CHAPTER 2
Déjà vu: Updates on Prior Censored News


By Peter Phillips, Lyn Duff, Kate Sims, Dora Ruhs, David Stolowitz, Brittny Roeland, Lori Rouse, Bridget J. Thornton, Ambrosia Pardue, Rebekah Cohen, Brooke Finley, Josh Parrish and Michele Salvail

CENSORED #12 2005
THE DESTABILIZATION OF HAITI

Original Sources:
KPFA RADIO-FLASHPOINTS, April 1, 2004
Title: “Interview with Aristide’s Lawyer, Brian Concannon”
Reporter: Dennis Bernstein

GLOBALRESEARCH.CA, February 29, 2004
Title: “The Destabilization of Haiti”
Author: Michel Chossudovsky
On February 29, 2004, President Jean-Bertrand Aristide was forced into exile by U.S. military. While the Bush Administration and the corporate press implied that Aristide left willingly, Aristide was able to give a detailed account of his U.S. military led kidnapping to a Haitian journalist in the United States via cell phone who, in turn, broadcast his speech on Pacifica Radio’s Flashpoints News, KPFA. While the U.S. was forced to acknowledge the kidnapping allegations, they were quick to discredit them and deny responsibility. The circumstances underlying the current situation in Haiti, as well as the history of U.S. involvement is being ignored by U.S. officials and mainstream media.

HAITI: DIPLOMACY BY DEATH SQUAD CONTINUES

UPDATE BY LYN DUFF: It was February 29, 2005, one year to the day since a U.S.-backed group of disbanded soldiers violently overthrew the popularly elected democracy in Haiti, when Adele was attacked by a group of masked men affiliated with an anti-democracy militia.

The 16-year-old lived in a highly populated and impoverished neighborhood in Port-au-Prince that was known for its support of Aristide and Haiti’s fledgling democratic movement. When attackers broke down the door of her one-room concrete-block house, Adele says she was sure that they were going to kill her.

She had good reason to make this assumption. Three weeks earlier a group of armed men, two of whom she recognized as newly
inducted members of the Haitian National Police, arrived looking for her parents whom the police accused of being gang members. Both of Adele’s parents were at work but unfortunately, she says, her father walked in right as the men were about to leave. The men shackled her father, Adele says, and then they forced him to kneel down outside the front door before shooting him in the back of the head.

The body of Adele’s father was discovered a week later in a ravine in the neighboring suburb of Carrefour. His body was naked, had been set on fire, and was being eaten by wild dogs, she says. Adele went to the offices of MINUSTAH (United Nations Stabilization Mission in Haiti) requesting help but was referred by them to the National Coalition for Haitian Rights (NCHR), a U.S. funded human rights organization that refuses to aid known or suspected supporters of Aristide and, according to independent international human rights groups, has played a repressive and colluding role with the coup government.

On the evening when the armed men returned to her home, they decided not to kill Adele. Instead, she says, they raped her.

Over the course of five hours inside her home and in the presence of her uncle and ten-year-old brother, more than a dozen men raped Adele. At one point, she says, her attackers forced her to have sexual contact with her uncle and, in an act reminiscent of the New York police abuse of Haitian immigrant Abner Louima, she was sodomized with a broom handle and a piece of metal pipe.

Sitting in a church sanctuary months later, Adele breaks into tears and rocks back and forth while telling her story. The American missionary who introduced us, Ann Lautan, says that Adele’s story is far from unusual. Girls as young as eight or nine have been raped by members of anti-democracy militias, the Haitian National Police, and the disbanded Haitian military, she says.

One of the other young victims is Marjory, a 15-year-old from the northern port town of Cap Haitian who has become a vocal spokesperson for the rights of child victims of rape after armed gangs of disbanded Haitian soldiers in the north attacked her last year.
It was the middle of the night when masked men armed with semi-automatic assault rifles burst into Marjory’s home. Then only 14, Marjory was the oldest daughter of a local trade unionist. When they discovered that her father, who the political opposition sought because of his support for the pro-democracy movement, was in hiding, they raped Marjory, her mother and an 11-year-old cousin.

It’s been a year since she was attacked but Marjory remembers every moment of that night. She describes her attackers in detail, down to the scars on one man’s hands and the smell of cigarettes on another’s jacket.

“They violated me. [When it was happening] I closed my eyes and waited for them to finish … One of the men told me to open my eyes and look at him while he [raped me]. I didn’t want to look at him. They hit me when I cried.”

Today Marjory and her mother live with Christian missionaries who took them in after her father was arrested and disappeared five months ago. Marjory speaks openly now about her ordeal and has met with human rights delegations, several journalists and representatives of the United Nations.

“Too many women are being violated. The victims need to come together, they need to speak on the radio about the crimes being committed against us,” she says. “We are telling the United Nations, the foreigners, and George Bush that we will not allow the situation to continue. Children should not be raped. Women should not be raped. People should not be forced from their homes. We are asking for our rights which will only come with the return of democracy to Haiti.”

Marjory and Adele are part of a growing number of young girls and women who human rights investigators say have been victims of mass rape committed by members of the disbanded military and their compatriots who patrol the countryside and Haiti’s cities, hunting down supporters of Haiti’s pro-democracy movement.

Marjory says she was targeted because her father’s trade union organized against a wealthy businessman and because her parents are members of Lavalas, the political party led by ousted president Jean Bertrand Aristide. Other victims say they were targeted
because they or their family members belong to other pro-democracy political organizations or because they work with peasant unions or local women’s groups.

“Rape is becoming a common tool of oppression,” explains attorney Mario Joseph whose organization Bureau des Avocats Internationaux (BAI) has investigated hundreds of human rights cases in the past year. Joseph, who assisted in the prosecution of the human rights crimes committed during the 1991-94 coup says that it is discouraging to see the number of convicted human rights violators who are now walking free and serving in the new U.S.-installed interim government.

“Women and girls are raped because their father or another relative is a member of Lavalas or is targeted [by the political opposition]. They are raped as a form of punishment. The victims do not feel they can go to the police for help with their problems because in many areas the people who victimized them are the ones running the show; they are the ones patrolling the streets as if they are police, committing crimes with impunity under the eyes of the UN. And even in Port-au-Prince, the former military has been hired into the national police force.”

According to Leon Charles, chief of the Haitian National Police, 2000 former members of the Haitian Army have been integrated into the police force, with plans for an additional 1000 former soldiers to be hired by 2006. Aristide disbanded Haiti’s army in 1994 after soldiers committed numerous human rights violations, including mass rapes, during the 1991-94 coup.

United Nations soldiers have also been accused of participating in sexual attacks. In one case, high school student Diamanta Jean Paul, 17, said she was sodomized by Jordanian soldiers who were on patrol in the Delmas neighborhood of Port-au-Prince. The day after she came forward with her story the Jean Paul home was ransacked by police and her father and brother were arrested. The family fled to the Dominican Republic where they are now living in hiding.

In another case, Pakistani soldiers were accused of raping a 23-year-old woman at a banana plantation in the northern town of Gonaives.
“The foreigners grabbed me and pulled my pants down, had me lie on the ground and then raped me,” said the woman who asked that her name be withheld. She says two soldiers raped her while a third watched.

Damian Onses-Cardona, spokesperson for the UN mission in Haiti, initially claimed MINUSTAH was “aggressively” investigating the case but later backed down and released statements to the press accusing the victim of being a prostitute, saying that she went willingly into the banana grove to exchange sex for money and only accused the soldiers of rape after they refused to pay her.

More than 7,000 UN troops from countries including China, Brazil and the United States, among others, are stationed in Haiti. One of the American military units currently stationed in Haiti is the Army Reserve 372nd Military Police Company. The unit became internationally known after photos leaked to the press exposed their abuse of Iraqis at the Abu Ghraib prison.

Capt. Michael Rauh, the unit’s commander, said that none of the soldiers convicted of charges in the prisoner-abuse scandal would be transferred to Haiti. The announcement has done little to soothe the concerns of human rights monitors who note that U.S. troops have been responsible for guarding leading figures of the former government, including ousted Prime Minister Yvon Neptune who was arrested by the coup government and has been held without charge or trial for nearly a year. In March and April 2004, U.S. marines were responsible for the deaths of nearly dozens of Haitian civilians, including numerous children, some of whom were shot in the back while fleeing street fighting in Port-au-Prince.

“These American soldiers sexually molested and abused hundreds of Iraqi prisoners and what does President Bush do to them? He sends them to Haiti. What kind of a message is the American government trying to convey to us?” asks Marie Baptiste, a survivor of mass rape who advocates for other victims through a women’s community group in her neighborhood.

“Dispatching the Abu Ghraib abusers to monitor the Haitian National Police (HNP), who are themselves committing atrocities similar to the ones committed in Abu Ghraib, this sends a clear
message that the American government supports the brutal oppression of the ordinary Haitian people,” she said.

“George Bush might as well give the Boca Raton regime [of interim prime minister Gerald Latortue] a blank check with a signed note of permission reading ‘go ahead, beat and kill all the supporters of democracy, we’re behind you 100 percent.’ ”

Nearly 1500 civilian police have been dispatched to Haiti in recent months. Canadian commissioner David Beer oversees civilian police, who have a dual role as both UN soldiers and trainers or monitors of the HNP. The civilian police dress in riot gear and accompany HNP on raids or other police actions targeted at pro-democracy neighborhoods. In one recent raid on Bel Air, residents, including several children, were shot and killed by both civilian police and HNP police. Beer told the press that only two people, both of whom were “gang members” were killed.

However, on a visit to Bel Air just hours after the shooting, pools of blood lay thickening on the dusty streets throughout the neighborhood. In one was a child’s sandal, with part of the foot still strapped inside. Neighbors said it belonged to a toddler who was shopping with her mother and that as far as they knew she was still alive and had been taken by a local priest to a health clinic for treatment.

On Rue des Fronts Forts the body of a high school student, still in his parochial uniform, lay covered by fabric and green branches. In an alley near the Port-au-Prince cathedral an English grammar textbook and a bag of avocados lay in another pool of blood. The items belonged to a girl who was shot at close range by civilian police, say residents. She died shortly thereafter and UN soldiers removed her body.

In one alley, 9mm bullet casings lay scattered over the ground and an elderly man pointed to the bullet holes in the wall of his house. “The police and the foreign soldiers came here today and they killed my wife,” he told reporters. “They shot her and she was 75-years-old.”

Later, when Lautan visited the man, she discovered that his murdered wife was Emele Lisette, a survivor of mass rape who led a
women’s advocacy group. Ironically Lautan says, Lisette had recently approached the civilian police to ask that they take action to curb politically motivated rapes in Bel Air. “Emele thought that if the civilian police would step up their patrols and more closely monitor the HNP, that it would both force the HNP begin to crackdown on paramilitary groups who were committing rapes in the area at night, and that the civilian police could prevent the HNP officers from also participating in sexual assaults.”

In the two weeks following the murder of Emele Lisette, Lautan says that there has been a sharp increase in politically motivated rapes in Bel Air. “It’s as if the actions of the civilian police were paramount to a stamp of approval for the HNP and the militias,” she says.

No one knows how many women and girls have been victims of politically motivated rapes since the coup violence began in late 2003, say human rights advocates. NCHR refuse to investigate human rights reports in the poorer neighborhoods, where most of the attacks have occurred, “because those zones are all Aristide-supporter, it’s not safe for us to go there,” says NCHR’s Pierre Esperance. In what critics say is an odd statement coming from a human rights advocate, Esperance has publicly declared that human rights crimes are now non-existent in Haiti and that reports of politically motivated attacks are “fairy tales.”

NCHR has received extensive funding from the United States Agency for International Development (USAID) including a large chunk of the 1.4 million dollars that was distributed primarily to anti-Aristide organizations in the year prior to the February 2004 coup, according to USAID area director Pamela Callen. In an ironic twist, critics say that NCHR only focus their energies on the few human rights violations they say were committed by members of the pro-democracy movement.

Meanwhile, the handful of attorneys who are investigating Haiti’s devolving human rights situation are swamped with reports of atrocities including illegal arrests, torture, murder, and rape. “And what we are seeing more often is that after a woman is raped, the attackers force her son or brother to have sexual relations with her
as they watch, so that both she and her family are violated again,” explains Joseph.

That was the case with Joesephina Helicaux, 66, whose son is a member of a peasant union that has called for the return of democracy to Haiti. Although they would not consider themselves Aristide supporters, the family believes that the coup and his removal from power by foreign forces was illegal and that Aristide should be allowed to finish his term as president. Josephina’s son said as much during a demonstration earlier this year, where he was interviewed on a local radio station.

The next day the Helicaux family was eating dinner when a group of armed men burst into their home. The men were not masked and Joesephina Helicaux says that two were in police uniforms. “I told the children to be quiet and to stop crying. The men searched our room. Afterwards they raped all of us [women], even the girls, and made the men stand and watch,” she says. The youngest girl who was attacked was then 9 years old.

Although the son who had spoken on the radio was not home, another one was, as well as a 28-year-old nephew. The attackers forced Joesephina Helicaux to have intercourse with her nephew and son, she says. “They laughed [while it was happening]. They told us ‘move here, do this,’ ” she remembers.

After their attackers left, a neighbor contacted Lautan who came to the home with Alfred Desslieanes, pastor of the New Life Church in Delmas. The pair transported the family to Port-au-Prince’s General Hospital where doctor’s refused to treat them, reportedly because they feared reprisals from the government.

“The doctors told us outright, they don’t treat chimeres and if this family was victimized by the police or by the former military then they are chimeres,” says Lautan. Chimere is a derogatory term for the unemployed that has become synonymous with both “gangster” and “Aristide-supporter.”

The family was taken to a private clinic where doctors treated them for bleeding, contusions, vaginal tearing, and, in the case of the nephew, several broken bones from a beating he received after
he initially refused to follow the men’s orders to have sexual relations with his grandmother, says Desslienanes.

Human rights advocates say members of the disbanded Armed Forces of Haiti (FADH) have committed many of the rapes. President Jean Bertrand Aristide disbanded FADH in 1994 after soldiers committed numerous atrocities during the 1991–1994 coup including gang rape and the mass execution of peasants in northern Haiti.

FADH ex-General Herard Abraham now serves as the Minister of the Interior in the U.S.-created interim government of Haiti, which is led by American Gerald Latortue. Latortue, of Boca Raton, Florida, was installed as Prime Minister of Haiti by American ambassador James B. Foley in March 2004. Both Latortue and Abraham have publicly called for the reinstatement of the Haitian army. In the meantime they have begun to pay former soldiers millions in “back pay” for the past ten years since the army was disbanded, and they have been responsible for the plan to integrate thousands of former soldier, including convicted human rights violators, into the ranks of the Haitian National Police.

Victims of human rights abuses argue that they now have nowhere to turn for help. International observers say both the UN and the HNP has done little to investigate human rights crimes, including the most heinous violations such as murder, rape and torture by paramilitary forces. Some victims say the police have arrested them after they reported a human rights crime. One women’s advocate says she forbids her clients from reporting their rapes to police saying, “a woman who reports that she has been victimized is very likely to then be raped again by the police when she goes to police station to make a complaint.”

Judges who prosecuted human rights violators under the former, democratic government have themselves also become victims of human rights violations.

Magistrate Napela Saintil, who presided over the Raboteau massacre trial five years ago, was severely beaten in his home by heavily armed men and was threatened with death because he convicted Louis Jodel Chamblain the former leader of the
paramilitary organization FRAPH (Front for the Advancement and Progress of Haiti) of human rights crimes several years ago. Judge Jean Senat Fleury, who also participated in the Raboteau massacre trial, appealed to international organizations to protect the judiciary after he too was threatened. Lawyer Leslie Jean-Louis was beaten and nearly lynched by a paramilitary militia while walking home from his office in the rural city of Leogane, about 20 miles west of Port-au-Prince.

Meanwhile, observers say that Minister of Justice Bernard Gousse has systematically removed pro-democracy judges from office through intimidation, firings, and in some cases, by having the judges arrested or deported from the country. Judges who order pro-democracy supporters released due to a lack of evidence or charges against them have found their orders ignored by the National Penitentiary, which incarcerates both men and boys. One judge, speaking on the condition of anonymity, said that when he wants someone released he has to “stroke the warden’s ego” and give bribes, even though the prisoner whose liberation he has ordered is innocent.

An investigation by Amnesty International found widespread evidence of both judicial and police misconduct. The report details specific cases of police abuse including an example of the breadth and scope of violence taking place in an average week in Port-au-Prince. The London-based human rights group found that just during one week in October, 2004, HNP officers murdered a family of seven in their home in Fort National, killed four young men in broad daylight in Carrefour Péan, tortured a 13-year-old street child after he refused to give them the names of Aristide supporters, and covered the head of a man with a plastic bag and severely beat him on the street before incarcerating him at a local police station indefinitely and without charging him with a crime.

An estimated 50,000 human rights victims have fled Haiti for neighboring Dominican Republic. Most entered the country illegally and live in hiding. In May 2005, Dominican authorities began the largest mass expulsion in recent history by rounding up, arresting and deporting Haitian nationals and Dominicans of Haitian descent
in the northeast section of the country. Although military authorities and officials from the Dominican Republic’s Migration Office claim they are deporting only undocumented Haitian migrants, thousands of Dominican citizens who are suspected of being Haitian or have dark skin, have been deported. Some report that Dominican soldiers tore up their state identification cards before arresting them and forcing them across the border. Relief workers on the Haitian side of the border say that buses are arriving daily with dozens of unaccompanied children, many of whom don’t even speak Kreyol because they are second or third generation Dominican.

“We have mothers here without their children. We have children without their families. We have some children who were deported that are so young they don’t even know their last name or the name of the city where they are from,” said one aid worker. “I asked one [unaccompanied] child what his mother’s name was and he said in Spanish ‘mommy.’ I asked him how old he was and he held up three fingers.”

Towns on the Haitian side of the border have been overwhelmed with deportees and are running low on food and water, say relief workers. At night thousands sleep on the ground of the town squares and churches. Many of the deportees are those who fled to escape political repression and have been victims of rape or torture says aid worker Christian Johanstan. “Everyone we work with has been traumatized. The Dominicans who were illegally deported have been traumatized by the military and police who uprooted them. The Haitians have been doubly traumatized by those who staged the coup and committed human rights abuses against them and then by the country in which they sought refuge.”

The mass expulsions, which were reportedly authorized at the highest levels of the Dominican government, have led the human rights organization Minority Rights Group International to threaten action under international law against the country. Saying that the Dominican Republic is practicing “ethnic cleansing,” an MRG spokesperson confirmed that the group would seek sanctions against the Dominican Republic on the basis of ongoing and widespread discrimination against Haitians and Dominicans of suspected
Haitian descent. “Mass arbitrary expulsions are a violation of numerous civil, political, economic, and social rights under international law,” said a statement from the group.

Meanwhile, ordinary Haitians say they continue to live in fear of abuse, imprisonment, torture and death. Some say that abuse will only stop if and when Aristide, who is currently in exile in South Africa, is allowed to return to Haiti. A minority of Haitians say that because the United States will never allow Aristide to return to Haiti, the country’s only hope lies in electing a less repressive dictator to replace Latortue.

National elections have been set for November 2005, however Fanmi Lavalas, the party to which both Aristide and the vast majority of Haitians belong, has said they will boycott the elections if they are not allowed to participate fully and Aristide is not allowed to return to Haiti.

Lyn Duff <LynDuff@aol.com> first traveled to Haiti in 1995 to help establish that country’s first children’s radio station. During the past ten years she has covered Haiti extensively for both Pacific News Service and Pacifica Radio’s Flashpoints on KPFA-FM.

CENSORED #1 2005
WEALTH INEQUALITY IN 21ST CENTURY THREATENS ECONOMY AND DEMOCRACY

Original sources:
MULTINATIONAL MONITOR, May 2003, Vol. 24, No. 5
Title: “The Wealth Divide” (An interview with Edward Wolff)
Author Not Listed

BUZZFLASH, March 26 and 29, 2004
Title: “A Buzzflash Interview, Parts I & II” (with David Cay Johnston)
Author: Buzzflash Staff
Since the 1970s, a gap has grown in the United States between the rich and the poor, gradually eliminating middle classes and forcing people into more and more divergent levels of income. Based on data accumulated over the last thirty years, most economists now agree, 95 percent of the American population’s incomes are falling, while a mere 5 percent is quickly amassing unprecedented wealth. This trend is hardly the natural result of the workings of the economy, but is the product of a series of carefully crafted legislative policies authored by and for the super-rich over the last 25 years. These policies have, over time, transferred more and more of the tax burden off of the rich and onto working people.

The ramifications of this radical inequality are not limited to the United States. The transfer of the world’s wealth that allows the top 400 income earners in the U.S. to earn as much in a year as the entire population of the 20 poorest countries in Africa is fueled by the exploitation of the labor and resources of poor countries. The spread of urban growth—owing to the conversion of the world’s economy to cash crops—has led the UN to warn that if changes are not made 1/3 of the world’s population will be slum dwellers by 2030 living on $1 a day.

**UPDATE BY DAVID STOLOWITZ:** Sociologists have observed for some time that the United States, unlike Europe, places more emphasis on differences of race as opposed to differences of social class. To even acknowledge that different socio-economic classes exist in America is often seen at odds with the American ethos that the United States gives everyone the opportunity necessary to pull themselves up by
their bootstraps. The Democratic Party justifiably attacked George Bush’s tax cuts for the wealthiest 1 percent, yet beyond this they have done little to garner attention to wealth inequality in the United States.

The corporate media, as well as National Public Radio, did recently feature and discuss the results of a landmark study by the Pew Hispanic Center showing a disproportionate amount of poverty among U.S. racial minorities—especially Latino and African Americans. This study rocked the boat of a complacent media who had posited the question, “Is racism disappearing in America?” and prematurely concluded that racism was on its way out, and even that it was respectable to begin to speak of so-called “reverse racism.”

An interesting finding in the corporate media’s coverage is that it was considered safer and more tenable to address this issue within the bounds of the financial, business or economic press. Just as I found in my story on Naked Shorting, the business press, usually thought of as “conservative,” actually provided coverage on the issue that the rest of the corporate media wouldn’t touch. In 2004–05 Business Week, The Economist, and Industry Week featured excellent articles on the wealth gap and related issues, criticizing the Bush Administration for its role in the problem and defending the validity of a debate on free trade, international lending, and their consequences.

International media are taking wealth inequality more seriously as well. British papers like The Guardian have not only informed their readers about the problem, but encouraged a debate about the Blair government’s role in it. The poverty and corruption of Russia’s oligarchy is becoming better known in Europe, while the U.S. maintains its own iron curtain when it comes to the image of “democratically reformed” Russia and the former Soviet states.

Over the last few years, the U.S. has particularly increased its criticism of China for all kinds of policies, while it hypocritically pursues agendas that are just as dangerous and often identical. In the case of wealth inequality, the U.S. government and a compliant
corporate media have been especially critical of poverty and related issues in China but generally avoid the topic in the U.S.

SOURCES:
Laura D’Andrea Tyson, “How Bush widened the Wealth Gap; Not since the ’20s has income inequality been this great,” BusinessWeek, 1 November, 2004.
“Ever higher society, ever harder to ascend—Meritocracy in America,” The Economist, 1 January 2005.

CENSORED # 2 2005
ASHCROFT VS. THE HUMAN RIGHTS LAW THAT HOLDS CORPORATIONS ACCOUNTABLE
Ashcroft goes after 200-year-old human rights law

Source: One World
Author: Jim Lobe
During his reign as attorney general, John Ashcroft sought to strike down one of the world’s oldest human rights laws, the Alien Tort Claims Act (ATCA). This law holds government leaders, corporations, and senior military officials liable for human rights abuses taking place in foreign countries.
This attack on the ATCA came after Ninth Circuit Court of Appeals ruled that Unocal Corporation could be held liable for
human rights abuses committed against Burmese peasants near a pipeline the company was building. By attempting to throw out this law, the Bush Administration effectively opened the door for human rights abuses to continue under the veil of foreign relations. According to a *Wall Street Journal* article, upholding the law could jeopardize aspects of the war on terrorism.

**UPDATE BY BRITTNY ROELAND:** At the end of 2004, two closely watched cases brought under the Alien Tort Claims Act ended with a whimper. On the day they were set to be heard by the Ninth Circuit U.S. Court of Appeals, Roe v. Unocal and Doe v. Unocal settled on confidential terms.

In response to its involvement in a human rights violation case, Unocal said that it would provide funds for improving living conditions, health care and education in the region where the pipeline was built. They also reaffirmed their commitment to human rights. However this statement infers no original wrongdoing.

In January 2005, New York judge John Sprizzo’s decision to throw out a $20 billion lawsuit brought in the U.S. against 35 corporations that did business in apartheid-era South Africa. This was a blow for the human rights lobbyists who have, in the past decade, increasingly used the centuries-old Alien Tort Claims Act (ATCA) to try to hold big business accountable for alleged human rights violations overseas.

The plaintiffs filed a notice of appeal “[The case] tries to identify specific companies that tried to willingly and knowingly assist apartheid.”

The Departments of State and Justice submitted an amicus brief in the Unocal case in August arguing, much as Sprizzo had done, that the Supreme Court’s ruling in June 2004 showed there is no aiding and abetting liability under ATCA. “There is no indication in either the language or history of the Alien Tort that Congress intended such a vast expansion of suits in this sensitive foreign policy area,” the brief reads.

Whether or not “aiding and abetting” is covered by the Supreme Court ruling, corporate involvement in human rights abuses still is a
serious problem. Human Rights Watch released a report this year, stating that in the Niger Delta, the struggle for oil revenue and government funds has lead to violent outbreaks between rival-armed groups. This violence has resulted in the death of many innocent people, but oil production continues.

A case against the Royal Dutch/Shell in Nigeria, a court refused to dismiss the lawsuit brought by surviving relatives of Saro-Wiwa and Kpuinen, victims of the violence. In denying Shell’s motion to dismiss the case, the court found that the alleged actions of Shell and Anderson constituted participation in crimes against humanity, torture, summary execution, arbitrary detention, and other violations of international law.

In a case concerning Exxon Mobil’s involvement in Indonesia alleges that the security forces that partook in the crimes are either employees or agents of Exxon Mobil, and thus it is liable for their actions. Exxon Mobil filed a routine motion to dismiss these claims, and a response against this motion was filed on December 14, 2001. The court has not yet ruled on the motion to dismiss, leaving the Acehnese victims of abuse in a state of legal limbo.

SOURCES:
www.laborrights.org
Talk of the Nation National Public Radio (NPR)
Deseret Morning News (Salt Lake City) February 19, 2005
Jim Washer, Greenwire January 28, 2005 Friday

CENSORED #3
BUSH ADMINISTRATION MANIPULATES SCIENCE AND CENSORS SCIENTISTS

Original sources
The Nation, March 8, 2004
Title: “The Junk Science of George W. Bush”
Author: Robert F. Kennedy Jr.
Critics charge that the Bush Administration is purging, censoring, and manipulating scientific information in order to push forward its pro-business, anti-environmental agenda. In Washington, D.C. more than 60 of the nation’s top scientists, including 20 Nobel laureates, leading medical experts, and former federal agency directors, issued a statement on February 18, 2004 accusing the Bush Administration of deliberately distorting scientific results for political ends and calling for regulatory and legislative action to restore scientific integrity to federal policymaking.

Princeton University scientist Michael Oppenheimer states, “If you believe in a rational universe, in enlightenment, in knowledge and in a search for the truth, this White House is an absolute disaster.”

UPDATE BY MICHÈLE SALVAIL: Last year, we reported that the Bush Administration was receiving flack for distorting the data from scientific research for political ends and then calling for regulatory and legislative action to restore scientific integrity to federal policymaking.

Unfortunately, although there is wider coverage in the corporate media about the issues, the trend continues. Since last year, Union of Concerned Scientists issued a report citing the abuses of the Bush Administration. The report says that White House officials have
asked nominees for scientific advisory panels to disclose whether or not they had voted for Bush.

Over two hundred scientists employed by the Department of the Interior's Fish and Wildlife Service admitted that they were directed to alter findings to decrease the protection of plants and animals. According to a survey conducted by the Union of Concerned Scientists and Public Employees for Environmental Responsibility, the U.S. Fish and Wildlife staff of 1,400 scientists, there was a 30 percent response rate. The scientists admitted that they were forced to alter data or withhold the findings of their research that would give them cause to provide greater protection of endangered species.

The FDA admitted to withholding the data from the research of the risks of giving antidepressants to children. The FDA restrained its foremost expert from giving testimony at a conference formed to determine what proper guidance that the FDA is responsible for giving to the public about recent studies that link anti-depressants to suicide in children. The expert has concluded that children, when given anti-depressants, were close to twice as likely to become suicidal as those given a placebo.

A White House staff member crossed out the words “Confirmed public health risk” that described the findings on mercury and changed the sentence to “warrants regulation.” A toxicologist within the Office of Management and Budget recommended changes to a sentence saying children exposed to mercury while they are in their mother’s womb “are at increased risk of poor performance and no behavioral tests.” This particular sentence was changed for publication to say that children “may be at increased risk.”

According to “independent scientists, retired Livermore Lab physicists and community organizations,” the findings of a study conducted by the Agency for Toxic Substances and Disease Registry (ATSDR) is flawed and does not draw well supported conclusions that are consistent with commonly accepted knowledge of the principles of exposure to radiation. The Federal agency is being accused of inadequately assessing the impacts on public health at the Livermore Lab’s main site. According to this group of core witnesses, the report misrepresents the actual risks posed by
radioactive and toxic releases at the plant. The ATSDR’s report asserts that there is “no apparent health hazard” from the hazardous materials used at the Livermore Lab. The report does not warn the public of health concerns related to the amount of plutonium that is being found in the ground water, public parks, home gardens. Toxic wastes have been dumped into the “groundwater aquifer and radioactive tritium plumes in the air, rain water and plants.” The report does not state that there is any need for public concern from these activities implemented by the Livermore Lab.

The Energy Department concluded that Yucca Mountain water flow studies are scientifically sound although scientists who conducted the research have admitted to falsifying these documents. The USGS scientists emailed each other between 1998 and 2000. In these e-mails, they discussed altering data for the quality assurance requirements of their research. Bob Loux, of the Nevada Agency for Nuclear Projects, a critic of the proposal, said, “It was going to be a white wash from square one.” While many lawsuits against the project to store nuclear waste at the Yucca Mountain site are still pending, Congress approved of a $10 million provision for the storage of nuclear waste at interim surface sites. The very same day, The Nuclear Regulatory Commission’s Atomic Safety and Licensing Board rejected the appeal by the State of Utah seeking to halt the plan to store nuclear fuel rods on the Skull Valley Goshute Indian Reservations Land. Four thousand nuclear waste caskets are to be temporarily stored at the Private Fuel Storage Facility approximately 50 miles southwest of Salt Lake City pending the completion of the Yucca Mountain Project.

SOURCES:


Los Angeles Times, “U.S. Scientists Say They are Told to Alter Findings,” February 10, 2005.

CENSORED #4 2005
HIGH URANIUM LEVELS FOUND IN TROOPS AND CIVILIANS

Original Sources:
Uranium Medical Research Center, January 2003
Title: “UMRC’s Preliminary Findings from Afghanistan & Operation Enduring Freedom” and
“Afghan Field Trip #2 Report: Precision Destruction—Indiscriminate Effects”
Author: Tedd Weyman, UMRC Research Team

Awakened Woman, January 2004
Title: “Scientists Uncover Radioactive Trail in Afghanistan”
Civilian populations in Afghanistan and Iraq and occupying troops have been contaminated with astounding levels of radioactive depleted and non-depleted uranium as a result of post-9/11 United States’ use of tons of uranium munitions.

Uranium dust will be in the bodies of our returning armed forces. Nine soldiers from the 442nd Military Police serving in Iraq were tested for DU contamination in December 2003. Conducted at the request of The New York Daily News, as the U.S. government considers the cost of $1,000 per affected soldier prohibitive, the test found that four of the nine men were contaminated with high levels of DU, likely caused by inhaling dust from depleted uranium shells fired by U.S. troops. Several of the men had traces of another uranium isotope, U-236, that are produced only in a nuclear reaction process.

Most American weapons (missiles, smart bombs, dumb bombs, bullets, tank shells, cruise missiles, etc.) contain high amounts of radioactive uranium. Depleted or non-depleted, these types of weapons, on detonation, release a radioactive dust which, when inhaled, goes into the body and stays there. It has a half-life of 4.5 billion years. Basically, it’s a permanently available contaminant,
distributed in the environment, where dust storms or any water nearby can disperse it. Once ingested, it releases subatomic particles that slice through DNA.

**UPDATE BY JOSH PARRISH:** There is national dispute on the dangers of Depleted Uranium (DU). The Depart of Defense has continually claimed that DU munitions are safe. At the same time, veterans groups and various scientists and doctors say that DU is the cause of Gulf War Syndrome and responsible for a sharp rise in birth defects among Iraqis and returning U.S. servicemen.

The information coming from the Department of Defense has, at best, been contradictory. Dr. Michael Kilpatrick, the deputy director of the Deployment Health Support Directorate and Pentagon spokesman on Depleted Uranium, has said “as long as this (DU exposure) is exterior to your body, you’re not at any risk and the potential of internalizing it from the environment is extremely small.” Several studies, commissioned by the Pentagon, have supported this assertion. One in particular, The Presidential Advisory Committee on Gulf War Veterans’ Illnesses, that reported to President Clinton in 1996 stated that “current scientific evidence does not support a causal link” between veterans symptoms and chemical exposures in the Persian Gulf. This committee goes on to say that stress “is likely to be an important contributing factor to the broad range of physical and psychological illnesses currently being reported by gulf war veterans.”

However, these Pentagon studies contradict an Army report from 1990 that stated DU is “linked to cancer when exposures are internal, [and] chemical toxicity causing kidney damage.” Here the U.S. government acknowledges that internal exposure to DU is likely to be harmful. It is only after the 1991 Gulf War, where DU munitions were used for the first time, the government began to claim they were harmless.

The main point of contention between the U.S. government and those who oppose the use of DU is what constitutes internal exposure and how does this exposure occur. The military insists that only soldiers who had shrapnel wounds from DU or who were inside
tanks shot by DU shells and accidentally breathed radioactive dust were at risk. This ignores the findings of Leonard Dietz who, in 1979, found that DU contaminated dust could travel great distances through the air. Dietz accidentally discovered that air filters he was experimenting with had collected radioactive dust from a lead plant that was producing DU 26 miles away. “The contamination was so heavy that they had to remove the top-soil from 52 properties around the plant,” Dietz said.

When they were in Iraq, the soldiers of the 442nd Military Police Company performed duties such as providing security for convoys, running jails and training Iraqi police. The fact that some of these soldiers have DU in their bodies is proof that one need not be directly exposed to a DU explosion to become contaminated. “These are amazing results, especially since these soldiers were military police and not exposed to the heat of battle,” said Dr. Asaf Duracovic, who examined the GIs and performed the testing that was funded by the New York Daily News. One soldier from the 442nd, who tested positive for DU exposure, Specialist Gerard Darren Mathew has since fathered a child with birth defects. The child is missing three fingers and most of her right hand.

Whether or not DU is the cause of the myriad of ailments referred to collectively as “Gulf War Syndrome” has not been conclusively proved or disproved, and that is the problem. No thorough studies of DU’s long-term effects have been done. In the absence of studies and definitive findings, the U.S. government has simply avoided the issue and refused to decontaminate affected areas in Iraq and Afghanistan.

CENSORED # 8 2005
CONSERVATIVE JUDICIAL APPOINTMENTS: THE FEDERALIST SOCIETY

Title: “A Hostile Takeover: How the Federalist Society is Capturing
In 2001, George W. Bush eliminated the longstanding role of the American Bar Association (ABA) in the evaluation of prospective federal judges. ABA’s judicial ratings had long kept extremists from the right and left, off the bench. In its place, Bush has been using The Federalist Society for Law and Public Policy Studies. They are a national organization whose mission is to advance a conservative agenda by moving the country’s legal system to the right.

The Federalist Society was started in 1982 by a small group of radically conservative University of Chicago Law students—Steven Calabresi, David McIntosh, and Lee Liberman Otis. Reagan’s Attorney General Edwin Meese was an early sponsor of the society. The society today includes over 40,000 lawyers, judges, and law professors. Well-known members include: John Ashcroft, Solicitor General Theodore Olson, Supreme Court Justices Clarence Thomas and Antonin Scalia, Senate Judiciary Committee Chairman Orrin Hatch, and Federal Appellate Judge Frank Easterbrook. Under both Bush Administrations “judicial appointments have been coordinated by the office of the [legal] counsel to the president.” The counsel’s staff is comprised mainly of federalists.

The Federalist Society which heads this conservative judicial movement has been very aggressive in attacking judges they do not agree with. Former Senator Bob Dole spoke out against 3rd Circuit Judge H. Lee Sarokin by placing him in a judicial “hall of shame” along with some of his colleagues. This hostility forced Sarokin to resign. “I see my life’s work and reputation being disparaged on an almost daily basis and I find myself unable to ignore it.”
government with power going to the states, a traditional conservative agenda. The ideology of the Federalist Society permeates our entire government and the society’s policies do not reflect the rhetoric. The volume of members within the government’s most powerful policy making institutions is worth examination. Elaine Chao, Secretary of Labor, stated in a speech before a Federalist Society event, that after the Justice Department, the Department of Labor boasts the most members.

A new endeavor by the Federalist Society is NGO Watch. A statement on the NGO Watch web site identifies problems with the degree of influence, independent of government restrictions of some Non Governmental Organizations. They see a trend among NGO’s as “... promoting an activist agenda that is ‘unaccountable’ and challenges the ‘legitimate’ agendas of governments and the free market.” The idea is that the UN, the organization that provides legitimacy to NGO’s such as Human Rights Watch and Amnesty International, is an institution that impinges on national sovereignty. The Federalist Society does not believe the U.S. has an obligation to UN mandates, as they may not suit the interests of the nation.

The Federalist Society holds significant power in the United States. Adding Supreme Court judges to the bench increases this power up to the highest court in the land. Former Attorney General Ashcroft gives a glimpse of the ideology of its members. In a November speech to a group of members, Ashcroft states, “The danger I see here is that intrusive judicial oversight and second-guessing of presidential determinations in these critical areas can put at risk the very security of our nation in a time of war.”

Another conservative group from whom President Bush receives suggestions for Federal Court nominations is the Christian Legal Society. A recent Washington Times article quoted a director of the organization as saying, “There’s a normal process that the White House has definitely been pursuing for at least six months where they are soliciting views and recommendations,” said Samuel B. Casey, executive director of the Christian Legal Society (CLS). “We have submitted our views.” (Washington Times, May 20, 2005)
This is the only mention in the United States press referring to the organization’s important role in suggesting Federal Court nominees. However, there are many more reports in the past year about the CLS’s legal activism. Campus chapters of the CLS sued several law schools and colleges around the country alleging that the colleges’ non-discrimination policies violated their First Amendment rights which prohibited the organization’s activities that refused membership to homosexuals or those who supported homosexuals. In addition, the CLS chapters required that each member sign a declaration of faith. Ohio State amended their non-discrimination policy in light of the lawsuit. The Columbus Dispatch reported, “Ohio State University will allow student religious organizations to exclude people who don’t hold a given group’s religious beliefs.”

According to their website, the Christian Legal Society has 165 law student ministry chapters. They promote biblical conflict resolution and state that they advance religious freedom “By writing and submitting “friend of the court” briefs to federal and states courts, particularly the United States Supreme Court, on behalf of ourselves and many other organizations interested in defending the inalienable rights of life and religious liberty.”

A footnote at the bottom of their mission statement page boasts their prominence in government, “CLS’ Center for Law and Religious Freedom is one of the most respected religious liberty advocates in the Christian community, providing Christian-perspective administrative, legislative or litigation-related public interest advocacy services in every type of legal forum from Oregon to Congress and the Oval Office.”

The Christian Legal Society received one article in the Washington Times, with a brief reference to their influence in judicial nominations. Their goal is to dominate the legal institution. Interestingly, this organization that promotes religious ethics in law, has board members that work for Bank of America, sit on the North District Court of Appeals, and a board member that works with a firm specializing in business and estate law as well as church not-for-profit law. Interestingly, the board members have more ties to corporate America than religious America.
The Christian legal Society and the Federalist Society have the ear of the president. These organizations have the organizational power and governmental influence to continue the push for conservative control of the Federal Judiciary.

CENSORED # 9 2005
WIDOW BRINGS RICO CASE AGAINST U.S. GOVERNMENT FOR 9/11

Original Sources:
www.scoop.co.nz, November 2003
Title: 9/11 Victim’s Wife Files RICO Case Against GW Bush
Author: Philip J. Berg

www.scoop.co.nz, December 2003
Title: Widow’s Bush Treason Suit Vanishes
Author: W. David Kubiak

Ellen Mariani lost her husband, Louis Neil Mariani, on 9/11 and is refusing the government’s million-dollar settlement offer. Her husband Louis Neil Mariani died when United Airlines flight 175 was flown into the South Tower of the World Trade Center.

Ellen Mariani has studied the facts of the day for nearly two years, and has come to believe that the White House “intentionally allowed 9/11 to happen” in order to launch the “War on Terrorism.” Her lawyer, Phillip Berg, former Deputy Attorney General of Pennsylvania, who filed a 62-page complaint in federal district court charging that President Bush and officials, including but not limited to, Cheney, Rumsfeld, Rice and Ashcroft, (1) had adequate foreknowledge of 9/11 yet failed to warn the country or attempt to prevent it; (2) have since been covering up the truth of that day; (3) have therefore abetted the murder of plaintiff’s husband and violated the Constitution and multiple laws of the United States; and (4) are thus being sued under the Civil Racketeering, Influences, and Corrupt Organization (RICO) Act for malfeasant conspiracy, obstruction of justice and wrongful death.
UPDATE BY BRIDGET J. THORNTON: Ellen Mariani settled her case against the U.S. government on December 1, 2004. The attorney for Mariani continues his work on the RICO case with a new plaintiff, William Rodriguez. Rodriguez, a maintenance worker at the World Trade Center during the 9/11 attacks, testified before the 9/11 panel that he encountered Mohand Alsheheri during the summer of 2001.

The RICO case claims the government failed to prevent the 9/11 attacks. More families have similar sentiments. The RICO case is one of about 80 independent lawsuits filed against the government, airlines, and airports by families of 9/11 victims, according to Charles Miller, Department of Justice spokesman. A group of 12 individuals formed the Family Steering Committee to lobby for an independent 9/11 commission and demand answers to questions still not addressed. Finally, a group of families of NYC firefighters killed in the WTC, sued the City when it denied a New York Times reporter access to emergency calls placed that day. These families forfeited their right to compensation under the 9/11 Victims Fund in pursuing independent lawsuits. The Fund precludes the families who accept compensations from filing future lawsuits concerning the 9/11 attacks.

Many questions remain unanswered for the victim’s families and the people of the United States. To view a list of the questions submitted to the 9/11 panel by the Family Steering Committee, the web site is http://911independentcommission.org. also see Chapter 4 The Unanswered Questions of 9/11.

CENSORED #10 2005
NEW NUKE PLANTS: TAXPAYERS SUPPORT, INDUSTRY PROFITS

Original sources
Nuclear Information and Resource Service, November 17, 2003
Title: “Nuclear Energy Would Get $7.5 Billion in Tax Subsides, U.S. Taxpayers Would Fund Nuclear Monitor Relapse If Energy Bill
In 2002, the Bush Administration was looking to give the industry a huge boost through the new Energy Policy Act. HR-6, a House of Representatives bill sponsored by Senator Peter Domenici (R-NM), would have given nuclear power plants a production credit for each unit of energy produce, costing taxpayers an estimated $7.5 billion. This money was to be used to build six new privately owned, for-profit reactors across the country. The bill would have created more incentives for nuclear power, giving $1.1 billion for the production of hydrogen fuel and $2.7 billion for research and development of new reactors under the Nuclear Power 2010 Program despite widespread fears that nuclear plants are extremely dangerous terrorist targets.

The Domenici sponsored bill would have establish “a preferred equity investment” provision that would have required “taxpayers to back private investment in the new facilities up to $200 million.” HR-6 was defeated in 2003, but Domenici reintroduced it as S2095, little changed. The main change was that the nuclear tax production credits (PTC) were excluded. However, because S2095 “did not have the support to pass the Senate, Domenici split the bill in two, attempting to pass the policy and tax sections separately.” Since the nuclear PTC was not part of S2095 Domenici “threatened to add it separately.” The tax credit would amount to at least $6 billion, and could possibly go to $15 or $19 billion.

UPDATE BY AMBROSIA PARDOUE: “America must have an energy policy that plans for the future, but meets the needs of today. I believe we can develop our natural resources and protect our environment,” said President George W. Bush. (www.whitehouse.gov) On March 9, 2005 President Bush visited Battelle Memorial Institute in
Columbus, Ohio saying that “America hasn’t ordered a nuclear power plant since the 1970s, and it’s time to start building again.” Also stating that nuclear power can generate electricity without emitting air pollution or greenhouse gases, and it is the only way of providing “reliable, affordable, and environmentally sound energy for America’s future.” (www.inl.gov/featurestories/2005-03-14.shtml) Bush spoke to a crowd at Calvert Cliffs Nuclear Power Plant in Maryland on June 22, 2005 once again proclaiming that “it is time for this country to start building nuclear power plants again.” He said that the nuclear industry is much safer since the Three Mile Island incident. (www.nydailynews.com/news/wn_report/v-pfriendly/story/321527p-274953c.html) Nothing could be farther from the truth. George W. seems to have monetary profits on his mind when it comes to energy policy—not the future of our environment, or the safety of the American people. The Administration has continued to back nuclear energy and has ignored or opposed measures that would insure Americans would be protected from potentially horrific terrorist attacks against nuclear plants.

According to a new Public Citizen report this is “an inaction that reflects officials’ aversion to regulating private industry and allegiance to key campaign contributors.” The main reasons seem to be monetary—according to Homeland Unsecured, the industries representing the five homeland security areas have raised at least $19.9 million for the Bush campaigns, the Republican National Committee or the Bush inauguration since 2000. They have provided 30 individuals who raise at least $100,000 to $200,000 to the Bush presidential campaigns. They have also spent at least $201 million lobbying the White House from 2002 to June 2004. This continued tie, support, and inaction remains despite twenty-seven state attorney generals warning Congress in October 2002 that attacks against one of the current 103 nuclear plants would be “simply incalculable.” The Administration and the Nuclear Regulatory Commission (NRC) have ignored congressional efforts for more security regulation.
In November 2004 the Energy Department announced funding for a Nuclear Regulatory Commission licensing process for new commercial reactors, a process that could lead to the construction of new nuclear plans within a decade. The Bush Administration has a goal of creating new nuclear power, and under the Nuclear Power 2010, the Energy Department is allowing $13 million to be given to a two-industry consortium. The Energy Department has provided NuStart energy with $4 million for fiscal year 2005 and $9 million to a group lead by Dominion energy. The DOE said that this will “demonstrate the untested combined Construction and Operating License regulatory process and will enable the power generation companies to make firm business decisions on ordering and building new nuclear power plants.” (Environment and Energy Publishing, LLC 11/5/04 “Nuclear Power: DOE pushes ahead on reviving nuclear power”)

Domenici successfully included provisions in the fiscal year 2005 bill HR4818 that will increase funding for the DOE programs which will aid new nuclear plant construction; the bill was passed by Congress on November 20, 2004. (Foster Electric “New Nukes Get Funding Boost” 11/30/04)

The energy bill Bush is pushing will not even ensure lower gasoline prices, as said in his own words on June 22. Bush said that by addressing the issue now, and signing a bill now, gas prices will not drop, but life will be better for America’s children and grandchildren. (www.nydailynews.com/news/wn_report/vpfriendly/story/321527p-274953c.html)

According to the Union of Concerned Scientists, “an accident at a U.S. nuclear power plant could kill more people than were killed by the atomic bomb dropped on Nagasaki. The financial repercussions could also be catastrophic.” They stated that a risk of nuclear power plants is the potentially massive releases of radioactivity into the atmosphere with devastating harm to people and the environment. One must ask themselves why nuclear power is being pushed for so hard, if gasoline prices will not even be lowered, and if a possible meltdown could occur (because there is no guarantee that it will not happen). One must also ask if environmentally sound energy is the
key reason for this push. America also currently lacks protection against terrorist threats, and yet the Administration is backing the expansion of nuclear power; obviously Bush’s words only go so far, and the interest of his pocket book runs deeper.

CENSORED #11

THE MEDIA CAN LEGALLY LIE

Original Sources:
CMW REPORT, Spring 2003
Title: “Court Ruled That Media Can Legally Lie”
Author: Liane Casten

ORGANIC CONSUMER ASSOCIATION, March 7, 2004
Title: “Florida Appeals Court Orders Akre-Wilson Must Pay Trial Costs for $24.3 Billion Fox Television; Couple Warns Journalists of Danger to Free Speech, Whistle Blower Protection”

In 1996, Jane Akre and her husband Steve Wilson were hired at WTVT, a Fox network affiliate in Tampa Bay, Florida. The couple worked as a part of an investigative reporting team and in 1997, uncovered a story disclosing controversial information regarding the big agriculture company Monsanto. Akre and Wilson revealed Monsanto’s use of Bovine growth hormone (BGH) in dairy cows. This hormone has been scientifically linked to cancer and banned throughout Europe and several other countries.

This story created a problem for Akre and Wilson when Monsanto threatened Fox with a lawsuit if the story was to run. In order for Fox to avoid a conflict, they chose special interest over public welfare and asked the reporters to slant the story and dismiss the facts.

Akre and Wilson disputed with Fox executives over the revisions, and threatened to report the broadcaster to the FCC. This threat and their refusal to change their story, led Fox to fire them both. Akre and Wilson won an initial suit under whistle blower law in the State of Florida and were awarded $425,000 settlement.
Fox appealed the court’s decision on February 14, 2003. A Florida Appellate court overturned the settlement, ruling that the whistleblower law only applies to companies that are in violation of a “law, rule, or regulation.” Because falsifying, slanting, or distorting news violated only policy, Akre and Wilson were not protected under the Whistleblower law.

Fox argued that that they are protected under the first amendment, thus implying that all broadcasters have the right to be dishonest on public airwaves if they choose.

UPDATE BY REBEKAH COHEN: After the Appellate court ruling, Fox sued Akre and Wilson for over $2,000,000 in legal costs. In August of 2004 the court ruled that Jane Akre and Steve Wilson “filed their 1998 lawsuit against WTVT-Channel 13 in good faith.” Akre and Wilson escaped the steep legal fees of nearly $2 million, but ended up paying, in settlement, approximately 10 percent of Fox’s costs.

The couple faded out of the news for a few months, but in January 2005, filed a petition with the FCC to deny Fox WTVT in Tampa a license for renewal.

The couple’s saga continues as they resume their fight against the station for “intentionally airing false and distorted news reports.” They have been waiting to bring forward the license challenge fight as renewals under the FCC only occur every eight years.

In the petition, Akre and Wilson state that in 1997, WTVT’s general manager David Boylan, told them that the owners of stations have the right to determine the news that is delivered, thus allowing them the privilege of falsifying news.

Bob Linger, present general manager of WTVT, felt the couple was trying to resurface issues that were already settled in court. However, Akre and Wilson feel their efforts against WTVT are serving a greater purpose. Akre believes that the Tampa station has violated the FCC policies that prohibit broadcasters from “rigging or slanting the news.” The couple is prepared to go as far as they can in an effort to prevent broadcasters from airing slanted coverage on public airwaves. “If the FCC is concerned about obscenity, there is nothing more obscene than lying to the public,” said Akre.
The stations shouldn’t be allowed to hide behind a misinterpretation of the first amendment. “The first amendment is not a license to lie,” said Wilson.

Both Akre and Wilson agree that fighting against the station’s license renewal is going to be a great challenge. “It’s definitely an uphill battle, considering that no station has ever lost its license over news distortion.” Despite the odds, Akre and Wilson continue to be optimistic and hopeful about the future.

For updates see: http://www.foxbghsuit.com/

SOURCES:

CENSORED #14

NEW BILL THREATENS INTELLECTUAL FREEDOM IN AREA STUDIES

Yale Daily News, November 6, 2003
Title: “New Bill Threatens Intellectual Freedom in Area Studies”
Author: Benita Singh

Christian Science Monitor, March 11, 2004
Title: “Speaking in ‘Approved’ Tongues”
Author: Kimberly Chase


The Bill was first proposed in a June 2003 congressional hearing called “International Programs in Higher Education and Questions about Bias.” It was authored by Rep. Peter Hoekstra R-Mi, Chairman
of the House of Subcommittee on Select Education and Chairman of the House Subcommittee on Technical and Tactical Intelligence. The bill portrays academic institutions as hotbeds for anti-American sentiment, specifically area studies programs. It proposes an advisory board that would be responsible for evaluating the curricula taught at Title VI institutions, course materials assigned in class, and even the faculty who are hired in institutions that accept Title VI funding. The advisory board would report to the Secretary of Education and make funding recommendations based on their findings.

UPDATE BY JACOB RICH: International Studies in Higher Education Act was reintroduced in the new Congress as HR 509 and is still pending in 2005. If the campaign to silence dissent on college campuses looks familiar, maybe that’s because it is reminiscent of America’s experience with McCarthyism and other attempts to silence dissent on campuses. Capitalizing on people’s fear of Communism, McCarthy intimidated, threatened, blacklisted, and attacked people’s reputations and livelihood. Under the guise of national security it is estimated that several hundred, and up to one thousand university professors lost their jobs. According to Ellen Schrecker, a professor at Yeshiva University, author of “The Age of McCarthyism,” education was a “main area of concern” and was thought to “harbor populations with cosmopolitan lifestyles and liberal politics that apparently threatened the traditional values so many conservative state politicians claimed to cherish.”

On February 28, 2005, ten professors at the Santa Rosa Junior College in Santa Rosa (SRJC), California found anonymous postings of red stars and a reference to communist indoctrination on their office doors. The stars were accompanied by a copy of a state Education Code section prohibiting the teaching of communism with the “intent to indoctrinate” students. Molly McPherson of Rohnert Park came forward to acknowledge her action on behalf of the SRJC Republicans Club claiming she had only intended to start a discussion about the personal politics of humanities instructors by
posting the stars. SRJC instructor Marco Giordano disagrees. In his opinion, “This is a grave attack” on the character of his colleagues.

The post 9/11 environment has created an opportunity for conservatives to push their academic reform agenda in the name of national security. The International Studies Act of 2003 (HR 509) is a part of this effort.

In the meantime, a bill that passed the Georgia Senate to create what has been called an “an Academic Bill of Rights” is being introduced in 19 state legislatures. According to Sarah Roy, a senior research scholar at Harvard, “The purpose of the bill appears to be the same as that of HR 509: to authorize official interference with the content and conduct of university classes.”

On March 24 2005 in Florida a so called Academic Freedom Bill of Rights, sponsored by Rep. Dennis Baxley, R-Ocala, was approved by a Florida House committee despite strenuous objections from the only two Democrats on the committee. The bill sets a statewide standard that students cannot be punished for professing beliefs with which their professors disagree. Professors would also be advised to teach alternative “serious academic theories” that may disagree with their personal views. According to a legislative staff analysis of the bill, “the law would give students who think their beliefs are not being respected legal standing to sue professors and universities.”

Students who believe their professor is singling them out for “public ridicule”—for instance, when professors question students’ theories in class—would also be given the right to sue. Rep. Dan Gelber, D-Miami Beach, warned that students enrolled in Holocaust history courses who believe the Holocaust never happened could file lawsuits. Students who don’t believe the earth is round or that humans have been to the moon could file similar suits. “This is a horrible step,” he said. “Universities will have to hire lawyers so our curricula can be decided by judges in courtrooms. Professors might have to pay court costs—even if they win—from their own pockets. This is not an innocent piece of legislation.”

In Ohio, Senator Larry A. Mumper, has introduced the “Academic Bill of Rights for Higher Education.” Revealingly, Senator Mumper
sounded like Joseph McCarthy, when he said, in regards to college professors, “Eighty percent or so of them are democrats, liberals or socialists or card-carrying Communists.” Senator Teresa Fedor, a Democrat from Toledo Ohio, shared her fears about the “Academic Bill of Rights” by saying, “Can we say 21st century witch hunt and book burning?” The proposed legislation in Ohio demands that, “Faculty and instructors shall not infringe the academic freedom and quality of education of their students by persistently introducing controversial matter into the classroom or coursework that has no relation to their subject of study and that serves no legitimate pedagogical purpose.”

Who, would decide what’s controversial or not? “The enforcement could be random and biased,” said Joe White, a political science professor at Case Western Reserve University in Cleveland. Many are concerned by the involvement of legislators in deciding what can and can be said in colleges and universities.

The wording of the Ohio bill is a cut-and-paste version of a bill written Students for Academic Freedom (SAF), which purports to fight anti-conservative bias on the nation’s college campuses. The president of SAF is David Horowitz. Horowitz says professors “teach students to identify with America’s terrorist enemies and to identify America as a Great Satan oppressing the world’s poor and causing them to go hungry.”

In March of 2004, the Organization of American Historians created an ad hoc Committee on Academic Freedom; the committee’s mandate was “to investigate reports of repressive measures having an impact on historians’ teaching, research, employment and freedom of expression.” The ad hoc committee report describes how right-wing groups such as SAF, Campus Watch and others “mount systematic and often vituperative campaigns” that call upon college and university administrators to censure or dismiss faculty who have expressed publicly their opposition to the war in Iraq. Their tactics include denunciations sent to the faculty member and campus newspapers “as well as harassing telephone calls late into the night.”
Did the students that posted red stars on the doors of professors want to create genuine dialogue, or did they hope to intimidate professors from sharing ideas that are contrary to particular political beliefs? This is not the first time the outside world has tried to gain control over what can be said on college campuses.

CENSORED #24 2005

REINSTATING THE DRAFT

Original Sources:
Salon, November 3, 2003
Title: “Oiling Up the Draft Machine?”
Author: Dave Lindorff

Buzzflash.com, November 11, 2003
Title: “Would a Second Bush Term Mean a Return to Conscription?”
Author: Maureen Farrell

War Times, October-November, 2003
Title: “Military Targets Latino Youth”
Author: Jorge Mariscal

In the spring of 2004, several million dollars were added to the Pentagon’s budget to prepare for the activation of the Selective Service System (SSS) By August 2003, thirty-two states, two territories, and the District of Columbia enacted legislation that required driver’s license information to be sent to the SSS. Violation of this legislation would restrict access to federal employment and student loans. Also, draft dodging would be much more difficult due to the “Smart Border Declaration,” signed by the U.S. and Canada, which involved a “pre-clearance agreement” of people entering or departing each country and a provision aimed at eliminating higher education as a shelter.

Not waiting for the institution of a draft, the Pentagon, in 2003 stepped up their aggressive recruitment of Latinos and other minority groups. The Pentagon preys on the fact that Latinos are the
fastest growing group of military-age individuals in the United States. These young people are also particularly likely to enter the military in search of “civilian skills” that they can apply in the workforce. However, 2001 Department of Defense (DOD) statistics showed that while 10 percent of military forces are comprised of Latinos, 17.7 percent of this group occupies “front-line positions,” meaning: “infantry, gun crews, and seamanship.” These are positions that, beside put these young people in particular danger, are not likely to give them skills translatable to their post military lives.

UPDATE BY BROOKE FINLEY: The activation of SSS began on June 15, 2005. At this time, the Pentagon has begun a campaign to fill 10,350 draft board positions and 11,070 appeals board slots nationwide.

In October 2004, at a campaign stop in Daytona Beach, Florida, President George W. Bush mistakenly said to his supporters: “After standing on the stage, after the debate, I made it very plain we will not have an all-volunteer army. Hearing the alarmed shouts of his supporters, he continued quickly, “And yet this week. will have an all-volunteer army. Let me restate that: we will not have a draft.”

The president’s quick back-pedaling was understandable considering the polls at the time, which showed that even the slightest mention of a draft would be a form of political suicide for either of the candidates. But despite the reassuring words, it is becoming more apparent that, in order for the Administration to continue to pursue its aggressive foreign policy, the draft is quickly becoming a military necessity.

The Bush Administration has claimed time and again that they will never reinstate the draft and the U.S. House voted 402-2 against S.89 and H.R.163, which would’ve required all young people, including women, ages 18-26 to serve two years of military service. But an internal Selective Service memo made public under the Freedom of Information Act shows that, in February 2003, a meeting was held with two of Defense Secretary Donald Rumsfeld’s undersecretaries and the Selective Services’ acting director, to debate and discuss a return of the draft. The memo notes the
Administration’s reluctance to launch a full scale draft but states, “defense manpower officials concede there are critical shortages of military personnel with certain skills, such as medical personnel, linguists, computer network engineers, etc.” The potentially prohibitive costs of “attracting and retaining such personnel for military service has led some officials to conclude that, while a conventional draft may never be needed, a draft of men and women possessing these critical skills may be warranted in a future crisis.”

Following this memo, the Health Care Personnel Delivery System (the HCPDS or “Special Skills Draft”) was developed for the Selective Service System at the request of Congress and is currently in standby mode. Initially, HCPDS will be used to draft men and women, ages 20-45, who are skilled doctors, nurses, medical technicians and those with “certain other health care skills.” But, Richard Flahavan, a spokesman for the Selective Service, admits that this legislation provides a perfect launching pad for a future full-scale draft. “Our thinking,” says Flahavan, “was that if we could run a health-care draft in the future, then with some very slight tinkering we could change that skill to plumbers or linguists or electrical engineers or whatever the military was short.”

The National Guard and the Army Reserve now make up almost half of the fighting force in Iraq. The Pentagon is demanding that these volunteer soldiers extend their service, and the military, without legal ratification by Congress, has enforced the “stop loss” provision, which forces reservists and guardsmen to remain on active duty for an indeterminate amount of time. Many have been informed that their enlistment has been extended until December 24, 2031.

U.S. Rep. Lloyd Doggett, D-Austin, claims that this extension is already one type of “draft” being used by the military. “People are being forced to stay beyond their commitment, and that’s an indication of being overextended.”

Another sign of the Administration’s predicament is the lowered standards for Marine and Army recruits. The Army has allowed 25 percent more high school drop-outs into their program, and the Marines have offered $30,000 rewards for anyone who re-enlists.
Almost $300 million has been spent on incentives alone for new recruits since the war in Iraq began and the advertising costs per new recruit have increased from $640 in 1990 to almost $1,900 in 2004. Recruitment is still focused on attracting the economically disadvantaged. Recruiters are continuously targeting high unemployment areas with flashy marketing campaigns and enlistment bonuses of thousands of dollars.

President Bush signed an executive order allowing legal immigrants to apply for citizenship immediately if they volunteer for active duty, rather than waiting the usual five years. Lt. Gen. James Helmly, the commander of the Army Reserve, sums up the military and President Bush’s seduction of potential soldiers with one statement; “We must consider the point at which we confuse ‘volunteer to become an American soldier’ with ‘mercenary’.”

Through the No Child Left Behind Act, as well as the National Defense Authorization Act it is required that every high school receiving federal funding hand over the names, addresses and phone numbers of every junior and senior to local military recruitment offices. The public schools predominately targeted are located in poor communities.

With the neo-conservatives’ aggressive foreign policy agenda: the possibility of a long commitment in the Middle East; the war on terror coupled with the need to maintain troop levels internationally and the decline in new recruits; a draft seems not only feasible, but at some point irrefutably necessary under current U.S. policy.

CENSORED #6 2005
THE SALE OF ELECTORAL POLITICS

Original Sources:
In These Times, December 2003
Title: “Voting Machines Gone Wild”
Author: Mark Lewellen-Biddle

Independent/UK, October 13, 2003
Title: “All The President’s Votes?”
Author: Andrew Gumbel

DEMOCRACY NOW!, September 4, 2003
Title: “Will Bush Backers Manipulate Votes to Deliver GW Another Election?”
Reporter: Amy Goodman and the staff of Democracy Now!

As reported in Censored 2005 article, The Sales of Electoral Politics, the privatization and manipulation of America’s voting process is staying the course. Diebold, Sequoia Voting Systems, Elections Systems & Software (ES&S), along with Accenture, Scientific Applications Information Corporation (SAIC) and Northrup Grumman, all companies with deep connections to the military industrial complex and right wing politics, are forging ahead to bring computerized voting to every precinct in the country as a result of Help America Vote Act of 2002 (HAVA). In the November 2004 election, roughly sixty-five percent of the 116,517,062 votes cast were made through Diebold’s, Sequoia’s and ES&S’ electronic voting machines. With claims like “our reliable systems accurately and securely capture each vote,” or motto’s such as “maintaining voter confidence, enhancing the voting experience,” the end user should be able to trust these companies to do their job objectively with integrity. The reality is these companies failed in delivering to the voters reliability, accuracy and security during the last election which fundamentally dishonored the very core of American democracy.

RESEARCH AND UPDATE BY LORI ROUSE:

Reliability and Accuracy in Question

Voters in Florida, Indiana, Nebraska, North Carolina, Ohio, Utah, Wyoming, and many others experienced a myriad of problems on Election Day. A sampling of the documented problems include:

- FLORIDA—Baker County reported districts that were predominantly democrat voted mostly republican. Orange and Broward County
had voting number thresholds of 32,767 when the threshold was met it began to count backwards (this pattern repeats in areas where optical scanners were used).

» **INDIANA**—Laporte County listed 300 registered voters per precinct for a total of 22,200 registered voters when there were actually 79,000; in some counties votes were switched from Democrat to Libertarian.

» **NEBRASKA**—Sarpy County ended up with 10,000 phantom votes.

» **NEW MEXICO**—votes changed to the opponent.

» **NORTH CAROLINA**—Guillford County a computer threw away 22,000 votes for Kerry.

» **OHIO**—Cuyahoga County included more votes than voters in many precincts reporting 93,136 extra votes; Franklin County, 638 ballots were cast—Bush was awarded 4,258 votes, Kerry received 260 votes; Perry County reported an 124 percent turnout in some precincts.

» **UTAH**—Utah County punch-card machines dropped votes 33,000 votes.

» **WYOMING**—voter turnout was 106 percent.

» In six states wrong candidates appeared on the screen.

» Scripps Howard News Service reviewed votes from 10 counties nationwide and found that 12,000 votes were not counted or a 1 in 10 chance that your vote would be counted.

According to the Election Incident Reporting System, there were 2,115 reported machine problems; not to mention more than 20,000 other reported difficulties people had with waiting in extremely long lines for hours, inadequate voting machine allocation, poorly trained voting personnel, missing absentee ballots, voters who were kept from the polls, and confusing ballot design.

**SOURCES:**
False Security Claims

A report from the Caltech-MIT Voting Technology Project states that an “estimated 1.5 million presidential votes were not recorded in 2000 because of difficulties using voting equipment and that electronic machines have the second highest rate of unmarked, uncounted and spoiled ballots in presidential, Senate, and governor elections over the last 12 years.”

In July 2003, a technical report issued by Johns Hopkins University and Rice University in reference to Diebold Systems stated that the systems were far below “minimal security standards applicable in other contexts.” They reported problems including “unauthorized privilege escalation, incorrect use of cryptography, vulnerabilities to network threats, and poor software development threats.” Diebold refuted these allegations.

In February 2005, under the supervision of appropriate officials, Black Box Voting, computer experts and videographers, were able to hack into a live Diebold voting machine that was used on Election Day, November 2004. “The hack that worked was unsophisticated enough that many high school students would be able to achieve it. This hack altered the election by 100,000 votes, leaving no trace at all in the central tabulator program. It did not appear in any audit log.” The hack could have been done by one person and in similar studies they were able to hack into the system from a remote location. This brings into question the “results of 40 million votes in 30 states.” This is one example of many security issues that are of concern with the e-voting machine vendors.

SOURCES:
Privatization of the Voting Process—Who Is Counting?

DIEBOLD INC.—One of the top three privatized voting companies, has gone through serious scrutiny over the course of the past two years and for good reason. They have consistently been reluctant to disclose information regarding voting machine equipment. One important question is, Who are we trusting to create the software? According to Bev Harris of Black Box Voting, in January 2002 Diebold purchased General Elections Systems. On the payroll at the time of the purchase three members of their senior management were convicted felons Jeffrey Dean, Head of Research and Development, Michael K. Graye, Director; and John Elder who oversees the making of paper ballots and punch-cards.

- Jeffrey Dean was in charge of the GEMS central tabulator system that counted 50 percent of the votes in 30 states during the 2004 election, “(by his own admission) is subject to blackmail; but more critically, his embezzlement charges in the police record indicate he was involved in ‘sophisticated’ manipulation of computer accounting records’, and that ‘he was embezzling in order to pay blackmail over a fight he was involved in, in which a person died.’” He pleaded guilty to 23 counts of embezzlement. Diebold claims that he did not work for them after the purchase, However, sources state that he worked for them as a consultant and that he was “sent the passwords to the GEMS files months after Diebold took over the election company.”

- Michael K. Graye, was arrested in 1996 in Canada on tax-fraud and money-laundering charges that involved $18 million. He was also indicted in the U.S. on stock fraud, and spent 18 months in Canadian and U.S. prisons before pleading guilty to tax fraud in Canada. He has served four years in prison for the stock fraud and was sent to Canada in April 2003 for tax fraud where he was sent back to jail.
Jeffrey Dean’s friend John Elderóía convicted cocaine trafficker who served nearly five years in the same prison where Dean was incarcerated—joined Dean at Diebold’s GEMS operation not long after Dean signed on with the company.” John Elder is still on the payroll for Diebold.

Not surprisingly Diebold has also been in the hot seat for installing uncertified voting software in seventeen counties in the State of California. The most significant problem was that Diebold stated they were using a GEMS version that was certified, but when the audit was done they found at least five counties using another version. The State of California requires systems be “qualified by Independent Testing Authorities at the federal level and certified by the National Association of State Election Directors before the state can certify them for use.”

SOURCES:
www.blackboxvoting.org
http://www.wired.com/news/evote/0,2645,61637,00.html?tw=wn_tophead_2

ELECTION SYSTEMS & SOFTWARE, INC. (ES&S)—According to their website they are “the world’s largest and most experienced provider of total election management solutions with over 74,000 systems installed worldwide. Over the past decade, ES&S has handled more than 30,000 of the world’s most important events—elections. In the U.S. 2000 General Election, ES&S systems counted over 100 million ballots.” The primary stockholders in ES&S are the McCarthy Group (35 percent) and Omaha World-Herald (45 percent) who also is owner of the McCarthy Group, making Omaha World-Herald the primary stockholder of ES &S at this level. The largest stockholder in both of these companies is Peter Kiewit Son & Inc. “Kiewit has connections with both ES&S parent companies and has a track record of hiding ownership when it wants to, it has powerful profit motive for getting the people it wants into office and it has broken the law in the past to achieve its goals.” They also are “tied
to a string of bid-rigging cases in as many as 11 states and two countries.”

A vice president of ES&S, Tom Eschberger, was entangled in a bribery prosecution regarding voting machines—he took an immunity plea and a Georgia official went to jail. (Wired News) [http://www.wired.com/news/evote/0,2645,62790,00.html](http://www.wired.com/news/evote/0,2645,62790,00.html)

For others, joining voting equipment companies has proven lucrative. Former Florida Secretary of State Sandra Mortham scored a $172,000 bonus from ES&S after helping the Nebraska-based company win a $17 million contract from Broward County, Fla. She also earned undisclosed amounts from sales of electronic voting systems to Miami-Dade and 10 other counties.

Broward and Miami-Dade both experienced severe problems the first time they used the new ES&S touch-screen machines. According to the American Civil Liberties Union of Florida, as many as one out of 12 voters did not have their votes counted in 31 precincts because poll workers were not able to set up the voting machines or did not verify votes had been properly cast. (Mercury News)

**SEQUOIA VOTING SYSTEMS**—In May 2002 Great Britain’s De La Rue Company, the “world’s largest commercial security printer and papermaker, involved in the production of over 150 national currencies and a wide range of security documents such as traveler cheques and vouchers” purchased Sequoia Voting Systems. De La Rue’s parent company is Madison Dearborn a private equity firm who is partners with The Carlyle Group, a private investment firm that invests in military, industry, and politics. In March of 2005, De La Rue sold Sequoia Voting Systems to Smartmatic Corporation for $16 million. The CEO of Smartmatic Corporation, Antonio Mugica, “founded Smartmatic in 2000 with three other Venezuelans. The software firm handles its finance and sales in Boca Raton, Florida but does most research and development in Venezuela.” The President and Vice-President of Smartmatic both worked with Unisys, a U.S. defense contractor, before moving to Smartmatic. Smartmatic’s debut onto the election scene was the 2004 Venezuela Recall Election of Hugo Chavez. Although the company was able to
provide a verifiable paper receipt, there were cases of alleged voter fraud due to voting machine irregularities and concerns of conflict of interest.

In addition to having many ownerships over the past two years, Sequoia has been hiring election officials including former California Secretary of State Bill Jones who began working for Sequoia, after giving a thumbs up to Sequoia voting equipment to Santa Clara County, ultimately ending in a $19 million transaction; Kathryn Ferguson, the election official who helped the purchase of Sequoia voting machines for Clark County, Nevada and Santa Clara County, California; and “Michael Frontera, former executive director of the Denver Election Commission, who went to work for Sequoia after awarding it $6.6 million in contracts from his own department.” These examples represent the revolving door between elected officials and election software companies is a persistent concern. Andy Draheim, a spokesman for the political advocacy group California Common Cause states “it raises the question whether decisions made in office ‘were made with the best of interest of the public in mind or with the best interest of the industry in mind.’”

SOURCES:


http://www.delarue.com/DLR_Content/CDA/Pages/Home/home/0,1641,00.html


http://www.ballotintegrity.org/DCForumID74/2.html

http://www.wheresthepaper.org/MercuryNews06_16RegulatorsJoinOther-Side.htm
SCIENTIFIC APPLICATIONS INTERNATIONAL CORPORATION (SAIC) was hired by Diebold to test the election software’s reliability and security functions in the State of Maryland, appears to have more involvement in the elections business than previously noted. In 1998, SAIC was hired by Diversified Dynamics (recently purchased by Northrop Grumman) to provide them with engineering and software capabilities. Diversified Dynamics, Inc. was co-founded in 1997 by former Virginia Governor L. Douglas Wilder and Thomas G. Davis, to develop electronic voting technology.

SAIC is also linked to ES&S. In 2000, Venezuela fired ES&S for failing to count 5 percent to 15 percent of the ballots, which lead to a delay in the election. The supplier of the ES&S electronic voting software was SAIC. SAIC also has ties to VoteHere, an emerging company, which “aspires to provide cryptography and computer software security for the electronic election industry,” Former president, chief operating officer, and vice chairman of SAIC Admiral Bill Owens was Chairman of the Board for VoteHere until 2003 and former SAIC board member ex-CIA Director Robert Gates is on the board.

So who exactly is this background player in the electronic voting business? SAIC, “the Pentagon’s number one supplier of computer services,” is an information technology, research and engineering firm. They ranked 8th overall in defense contracts from 1998 to 2003, collecting more defense contract dollars than any other company whose main job is providing services rather than products.” Their total defense contracts between 1998 and 2003 were $10,598,835,883. Current sampling of contracts include:

- SAIC has won multiple contracts for Defense Advanced Research Projects Agency (DARPA).
- SAIC was awarded a $30 million contract from the pentagon to put on their payroll 150 Iraqi exiles to plan the new Iraqi government.
- Launched a post Sadam T.V. Network under an $82 million contract under the Psychological Warfare Division of the Pentagon.
- In November 2004, SAIC signed a two-task contract with the Saudi Arabia Saudi Royal Navy for updating their communications systems; total contract potential is $195,675,067.
- Yucca Mountain Project in partnership with Bechtel, LLC, authorized by President Bush in 2002, primary objective is to create “a repository for the disposal of spent nuclear fuel and high-level radioactive waste.” Located 100 miles Northwest of Las Vegas, NV, the repository is planned to be open for business by 2010.
- Partnering with Northrup Grumman, SAIC was given the task of assisting in training the new Iraqi Army.

**SOURCES:**

http://www.saic.com/contractcenter/viewcon.html#d.
http://www.alia2.net/article1510.html.

**NORTHROP GRUMANN**—In a press release dated October 30, 2002, Northrup Grumman stated they have “entered the worldwide electronic election services market by signing an agreement with !Paper, LLC, Richmond, Va., to exclusively license and manufacture !Paper’s electronic voting systems.” !Paper, LLC, founded by Thomas G. Davis of Diversified Dynamics (now owned by Northrup Grumman) is a separate company founded to develop “patented’ audio ballot technology and other patented ‘paper-based’ computerized data collection technologies for use in next generation absentee voting systems.” Northrup Grumann plans on offering a
complete voting system and implementing third-party regional election service providers to implement their election systems. Northrup Grumman is the fourth largest defense contractor. Between 1998 and 2003 they attained $33,829,847,656 in contracts with approximately 73 percent from the Pentagon. Their fiscal year contract revenue went from $5 billion in 2000 to $11 billion in 2003.

**Sources:**

**Accenture Ltd.**—formerly known as Arthur Anderson Consulting, a company convicted of destroying evidence in the Enron scandal, is incorporated in British territory of Bermuda where they are exempt from taxes. They split from Arthur Anderson in July 2001 and created a new image. Accenture defines themselves as a “global management consulting, technology services and outsourcing company.” They are one of the top 100 public federal contractors. In 2004 they were awarded a $10 billion contract, one of the largest contracts in history, for Homeland Security. This contract has created a heated debate in Congress for the use of off-shore contractors.

The Chairman of the Board of Directors is Sir Mark Moody-Stuart who was previously was chairman of the Royal Dutch/Shell Group of companies and chairman of the “Shell” Transport and Trading Company from 1997 to 2001, after having served six years as both managing director of Shell Transport and managing director of the Royal Dutch/Shell Group of Companies. Accenture is also partners with Halliburton, Vice President Cheney’s former employer. They have a total of 110 offices in 48 different countries.

According to Black Box Voting, in July 2003, Accenture bought **Election.com** from Osan Ltd., a private Saudi Firm, which prior to
purchasing Election.com Accenture had an equity investment. In a press release August 2003, Accenture stated that they were “working with the Department of Defense’s Federal Voting Assistance Program (FVAP) and several states and counties to design and build a new voting technology system for the SERVE project, which stands for Secure Electronic Registration and Voting Experiment.” SERVE will provide Internet service that will count the votes of the U.S. military and other civilians.

Bev Harris reported that according to the Canadian Polaris Institute, “Accenture is heavily involved in projects to privatize public services, especially welfare programs in the U.S. Canada and the EU. The company’s short history is rife with cost overruns and scandals, the most recent being a possible violation of the U.S. Foreign Corrupt Practices Act. She also reports that Accenture’s political contributions (2000–2002) totaled $220,000, with the GOP getting 57 percent. Soft money contributions were $86,000, with the GOP enjoying a 3:1 advantage in contributions.”

SOURCES:

http://www.accenture.com/xd/xd.asp?
it=enweb&xd=aboutus\governance\governance_home.xml.
http://www.opednews.com/landes_how_we_lost_the_vote.htm.
http://www.blackboxvoting.com/modules.php?
name=News&file=article&sid=55.

INFORMATION TECHNOLOGY ASSOCIATION OF AMERICA (ITAA)—is a lobbying group for technology firms. The ITAA established the Election Systems Task Force, consisting of defense contractors and procurement agencies, with the primary objective of pushing the HAVA legislation through Congress. There are twelve companies involved in the task force, of the twelve there are only four that are known: Northrup Grumman,
Lockheed Martin, Accenture, and EDS. However, on the Board of Directors for ITAA includes a litany of defense and procurement agencies such as SAIC, Unisys, Raytheon and General Dynamics. The following is a time line of activity regarding ITAA:

**AUGUST 22, 2002**—The Task Force’s top agenda item was simply: “How do we get Congress to fund a move to electronic voting?” The discussion was about the importance of getting the HAVA legislation enacted as a means of creating more business for them as integrators.

**SEPTEMBER 6, 2002**—ITAA demanded that House and Senate conferees resolve their differences over their respective versions, and pass HAVA.

**OCTOBER 12, 2002**—HAVA was signed into law by President Bush.

**AUGUST 23, 2003**—A phone conference to negotiate “lobbying” fees in order to help promote the image of the e-voting machines after their image was tarnished by “activists” and “academic” reports regarding the quality of the systems. The call was attended by ITAA, voting industry companies, and R. Doug Lewis, the head of the Election Center, a non-profit organization whose purpose is to “promote, preserve and improve democracy” primarily through “voter registration and election administration.”

**DECEMBER 9, 2003**—Election Technology Council (ETC) was formed. This group is comprised of Advanced Voting Systems, Diebold, ES&S, HartInterCivic, Sequoia and Unilect. The goal is to “raise the profile” and sell the machines to the American public.

“ITAA says the ETC builds on the work of its Voting Reform Task Group, the which lobbies for HAVA funding.” (*Executive Intelligence Review*)
Validity of Exit Polls

Exit polls are a resource for checking the validity of an election by asking someone after the walk out of an election booth who they voted for. There is a 1 in 456,000 chance that exit polls could have had such a large sampling error. The exit polls had predicted that John Kerry would win by 3 percent with 316 Electoral votes, yet Bush won by 2.5 percent—creating a 5.5 percent difference. The official explanation for the large discrepancy after the election was that Kerry voters were more likely to participate in exit polls.

Using the same data as the National Exit Poll (NEP), the U.S. Counts Votes, National Data Archive Project issued March 31, 2005 came up with a strikingly different case. They found that the Bush supporters actually had a higher rate of participation in the polls so this initial explanation was incorrect. The report also found “statistically significant discrepancies of exit poll results from reported election outcomes were concentrated in five states, four of which were battleground states” i.e. Ohio, Pennsylvania, Florida. The reports hypothesis is that the “voters’ intent was not accurately recorded or counted.”

U.S. Counts Votes, The National Election Data Archive Project, is an organization that plans to create the first-ever nation-wide database of election results, voter registration information, demographic data, to be analyzed by their core project team’s mathematicians, computer programmers, pollsters, and statisticians, as well as by their independent outside peer-review board.

SOURCES:
http://uscountvotes.org/index.php?
  option=com_content&task=view&id=17&Itemid=45
Current Legislation in Progress

In October 2002, HAVA was set into action as a result of the 2000 Election fiasco in Florida, which ironically was due to the very machines that HAVA endorses. The deadline for all states to be in compliance with HAVA is January 1, 2006. As reported, there are many issues with the machines and the voting process that need to be addressed before full implementation takes place. Currently, there are several bills that are being voted on in Congress to increase the reliability, accuracy and security of these machines. VerifedVoting.org, founded by Computer Science Professor, Dr. David Dill, of Stanford University, has put together an excellent resource for reviewing the results of the 2004 Election, current legislation that is in progress and resources to take action. The three HAVA amendments that are reported as the strongest are:

- **H.R.550 VOTER CONFIDENCE AND INCREASE ACCESSIBILITY ACT OF 2005** which promotes accuracy, integrity and security through voter-verfied permanent record or hard copy, prohibits undisclosed software in voting systems, prohibits wireless devices in voting systems, requires certification of software and hardware, ensures instruction of election offficials, prohibits connection or transmission of system over internet, prohibits conicts of interest with certication laboratories and that results are available to the commission and public.


- **H.R. 939 & S. 450 COUNT EVERY VOTE ACT OF 2005**, which includes much of H.R. 550 and expands into additional requirements.
“Every citizen of this country who is registered to vote should be guaranteed that their vote matters, that their vote is counted, and that in the voting booth of their community, their vote has as much weight as the vote of any Senator, any Congressperson, any President, any cabinet member, or any CEO of any Fortune 500 Corporation.” — Senator Barbara Boxer, January 6, 2005

[source: www.verifiedvoting.org]

**Election Reform Committee**

In a press release dated March 2005, the Carter-Baker Commission on Federal Election Reform, co-chaired by former U.S. President Jimmy Carter and former Secretary of State James A. Baker, III began hearing testimony from panels on April 18, 2005; the next panel is scheduled for June 30, 2005. The commission will meet in August to draft a report that will be submitted September 19, 2005 in Washington D.C.

Carter stated, “The overall concern is that 40 percent of the American people don’t vote. Secondly, that there’s a great deal of doubt in our country about the integrity of the electoral process. Those are the two basic issues. What can we do to address them? Obviously we want to have more access by American to the voting booth. And secondly, we want to make sure that the electoral processes has integrity—that it is not shot with fraud.”

The initial members of the panel that testified were: Hon. Gracia Hillman, Chair, U.S. Election Assistance Commission; Chellie Pingree, President, Common Cause; Kay J. Maxwell, President, League of Women Voters; Prof. Henry Bradley, Professor of Political Science and Public Policy, University of California Berkeley; Barbara Arnwine, Executive Director, Lawyers Committee for Civil Rights; Arturo Vargas, Executive Director, National Association of Latino Elected and Appointed Officials; John Fund, *Wall Street Journal*
Editorial Board Member and Author of *Stealing Elections*; Colleen McAndrews, Partner, Bell, McAndrews & Hiltchak; Jim Dickenson, Vice President of Governmental Affairs, American Association of People with Disabilities; David Dill, Professor of Computer Science, Stanford University and Found of [VerifiedVoting.org](http://VerifiedVoting.org); Hon. Ron Thornburgh, Secretary of Sate, State of Kansas; Richard L. Hasen, William H. Hannon Distinguished Professor of Law, Loyola Law School and Co-Editor of *Election Law Journal*. 