increasingly frustrated and angry Afghan communities meanwhile claim that the no-bid, open-ended

contracts being awarded to contractors such as Kellogg, Brown, and Root/Halliburton, DynCorp, Blackwater, and the Louis Berger Group are equivalent to licensed bribery, corruption, theft, and money laundering.

The Karzai government, confined to a self-serving American agenda, has delivered little to the average Afghan, most of whom still live in abject poverty. Western notions of progress evident in US-contracted hotels, restaurants, and shopping malls full of new electronic gadgets and appliances are beyond the imaginations or practicalities of 3.5 million war torn Afghan citizens who are without food, shelter, sewage systems, clean water or electricity.

Infrastructure hastily built with shoddy materials and no knowledge or respect for geologic or climatic conditions is culminating in one expensive failure after another. USAID's website, for example, boasts of its only infrastructure accomplishment in Afghanistan—the Kabul-Kandahar Highway—a narrow and already crumbling highway costing Afghans \$1 million a mile. The highway was featured in the *Kabul Weekly* newspaper in March 2005 under the headline, "Millions Wasted on Second-Rate Roads." The article notes that while other bids from more competent construction firms came in at one-third the cost, the contract went to the Louis Berger Group, a firm with tight connections to the Bush administration—as well as a notorious track record of other failed and abandoned construction projects in Afghanistan.

Former Minister of Planning, Ramazan Bashardost, complained that when it came to building roads, the Taliban had done a better job. "And," he also asked, "Where did the money go?" Now, in a move certain to lower President Karzai's approval ratings and further diminish US popularity in the area, the Bush administration has pressured Karzai to turn this "gift from the people of the United States" into a toll road, charging each driver \$20 for a road-use permit valid for one month. In this way, according to American "experts" providing highly paid technical assistance, Afghanistan can collect \$30 million annually from its impoverished citizens and thereby decrease the foreign aid "burden" on the United States.

Jones asks, "Is it any wonder that foreign aid seems to ordinary Afghans to be something only foreigners enjoy?"

UPDATE BY Fariba Nawa

Afghanistan, Inc. is a thirty-page report that digs deep into the corruption involved in the reconstruction of Afghanistan. The report focuses on US government-funded companies contracted to rebuild Afghanistan. The importance of this report is that it's the first serious look at corruption of aid money spending from a grassroots level. It includes an emphasis on various projects in villages and the cities and it covers all sides of the issue. It shows how big money is spent on bad work.

The report was first published in English through CorpWatch, a watchdog of corporations, on May 2, 2006. It was translated into the Persian languages of Dari and Pashto in September 2006. The companies investigated in the report continue to receive millions of dollars in contracts from the US government despite their incompetence and wasteful spending. Louis Berger, Bearing Point, Chemonics, and DynCorp are still taking American taxpayers' money and showing minimum results in Afghanistan.

Some of the mainstream press gave the report coverage, including NPR's *Morning Edition*, KRON Channel 4 news in San Francisco when it was first published, and later on, BBC radio and many other European outlets continue to call and ask the author about the report. However, that's a limited response to the fact that this was a groundbreaking report with important information for policy change. The report has been a source for many others researching the subject. If you'd like more information on corruption on reconstruction in Afghanistan, please refer to CorpWatch's website [www.corpwatch.org](http://www.corpwatch.org). Integrity Watch Afghanistan is another organization that monitors corruption in the country and produces various reports.

UPDATE BY ANN JONES

Nine months later the conundrum I described—no peace, no security, no development—still pertains, and Afghan hopes sour.

The US still looks for a military solution. In the first five months of 2007, seventy-five coalition troops were killed (compared to fifty-three in the same period last year), including thirty-eight

Americans. Civilian casualties were variously reported—some sources said “almost 1,800”—including 135 killed by US or NATO forces.

The US position on military “progress” against the Taliban, expressed by Defense Secretary Robert Gates on June 4, 2007, as he prepared to visit Afghanistan, remained “guarded optimism.” Gates told reporters a goal of his trip was to insure close coordination of combat operations and development and reconstruction efforts. That’s a switch, suggesting some clue that reconstruction may be a better way to “kill” the Taliban, but leaving unanswered the question of how to coordinate war and peaceful activity.

The real importance of “Why It’s Not Working in Afghanistan” lies behind the front page military coverage—in what it reveals of the systemic scams and should-be scandals of American aid. The story makes news now and then when billions “disappear” from reconstruction projects in Iraq, but to my knowledge it has yet to be investigated by media or congress. What’s discussed is the occasional budgetary black hole that suggests some random malfeasance, in much the same way that torture at Abu Ghraib was discussed as the work of a few “bad apples.”

Maybe reporters don’t want to take up the story because it’s complicated. It’s about numbers. Like Enron. Dreary, ho-hum, life-shattering stuff. I don’t know. But one curious thing: when my book *Kabul in Winter* appeared in 2006, a very long section on this topic was the one part no reviewer touched.

Now bigger voices than mine speak out. Abdullah Abdullah, the distinguished former Foreign Minister of Afghanistan, recently complained that of every \$100,000 promised to Afghan development, less than a third reaches the country. Matt Waldman, head of Afghanistan policy for Oxfam, one of the most respected humanitarian NGOs in the world, wrote in *The Guardian* (May 26, 2007) that “America is bankrolling Afghanistan” but “as in Iraq, a vast proportion of aid is wasted.” And more to the point, “Close to half of US development assistance goes to the five biggest US contractors in the country.” Waldman argues that too much aid money is lost to high salaries and living costs of international experts, purchase of non-Afghan resources, and corporate profits. He figures the cost of the average expat (read “American”) expert at half a million dollars a year.

So why is it left to representatives of foreign governments, foreign humanitarian organizations, and foreign press to expose this fraud?

To keep up with news about Afghanistan see [news@afghanistannewscenter.com](mailto:news@afghanistannewscenter.com), a daily roundup of stories from the world’s English language press. For policy issues see the Web site of New York University’s Center on International Cooperation ([www.cic.nyu.edu](http://www.cic.nyu.edu)) or that of the Center’s senior fellow and Afghanistan expert Barnett Rubin ([brr5@nyu.edu](mailto:brr5@nyu.edu)). To keep an eye on the corridors of power see the website of the Center for Public Integrity ([www.publicintegrity.org](http://www.publicintegrity.org)), and specifically for information on corporate scams see [www.corpwatch.org](http://www.corpwatch.org).

Journalists should also be advised that several professional organizations are protesting the increasing difficulty of covering Afghanistan because of interference by US, Afghan, and ISAF forces. They include IFJ (International Federation of Journalists), AIJA (Afghan Independent Journalists Association), and CPAJ (Committee to Protect Afghan Journalists). Currently Afghan journalists are also boycotting the Afghan Wolesi Jirga (lower house of Parliament) to protest its enactment of repressive media laws and the consequent imprisonment of journalists.

## **# 12 Another Massacre in Haiti by UN Troops**

Sources:

HaitiAction.net, January 21, 2007

Title: “UN in Haiti: Accused of Second Massacre”

Authors: Haiti Information Project

[http://www.haitiaction.net/News/HIP/1\\_21\\_7/1\\_21\\_7.html](http://www.haitiaction.net/News/HIP/1_21_7/1_21_7.html)

Inter Press Service

Title: "Haiti: Poor Residents of Capital Describe a State of Siege"

Authors: Wadner Pierre and Jeb Sprague

<http://ipsnews.net/news.asp?idnews=36772>

Student Researcher: William Leeming

Faculty Evaluator: Dianne Parness

Eyewitness testimony confirms indiscriminate killings by UN forces in Haiti's Cité Soleil community on December 22, 2006, reportedly as collective punishment against the community for a massive demonstration of Lavalas supporters in which about ten thousand people rallied for the return of President Aristide in clear condemnation of the foreign military occupation of their country. According to residents, UN forces attacked their neighborhood in the early morning, killing more than thirty people, including women and children. Footage taken by Haiti Information Project (HIP) videographers shows unarmed civilians dying as they tell of extensive gunfire from UN peacekeeping forces (MINUSTAH).

A hardened UN strategy became apparent days after the demonstration, when UN officials stated they were entering Cité Soleil to capture or kill gangsters and kidnappers. While officials of MINUSTAH have admitted to "collateral damage," in the raids of December 2006, they say they are there to fight gangsters at the request of the René Prével government.

But many residents and local human rights activists say that scores of people having no involvement with gangs were killed, wounded, and arrested in the raids.

Although MINUSTAH denied firing from helicopter gunships, HIP captured more than three hours of video footage and a large selection of digital photos, illustrating the UN's behavior in Haiti.

An unidentified twenty-eight-year-old man, filmed by HIP, can be seen dying as he testifies that he was shot from a circling UN helicopter that rained gunfire on those below. HIP film also shows a sixteen-year-old, dying just after being shot by UN forces. Before dying he describes details of the UN opening fire on unarmed civilians in his neighborhood. The wounded and dying, filmed by HIP, all express horror and confusion.

IPS observed that buildings throughout Cité Soleil were pockmarked by bullets; many showing huge holes made by heavy caliber UN weapons, as residents attest. Often pipes that brought in water to the slum community now lay shattered.

A recently declassified document from the US embassy in Port-au-Prince reveals that during a similar operation carried out in July 2005, MINUSTAH expended 22,000 bullets over several hours. In the report, an official from MINUSTAH acknowledged, "given the flimsy construction of homes in Cité Soleil and the large quantity of ammunition expended, it is likely that rounds penetrated many buildings, striking unintended targets."

Frantz Michel Guerrier, spokesman for the Committee of Notables for the Development of Cité Soleil based in the Bois Neuf zone, said, "It is very difficult for me to explain to you what the people of Bois Neuf went through on Dec. 22, 2006—almost unexplainable. It was a true massacre. We counted more than sixty wounded and more than twenty-five dead, among [them] infants, children, and young people."

"We saw helicopters shoot at us, our houses broken by the tanks," Guerrier told IPS. "We heard detonations of the heavy weapons. Many of the dead and wounded were found inside their houses. I must tell you that nobody had been saved, not even the babies. The Red Cross was not allowed to help people. The soldiers had refused to let the Red Cross in categorically, in violation of the Geneva Convention." Several residents told IPS that MINUSTAH, after conducting its operations, evacuated without checking for wounded.

Following the removal of Haiti's elected Jean-Bertrand Aristide government (see *Censored 2005*, story #12), up to one thousand Lavalas political activists were imprisoned under the US-backed interim government, according to a Miami University Human Rights study.

A study released by the Lancet Journal of Medicine in August 2006 estimates that 8,000 were killed and 35,000 sexually assaulted in the greater Port-au-Prince area during the time of

the interim government (2004-2006). The study attributed human rights abuses to purported “criminals,” police, anti-Lavalas gangs, and UN peacekeepers.

HIP Founding Editor Kevin Pina commented, “It is clear that this represents an act of terror against the community. This video evidence shows clearly that the UN stands accused, once again, of targeting unarmed civilians in Cité Soleil. There can be no justification for using this level of force in the close quarters of those neighborhoods. It is clear that the UN views the killing of these innocents as somehow acceptable to their goal of pacifying this community. Every demonstration, no matter how peaceful, is seen as a threat to their control if it includes demands for the return of Aristide to Haiti. In that context it is difficult to continue to view the UN mission as an independent and neutral force in Haiti. They apparently decided sometime ago it was acceptable to use military force to alter Haiti’s political landscape to match their strategic goals for the Haitian people.”

Update by Kevin Pina

Since President Jean-Bertrand Aristide and his Lavalas political party were ousted from power on February 29, 2004, accusations of gross human rights violations have persisted in Haiti. While the Haitian National Police (HNP) received training and assistance from the UN following Aristide’s ouster, they were also accused of summary executions, arbitrary arrests, and the killing of unarmed demonstrators. The actions of the Haitian police became so egregious that even UN police trainers (CIVPOL) began to question the motives of their commanders and the mission’s objectives. The Haiti Information Project (HIP) received the following correspondence in response to a May 8, 2005 article “UN accommodates Human Rights Abuses by police in Haiti.”<sup>1</sup> This is the first publication of that correspondence:

Just want to reinforce your observations as all being accurate.

I am one of the 25 US CIVPOL here on the ground in Haiti, having arrived last November. As a group we are frustrated by the UN’s and CIVPOL’s unwillingness to interpret their mandate aggressively. I have been pushing them to conduct investigations into all the shootings and other significant Human Rights violations with no success. The Police Commissioner and command staff shows little interest and claim the mandate does not allow them to do this. Unfortunately I have countless examples.

The corruption in the HNP is massive with little interest in addressing the problem. Just keep up the pressure, I don’t know what else to do.

Stephen MacKinnon  
Chief, Strategic Planning Unit  
CIVPOL-MINUSTAH

Chief MacKinnon provided HIP with information and documents that painted a disturbing picture of a UN operation more obsessed with political embarrassment caused by mounting demonstrations for Aristide’s return than interest in reigning in human rights abuses committed by the HNP.<sup>2</sup>

The United Nations Stabilization Mission in Haiti (MINUSTAH) now stands accused of having itself committed several massacres in the seaside shantytown of Cité Soleil. This area of the capital served as a launching site for massive demonstrations demanding the return of President Aristide and for an end to what they called the foreign occupation of their country. The Brazilian military has responsibility for leadership of the UN military forces in Haiti and is authorized to use deadly force. They are at the top of the command structure and their influence on the overall mission should not be understated. More importantly, there is a direct parallel between Brazilian military tactics utilized by UN forces in Haiti and similar military-style assaults used by the police in their own country.

The Brazilian military police have been accused of firing indiscriminately in the poor slums of Sao Paulo and Rio de Janeiro called favelas. This was highlighted in an Amnesty International report “Brazil: ‘They come in Shooting’: Policing socially excluded communities,” released on

December 2, 2005.<sup>3</sup>

This is similar to the tactics authorized by the Brazilian generals in Haiti. It has resulted in several high-profile massacres committed in the poor slum of Cité Soleil where protestors challenged the UN's authority by continuing to launch massive demonstrations demanding Aristide's return and condemning the UN's presence in Haiti. In each instance, the UN and the elite-run Haitian press demonized the entire community as being criminals and gangsters and/or collaborators of criminals and gangsters. While it is true that armed "gangs" operated in the neighborhood and a few claimed they were aligned with Aristide's Lavalas movement, these military raids had a clear correlation to the ongoing demonstrations and opposition to the UN presence in Haiti.

Cité Soleil was terrorized on July 6, 2005 when Brazilian commanders authorized a raid by UN forces with the stated aim of routing gangs in the area.<sup>4</sup> For Aristide supporters, the raid was a preemptive strike by the UN to dampen the impact of protests on Aristide's birthday, planned to take place only nine days later on July 15. It also represented the first time UN forces purposely sought to assassinate the leadership of armed groups claiming allegiance to Aristide's Lavalas movement.<sup>5</sup> By the time UN guns stopped firing, countless unarmed civilians lay dead with many having been killed by a single high-powered rifle shot to the head. Since then, documents obtained under the Freedom of Information Act show the US Embassy and various intelligence agencies, were aware of the excessive use of force by UN forces in Haiti on July 6, 2005.<sup>6</sup> Despite being heavily censored by US officials, what emerges is clear evidence of the disproportionate use of force by UN troops in Cité Soleil.

December 16, 2006 saw another large demonstration for Aristide that began in Cité Soleil and only six days later on December 22, Brazilian commanders would authorize a second deadly raid that residents and human rights groups say resulted in the wholesale slaughter of innocent victims. The unspoken parallel of Brazil's role in leading the UN's military strategy in Haiti is the fact that terror tactics such as these have been their modus operandi in their own country.

In the early morning hours of Feb. 2, UN forces entered Cité Soleil firing indiscriminately and their victims were two young girls killed as they slept in their own home.<sup>7</sup> Massive demonstrations were scheduled to take place five days later demanding the return of Aristide throughout Haiti on Feb. 7. While these demonstrations went largely unreported by the international corporate media, this stood in contrast, to the avalanche of news stories filed two days later on Feb. 9, when UN forces launched yet another deadly military operation in Cité Soleil.<sup>8</sup> Although these raids were ostensibly to rid the neighborhood of gangs, they followed the same pattern and relationship to demonstrations for Aristide's return and military tactics used by Brazilian commanders in previous UN operations.

The only rights organizations documenting the loss of life and destruction of property resulting from the UN raid on December 22, 2006, as well as previous and subsequent UN military operations, were the Institute for Justice and Democracy in Haiti (IJDH) and the Bureau des Avocats Internationaux (BAI).<sup>9</sup> HIP, the organization originally authoring the article being recognized by Project Censored, is a news agency that has extensive video evidence and interviews from Cité Soleil taken the same day these attacks by UN forces were executed. HIP offers any human rights organization the opportunity to view the documentary footage and evidence supporting the claims of Cité Soleil residents that massacres by UN forces have been committed against them. Unfortunately, Amnesty International, Human Rights Watch and the Inter-American Commission on Human Rights of the Organization of American States have remained conspicuously disinterested and silent about this evidence.

For further information and updates about Haiti, please visit [www.haitiaction.net](http://www.haitiaction.net), [www.ijdh.org](http://www.ijdh.org), [www.HaitiInformationProject.net](http://www.HaitiInformationProject.net), [www.haitianalysis.com](http://www.haitianalysis.com), [www.canadahaitiaction.ca](http://www.canadahaitiaction.ca), and [www.ahphaiti.org](http://www.ahphaiti.org).

## Notes

1. Haiti Information Project, "UN accommodates Human Rights Abuses by police in Haiti," May 8, 2005. See [http://haitiaction.net/News/HIP/5\\_8\\_5/5\\_8\\_5.html](http://haitiaction.net/News/HIP/5_8_5/5_8_5.html).
2. Internet correspondence received from Steve McKinnon to HIP May 12, 2005.

3. Amnesty International Report, "Brazil: 'They come in Shooting': Policing socially excluded communities" December 2, 2005. See <http://www.amnestyusa.org/document.php?lang=e &id=ENGAMR190252005>
4. Haiti Information Project, "Evidence mounts of a UN massacre in Haiti," July 12, 2005. See [http://www.haitiaction.net/News/HIP/7\\_12\\_5.html](http://www.haitiaction.net/News/HIP/7_12_5.html).
5. Haiti Information Project, "The UN's disconnect with the poor in Haiti," December 25, 2005. See [http://haitiaction.net/News/HIP/12\\_25\\_5/12\\_25a\\_5.html](http://haitiaction.net/News/HIP/12_25_5/12_25a_5.html).
6. Haiti Information Project, "US Embassy in Haiti acknowledges excessive force by UN," January 24, 2007. Article based on FOIA documents obtained by College of DuPage Geography Professor Keith Yearman. See [http://haitiaction.net/News/HIP/1\\_23\\_7/1\\_23\\_7.html](http://haitiaction.net/News/HIP/1_23_7/1_23_7.html).
7. Haiti Information Project—February 2, 2007. UN terror kills Haiti's children at night [http://haitiaction.net/News/HIP/2\\_2\\_7a/2\\_2\\_7a.html](http://haitiaction.net/News/HIP/2_2_7a/2_2_7a.html).
8. Haiti Information Project, "Massive demonstrations in Haiti catch UN by surprise," February 9, 2007. See [http://haitiaction.net/News/HIP/2\\_9\\_7/2\\_9\\_7.html](http://haitiaction.net/News/HIP/2_9_7/2_9_7.html).
9. Haiti Information Project, "The UNspoken truth about gangs in Haiti," February 15, 2007. See [http://haitiaction.net/News/HIP/2\\_15\\_7/2\\_15\\_7.html](http://haitiaction.net/News/HIP/2_15_7/2_15_7.html).
10. Video images documenting UN military operations on July 6, 2005 and December 22, 2006 were taken by HIP videographer Jean-Baptiste Ristil.

An Update on 2/28/2007 IPS Article: "Haiti: Poor Residents of Capital Describe a State of Siege"

## Journalism and Civil Society in Haiti: The Acceptable and The Unacceptable

By: Jeb Sprague and Wadner Pierre

Initially neither one of us thought of ourselves as journalists, but we were so shocked by events on the ground in Haiti (which were rarely being covered) that we felt compelled to write about them. The photographs and reports in such human rights studies as the one done by the [Center for the Study of Human Rights, Miami University 2005](http://www.law.miami.edu/cshr/CSHR_Report_0311-162006.pdf), really bear testament to the tragedy that the poor in Haiti have been dealt.

But in the dominant rhetoric of most donor groups and much of the mainstream media the coverage we found ignored so many voices, such as those of Haiti's vibrant grassroots civil society.

Of any country in the western hemisphere, the people of Haiti are filled with a vitality for democracy. Radio is the most popular form of communication partially because of economic accessibility and partially because it encourages discussion and debate. But the reflection of Haiti's civil society in the media and through donor intervention creates a distinct parallel; where one group of highly influential civil society leaders tightly connected with foreign donors, the foreign embassies present in Port-au-Prince and the large media outlets receives broad coverage and support; another civil society, present broadly, a pulsating grassroots that is less visible to the outside eye.

The testimonials and opinions of the donor and foreign government backed elite or middle class based civil society groups are propelled in the media spotlight as unbiased and independent, to the point where they become for foreign academics **\*the Haitian civil society\***. They have bilingual language skills, often higher education and the technological tools to communicate their programs to a transnational audience. Aid groups fly them abroad to make presentations or provide them with training seminars in the Dominican Republic or Washington, DC.

In the slum- and rural-based communities another civil society exists outside of the limelight. The members of this civil society are often broke, rarely able to making a sustainable living at

what they do. They are relatively unknown and unheard of by the outside world. These groups, popular and well organized on the ground, have broad participation. They carry out large mobilizations, they fill the streets with friends and family, they organize strikes, they are on the radio, and they organize co-ops, literacy centers, and community programs.

So in our articles we have tried to provide as many direct quotes and testimonials as possible from this grassroots civil society. At the same time we try to place this along side the official neoliberal "realist" rhetoric, <http://www.fair.org/index.php?page=2937> holding the official organs responsible, confronting them and asking them the hard questions (which they are often shocked to hear). Most important are the voices of the victims of violence, the wife and husband who lost their children, the unemployed man wounded on the side of the street; these are voices that call out to be heard.

The deafening silence from the mainstream US and European press is partially explained by a sort of internalized elite or middle class class view that promotes obedience and subordination to the "official," or the recognized expert and professional view (See: <http://www.chomsky.info/onchomsky/20031209.htm> Chomsky Propaganda model). One should not step outside of the line, i.e.: criticize UN troops. Journalists willing to do that are rarely considered career viable journalists. Another aspect is that editors and their papers are dependent on their advertisers, so stories about poor Haitians struggling for democracy become unpalatable. And in much of the press there is a knee jerk reaction to really criticize the poor of other countries, especially if they are able to organize amongst themselves.

Journalists that step outside the boundary are assailed by groups and individuals whose credentials often depend on maintaining the "official", the "expert" view. For example, according to New York Times author Walt Bogdanich after he published his well-researched <http://www.nytimes.com/2006/01/29/international/americas/29haiti.html> 2006 story in the New York Times, critical of the activities of the US government financed International Republican Institute (IRI) in Haiti, he received a huge internal and external backlash. He observes that the back-lash was more so than he has ever received for any story during his time at the New York Times. His piece was one of the few mainstream articles that really investigated into the political morass of the destabilization campaign against Haiti's elected 2001-2004 government.

MINUSTAH's operations in Cité Soleil, since writing our <http://ipsnews.net/news.asp?idnews=36772> IPS article, have continued. But in recent months the killings have lessened (although a man just last week was shot and killed by UN troops/ early June 2007). Over the months that followed our article, MINUSTAH was able to arrest one of the most well-known gang leaders, Evens Jeune, along with many of those within his group. MINUSTAH has claimed to have set up hospital clinics in the buildings used by the gangs, but on-site visits have revealed empty houses with no hospital clinics and no UN staffers. Haitian government promises of job programs have been slow to materialize in Cité Soleil. UN officials have purposely downplayed or ignored the protests of the poor demanding reparations. However, a number of community schools and health organizations, such as the Lamp Foundation, continue to do good work in Cité Soleil. Some human rights groups, such as the GDP, BAI, CONODH, and AUHMOD, continue to be active in the neighborhoods, but other locally formed groups such as the HNVNPC have gone back to their jobs, mostly in churches and schools.

The population of Cité Soleil has suffered horribly, either caught in the crossfire or purposely targeted. The socio-economic situation and dire poverty in Cité Soleil is a direct result of the prolonged policies of wealthy countries and donor institutions; forcing and [http://jubileeusa.typepad.com/blog\\_the\\_debt/2007/10/haiti-digging-t.html](http://jubileeusa.typepad.com/blog_the_debt/2007/10/haiti-digging-t.html) destabilizing out of power those elected Haitian governments that have advocated key policies of sovereignty and social investment, while opposing [http://](#)

<http://ipsnews.net/news.asp?idnews=38228>>privatization and neoliberal adjustments</a> whenever they can. Rarely told is how Haiti's police throughout the 1990's and early 2000's were systematically manipulated by the US embassy, CIA, and Haitian elites—this had a direct result on the security situation in Haiti. Economic instability heightened by coups and prolonged political crises—promoted by elites unhappy with the popular electoral choice—have cost Haiti jobs and development. All of this has pushed Haiti further into the abyss.

When international institutions and governments are busy coordinating these kinds of egregious activities, we feel it is the responsibility of journalists, activists, and academics (especially those lucky enough to have the resources) to investigate; all while speaking with the poor and finding out their concerns. From this experience we founded a website, [haitianalysis.com](http://haitianalysis.com), to connect foreign young journalists with young Haitian journalists in poor communities—with the specific purpose of covering poor communities and grassroots organizing. Soon after our IPS article appeared, members of the Haitian diaspora in New York were able to raise thousands of dollars to help in the funeral expenses of the two young Lubin daughters, Stephanie, seven, and Alexandra, four, killed by UN ammo according to their parents. Wadner's photos of the young girls have appeared in numerous Haitian newspapers and websites of various languages. The Lubin parents, distraught, wanted everyone to know about what had <http://www.haitianalysis.com/human-rights/the-killing-of-alexandra-lubin-and-st%C3%A9phanie-lubin>>occurred on that night of February 1st 2007</a>. To our knowledge the United Nations has never launched an investigation into the killing of the two Lubin daughters. UN officials have even gone so far as to claim, just this year, that their heavily armed military force has not been responsible for a single death of an innocent civilian. We will continue asking that a proper investigation be held.

For more information, we suggest that readers view websites such as [www.pih.org](http://www.pih.org), [www.haiti.quixote.org](http://www.haiti.quixote.org), [www.jubileeusa.org](http://www.jubileeusa.org), [www.ijdh.org](http://www.ijdh.org), [www.hurah.revolt.org](http://www.hurah.revolt.org), [www.haitianalysis.com](http://www.haitianalysis.com), [www.haitisolidarity.net](http://www.haitisolidarity.net) and [www.haitilabor.org](http://www.haitilabor.org)

### **# 13 Immigrant Roundups to Gain Cheap Labor for US Corporate Giants**

Sources:

*Truthout*, January 27, 2007

Title: "Which Side Are You On?"

Author: David Bacon

[http://www.truthout.org/docs\\_2006/012907L.shtml](http://www.truthout.org/docs_2006/012907L.shtml)

*The Nation*, February 6, 2007

Title: "Workers, Not Guests"

Author: David Bacon

[http://www.truthout.org/issues\\_06/020607LB.shtml](http://www.truthout.org/issues_06/020607LB.shtml)

*Foreign Policy in Focus*, February 26, 2007

Title: "Migrants: Globalization's Junk Mail?"

Author: Laura Carlsen

<http://www.fpif.org/fpiftxt/4022>

Student Researcher: Fernanda Borrás

Faculty Evaluator: Diana Grant, Ph.D.

The North American Free Trade Agreement (NAFTA) flooded Mexico with cheap subsidized US agricultural products that displaced millions of Mexican farmers. Between 2000 and 2005, Mexico lost 900,000 rural jobs and 700,000 industrial jobs, resulting in deep unemployment throughout the country. Desperate poverty has forced millions of Mexican workers north in order

to feed their families.

The National Campesino Front estimates that two million farmers have been displaced by NAFTA, in many cases related to the increase in US imports. In 1994, the first year of the agreement, the United States exported \$4.59 billion of agricultural products to Mexico, according to the Department of Agriculture. By 2006 the figure had risen to \$9.85 billion—an increase of 114 percent. US exports of corn, Mexico's staple crop and largest source of rural employment, alone doubled to over \$2.5 billion in 2006.

This combination of unemployment in Mexico, the huge gap between salaries in the United States and Mexico, and US demand for cheap labor to compete on global markets has created the current situation. The demand for undocumented labor in the US economy is structural. It is not just a few companies seeking to cut corners. These are not just jobs that "US workers won't take." Migrants work in nearly all low-paying occupations and have become essential to the US economy in the age of global competition.

The meatpacking industry provides a good example. The US meat industry as it went global shows a fast slide in working conditions over the past decades as a result of de-unionization, erosion of wages and benefits, and increasing safety and health hazards. Part and parcel of that slide has been the replacement of unionized US workers with migrants.

Aside from traditional employment in agriculture, another major use of migrant labor has been through the advent of subcontracting. This practice, well in place since the early 1980s, has contributed to the de-unionization of the workforce. It conveniently releases employees from direct responsibility for the legal status and treatment of workers in their employment.

In the wake of 9/11, Immigration Customs Enforcement (ICE) has conducted workplace and home invasions across the country in an attempt to round up "illegal" immigrants. ICE justifies these raids under the rubric of keeping our homeland safe and preventing terrorism. However the real goal of these actions is to disrupt the immigrant work force in the US and replace it with a tightly regulated non-union guest-worker program. This policy is endorsed by companies seeking permanent low-wage workers through a lobby group called Essential Worker Immigrations Coalition (EWIC). EWIC's fifty-two members include the US Chamber of Commerce, Wal-Mart, Marriott, Tyson Foods, American Meat Institute, California Landscape Contractors Association, and the Association of Builders and Contractors.

ICE now has Operation Return to Sender, a program, supposedly designed to target fugitive aliens. The program has resulted in the indiscriminate roundup of over 13,000 undocumented immigrants in cities throughout the United States.

Immigrant rights organizations have noted that the crackdown has led to serious human rights violations. Families are separated. Hearings are slow, and often families do not know for long periods of time where their loved ones are being held. A January 16 report from the Homeland Security Department's Inspector General of conditions at five detention centers identified frequent violation of federal standards, overcrowding, and health and safety violations.

The firings and raids highlight the vulnerability of immigrant workers under current US law. In 1986 Congress passed the Immigration Reform and Control Act, making it a federal crime for an employer to hire a worker without valid immigration documents. While few employers have ever faced penalties, in reality the law made it a crime for undocumented workers to hold a job. No current law requires employers to fire workers whose Social Security numbers don't jibe. But President Bush proposed a new administrative rule, which would tell employers to fire anyone with a no-match. The regulation has never been officially issued, but many companies claim they're already complying with it.

Both the enforcement and the agenda behind this crackdown are alarming many unions. In 1999 the AFL-CIO called for the repeal of employer sanctions, as well as for a generous legalization program, greater chances for family reunification, and enforcement of workplace rights. The federation was already on record opposing new guest worker programs. The Service Employees, and the two garment unions were among the first to push for this position. "We still call for the repeal of employer sanctions, as we have from the time it was passed," says Bruce Raynor, UNITE HERE president. "There are 12 million undocumented people living here, who are important to the economy," he fumes. "They have a right to seek employment, and

employers have a right to hire them. The only way to deal with this is to give workers rights and a path to citizenship.”

#### UPDATE BY DAVID BACON

“Which Side are you On?” and “Workers, not Guests” expose the way US immigration law is being transformed into a mechanism for supplying labor to some of the country’s largest corporations. Immigration law is creating a two-tier society, in which millions of people are denied fundamental rights and social benefits, because they are recruited to come to the US by those corporations on visas that condemn them to a second-class status. Those guest workers face increased poverty and exploitation, and their status is being used to put pressure on wages, benefits and workplace rights for all workers.

“Workers, not Guests” describes the way that the Bush administration uses immigration raids to attack union organizing campaigns and efforts by immigrant workers to enforce basic workplace rights and protections. Further, the administration uses the raids to pressure Congress into adopting new, vastly expanded guest worker programs.

Both articles describe the way some groups have abandoned their historic opposition to contract labor programs. Instead, the National Council of La Raza, the National Immigration Forum, and other labor and religious organizations have developed a political alliance with some of the country’s largest corporations, with the objective of passing new guest worker legislation. This legislation also includes provisions that will make future immigration raids much harsher and more widespread.

Since publication, the Bush administration and both Democratic and Republican senators have announced new proposals that go even further. They would end the ability of immigrant families to reunite in the US, and instead institute a corporate-driven point system intended to supply skilled labor to big companies. Raids and enforcement would become even harsher, with huge detention centers built on the border. The proposals would allow corporations to recruit as many as 600,000 contract guest workers a year.

The use of immigration policy to funnel labor to corporate employers is growing at the same time that Congress is debating new corporate trade legislation, including the renewal of fast track negotiating authority for the administration, and four new trade agreements—with South Korea, Peru, Panama, and Colombia. These bills would all increase the displacement of workers and farmers in other countries, sending many of them into the migrant stream to the US. This displacement is being coordinated with Congress’s immigration proposals, which would then channel displaced workers into industries where their labor can be used profitably, and ensure that they can only remain in the US in a status vulnerable to exploitation.

The mainstream press has carried many articles about the proposals and raids. There has been very little coverage of the corporate backing for the immigration bills in Congress, however. Many reporters refer to the guest worker bills as “pro-immigrant” and “left.” This has not only been inaccurate reporting, but has actually covered up the corporate domination of the immigration agenda in Congress. There has been virtually no coverage of the connection between US trade policy and immigration policy.

For more accurate information, readers can contact the National Network for Immigrant and Refugee Rights, [www.nnirr.org](http://www.nnirr.org). Global Exchange organized a national speaking tour on trade and immigration policy by David Bacon and Juan Manuel Sandoval, a leading Mexican critic of NAFTA and US immigration policy. The presentations made during that tour are available on the Global Exchange website, [www.globalexchange.org](http://www.globalexchange.org).

#### **# 14 Impunity for US War Criminals**

Source:

*Congressional Quarterly*, November 22, 2006

Title: “A Senate Mystery Keeps Torture Alive—and Its Practitioners Free”

Author: Jeff Stein

[http://public.cq.com/public/20061122\\_homeland.html](http://public.cq.com/public/20061122_homeland.html)

Student Researcher: Marley Miller

Faculty Evaluator: James Dean, Ph.D.

A provision mysteriously tucked into the Military Commission Act (MCA) just before it passed through Congress and was signed by President Bush on October 17, 2006 (see story #1), redefines torture, removing the harshest, most controversial techniques from the definition of war crimes, and exempts the perpetrators—both interrogators and their bosses—from prosecution for such offences dating back to November 1997.

Author Jeff Stein asks, “Who slipped language into the MCA that would further exempt torturers from prosecution?”

The White House denies any involvement or knowledge regarding the insertion of such language, leaving the origin of adjustments to this significant part of the MCA a mystery.

Motivation for this provision, however, leads clearly to leadership in the Bush administration, as the passage effectively rewrote the US enforcement mechanism for the Geneva War Crimes Act, which would have, upon sworn testimonies of Lieutenant General Randall M. Schmidt, Major General Mike Dunlavey, and US Brigadier General Commander, Janis Karpinski, held former Defense Secretary Donald Rumsfeld, Vice President Dick Cheney, and President George Bush guilty of active roles in directing acts of torture upon detainees held at Guantánamo and Abu Ghraib (see *Censored 2007*, Story #7) .

A spokesperson for the Center for Constitutional Rights comments, “The MCA’s restricted definitions arguably would exempt certain US officials who have implemented or had command responsibility for coercive interrogation techniques from war crimes prosecutions. This amendment is designed to protect US government perpetrators of abuses during the ‘war on terror’ from prosecution.”

Joanne Mariner of Human Rights Watch adds that the effect of this provision of the MCA is “that perpetrators of several categories of what were war crimes at the time they were committed, can no longer be punished under US law.”

As a whole, the MCA evolved out of the need to override the June 2006 Supreme Court declaration that the administration’s hastily assembled military commissions were unconstitutional. That momentous Supreme Court decision confirmed that all prisoners in US custody had to be held in accordance with the Geneva Convention’s Article 3, which prohibits “outrages upon personal dignity, in particular, humiliating and degrading treatment.” Through passage of the MCA, Congress and the President negated the corrective role of the courts in checking and balancing executive power.

A Senate aide involved in the drafting of the Senate version of the bill that was agreed upon by John McCain, Lindsey Graham, and John Warner, said, “We have no idea who [the extended impunity provision] came from or how it came to be.” White House spokesperson Dana Perrino said the stealth changes didn’t come from the counsel’s office, “It could have come from elsewhere in the White House or Justice Department,” she said, “but it didn’t come from us.”

Whatever the source, the amended provision was passed and is now a part of US law.

## **# 15 Toxic Exposure Can Be Transmitted to Future Generations on a “Second Genetic Code”**

Source:

*Rachel’s Democracy & Health News*, October 12, 2006

Title: “Some Chemicals are More Harmful Than Anyone Ever Suspected”

Author: Peter Montague

<http://www.precaution.org/lib/06/ht061012.htm>

Student Researchers: Kristen Kebler and Michael Januleski  
Faculty Evaluator: Gary Evans, M.D.

Research suggests that, contrary to previous belief, our behavior and our environmental conditions may program sections of our children's DNA. New evidence about how genes interact with the environment suggests that many industrial chemicals may be more ominously dangerous than previously thought. It is increasingly clear that the effects of toxic exposure may be passed on through generations, in ways that are still not fully understood. "This introduces the concept of responsibility into genetics and inheritance," said Dr. Moshe Szyf, a researcher at McGill University in Montreal, "This may revolutionize medicine. You aren't eating and exercising just for yourself, but for your lineage."<sup>1</sup>

The new field of genetic research, called epigenetics, involves what scientists are referring to as a "second genetic code" which influences how genes act in the body. If DNA is the hardware of inheritance, the epigenetic system is the software. The epigenetic system determines which genes get turned "off" or "on" and how much of a certain protein they produce.

It is this switching system that allows the genetic material in each cell to influence the creation of proteins—which ones are manufactured, in what sequence, and how many. Proteins are the building blocks of our bodies. The chemicals and hormones in our bodies are *proteins*. They determine, in large part, how we look, how we feel, even how we act.<sup>1</sup>

Now, it seems that this chemical switching system may also act in reverse. In most cases, epigenetic changes (changes to DNA from current environmental conditions) are not passed from parents to their offspring. Scientists are still not sure how—but genes seem to be "wiped clean" after a sperm fertilizes an egg. Based on the recent data, however, researchers are intrigued by the notion that some of the genetic changes influenced by our diet, our behaviors, or our environment, may be passed on from generation to generation.

On average, 1,800 new chemicals are registered with the federal government each year and about 750 of these find their way into products, all with hardly any testing for health or environmental effects. The bad news about chemical contamination is steadily mounting, while the number of new chemicals is steadily increasing. Many critics of the chemical and pharmaceutical industries are renewing their admonitions that government agencies practice the "precautionary principle"—the rule of "do no harm first" in the approval of new drugs and chemicals.

In 2005, the European Union responded to this situation by trying to enact a new law called Registration, Evaluation and Authorization of Chemicals (REACH), which requires that chemicals be tested *before* they are sold—not after. As they say in Europe, "No data, no market." At the same time, US and European chemical industries—and the White House—began working overtime to subvert the European effort to enact REACH. Their efforts failed, however, and the REACH act was adopted by the European Union in December, 2006.<sup>2</sup> Chemical companies throughout the US and Europe are still struggling with how they will respond to the new requirements.

#### Citations

1. Anne McIlroy, "Chemicals and Stress Cause Gene Changes That Can Be Inherited," *Globe & Mail*, March 11, 2006. See [http://www.precaution.org/lib/06/prn\\_code\\_2.060311.htm](http://www.precaution.org/lib/06/prn_code_2.060311.htm).
2. "European Parliament OKs World's Toughest Law on Toxic Chemicals," *San Francisco Chronicle*, December 14, 2006.

#### UPDATE BY PETER MONTAGUE

Basically this story tells us that environmental influences (like our mother's diet and her exposure to toxic chemicals) are far more important to us than anyone suspected just a decade ago.

It turns out that environmental influences shape us from the moment of conception onward, and the earliest months and years of life are the most important ones. It is called "fetal

programming” and it means our first environment (the womb) can determine what sorts of diseases will afflict us later in life. Furthermore, some of these early influences can be inherited by our offspring and even by their offspring. So your personal pattern of disease may have been set by your grandmother’s diet, or by her exposure to toxicants.

These findings imply that keeping toxic industrial chemicals out of the environment is far more urgent than anyone has previously thought. With more than 1,000 chemicals presently entering commercial channels each year with almost no health or safety testing, this is not welcome news.

In May 2007, a group of two hundred scientists from five continents issued strongly worded consensus statement (the “Faroes Statement”) saying that early exposure to common chemicals leaves babies more likely to develop serious diseases later in life, including diabetes,

attention deficits, certain cancers, thyroid disorders, and obesity, among others.

Notably, the scientists urged governments not to wait for more scientific certainty but to take precautionary action now to protect fetuses and children from toxic exposures.

Most of the mainstream press continued to tiptoe around this story, with a few important exceptions, until May 2007 when the Faroes statement blew the story open. Now that it is out in the open, we’ll have to see if the mainstream press has what it takes to explain the far-reaching ramifications of these findings.

The best source of information on this topic (and many others) is

<http://www.environmentalhealthnews.org>. Search for “epigenetics,” “fetal programming,” or “gene expression.”

e concerns, warns Parry, over how the Pentagon judges “threats” and who falls under the category of “those who would harm us.” A Pentagon official said the Counterintelligence Field Activity’s TALON program has amassed files on antiwar protesters.

In the view of some civil libertarians, a form of martial law already exists in the U.S. and has been in place since shortly after the September 11 attacks when Bush issued Military Order Number One, which empowered him to detain any noncitizen as an international terrorist or enemy combatant. Today that order extends to U.S. citizens as well.

Farrell ends her article with the conclusion that while much speculation has been generated by KBR’s contract to build huge detention centers within the U.S., “The truth is, we won’t know the real purpose of these centers unless ‘contingency plans are needed.’ And by then, it will be too late.”

#### **UPDATE BY PETER DALE SCOTT**

The contract of the Halliburton subsidiary KBR to build immigrant detention facilities is part of a longer-term Homeland Security plan titled ENDGAME, which sets as its goal the removal of “all removable aliens” and “potential terrorists.” In the 1980s Richard Cheney and Donald Rumsfeld discussed similar emergency detention powers as part of a super-secret program of planning for what was euphemistically called “Continuity of Government” (COG) in the event of a nuclear disaster. At the time, Cheney was a Wyoming congressman, while Rumsfeld, who had been defense secretary under President Ford, was a businessman and CEO of the drug company G.D. Searle.

These men planned for suspension of the Constitution, not just after nuclear attack, but for any “national security emergency,” which they defined in Executive Order 12656 of 1988 as: “Any occurrence, including natural disaster, military attack, technological or other emergency, that seriously degrades or seriously threatens the national security of the United States.” Clearly September 11 would meet this definition, and did, for COG was instituted on that day. As the Washington Post later explained, the order “dispatched a shadow government of about 100

senior civilian managers to live and work secretly outside Washington, activating for the first time long-standing plans.”

What these managers in this shadow government worked on has never been reported. But it is significant that the group that prepared ENDGAME was, as the Homeland Security document puts it, “chartered in September 2001.” For ENDGAME’s goal of a capacious detention capability is remarkably similar to Oliver North’s controversial Rex-84 “readiness exercise” for COG in 1984. This called for the Federal Emergency Management Agency (FEMA) to round up and detain 400,000 imaginary “refugees,” in the context of “uncontrolled population movements” over the Mexican border into the United States.

### **UPDATE BY MAUREEN FARRELL**

When the story about Kellogg, Brown and Root’s contract for emergency detention centers broke, immigration was not the hot button issue it is today. Given this, the language in Halliburton’s press release, stating that the centers would be built in the event of an “emergency influx of immigrants into the U.S.,” raised eyebrows, especially among those familiar with Rex-84 and other Reagan-era initiatives. FEMA’s former plans ‘for the detention of at least 21 million American Negroes in assembly centers or relocation camps’ added to the distrust, and the second stated reason for the KBR contract, “to support the rapid development of new programs,” sent imaginations reeling.

While few in the mainstream media made the connection between KBR’s contract and previous programs, Fox News eventually addressed this issue, pooh-poohing concerns as the province of “conspiracy theories” and “unfounded” fears. My article attempted to sift through the speculation, focusing on verifiable information found in declassified and leaked documents which proved that, in addition to drawing up contingency plans for martial law, the government has conducted military readiness exercises designed to round up and detain both illegal aliens and U.S. citizens.

How concerned should Americans be? Recent reports are conflicting and confusing:

- In May, 2006, U.S. Immigration and Customs Enforcement (ICE) began “Operation Return to Sender,” which involved catching illegal immigrants and deporting them. In June, however, President Bush vowed that there would soon be “new infrastructures” including detention centers designed to put an end to such “catch and release” practices.
- Though Bush said he was “working with Congress to increase the number of detention facilities along our borders,” Rep. Bennie Thompson, ranking member of the House Homeland Security Committee, said he first learned about the KBR contract through newspaper reports.
- Fox News recently quoted Pepperdine University professor Doug Kmiec, who deemed detention camp concerns “more paranoia than reality” and added that KBR’s contract is most likely “something related to (Hurricane) Katrina” or “a bird flu outbreak that could spur a mass quarantine of Americans.” The president’s stated desire for the U.S. military to take a more active role during natural disasters and to enforce quarantines in the event of a bird flu outbreak, however, have been roundly denounced.

Concern over an all-powerful federal government is not paranoia, but active citizenship. As Thomas Jefferson explained, “even under the best forms of government, those entrusted with power have, in time, and by slow operations, perverted it into tyranny.” From John Adams’s Alien and Sedition Acts to FDR’s internment of Japanese Americans, the land of the free has held many contradictions and ironies. Interestingly enough, Halliburton was at the center of another historical controversy, when Lyndon Johnson’s ties to a little-known company named Kellogg, Brown and Root caused a congressional commotion—particularly after the Halliburton subsidiary won enough wartime contracts to become one of the first protested symbols of the

military-industrial complex. Back then they were known as the “Vietnam builders.” The question, of course, is what they’ll be known as next.

**Additional links:**

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<http://fpiarticle.blogspot.com/2005/12/front-page-miami-herald-july-5-1987.html>

“Foundations are in place for martial law in the US,” July 27, 2002, Sydney Morning Herald,  
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[http://www.usatoday.com/news/nation/2006-06-14-immigration-arrests\\_x.htm](http://www.usatoday.com/news/nation/2006-06-14-immigration-arrests_x.htm)

**#16 No Hard Evidence Connecting Bin Laden to 9/11**

Source:

*The Muckraker Report*, June 6, 2006, and *Ithaca Journal*, June 29, 2006

Title: “FBI says, ‘No Hard Evidence Connecting Bin Laden to 9/11’”

Author: Ed Haas

<http://www.teamliberty.net/id267.html>

Student Researcher: Bianca May and Morgan Ulery

Faculty Evaluator: Ben Frymer, Ph.D.

Osama bin Laden’s role in the events of September 11, 2001 is not mentioned on the FBI’s “Ten Most Wanted” poster.

On June 5, 2006, author Ed Haas contacted the Federal Bureau of Investigation headquarters to ask why, while claiming that bin Laden is wanted in connection with the August 1998 bombings of US Embassies in Tanzania and Kenya, the poster does not indicate that he is wanted in connection with the events of 9/11.

Rex Tomb, Chief of Investigative Publicity for the FBI responded, “The reason why 9/11 is not mentioned on Osama bin Laden’s Most Wanted page is because the FBI has no hard evidence connecting bin Laden to 9/11.” Tomb continued, “Bin Laden has not been formally charged in connection to 9/11.” Asked to explain the process, Tomb responded, “The FBI gathers evidence. Once evidence is gathered, it is turned over to the Department of Justice. The Department of Justice then decides whether it has enough evidence to present to a federal grand jury. In the case of the 1998 United States Embassies being bombed, bin Laden has been formally indicted and charged by a grand jury. He has not been formally indicted and charged in connection with 9/11 because the FBI has no hard evidence connecting bin Laden to 9/11.”

Haas pauses to ask the question, “If the US government does not have enough hard evidence connecting bin Laden to 9/11, how is it possible that it had enough evidence to invade Afghanistan to ‘smoke him out of his cave?’” Through corporate media, the Bush administration told the American people that bin Laden was “Public Enemy Number One,” responsible for the deaths of nearly 3,000 people on September 11, 2001. The federal government claims to have invaded Afghanistan to “root out” bin Laden and the Taliban, yet nearly six years later, the FBI said that it had no hard evidence connecting bin Laden to 9/11.

Though the world was to have been convinced by the December 2001 release of a bin Laden

“confession video,” the Department of Defense issued a press release to accompany this video in which Secretary of Defense Donald Rumsfeld said, “There was no doubt of bin Laden’s responsibility for the 9/11 attacks even before the tape was discovered.”

In a CNN article regarding the bin Laden tape, then New York Mayor Rudy Giuliani said that “the tape removes any doubt that the US military campaign targeting bin Laden and his associates is more than justified.” Senator Richard Shelby, R-Alabama, the vice chairman of the Senate Intelligence Committee said, “The tape’s release is central to informing people in the outside world who don’t believe bin Laden was involved in the September 11 attacks.” Shelby went on to say “I don’t know how they can be in denial after they see this tape.”

Haas attempted to secure a reference to US government authentication of the bin Laden “confession video,” to no avail. However, it is conclusive that the Bush Administration and US Congress, along with corporate media, presented the video as authentic. So why doesn’t the FBI view the “confession video” as hard evidence? After all, notes Haas, if the FBI is investigating a crime such as drug trafficking, and it discovers a video of members of a drug cartel openly talking about a successful distribution operation in the United States, that video would be presented to a federal grand jury. The participants identified in the video would be indicted. The video alone would serve as sufficient evidence to net a conviction in a federal court. So why, asks Haas, is the bin Laden “confession video” not carrying the same weight with the FBI?

Haas strongly suggests that we begin asking questions, “The fact that the FBI has no hard evidence connecting Osama bin Laden to 9/11 should be headline news around the world. The challenge to the reader is to find out why it is not. Why has the US media blindly read the government-provided 9/11 scripts, rather than investigate without passion, prejudice, or bias, the events of September 11, 2001? Why has the US media blacklisted any guest that might speak of a government-sponsored 9/11 cover-up, rather than seeking out those people who have something to say about 9/11 that is contrary to the government’s account?” Haas continues. “Who is controlling the media message, and how is it that the FBI has no ‘hard evidence’ connecting Osama bin Laden to the events of September 11, 2001, while the US media has played the bin Laden-9/11 connection story for [six] years now as if it has conclusive evidence that bin Laden is responsible for the collapse of the twin towers, the Pentagon attack, and the demise of United Flight 93?”

UPDATE BY ED HAAS

On June 6, 2006 the Muckraker Report ran a piece by Ed Haas titled “FBI says, ‘No hard evidence connecting bin Laden to 9/11.’” Haas is the editor and a writer for the *Muckraker Report*. At the center of this article remains the authenticity and truthfulness of the videotape released by the federal government on December 13, 2001 in which it is reported that Osama bin Laden “confesses” to the September 11, 2001 attacks. The corporate media—television, radio, and newspapers—across the United States and the world repeated, virtually non-stop for a week after the videotape’s release, the government account of OBL “confessing.”

However, not one document has been released that demonstrates the authenticity of the videotape or that it even went through an authentication process. The *Muckraker Report* has submitted Freedom of Information Act requests to the FBI, CIA, Department of Defense, and CENTCOM requesting documentation that would demonstrate the authenticity of the videotape and the dates/circumstances in which the videotape was discovered. CENTCOM has yet to reply to the FOIA request. After losing an appeal, the FBI responded that no documents could be found responsive to the request. The Department of Defense referred the *Muckraker Report* to CENTCOM while also indicating that it had no documents responsive to the FOIA request either.

The CIA however claims that it can neither confirm nor deny the existence or nonexistence of records responsive to the request. According to the CIA the fact of the existence or nonexistence of requested records is properly classified and is intelligence sources and methods information that is protected from disclosure by section 6 of the CIA Act of 1949, as amended. Therefore, the Agency has denied your request pursuant to FOIA exemptions (b)(1) and (b)(3).

Many people believe that if the videotape is authentic, it should be sufficient hard evidence for the FBI to connect bin Laden to 9/11. The *Muckraker Report* agrees. However, for the Department of Justice to indict bin Laden for the 9/11 attacks, something the government has yet to do, the videotape would have to be entered into evidence and subjected to additional scrutiny. This appears to be something the government wishes to avoid.

Some believe that the video is a fake. They refer to it as the “fat bin Laden” video. The *Muckraker Report* believes that while the videotape is indeed authentic, it was the result of an elaborate CIA sting operation. The *Muckraker Report* also believes that the reason why there is no documentation that demonstrates that the videotape went through an authenticity process is because the CIA knew it was authentic, they arranged the taping.

It is highly probable that the videotape was taped on September 26, 2001—before the US invaded Afghanistan.

## **# 17 Drinking Water Contaminated by Military and Corporations**

Sources:

*Environment News Service*, March 24, 2006

Title: “Factories, Cities Across USA Exceed Water Pollution Limits”

Author: Sunny Lewis

<http://www.ens-newswire.com/ens/mar2006/2006-03-24-05.asp>

*AlterNet*, August 4, 2006

Title: “Military Waste in Our Drinking Water”

Authors: Sunaura Taylor and Astor Taylor

<http://www.alternet.org/envirohealth/39723/>

Student Researchers: Jonathan Stoumen, Adrienne Magee, and Julie Bickel

Faculty Evaluator: Sasha Von Meier, Ph.D. and Steve Norwick, Ph.D.

Water is essential to life, contributing to blood circulation, digestion, metabolism, brain activity, and muscle movements. Yet reliably pure water is growing scarce, even in the United States. Despite the federal government’s avowed commitment “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters,”<sup>1</sup> corporations, municipalities, and the US military pollute our waters—often with little or no accountability.

“Polluters are using America’s waters as their dumping ground,” said US PIRG’s Clean Water Advocate Christy Leavitt. (US PIRG is the national lobby office for the state Public Interest Research Groups, nonprofit public interest advocacy organizations.) “Troubled Waters: An Analysis of Clean Water Act Compliance,” released by US PIRG in March 2006 shows that, between July 2003 and December 2004, over 62 percent of industrial and municipal facilities across the country discharged pollution into US waterways at rates above limits established by the Clean Water Act (CWA).

Using the Freedom of Information Act, US PIRG investigated major facilities’ compliance—or lack of it—with established federal limits on pollution discharges. The average facility discharged pollutants in excess of its permitted limit by over 275 percent, nearly four times the legal limit. Nationally, 436 major facilities exceeded their limits at least half of the time during the study’s timeframe. Thirty-five facilities exceeded their permits during every reporting period. Seven states allowed more than one hundred violations of at least 500 percent (Ohio, Indiana, Pennsylvania, New York, Tennessee, Texas, and Massachusetts). The study could not analyze facilities in California, Oregon, or Washington due to unreliable data.

Corn farming—think ethanol—is the crop most likely to leach chemical contaminants into waterways.<sup>2</sup> Atrazine, which several European nations have banned, is an herbicide widely used in agribusiness, especially on major crops such as corn. The EPA identifies atrazine as the second-most common herbicide in drinking wells. Maximum safe levels of atrazine in drinking water are three parts per billion, but scientists have found up to 224 parts per billion in

Midwestern streams, and 2,300 parts per billion in Corn Belt irrigation reservoirs.

Today more than 40 percent of US waterways are unsafe for swimming and fishing, and, as shown by the PIRG study, industrial pollution of the nation's waters persists—despite the goals of the 1972 Clean Water Act to make all US waters safe for fishing, swimming, and other uses by 1983, and to eliminate the discharge of pollutants into waterways by 1985.

One reason for these ongoing failures is the Bush administration's consistent efforts to shortchange the Environmental Protection Agency's budget and to gut the Clean Water Act. In 2003, the Bush administration significantly weakened protections for small streams, wetlands, and other waters, despite Bush having declared 2002-2003 the Year of Clean Water.

However, opposition to environmental protection for clean waterways stems from not only the Bush administration but also the US military, whose pollution poisons the very citizens it is supposed to protect in the name of national security. Weapons production, by the US military and its private contractors, generates more hazardous waste annually than the five largest international chemical companies combined, accounting for one-third of the nation's toxic waste. Furthermore, the US military is among the most frequent violators of environmental laws.

The Department of Defense (DoD) has sought and received exemptions from a number of crucial public health and environmental laws. Dramatic increases in the amounts of trichloroethylene (TCE) in public aquifers have been one fatal consequence of these exemptions. TCE, a known carcinogen, is used commercially as a solvent. It is the most widespread industrial contaminant in US drinking water. Since the Korean War, military contractors, such as Hughes Missiles Systems (purchased by Raytheon in 1997), have used TCE to degrease airplane parts, and to clean fuel lines at missile sites.

Consequently, TCE contamination is especially common around military facilities. The Pentagon is responsible for the TCE contamination of over 1,400 properties. In 2001, the EPA sought to force the government to require more thorough cleanups at military sites, by lowering the acceptable limits on TCE from five parts per billion to one part per billion. In response, the DoD joined the Department of Energy and NASA in blocking the EPA's proposed action. The Bush administration charged the EPA with inflating TCE's risks, and called on the National Academy of Sciences to evaluate the EPA's claims. The Academy's 2003 report confirmed the EPA's assessment, linking TCE to kidney cancer, impaired neurological function, reproductive and developmental damage, autoimmune disease, and other human ailments. The Bush administration and the DoD have ignored these inconvenient findings. As a result, citizens, who pay for the military budget with their tax dollars, are also paying with their health and sometimes their lives.

#### Citations

1. Federal Water Pollution Control Act (33 USC. 1251 et seq), Section 101(a).
2. Sasha Lilley, "Green Fuel's Dirty Secret," *CorpWatch*, June 1, 2006.

#### UPDATE BY SUNNY LEWIS

Compliance with the Clean Water Act on the part of industrial and municipal water facilities and land developers is of utmost importance to the quality of America's waters—from wetlands, ponds, and small streams to mighty rivers and the Great Lakes.

The US Public Interest Research Group, US PIRG, which discovered the failure of 62 percent of facilities to comply with the law based on documents obtained through the Freedom of Information Act, intends to do more work on this subject later this year.

Christy Leavitt of US PIRG, quoted by ENS in the original article, says the group will issue another report based on updated figures obtained in May from the US Environmental Protection Agency.

As ENS reported, US PIRG recommended that all US waters be protected by withdrawal of what the group called "the Bush administration's 2003 No Protection" policy which excludes many small streams and wetlands from protection under the Clean Water Act.

Since the ENS report was published, the US Supreme Court handed down a ruling on the scope of the Clean Water Act that many water and environmental experts as well as Members

of Congress believe has muddied the legal waters and made new legislation necessary.

In June 2006, the high court ruled in the case *Rapanos et ux., et al. v. United States* that there are limits to the federal government's authority to regulate wetlands under the Clean Water Act, but failed to agree on the confines of that power.

The consolidated case involved conflicts between developers who wanted to build condos and stores on wetlands and federal regulators, who refused to allow the developments under the authority of the Clean Water Act. The waters at issue were wetlands adjacent to ditches and drains that connected to "navigable waters" of the United States.

For a full discussion of the ruling, please see the ENS report, "US Supreme Court Decision Fails to Clarify Clean Water Act," at <http://www.ens-newswire.com/ens/jun2006/2006-06-19-10.asp>.

In 2001, the Supreme Court ruled in another case, *Solid Waste Agency of Northern Cook County v. Corps of Engineers*, SWANCC, that non-navigable, isolated, intrastate waters do not fall under the jurisdiction of the Clean Water Act.

On May 25, 2007, a bi-partisan bill was introduced in the House of Representatives that attempts to clarify the original intent of Congress in the 1972 Clean Water Act in the wake of these two decisions.

To achieve clarification, the new measure, the Clean Water Restoration Act, replaces the term "navigable waters of the United States" with the term "waters of the United States."

The Clean Water Restoration Act has 158 original cosponsors, and the endorsement of more than three hundred organizations representing the conservation community, family farmers, fishers, surfers, boaters, faith communities, environmental justice advocates, labor unions, and civic associations.

It replaces a bill mentioned in the original ENS report, the Clean Water Authority Restoration Act, that was not approved during the 109th Congress.

As ENS reported in March 2006, US PIRG recommended that the Clean Water State Revolving Fund be fully funded to help communities upgrade their sewer systems.

The Clean Water State Revolving Loan Fund guarantees loans for cities and towns so they can borrow for sewer projects at a lower interest rate, saving local taxpayers billions of dollars nationwide.

On March 8, 2007, ENS reported that the Bush administration's budget proposal to cut some \$400 million from the Clean Water State Revolving Fund budget came under fire by members of both parties in the Senate Environment and Public Works Committee.

On March 9, 2007, ENS reported that the US House of Representatives passed the Water Quality Financing Act of 2007. For the first time in twenty years, the measure H.R. 720, would reauthorize the Clean Water State Revolving Funds. At press time, this measure had not come before the US Senate.

For its part, the US EPA Office of Enforcement and Compliance Assurance, OECA, says its actions to enforce Clean Water Act requirements in FY 2006 resulted in more than 283 million pounds of pollutants reduced.

Most of these reductions are the result of the EPA's "national priority efforts" to control overflows from combined sewer overflows and sanitary sewer overflows and contamination caused by surface runoff from stormwater and concentrated animal feeding operations, the agency said.

Working in partnership with states, OECA says it concluded major legal settlements with dozens of cities to bring critical sewer systems back into compliance.

The settlements require comprehensive plans to improve the maintenance and operation of systems to reduce overflows, and long-term capital construction projects to expand treatment capacity to ensure that sewage is properly treated before being discharged, the OECA said in the "EPA Fiscal Year 2006 Accomplishments Report."

The settlements concluded in FY 2006 will reduce overflows of untreated or inadequately treated sewage by 26 million pounds, with an estimated investment of \$930 million in sewer system upgrades and improvements.

To find out more about the scope of the Clean Water Act and compliance with this law, visit:

US Public Interest Research Group: <http://www.uspirg.org/>

US EPA Office of Enforcement and Compliance Assurance: <http://www.epa.gov/compliance/>

US EPA Clean Water Act Compliance Assistance:  
<http://www.epa.gov/compliance/assistance/bystate/cwa/index.html>

Clean Water Act State Revolving Fund:  
<http://www.epa.gov/owm/cwfinance/cwsrf/index.htm>

Stormwater Authority: <http://www.stormwaterauthority.org>

## **# 18 Mexico's Stolen Election**

Sources:

*AlterNet*, August 2, 2006

Title: "Evidence of Election Fraud Grows in México"

Author: Chuck Collins and Joshua Holland

<http://www.alternet.org/story/39763>

*Revolution*, September 10, 2006

Title: "Mexico: The Political Volcano Rumbles"

Authors: Revolution Newspaper Collective

<http://revcom.us/a/060/mexico-volcano-en.html>

Researchers: Bill Gibbons and Erica Haikara

Faculty Evaluator: Ron Lopez, Ph.D.

Overwhelming evidence reveals massive fraud in the 2006 Mexican presidential election between "president-elect" Felipe Calderón of the conservative PAN party and Andrés Manuel López Obrador of the more liberal PRD. In an election riddled with "arithmetic mistakes," a partial recount uncovered evidence of abundant stuffing and stealing of ballots that favored the PAN victory.

Meanwhile, US interests were significantly invested in the outcome of Mexico's election. Though neither candidate had any choice but to cooperate with the US agenda, important differences existed around energy policy, specifically with regard to foreign privatization of Mexican oil and gas reserves.

Though the energy sector of Mexico is already deeply penetrated by US capital, as it stands, the Mexican government owns and controls the oil industry, with very tight restrictions on any foreign investment. Petróleos Mexicanos (Pemex), the fifth largest oil company in the world, exports 80 percent of its oil to the US. Sixty percent of its revenue (\$30 billion per year) currently goes to the Mexican government, accounting for more than 40 percent of the Mexican government's annual revenues.

Calderón promises a more thorough and streamlined exploitation of Mexico's oil, demanding that Mexico remove barriers to private/foreign investment (which are currently written into the Mexican Constitution). Obrador, on the other hand, insisted on maintaining national ownership and control of the energy sector in order to build economic and social stability in Mexico.

In June 2005, Mexico signed an accord called Alliance for the Security and Prosperity of North America (ASPAN) with Canada and the US. The point was made that this accord would be binding on whoever became president of Mexico in the upcoming elections. Included in ASPAN is a guarantee to fill the energy needs of the US market, as well as agreements to forge "a common theory of security," allowing US Homeland Security measures to be implemented in Mexico.

Five months later, in November 2005, an “audition” was held with Mexican presidential candidates before members of the US Chamber of Commerce in Mexico City. All candidates were asked whether they would open the energy sector in Mexico, especially the nationalized oil company, Pemex, to US exploitation.

Felipe Calderón received resounding applause when he answered that he is in favor of private investment in Pemex, and of weakening the labor unions. He also received applause when he stated that he supported George Bush’s guest worker program and that he agreed the border needed to be secured or militarized. Obrador said that he would not allow risk capital investment in Pemex—but hastened to add that other sectors *would* be opened to investment.

Calderón won the audition, Obrador was granted the role of understudy. Former US Ambassador to Mexico Jeffrey Davidow told Obrador, “If you win the election, we will support you.” But when Obrador appeared to be the front-runner in the election, PAN allied with forces in the US to launch a feverish campaign against him.

Though US laws prevent US influence in other countries’ elections, anti-Obrador ads airing on Mexican TV were designed by US firms and illegally financed by business councils that included such transnationals as Wal-Mart and Halliburton. US election advisers Rob Allyn and Dick Morris were contracted to develop a media campaign that would foment fear that Obrador, with ties to Chavez and Castro, posed a dangerous Socialist threat to Mexico.

Outgoing president Vicente Fox violated campaign law by making dozens of anti-Obrador speeches during the campaign, as the PAN party illegally saturated airwaves with swift-boat style attack ads against Obrador. Under Mexican law, ruling party interference is a serious crime and grounds for annulling an election.

While Obrador’s campaign and hundreds of independent election observers documented several hundred cases of election fraud in making their case for a recount, most Mexican TV stations failed to report the irregularities that surfaced. Days after the election *The New York Times* irresponsibly declared Calderón the winner, and Bush called to personally congratulate Calderón on his “win,” even though no victor had been declared under Mexican law. Illegal media campaigns combined with grand-scale fraud had had their effect.

Dominant forces in the US thus had a strong presence behind the scenes of the 2006 Mexican election. As a consequence, Washington looks forward to working with Calderón, who promises tighter (repressive) control and cooperation on all matters of interest to the US, in an accelerated plan to put Mexico more directly under US domination.

Mexico has thus been denied the democratic election of a president who might have joined Latin America in standing up to aggressive US neoliberal policies.

## **# 19 People’s Movement Challenges Neoliberal Agenda**

Sources:

*Trade Matters*, American Friends Service Committee, May 3, 2006

Title: “Is the US Free Trade Model Losing Steam?”

Author: Jessica Walker Beaumont

<http://www.afsc.org/trade-matters/trade-agreements/LosingSteam.htm>

*International Herald Tribune*, December 28, 2006

Title: “Economic Policy Changes With New Latin American Leaders”

Author: Mark Weisbrot

[http://www.cepr.net/index.php?option=com\\_content&task=view&id=773&Itemid=45](http://www.cepr.net/index.php?option=com_content&task=view&id=773&Itemid=45)

*International Affairs Forum*, March 31, 2007

Title: “Is Hugo Chavez a Threat to Stability? No.”

Author: Mark Weisbrot

[http://www.cepr.net/index.php?option=com\\_content&task=view&id=1102&Itemid=45](http://www.cepr.net/index.php?option=com_content&task=view&id=1102&Itemid=45)

Student Evaluator: Toni Catelani

Faculty Evaluator: Phil Beard, Ph.D.

The US Free Trade model is meeting increasingly successful resistance as people's movements around the world build powerful alternatives to neoliberal exploitation.

This is particularly evident in Latin America, where massive opposition to US economic domination has demanded that populist leaders and parties take control of national governments in Venezuela, Bolivia, Ecuador, Argentina, Brazil, Nicaragua, and Uruguay.

Latin American presidents are delivering on promises to fix the mistake of twenty-five years of neoliberal reforms that resulted in the region's worst economic collapse in more than one hundred years. In the two decades preceding World Bank and International Monetary Fund (IMF) policies, 1960-1980, the region's income per person grew by 82 percent. By comparison it grew just 9 percent 1980-2000, and only 4 percent 2000-2005.

Strong ties between Venezuela's Hugo Chavez, Cuba's Fidel Castro, and Bolivia's Evo Morales, Ecuador's Rafael Correa, and Nicaragua's Daniel Ortega, along with cooperative relationships with major economies including Argentina and Brazil, are creating the real potential for autonomous alternatives to US-dictated economic policy in the Western Hemisphere.

In the past year alone several leaders have announced plans to cut ties with the World Bank and IMF. After a sweeping reelection in December 2006, Chavez announced April 30, 2007 that, having paid off debts to the World Bank and the IMF, Venezuela would cut ties with both institutions.<sup>1</sup> Chavez has been able to put his nation on a path of solid growth by fulfilling his 1998 campaign promise to renationalize Venezuela's oil industry (PDVSA). Though fierce US opposition to his move to end foreign privatization led to a failed US-backed military coup in 2002, nationalized oil is now the source of nearly half the Venezuela government's revenues and 80 percent of the country's export earnings. Venezuela's economy has grown 38 percent in the last three years.

Chavez plans to set up a new lending institution run by Latin American nations and has pledged to support it with Venezuela's booming oil revenues.<sup>1</sup> Venezuela's \$50 billion in foreign exchange reserves is providing financial support to countries in the region without the exploitive policy conditions attached to WTO and World Bank lending. Leaders are thus able to deliver on promises to their people, contributing not only to stability but to the strengthening of Democracy in the region.

In April 2006, Evo Morales announced his rejection of the IMF and any future FTA with the US. He instead launched the Bolivian Peoples Trade Agreement (PTA), a socialist alternative to the neoliberal free trade model. The PTA emphasizes support of indigenous culture, reciprocity, solidarity, and national sovereignty. Above all the PTA emphasizes improved living conditions for the whole population as a result of international trade and investment. Bolivia's 2005 passage of a Hydrocarbons Law raised the royalties paid by foreign gas companies to the government of Bolivia. While infuriating US corporations, the resulting tens of millions of dollars in revenue have enabled Bolivia to pay off its IMF debt and begin to build social programs and national reserves.

In December 2006, Rafael Correa, who recently won the presidential election in Ecuador on an anti-privatization, anti-US military base platform, announced plans to restructure Ecuador's foreign debt in order to increase spending on crucial social programs. Ecuador has since paid its debt to the IMF and announced plans to sever ties to the institution. Nicaraguan President Daniel Ortega has also announced negotiations toward an IMF exit.

Argentina was one of the IMF's most publicized "successes" turned-crushing-failure at the end of the last century. From 1991 to 1998 the country adopted a host of IMF-recommended reforms including large-scale privatizations. The economy grew substantially during this period but went into a terrible downward slide beginning in mid-1998. At the end of 2001 the whole

experiment fell apart, with the country defaulting on more than \$100 billion of debt. The currency collapsed soon thereafter, and the majority of people fell below the poverty line in a country that had previously been one of the richest in Latin America.<sup>2</sup>

When Argentina's President Nestor Kirchner finally refused the IMF's debilitating repayment mandates, Argentina's economy began to rebound—and it hasn't stopped growing. In a remarkable expansion, which was never supposed to have happened according to IMF predictions, Argentina's economy has grown by 47 percent in the past few years, making it the fastest growing economy in the Western Hemisphere, and pulling more than nine million people (in a country of 36 million) out of poverty.<sup>2</sup> Argentina decided to make its break with the IMF in January 2006 by paying off its remaining \$9.9 billion debt.

As of December 2005, Brazil is also free to make its own decisions, free from IMF interference, after paying off its debt two years ahead of schedule. "We repaid the money to show the world that this country has a government and it is the owner of its own nose," Lula said at the time, adding, "Brazil has been able to decide that it does not want another IMF deal."<sup>3</sup>

While it is an expanding reality that many strong and growing people's movements have not been so fortunate as to have representative governments—the people of India (see story #8), Mexico (see story #18), and Niger (see story #3) are but a few examples—more and more elected leaders in Latin America are providing models of true democratic leadership that is of, for, and by the people.

#### Citations

1. Jorge Rueda, "Venezuela Pulling Out of IMF, World Bank," Associated Press, May 1 2007.
2. Mark Weisbrot, "IMF's Fall From Power," Washington Post.com, April 13, 2007.
3. Xinhua, "Early Debt Payment Enables Brazil to Make Own Budget Decisions," Peoples Daily Online, December 16, 2005.

#### UPDATE BY Jessica Walker Beaumont

Written a year ago, the American Friends Service Committee article "Is the US Free Trade Model Losing Steam?" accurately predicted a growing resistance among Latin American and African leaders to the current "one-size-fits-all" US trade policy model.

Proponents of the current US free trade model seem willing to do whatever it takes to keep the free trade train moving down the track. However their time is literally running out, in part due to the looming July 1 expiration of "fast track" authority that gives the Bush administration the power to negotiate free trade agreements on behalf of Congress.

Although Bolivia, Ecuador and Southern Africa stand firm against US Free Trade Agreements (FTA), there remains a "coalition of the willing" lining up to get their trade agreements. Pending trade pacts for Congressional consideration include those with Colombia, Peru, Panama and Korea. Greasing the wheels to pass these FTAs is a new "breakthrough trade deal" with the Bush administration announced by Democratic leadership on May 10, 2007.

It is said that the deal would improve new free trade agreements by requiring that they include labor and environmental standards, and by insuring better access to essential medicines. Sounds good right? Well, the deal was negotiated in secret with only a handful of Congressional members, the legal text is still not released, and high-powered big business groups are supporters. The official outline of the deal reveals all that is excluded, ignoring a cry for substantial rethinking of US trade policy.

Meanwhile Bolivia continues to advance its People's Trade Agreement. In April, 2007 Bolivia (along with Venezuela and Nicaragua) decided to withdraw from the International Center for Settlement of Investment Disputes (ICSID) housed at the World Bank. This came out of the social movement started in 2001 against the US multinational Bechtel that sued Bolivia under the ICSID for \$25 million after it was thrown out during the Cochabamba Water War. Dropping out of the ICSID sends a clear message that protecting private investment at the expense of the rights of the people will not be tolerated.

Ecuadorian President Rafael Correa, elected into power on an anti-FTA and anti-US military

base agenda, is considering doing the same. In April Correa expelled the World Bank's representative in Quito, accusing him of withdrawing funds in protest over the government's oil sector reforms.

Costa Rica offers a new beacon of hope as they have yet to ratify the Central American Free Trade Agreement (CAFTA). Huge resistance to CAFTA grew as people learned it would require the dismantling of Costa Rica's public telecommunications sector that is funding education. On April 12, 2007 the Supreme Electoral Court approved a measure calling for a binding referendum on CAFTA, likely to take place in August or September. The CAFTA referendum will be Costa Rica's first public referendum since it gained independence from Spain in 1821 (*Inside US Trade*, May 4, 2007).

## # 20 Terror Act Against Animal Activists

Sources:

*Vermont Journal of Environmental Law*, March 9, 2007

Title: "The AETA is Invidiously Detrimental to the Animal Rights Movement (and Unconstitutional as Well)"

Authors: David Hoch and Odette Wilkens

<http://www.vjel.org/editorials/2007S/Hoch.Wilkens.Editorial.htm>

*Green is the New Red*, November 14, 2006

Title: "US House Passes Animal Enterprise Terrorism Act With Little Discussion or Dissent"

Author: Will Potter

<http://www.greenisthenewred.com/blog/2006/11/13/aeta-passes-house-recap/>

*Earth First! Journal*, November, 2006

Title: "22 Years for Free-Speech Advocates"

Author: Budgerigar

Student Researcher: Sverre Tysl

Faculty Evaluator: Scott Suneson, MA

The term "terrorism" has been dangerously expanded to include acts that interfere, or promote interference, with the operations of animal enterprises. The Animal Enterprise Terrorism Act (AETA), signed into law on November 27, 2006, broadens punishment present under the Animal Enterprises Protection Act (AEPA) of 1992. One hundred and sixty groups, including the National Lawyers' Guild, the Natural Resources Defense Council, the League of Humane Voters, Physicians' Committee for Responsible Medicine, and the New York City Bar Association, oppose this Act on grounds that its terminology is dangerously vague and poses a major conflict to the US Constitution.

The broad definition of an "animal enterprise," for example, may encompass most US businesses: "*any enterprise that uses or sells animals or animal products.*" The phrase "*loss of any real or personal property,*" is elastic enough to include loss of projected profit. Concerns deepen as protections against "*interference*" extend to any "*person or entity having a connection to, relationship with, or transactions with an animal enterprise.*"

A letter from the American Civil Liberties Union (ACLU) to Congress dated March 6, 2006, "on behalf of hundreds of thousands of activists and members and fifty-three affiliates nationwide," explains their opposition to AETA based on the concern that First Amendment activities such as demonstrations, leafleting, undercover investigations, and boycotts may be punishable as acts of terror under the overly vague and open-ended law.

The ACLU letter maintains, "Lawful and peaceful protests that, for example, urge a consumer boycott of a company that does not use humane procedures, could be the target of this

provision because they ‘disrupt’ the company’s business. This overbroad provision might also apply to a whistleblower whose intentions are to stop harmful or illegal activities by the animal enterprise. The bill will effectively chill and deter Americans from exercising their First Amendment rights to advocate for reforms in the treatment of animals.”

Author Will Potter argues that the harsher amendments that AETA brings to its predecessor, AEPA, are hardly necessary, as AEPA was successfully used to disproportionately prosecute the SHAC 7—six animal rights activists organized to expose the illegal and inhumane operations of Huntingdon Life Sciences—for “animal enterprise terrorism.” Budgerigar of *Earth First!* recounts that three of the defendants were charged under AEPA in September of 2006 with interstate stalking and conspiracy to commit interstate stalking for organizing demonstrations and running a website that published names and addresses of those involved in the vivisection industry. The group was collectively sentenced to twenty-two years in prison. “The supreme irony of this case,” notes Budgerigar, “rests in the fact that these activists were convicted of conspiracy to damage the profits of an animal enterprise, but not of actually damaging it. Even so, the ever-so-honorable judge ordered the defendants to pay a total of \$1,000,001 in restitution fees.”

Yet Congress deemed that AEPA was not a serious enough tool for going after animal rights “extremists.” David Hoch and Odette Wilkens of Equal Justice Alliance ask, “How did this bill [AETA] pass the House?”

Hoch and Wilkens explain that in spite of the fact that one hundred and sixty groups opposed its passage, the House Judiciary Committee placed AETA on the suspension calendar, under which process bills that are non-controversial can be passed by voice vote. The vote on the bill was then held hours earlier than scheduled, with what appears to have been only six (out of 435) Congresspersons present. Five voted for the bill, and Dennis Kucinich, who said that “[t]his bill will have a real and chilling effect on people’s constitutionally protected rights,” voted against it. Kucinich went on to say, “My concern about this bill is that it does nothing to address the real issue of animal protection but, instead targets those advocating animal rights.”

Budgerigar concludes, “The message could not be more clear: run an effective activist campaign, and you will be vilified, criminalized, and imprisoned.”

#### UPDATE BY DAVID HOCH AND ODETTE WILKENS

The Animal Enterprise Terrorism Act (AETA), whose recent passage received virtually no media coverage, will chill the first amendment rights of animal advocates and serve as a template for future limitations on the free speech of all activists. The Act subjects anyone who (1) uses interstate commerce, (2) with the intent to damage or interfere with an “animal enterprise” or with any person or entity associated with an animal enterprise, and (3) causes any economic damage or corporate profit loss or bodily injury or fear of bodily injury, or (4) conspires or attempts to do any of the foregoing, to prosecution for “animal enterprise terrorism.”

AETA expands the Animal Enterprise Protection Act (AEPA), under which six animal activists were convicted and imprisoned for publicly advocating animal protection activities. The new law requires less serious conduct than the “physical disruption to...an animal enterprise” called for in AEPA, provides stiffer penalties for economic damage and subjects violators who cause no economic damage, bodily harm or fear of serious bodily harm, to as much as one year in prison, while also serving as a predicate for wiretapping.

AETA serves animal enterprises wishing to brand animal activists as criminals and treating dissent as terrorism, and indicates a trend toward treating dissent as terrorism, as evidenced by the Justice Department’s current attempt to increase sentences up to twenty years through the application of a concept called “terrorism enhancement.”

AETA violates the First and Fourteenth Amendments by proscribing formerly protected modes of expression and invidiously discriminating against animal activists through the imposition of harsher sanctions than those applied to similar or even more serious crimes under the 2005 federal sentencing guidelines. The Act is also unconstitutionally vague, due to the indecipherable ambiguity of statutory terms such as “interfere with” or “profit loss.” That vagueness extends to declared exemptions for lawful boycotts and peaceful protests, which

could involve the same conduct that would subject one to prosecution under AETA. A lawful boycott is, by definition, the intent to interfere with and cause economic damage to some enterprise.

Furthermore, an animal enterprise need not be acting lawfully to be protected under the Act. Illegal animal enterprise is not an affirmative defense for activities such as whistle-blowing or undercover investigations into animal cruelty, labor conditions, or environmental violations.

To pass AETA, the House invoked a technicality that allows non-controversial bills to be approved by a voice vote, and then voted when only six members were present, although the bill was highly controversial, with approximately one hundred sixty organizations opposing its passage. The Act is unjust, oppressive, and unconstitutional and the honorable thing would be for Congress to repeal it, but without public knowledge and pressure that is unlikely. Therefore, a more prudent strategy would be to increase public awareness until a critical mass convinces Congress to rescind the Act.

To learn more about AETA or become involved in the effort to repeal it, visit the Equal Justice Alliance website at <http://noaeta.org/index.htm>.

UPDATE BY WILL POTTER

Shortly after passage of the Animal Enterprise Terrorism Act, the Fur Commission USA distributed an announcement to supporters proclaiming "Mission Accomplished!" Corporations have been eager to appropriate much of the "War on Terrorism" rhetoric against activists, but this was an interesting PR choice. Bush stood on the USS Abraham Lincoln in front of a banner proclaiming "Mission Accomplished" in 2003, only to be dogged by that hubris months, and now years, later.

It looks like corporations may be haunted by similar ghosts in this domestic front of the "War on Terrorism." Not only has the legislation not deterred illegal activity by underground activists, it may have actually added fuel to their fire. On January 5, 2007, the Animal Liberation Front—considered by the FBI to be the "number one domestic terrorist threat"—distributed an anonymous communiqué related to vandalism at the home of a University of Utah animal researcher. It concluded: "PS. To all the vivisectors we have yet to visit: don't bask in your recent legislative victory for too long. This new animal enterprise law means NOTHING. —ALF"

It wasn't an isolated incident. Just two days after the president signed the law, another communiqué claimed credit for vandalizing the windows of a pharmaceutical company, and underground activists signed it: "Dedicated to the SHAC 7!" (The SHAC 7 are a group of activists convicted under the original legislation. They were never accused of anything like breaking windows: they "conspired" to violate the law by running a website and vocally supporting both legal and illegal tactics against companies doing business with a controversial lab).

If the purpose of AETA is to go after underground activists, that mission is far from accomplished. And if the purpose of AETA is to go after "the above ground," activists are organizing to challenge that mission as well. Just a few weeks after the legislation passed, student activists protested outside the offices of US Rep. James P. McGovern in Massachusetts, naming and shaming him for not being present for a vote. McGovern's staff quickly stated publicly that he does not support the law, he would have voted against it if he had known about a vote, and he would advocate for repeal.

And then there were dozens of community events around the world to raise awareness about labeling activists as "ecoterrorists," from South Africa to Greece to Minneapolis, MN.

"Mission Accomplished"? Ahem.

To be clear, in some ways the mission of the Animal Enterprise Terrorism Act has been accomplished: it has instilled a level of fear in mainstream, above-ground, legal activists that they may one day be hit with the T-word in this ever-expanding "War on Terrorism."

But through my reporting I've found that an interesting thing happens when people learn about this "Green Scare" and the corporate and political interests behind it: that fear easily turns to rage. More than 140 comments have been posted on the article I wrote about the legislation passing the House. Some of them express fear and a bit of hopelessness. Many share the tenor of "Jersey" who wrote: "do they really think everyone is going to crawl into the woodwork and

stand for this?”

Since the law passed, I have been speaking regularly in public forums like the New York City Bar Association, Yale Law School, activist conferences, and with both mainstream and alternative press, and I've been able to see that phenomenon over and over again: questioning and investigating the legislation, and the money behind it, demystifies the law. It declaws it.

That knowledge is what ultimately worked against Senator Joseph McCarthy, succeeding where the “loyalty oaths” and the “naming names” failed. It can work now, too. If reporters do their jobs, and expose these issues to the general public, people can stop being afraid and start being pissed.

For more information, please visit [www.GreenIsTheNewRed.com](http://www.GreenIsTheNewRed.com).

## **# 21 US Seeks WTO Immunity for Illegal Farm Payments**

Sources:

*Oxfam International*, June 29, 2006

Title: “US Seeks ‘Get-Out Clause’ for Illegal Farm Payments”

[http://www.oxfam.org/en/news/pressreleases2006/pr060629\\_wto\\_geneva](http://www.oxfam.org/en/news/pressreleases2006/pr060629_wto_geneva)

*Financial Times UK*, January 9 2007

Title: “Canada Launches WTO Case on US Subsidies”

Author: Eoin Callan

<http://www.ft.com/cms/s/5debac74-9f9b-11db-9e2e-0000779e2340.html>

Student Researcher: Cedric Therene

International Business Evaluator: Tim Ogburn

On July 24, 2006, after nearly five years of global trade negotiations, talks at the meetings of the World Trade Organization collapsed—perhaps permanently, say some economic analysts. In January of 2007, trade ministers from the United States, the European Union, Brazil, India, Japan, and Australia said they remained hopelessly stalemated, mostly on the contentious issue of farm trade. US negotiators blamed the breakdown on E.U., India, and Japan for balking at the unrestricted opening of markets to agricultural products.<sup>1</sup>

What went uncovered in mainstream news sources was any analysis of the content of the negotiations—what exactly the countries involved were offering, and what they expected in return.

Of utmost importance to the Bush Administration was that the US receive immunity from lawsuits by poor countries before Bush's special “fast track” trade negotiating powers expired at the end of June, 2007.

In a last-minute proposal, one not included on the original agenda, the US suddenly insisted that all trade agreements include a special clause called a “Peace Clause” that would make its use of illegal farm subsidies immune from prosecution by the countries affected. Between 1994 and 2003, such a Peace Clause had denied developing nations any legal recourse in the face of the “dumping” of cheap foreign products that had devastated their agricultural communities. According to international NGOs such as Oxfam International, the Peace Clause gives rich countries like the US and the European Union free rein to provide huge subsidies to their farmers. Such practices benefit the economies of already-wealthy nations, while damaging the agricultural communities of poorer nations. According to a 2003 Oxfam report, thirty-eight developing countries have suffered from unfair competition as a result of illegal subsidies in the US and EU.

Events following expiration of these legal protections make it clear why the US was so eager to reintroduce a new version of the Peace Clause (and why it was done so slyly). Following its expiration in 2003, Brazil took the US to the WTO court charging that US cotton subsidies had

depressed world prices, hurting cotton producers in Brazil and around the world—and Brazil won! In 2005, the WTO agreed with Brazil's charge, ordering that the US immediately discontinue its distribution of illegal agricultural subsidies. Fearing that other developing nations would follow suit, US negotiators were driven to reintroduce the proposal for protections they had enjoyed under the Peace Clause.

More recently, following the July 2006 collapse of the Doha trade talks, Canada has asked the WTO to review charges that the US is continuing to use illegal and "trade-distorting" agricultural subsidies. The charges focus on payments made to American corn farmers, but also challenge the total level of US agricultural subsidies. This is the most significant challenge to the structure of US agricultural subsidies since the landmark WTO ruling in favor of Brazil in 2005.

In June of 2007, The Canadian government asked the WTO to establish a dispute settlement panel to investigate the allegation.<sup>2</sup> Under WTO rules, the United States can provide up to \$19.1 billion annually in subsidies that are considered trade-distorting. Canada says the United States broke the rules every year from 1999 to 2005 except for 2003.

Gretchen Hamel, a spokeswoman for the US trade representatives, parroted the position taken previously by US officials addressing the Brazil dispute. She said, "Negotiation, not litigation, is the path to removing trade distortions in agriculture and improving opportunities for farmers and producers all around the world."<sup>2</sup> The US says that it needs the Peace Clause renewed in order to protect itself from litigation while it "is in the process of reducing its trade-distorting subsidies." But Oxfam notes that, proposals included in the new Peace Clause would actually allow the US to increase its farm support from under \$20 billion to almost \$23 billion. The EU proposal would allow an increase in farm subsidies from \$23 billion to \$33 billion. Poor countries, with no surplus to supplement their farmers' income shortfalls, would have nothing to respond with—no global support, no economic power, and no legal appeals.

#### Citations

1. Paul Blustein, "Trade Talks Fail After Stalemate Over Farm Issues; Collapse Comes With Finger-Pointing," *Washington Post*, July 25, 2006.
2. Phillip Brasher, "Canada attacks US subsidies at WTO," *Des Moines Register*, June 8, 2007.

## # 22 North Invades Mexico

Source:

TomDispatch.com, September 19, 2006

Author: Mike Davis

Title: "Border Invaders: The Perfect Swarm Heads South"

<http://www.tomdispatch.com/index.mhtml?pid=122537>

Student Researcher: Rachel Icaza and Erica Haikara

Faculty Evaluator: Francisco Vazquez, Ph.D.

The visitor crossing the Mexican border from Tijuana to San Diego these days is immediately confronted by a huge sign, "Stop the Border Invasion!" Sponsored by allies of the anti-immigrant vigilante group, the Minutemen, the same signs insult Mexican citizens at other border crossings in Arizona and Texas. The ultimate irony is that a crisis invasion is indeed occurring, but the signs, it seems, may be pointed the wrong direction.

Author Mike Davis points out that, in a "reality stood on its head," few people—at least outside Mexico—have bothered to notice that while all the nannies, cooks, maids, and gardeners have been heading north to tend the luxury lifestyles of irate republicans, the Gringo masses have been rushing south to enjoy glorious budget retirements and affordable second homes in Mexico.

The number of North Americans living in Mexico has soared from 200,000 to 1 million (one-quarter of all US expatriates) in the past decade. With more than 70 million American baby-boomers expected to retire in the next two decades, experts predict “a tidal wave” of migration to warmer—and cheaper—climates. Baby-boomers are not simply feathering nests for eventual retirement, but also increasingly speculating in Mexican resort property and gated communities, complete with Hooters, Burger King, and Starbucks. The land rush is sending up property values to the detriment of locals whose children are consequently driven into slums or forced to emigrate north, only to face increasing “invasion” charges.

The Gringo footprint is largest (and brings the most significant geopolitical consequences) in Baja California, an epochal process that, if unchecked, will produce intolerable social marginalization and ecological devastation.

Indeed, the first two stages of informal annexation have already occurred. Under the banner of NAFTA, Southern California has exported hundreds of its sweatshops and toxic industries to the *maquiladora* zones of Tijuana and Mexicali. The Pacific Maritime Association, representing the West Coast’s major shipping companies, has joined forces with Korean and Japanese corporations to explore the construction of a vast new container port at Punta Colonel, 150 miles south of Tijuana, which would undercut the power of Longshore unionism in San Pedro and San Francisco.

Secondly, tens of thousands of US retirees and winter-residents are now clustered at both ends of the peninsula. Along the northwest coast from Tijuana to Ensenada, a recent advertisement for a real estate conference at UCLA boasts that “there are presently over fifty-seven real estate developments with over 11,000 homes/condos with an inventory value of over \$3 billion all of them geared for the US market.”

Meanwhile, at the tropical end of Baja, a US expatriot enclave has emerged in the twenty-mile strip between Cabo San Lucas and San Jose de Cabo. Los Cabos has become an archipelago of real-estate hot spots where continuous double-digit increases in property values pull in speculative capital. Judging from the registration of private planes at the local airport, Cabos has essentially become a resort suburb of Orange County—the home of the most vehement Minutemen chapters.

Davis points out that many wealthy Southern Californians evidently see no contradiction between fuming over the “alien invasion” with one’s conservative friends at the Newport Marina one day, and flying down to enjoy their Cabos investment properties the next.

One of several multi-billion dollar real estate projects being developed for the US market is the Villages of Loreto: another 6,000 homes for expatriates in colonial-Mexico motif on the Sea of Cortez. The \$3 billion Loreto project boasts that it will be the last word in green design, exploiting solar power and restricting automobile usage. It will, coincidentally, balloon Loreto’s population from its current 15,000 to more than 100,000 in a decade, with the social and environmental consequences of a sort that can already be seen in the slum peripheries of Cancun and other mega-resorts.

One of the irresistible attractions of Baja is that it has preserved a primordial wildness that has disappeared elsewhere in the West. Local residents, including a very eloquent indigenous environmental movement, cherish this incomparable landscape, as they do the survival of an egalitarian ethos in the peninsula’s small towns and fishing villages.

However, thanks to the silent invasion of the baby-boomers from the north, much of the natural history and frontier culture of Baja could be swept away in the next generation. The problem is, as Tom Engelhardt of *Tomdispatch* points out, “Fences don’t work if you’ve got your own plane.”

## **# 23 Feinstein’s Conflict of Interest in Iraq**

Source:

*North Bay Bohemian*, January 24, 2007

Title: “Senator Feinstein’s Iraq Conflict”

Author: Peter Byrne

<http://www.bohemian.com/metro/01.24.07/dianne-feinstein-0704.html>

Student Researcher: David Abbott, Amanda Spigut, and Ann Marie O'Toole

Faculty Evaluator: David McCuan, Ph.D.

Dianne Feinstein—the ninth wealthiest member of congress—has been beset by monumental ethical conflicts of interest. As a member of the Military Construction Appropriations Subcommittee (MILCON) from 2001 to the end of 2005, Senator Feinstein voted for appropriations worth billions of dollars to her husband's firms.

From 1997 through the end of 2005, Feinstein's husband Richard C. Blum was a majority shareholder in both URS Corp. and Perini Corp. She lobbied Pentagon officials in public hearings to support defense projects that she favored, some of which already were, or subsequently became, URS or Perini contracts. From 2001 to 2005, URS earned \$792 million from military construction and environmental cleanup projects approved by MILCON; Perini earned \$759 million from such projects.

In 2000, Perini earned a mere \$7 million from federal contracts. After 9/11, Perini was transformed into a major defense contractor. In 2004, the company earned \$444 million for military construction work in Iraq and Afghanistan, as well as for improving airfields for the US Air Force in Europe and building base infrastructures for the US Navy around the globe. In a remarkable financial recovery, Perini shot from near penury in 1997 to logging gross revenues of \$1.7 billion in 2005.

It is estimated that Perini now holds at least \$2.5 billion worth of contracts tied to the worldwide expansion of the US military. Its largest Department of Defense contracts are "indefinite delivery-indefinite quantity" or "bundled" contracts carrying guaranteed profit margins. As of May 2006, Perini held a series of bundled contracts awarded by the Army Corps of Engineers for work in the Middle East worth \$1.725 billion. Perini has also been awarded an open-ended contract by the US Air Force for military construction and cleaning the environment at closed military bases.

In 2003 hearings, MILCON approved various construction projects at sites where Perini and/or URS are contracted to perform engineering and military construction work. URS's military construction work in 2000 earned it a mere \$24 million. The next year, when Feinstein took over as MILCON chair, military construction earned URS \$185 million. On top of that, the company's architectural and engineering revenue from military construction projects grew from \$108,726 in 2000 to \$142 million in 2001, more than a thousand-fold increase in a single year.

Beginning in 1997, Michael R. Klein, a top legal adviser to Feinstein and a long-time business partner of Blum's, routinely informed Feinstein about specific federal projects coming before her in which Perini had a stake. The insider information, Klein said, "was intended to help the senator avoid conflicts of interest." Although Klein's admission was intended to defuse the issue, it had the effect of exacerbating it, because in theory, Feinstein would not know the identity of any of the companies that stood to contractually benefit from her approval of specific items in the military construction budget—until Klein told her.

Feinstein's husband has profited in other ways by his powerful political connections. In March 2002, then-Governor Gray Davis appointed Blum to a twelve-year term as a regent of the University of California, where he used his position as Regent to award millions of dollars in construction contracts to URS and Perini. At the time, he was the principal owner of URS and had substantial interests in Perini. In 2005, Blum divested himself of Perini stock for a considerable profit. He then resigned from the URS board of directors and divested his investment firm of about \$220 million in URS stock.<sup>1</sup>

Citation

1. Peter Byrne, "Blum's Plums" *North Bay Bohemian*, February 21, 2007.

UPDATE BY PETER BYRNE

Shortly before my expose of Senator Dianne Feinstein's conflict of interest was published in January 2007, Feinstein, who had declined to substantively comment upon serious allegations

of ethical misconduct as reported in the story, resigned from the Military Construction Subcommittee. I then wrote three follow-ups, including a news column on her resignation, an expose of her husband Richard Blum's conflict of interest as a regent of the University of California, and an expose of Blum's business partner, Michael R. Klein. With Blum's financial backing, Klein, a war contractor, operates a non-profit called The Sunlight Foundation that awards millions of dollars to reporters and government watchdog groups to research government ethics.

In March, right-wing bloggers by the thousands started linking to and commenting upon these stories—agitating for a Congressional investigation of Feinstein. In just two days, the stories got 50,000 online hits. Michael Savage and Rush Limbaugh did radio segments on my findings. I declined to appear on their shows, because I do not associate with racist, misogynist, homophobic demagogues. Fox News' Bill O'Reilly invited me to be on his national TV show, but quickly uninvited me after I promised that the first sentence out of my mouth would frame Feinstein as a neoconservative warmonger just like O'Reilly.

As the storm of conservative outrage intensified, Joe Conason, from The Nation Institute, which had commissioned the Feinstein investigation, asked to have the tag thanking the Nation Institute for funding removed from my stories because, he said, Katrina vanden Heuvel, *The Nation's* editor and publisher, did not want the magazine or its non-profit institute to be positively associated with Limbaugh. I told Conason that not only was I *required* to credit The Nation Institute under the terms of our contract, but that *The Nation's* editors should be proud of the investigation and gratified by the public reaction.

The back story to that encounter is that, in October, vanden Heuvel had abruptly killed the Feinstein story, which had been scheduled to run as a cover feature before the November 2006 election in which Feinstein was up for reelection. *The Nation's* investigative editor, Bob Moser, who worked closely with me on the project from start to finish, wrote that I had done a "solid job," but that the magazine liked to have a political "impact," and since Feinstein was "not facing a strong challenge for reelection," they were not going to print the story. Moser added that there was no "smoking gun," which amazed me, since Klein's admission that he was funneling defense contracting wish lists developed by Feinstein's husband's company directly to the senator, who was in a position to make those wishes come true, was a hot and smoking fact pointing toward corrupt practices. Subsequently, vanden Heuvel wrote an editorial praising women leaders of the newly-empowered Democratic Party, including Feinstein: go figure.

I then sold the story to Salon.com, who abruptly killed it right before publication, too. This time the editor's explanation was that "someone talked to the Sunlight Foundation" and that Salon no longer saw the matter as a serious conflict of interest. So, I pitched the story to *Slate*, *The New Republic*, *Harper's*, the *Los Angeles Times* and, by way of experiment, to the neoconservative *American Spectator* and *Weekly Standard*. Most of the editors praised the reporting, but turned down the story. I cannot help but believe that, considering the precarious balance of power in the post-election Senate, some of these editors were not eager to critique the ethics of a Democrat. As for rejection by the neoconservatives, I theorize that they secretly adore Feinstein, who has consistently supported Bush's war and homeland security agenda and the illiberal Patriot Act.

So I sold the tale to the *North Bay Bohemian*, which, along with its sister papers in San Jose and Santa Cruz ran it on the cover—complete with follow-ups. After it appeared, the editors and I received a series of invective-filled emails from war contractor Klein (who is also an attorney) but, since he could show no errors of fact in the story, he did not get the retraction that he apparently wanted. In March, the story crested a Google tidal wave generated by left- and right-wing bloggers wondering why the mainstream media was ignoring the Feinstein scandal. After two dozen newspapers ran a McClatchy wire service article in April observing that no one had found any factual faults in my reporting, the lefty group Media Matters attacked me on its Web site as a right-wing pawn, without even calling me for comment, nor finding any errors in my reporting. I parried their fact-free insults with facts and they were compelled to correct the inaccurate rant.

On April 30, *The Hill* newspaper in Washington D.C. ran a highly-visible op-ed by a

conservative pundit quoting from my story and comparing Feinstein (unfairly) to convicted felon and former Congressman, Duke Cunningham. As the Feinstein investigation gained national traction, mostly outside the realm of the mainstream media, one of Klein's employees at the Sunlight Foundation posted a "critique" of my story, which was loaded with personal insults, but contained no factual substance. Not coincidentally, Feinstein's press office distributes, upon request, a similarly-worded "rebuttal," which insults my personal integrity, finds no factual errors, and does not address the damning fact, reported in the story, that four non-partisan ethics experts based in Washington D.C. found the senator had a conflict of interest after reviewing the results of my investigation.

Also, in April, CodePink and The Raging Grannies held a demonstration in front of the Feinstein-Blum mansion in San Francisco demanding that she return her war profits to the Iraqi people. That was my proudest moment.

Five months after the story was printed, opinion-floggers across the political spectrum continue to loudly ask why the mainstream media has not reported on Feinstein's ethical problem. Some say that the hurricane of opinion raised by the investigation has killed Feinstein's chance for a spot on the Democratic Party's presidential ticket in 2008. Klein has continued to send me e-mails full of verbal abuse, misspellings, and implied threat of lawsuit.

Blissfully, I delete them.

## **# 24 Media Misquotes Threat From Iran's President**

Sources:

*Global Research*, January 20, 2007

Title: "Wiped Off The Map—The Rumor of the Century"

Author: Arash Norouzi

<http://www.globalresearch.ca/index.php?context=viewArticle&code=NOR20070120&articleId=4527>

*Information Clearing House*, May 9, 2006

Title: "Full Text: The President of Iran's Letter To President Bush"

Translated by *Le Monde*

<http://www.informationclearinghouse.info/article12984.htm>

Student Researchers: Becky Bazell

Faculty Evaluator: Peter Phillips, Ph.D.

Across the world a media story has spread that Iran's President Ahmadinejad has threatened to destroy Israel, by saying that, "Israel must be wiped off the map." Contrary to general belief, this statement was actually a misinterpretation. However, it was the Islamic Republic News Service in Iran that first mistranslated the quote. Iran's Foreign Minister attempted to clarify the statement, but the quote ended up having a life of its own in the corporate media.

Amid heated wrangling over Iran's nuclear program and the threat of preemptive strikes by the US, the quote has been continually used to reinforce the idea that Iran is being run by extremists seeking the total destruction of Israel.

So what did Ahmadinejad actually say? To quote his exact words in Farsi:

*"Imam ghoft een rezhim-e ishghalgar-e qods bayad az safheh-ye ruzgar mahv shavad."*

*Rezhim-e* is the word "regime," pronounced just like the English word with an extra "eh" sound at the end. Ahmadinejad did not refer to Israel the country or Israel the landmass, but the Israeli regime. This is a vastly significant distinction, as one cannot wipe a regime off the map.

Ahmadinejad did not even refer to Israel by name, he instead used the specific phrase "*rezhim-e ishghalgar-e qods*" (regime occupying Jerusalem).

A similar statement by Ahmadinejad in December 2006, "As the Soviet Union disappeared, the Zionist regime will also vanish and humanity will be liberated," has also been misinterpreted.

In May of 2006 President Ahmadinejad published an open letter to President Bush clearly asking for peace and the mutual respect of human rights. He warns that Western media, through contrived and deceptive information, has intensified the climate of fear that leads to attacks on innocent peoples. The letter was not reported in the US news media. Ahmadinejad began the letter writing, “Mr. George Bush, For some time now I have been thinking, how one can justify the undeniable contradictions that exist in the international arena. Can one be a follower of Jesus Christ (PBUH), the great Messenger of God, Feel obliged to respect human rights, Present liberalism as a civilization model, Announce one’s opposition to the proliferation of nuclear weapons and WMDs, Make “War on Terror” his slogan, And finally, Work towards the establishment of a unified international community—a community which Christ and the virtuous of the Earth will one day govern, But at the same time, have countries attacked; The lives, reputations and possessions of people destroyed and on the slight chance of the ... of a ... criminals in a village city, or convoy for example the entire village, city or convey set ablaze.”

#### Evaluator Comment

Ahmadinejad declared that Zionism is the West’s apparatus of political oppression against Muslims. He says the “Zionist regime” was imposed on the Islamic world as a strategic bridgehead to ensure domination of the region and its assets. This position is viewed as threatening to many in the West. While threats and counter-threats escalates tensions in the Persian Gulf, I believe it is important for the media to publish both sides of issues and be as accurate as possible by seeking to build understanding rather than fear and anger.

—Peter Phillips

#### UPDATE BY Arash Norouzi

In May 2007, the US House of Representatives unanimously passed a resolution calling on the U.N. Security Council to charge Ahmadinejad with the crime of inciting genocide “because of his calls for the destruction of the State of Israel”—a violation of the U.N.’s 1948 Genocide Convention—specifically citing the false “wiped off the map” quote from October 2005. It also called for the U.N. to prevent Iran from obtaining nuclear weapons, with the “potential means to the end of carrying out President Mahmoud Ahmadinejad’s threats against Israel.”

This misquote has become a key component of the push for war with Iran, a war that would make Iraq look like the cakewalk it was predicted to be. Attacking Iran would result in massive death and destruction, affect world oil supplies, provoke terrorism, could initiate the next World War, and might even include the use of nuclear weapons for the first time since WWII. In this heated atmosphere, an accurate narrative is essential in averting the next cataclysmic Mideast intervention. When President Bush emphasizes the importance of taking the words of America’s enemies seriously, that process begins with first determining just what exactly those words *are*.

Yet my article is about more than just clarifying a mistranslated statement. It’s about the media, propaganda, plagiarism, language, false assumptions ...Functioning much like a puzzle, it engages readers by allowing them to deconstruct the quote and its meaning themselves. This self-verification process adds a compelling aspect in which credibility becomes largely obsolete. The article’s ‘punchline’ demonstrates undeniably that members of the mainstream media knowingly spread this rumor, and readers are challenged to check for themselves by comparing linked sources proving this claim.

The idea is not merely to contest a single misquote, but to also promote skepticism about all pre-war intelligence. If this quote is false, then it’s logical to assume that other accusations against Iran could be wrong too—just as they were with Iraq.

The overwhelming ubiquity of this misquote has deterred others from correcting what they probably view as a lost cause. Yet my article alone has been viewed by millions, translated into at least half a dozen languages, garnered radio interviews, inspired videos on YouTube, and become the subject of an entire article in *The Bangkok Post*. It got the attention of people at the BBC, *Washington Post*, IAEA, State Department, United Nations, and the Islamic Republic itself. It’s been quoted by numerous journalists, authors and academics, in published letters to

the editor, and on call-in TV shows such as on C-SPAN. The Associated Press has now begun citing the “vanish from the page of time” phrase, adding that “independent analysts” have refuted the “map” quote; and Dennis Kucinich was prepared to correct the rumor when asked about the subject on TV recently.

These are hopeful signals that underscore the importance of alternative voices in the media, and their potential effectiveness in influencing the discourse. If the first casualty of war is the truth, then it’s up to the truth tellers—whomever they may be—to enlighten us.

## # 25 Who Will Profit from Native Energy?

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Author: Brian Awehali

[http://www.lipmagazine.org/articles/featawehali\\_nativefutures.htm](http://www.lipmagazine.org/articles/featawehali_nativefutures.htm)

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Energy on Native American land is becoming big business. According to the Indigenous Environmental Network, 35 percent of the fossil fuel resources in the US are within Indian country. The Department of the Interior estimates that Indian lands hold undiscovered reserves of almost 54 billion tons of coal, 38 trillion cubic feet of natural gas, and 5.4 billion barrels of oil. Tribal lands also contain enormous amounts of alternative energy. “Wind blowing through Indian reservations in just four northern Great Plains states could support almost 200,000 megawatts of wind power,” Winona LaDuke told *Indian Country Today* in March 2005, “Tribal landholdings in the southwestern US...could generate enough power to eradicate all fossil fuel burning power plants in the US.”

The questions to be answered now are: what sort of energy will Indian lands produce, who will make that decision, and who will end up benefiting from the production?

According to Theresa Rosier, Counselor to the Assistant Secretary for Indian Affairs, “increased energy development in Indian and Alaska Native communities could help the Nation have more reliable homegrown energy supplies.” This, she says, is “consistent with the President’s National Energy Policy to secure America’s energy future.”

Rosier’s statement conveys quite a lot about how the government and the energy sector intend to market the growing shift away from dependence on foreign energy. The idea that “America’s energy future” should be linked to having “more reliable homegrown energy supplies” can be found in native energy-specific legislation that has already passed into law. What this line of thinking fails to take into account is that Native America is not the same as US America. The domestic “supplies” in question belong to sovereign nations, not to the United States or its energy sector.

So far, government plans to deregulate and step up the development of domestic (native) energy resources is being spun as a way to produce clean, efficient energy while helping Native Americans gain greater economic and tribal sovereignty. Critics charge, however, that large energy companies are simply looking to establish lucrative partnerships with tribal corporations, which are largely free of regulation and federal oversight.

For example, in 2003, the Rosebud Sioux of South Dakota, in partnership with NativeEnergy, LLC, completed the first large-scale native-owned wind turbine in history. The project was billed as a way to bring renewable energy–related jobs and training opportunities to the citizens of this sovereign nation, who are among the poorest in all of North America.

NativeEnergy’s President and CEO Tom Boucher, an energy industry vet, financed the Rosebud Sioux project by selling “flexible emissions standards” created by the Kyoto Protocol. These are the tax-deductible pollution credits from ecologically responsible companies (or in

this case, Native American tribes), which can then be sold to polluters wishing to “offset” their carbon dioxide generation without actually reducing their emissions.

Since the Rosebud test case proved successful, NativeEnergy moved forward with plans to develop a larger “distributed wind project,” located on eight different reservations. NativeEnergy also became a majority Indian-owned company in August 2005, when the *pro-development* Intertribal Council on Utility Policy (COUP) purchased a majority stake in the company on behalf of its member tribes.

The COUP-NativeEnergy purchase just happened to coincide with the passage of the 2005 Energy Policy Act. The act contains a number of native energy–specific provisions in its Title V, many of which set alarming precedents.

Most outrageously, it gave the US government the power to grant rights of way through Indian lands without permission from the tribes—if deemed to be in the strategic interests of an energy-related project. Under the guise of “promoting tribal sovereignty,” the act also released the federal government from liability with regard to resource development, shifting responsibility for environmental review and regulation from the federal to tribal governments. Also, according to the Indigenous Environmental Network, the act “rolls back the protections of...critical pieces of legislation that grassroots indigenous peoples utilize to protect our sacred sites.” Some critics have derided the 2005 act as a fire sale on Indian energy, characterizing various incentives as a broad collection of subsidies (federal handouts) for US energy companies.

America’s native peoples may attain a modicum of energy independence and tribal sovereignty through the development of wind, solar, and other renewable energy infrastructure on their lands. But, according to Brian Awehali, it won’t come from getting into bed with, and becoming indebted to, the very industry currently driving the planet to its doom.

UPDATE BY Brian Awehali

I believe the topic of this article was important and urgent because sometimes all that glitters really is gold, even if the marketing copy says it’s green. The long and utterly predictable history where indigenous peoples and US government and corporate interests are both concerned shouldn’t be forgotten as we enter the brave new green era. Marketing for-profit energy schemes on Indian lands as a means of promoting tribal sovereignty is both ludicrous and offensive, as are “green” development plans intrinsically tied to the extraction of fossil fuels in the deregulated Wild West of Indian Country. Energy companies are only interested in native sovereignty because it means operations on Indian lands are not subject to federal regulation or oversight. This is why I included a discussion in my article about the instructive example of the Alaska tribal corporations and the ways they’ve mutated into multi-billion dollar loophole exploiters. (My brief examination of Alaska tribal corporations drew heavily from an excellent *Mother Jones* article, “Little Big Companies,” by Michael Scherer). It’s also my belief that the probably well-intentioned idea of “green tags,” carbon offset credits, and market-enabled “carbon neutrality” should be examined very closely: Why are we introducing systems for transferring (or trading) the carbon emissions of “First World” polluters to those who contributed least to global warming? I would argue that this is merely a nice-sounding way for the overdeveloped world to purchase the right to continue its pathologically unsustainable mode of existence, while doing little to address the very grave ecological realities we now face.

It’s very hard to know what the impact of this story was, or to gauge mainstream response to it. In my experience, the so-called mainstream has a difficult time absorbing and understanding Native American issues, not least because this mainstream tends to think of indigenous peoples in North America in historical, rather than contemporary, terms. I am, however, encouraged by the number of journalists and writers who are beginning to ask critical questions about greenwashing, and I see my story as adding to that collective body of work.

For more information about energy policy and its impact on indigenous communities of North America, I recommend visiting the Indigenous Environmental Network ([www.ienearth.org](http://www.ienearth.org)), and checking out their Native Energy Campaign.