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# VOICE OF REVOLUTION

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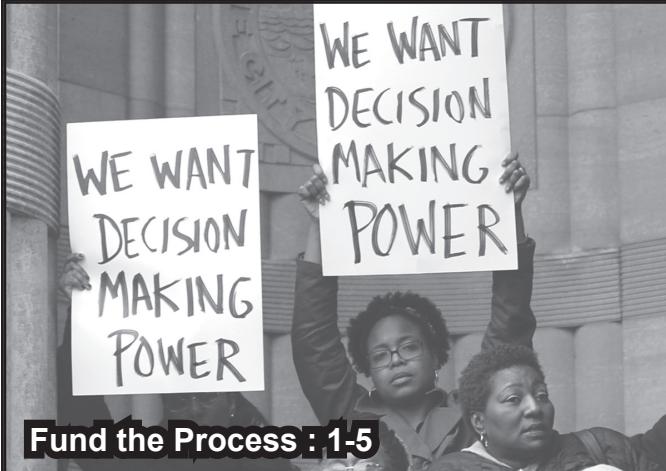
Publication of the U.S. Marxist-Leninist Organization

August 7, 2015

USMLO 3942 N. Central Ave, Chicago, IL 60634



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## NEW DIRECTION FOR ELECTIONS

### **Public Funding of the Process Not the Candidates**

The current race for the presidency can hardly be called democratic, or even an election. It is not democratic as the majority, the public, is certainly not deciding candidates, program, not even who gets

in the debates. Massive sums controlled by a few billionaire owners are already pouring in just for the primaries. There is not even a pretense that the public is being served. The

Fund the Process • 3



## DEFEND RIGHTS OF WOMEN AND CHILDREN

### **End Family Prison Camps! No to Criminalization of Refugees**

The federal government continues to hold almost 2,000 women and children refugees in prison camps, with the two main ones in Texas. The camps are run by private prison monopoly GEO. The

women have waged hunger strikes, gained wide support from various immigrant rights organizations that regularly demonstrate outside the prison camps, and waged many

End Family Prison Camps • 8



## HOLD U.S. ACCOUNTABLE FOR CRIME OF BOMBING OF HIROSHIMA AND NAGASAKI

### **Fight for an Anti-War Government to Eliminate U.S. Nuclear Weapons**

August 6th marks the 70th anniversary of the U.S. crime of killing hundreds of thousands of Japanese civilians with its weapon of mass destruction, the atomic bomb. This act of U.S. state terrorism was not

to save lives — U.S. military leaders at the time said it was not necessary to end the war. Rather it served to demonstrate to the world that the U.S. wanted world domination and

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[www.usmlo.org](http://www.usmlo.org) • [office@usmlo.org](mailto:office@usmlo.org) • 716-602-8077

3942 N. Central Ave, Chicago, IL 60634

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public, and any they may actually want to see run, are shut out of the process. Instead a corrupt system where the richest gamble on their chosen candidates is openly on display. This is not democracy or even the appearance of democracy.

Elections and the process governing them are public affairs that need to be decided by the public. To be democratic it needs to be *removed* from the hands of the rich. An important step in that direction would be public funding of the process, not the candidates and parties. Such public funding would outlaw the now dominant super PACs of the billionaires and the billions of dollars wasted on campaigns. Only public funds could be utilized in a manner that serves the public. The media, which uses the public airwaves, would be required to provide, for free, equal time for all candidates to present their program and solutions. This would contribute to directing attention away from the individuals and to a program of practical politics to solve problems.

Funding the process would also mean the focus would be on informing the public about each and every candidate and their plans and program to solve social problems, like poverty,

environment, ending state racism and aggressive wars. Slanders, mud-slinging, vulgar exchanges that degrade the public would be eliminated in favor of calm, reasoned argument and rational thought.

Informing also means engaging the public in discussion as to what agenda it wants to set and then examining which candidates can best meet it — not the other way around.

Funding the process also addresses the selection of the candidates. Currently, as the Republican field indicates, the candidates' backers decide who runs and for how long. And the hundreds of millions now necessary to run keeps worker politicians out of the elections, when they are what is most needed. Public funding of the process would open space for working people to select their own peers to run, and put them on an equal footing with all other candidates. The people themselves are ready and able to govern, the current undemocratic process stands in the way. Now is the time to organize for a new direction, where the people actually do decide. Fighting for public funding of the process and organizing to select and support candidates from among the people, is a step in that direction.

## Oligarchy Of Super PAC Megadonors in Presidential Race

*Paul Blumenthal, The Huffington Post*

A new oligarchic era of American politics came into full view on Friday, July 31, as super PACs (Political Action Committees) disclosed fundraising details showing billionaires bankrolling the 2016 presidential race to an unprecedented degree.

The unlimited-money super PACs account for one-third of all federal election funds raised in the first half of 2015 — up from 4 percent at this time in the last presidential election. Three-quarters of all super PAC money came from more than 500 wealthy donors, corporations and unions in contributions

above \$100,000. More than half the money in the presidential race so far — to super PACs and to campaigns — came from donors who have given at least \$100,000.

For the first time in more than a century, the majority of funding for a presidential race is coming in six-figure or larger checks from corporations and the wealthiest Americans. The presidential campaigns, limited to a maximum of \$5,400 from a single donor, raised a combined \$128 million. Super PACs supporting those candidates pulled in \$260 million, with \$208 million from those



giving \$100,000 or more.

"The 2016 presidential candidates and their individual-candidate Super PACs are wiping out the nation's anti-corruption candidate contribution limits," Democracy 21 president Fred Wertheimer said in a statement. "In doing so, the presidential candidates and the Super PACs supporting them are creating the kind of system that the Supreme Court has described as an inherently corrupt system."

Overall, super PACs raised \$314 million through the end of June, compared with \$26 million at the same time in 2011. More than 500 donors have given at least \$100,000, for a total of \$238 million — 75 percent all super PAC donations.

The super PAC expansion appears likely to take over much of the political fundraising system, especially at the presidential level.

As an oligarchy of campaign contributors has begun to dominate political fundraising, opposition is mounting. In Iowa, a coalition of Republicans and Democrats called Iowa Pays the Price are spotlighting the influx of big money into their state to bring attention to the issue. A group called the New Hampshire Rebellion is calling attention to the trend in the nation's first presidential primary state.

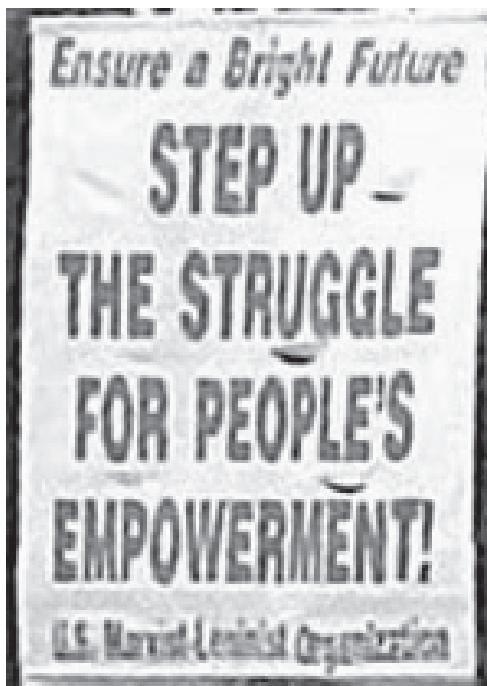
Former President Jimmy Carter took note of what was happening to the nation's politics as candidates race for larger and larger checks from billionaires and millionaires. Carter said in a radio interview July 28, of the political system, "Now it's just an oligarchy, with unlimited political bribery being the essence of getting the nominations for president or to elect the president."

Numerous candidates have obliterated the requirement that their super PACs operate independently, by directly coordinating with the groups and raising money for them. Republican Jeb Bush personally raised \$103 million for his super PAC during a six-month period when he declared that he was not officially running for president.

Bush raised a combined \$114 million, including his official campaign and his super PAC. Of that, 63 percent came from donors giving \$100,000 or more. Twenty-four of Bush's super PAC donors gave \$1 million or more.

Much of Bush's money came from a vast pool of large donors. Unlike the rest of the Republican field, Bush's Right to Rise super PAC collected \$100,000-plus donations from about 300 individual donors. His donor list includes more than 1,000 people, corporations or political committees that gave at least \$10,000.

Texas Sen. Ted Cruz (R) racked up 71 percent of his super PAC and campaign fundraising from big donors, almost all of it



from three million-dollar contributors: \$15 million from the fracking Wilks family, \$11 million from New York hedge fund executive Robert Mercer, and \$10 million from Texas private equity investor Toby Negebauer.

Florida Sen. Marco Rubio's (R) campaign and super PAC raised 60 percent of their combined total from six-figure donors, most from million-dollar contributors. He raised \$5 million from his longtime personal funder, luxury car dealer Norman Braman, \$3 million from Oracle CEO Larry Ellison, \$2.5 million from a thoroughbred horse stable owned by Benjamin Leon and \$2 million from the Israeli-American wife of Marvel Entertainment CEO, Laura Perlmutter.

Wisconsin Gov. Scott Walker (R) has not reported any fundraising for his official campaign. But two unlim-

ited money groups working for him had raised \$26 million. Those groups raised 77 percent of their money from donors giving more than six figures. Like other candidates, Walker's groups were predominantly funded by a few million-dollar checks, including \$5 million from Wisconsin roofing billionaire Diane Hendricks, \$5 million from Chicago Cubs owners Marlene and Joe Ricketts, \$2.5 million from Richard and Elizabeth Uihlein, and \$1 million from Access Industries, a company run by billionaire Len Blavatnik.

New Day for America, a group that has since converted into a super PAC, supports Ohio Gov. John Kasich (R) and raised more than \$11 million, with 86 percent from those giving more than \$100,000. Four gave \$1 million.

The same can be said for nearly every candidate on down the line: Six-figure donors fueled 85 percent of New Jersey Gov. Chris Christie's (R) super PAC fundraising; 62 percent for two groups backing Louisiana Gov. Bobby Jindal; 83 percent for former Texas Gov. Rick Perry's (R) groups; 83 percent for Sen. Lindsey Graham's (R-S.C.) super PAC; more than 90 percent for three groups supporting Sen. Rand Paul (R-Ky.); and 62 percent for former tech CEO Carly Fiorina's super PAC.

Some big billionaire names were absent from the list of Republican presidential candidate megadonors, including casino magnate Sheldon Adelson, hedge fund billionaire Paul Singer and the industrialists Charles and David Koch.

While the big-money race on the Republican side of the presidential campaign is most intense, it is not absent from the Democratic Party. Frontrunner Hillary Clinton's super PAC, Priorities USA Action, a hand-me-down from President Barack Obama, raised \$15.6 million, with 99 percent of it coming from \$100,000-plus donors. Her group raised nine \$1 million checks from George Soros, Haim and Cheryl Saban, Jeffrey

Katzenberg, Steven Spielberg, Herbert Sandler, Donald Sussman, a union for plumbers and pipefitters, and a union-backed political group.

Large super PAC fundraising also occurred outside the presidential race.

Billionaire environmentalist Tom Steyer donated \$5 million to his personal super PAC, NextGen Climate Action Committee. The United Brotherhood of Carpenters, the AFL-CIO and United Steelworkers each gave more than \$1 million to their own super PACs. Singer, who so far has not put his chips down in the

presidential race, gave more than \$1 million to his super PAC in support of Republicans who favor gay marriage (of which there are very few). And then there's Cruz's benefactor, Mercer, who gave \$1 million to a super PAC controlled by the neoconservative former United Nations Ambassador John Bolton.

A new super PAC launched by Senate Majority Leader Mitch McConnell (R-Ky.) to support his Republican majority pulled in three \$1 million donations, from Houston Texans owner Robert McNair, Home Depot co-founder Bernard Marcus and Singer.

## Why Do Private Interests Decide Who Debates?

Fox News sponsored the first debate of Republican candidates, who know number 17 people. Fox decide to only allow 10 of the 17 to participate in the debate. Although it uses the public airwaves, and is supposed to serve the public by sponsoring these debates, Fox decided who would and would not be part of the debate. And they decided how that would be determined. According to them they used 5 recent polls to decide on the ten. Why are private interests deciding such public affairs?

Elections are public affairs of the body politic, yet the public does not decide how they are conducted. Indeed for the most part the public has a great dislike for the massive funds spent, the mud-slinging, and the failure to in anyway inform the public as to what the programs and solutions of the candidates are.

It would be far more useful to the public if the monopoly media was required to provide equal time for all candidates, whether Republicans, Democrats or independents and third party. Providing factual information, demanding actual plans for solutions, not just general promises, securing from the public, not the candidates, the problems they want solved — this would be a public service. Instead, private interests like Fox, and those the candidates represent, have corrupted the process and ensured it is against the public interest. This is in part why all attention is given to who supposedly won, rather than making clear none of the candidates have solutions to crucial problems like the environment, poverty, state racism and ending aggressive wars.

## The Trump Factor

During the debates, billionaire Donald Trump again said he is considering running as an independent candidate if he does not secure the Republican nomination. He said doing so would give him "a lot of leverage." Given he spoke with Bill Clinton before announcing his candidacy, and that he has funded Hillary's campaigns in the past, not a few think he is running to help secure a Clinton win.

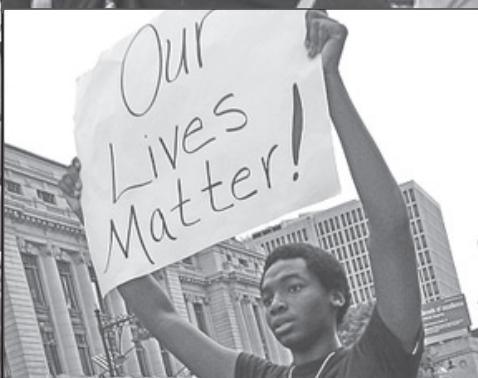
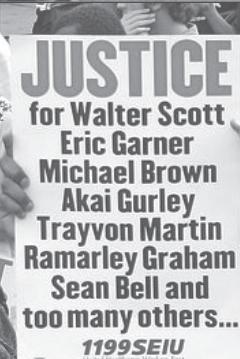
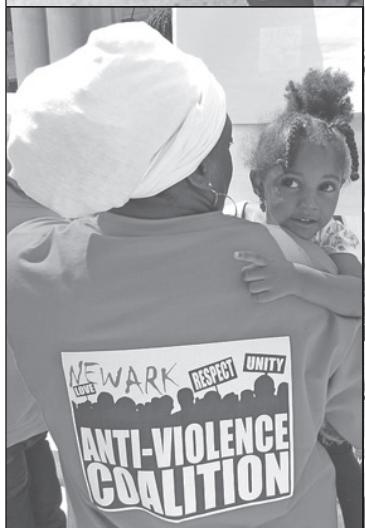
One certainly wonders what he will get in return. As he himself said about politicians, "When you give, they do whatever the hell you want them to do." And when asked during the debates about whether this was true he said, "You'd better believe it." He added, "If I ask them, if I need them, you know, most of the people on this stage I've given to, just so you understand, a lot of money. I will tell you that our system is broken. I gave to many people, before this, before two months ago, I was a businessman. I give to everybody. When they call, I give. And do you know what? When I need something from them two years later, three years later, I call them, they are there for me. And that's a broken system."

Given Trump gets what he wants, as do the handful of other billionaire owners deciding the elections, what is it that he thinks is broken? He is perhaps concerned that private interests, like himself, have so politicized the system that it can

no longer function to sort out the increasing conflicts among contending economic interests. This means the existing cold civil war among the rulers could go hot, as their conflicts reach the boiling point and the people's rejection of this broken system does as well.

The rulers are concerned that a Trump run as an independent could complicate things further. He has the finances to get on the ballot in key states, like Texas, Nevada, Colorado, Ohio, Florida and others. A recent poll by Rasmussen, a main pollster for conservatives, also indicated he may get substantial votes. The survey found that 29 percent of likely voters say they are at least somewhat likely to vote for Trump running as a third party candidate, with 14 percent saying they are very likely to vote for him. More than a third (36%) of likely Republican voters say they are likely to vote for Trump if he's a third-party candidate. One-in-three (33%) voters who are not affiliated with either major party also are likely Trump voters, including 16% who say they are very likely to vote for him if he runs third party. Even 19% of Democrats describe themselves as likely Trump voters. In a three-way race, such percentages could conceivably mean Trump might win one or two states, keeping either Bush or Clinton (the most likely candidates) from winning. What then will happen to this broken system?

## NEWARK ACTION OPPOSES POLICE BRUTALITY AND INEQUALITY



## **NEWARK ACTION OPPOSES POLICE BRUTALITY AND INEQUALITY**



## I • End Family Prison Camps

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legal battles. They have justly raised that children should not be in prison, that this is against human rights law and U.S. law concerning treatment of refugees.

Refugees are supposed to be turned over to the Department of Health and Human Services, which commonly provides services and places families in church-run or other community-based facilities or with family while their cases are decided. Instead, alongside his record numbers of deportations, President Obama has imposed detention in prison camps for families. And this has continued despite court rulings and promises by the Department of Homeland Security (DHS) to stop the practice. While as a result of the many battles, some families recently gained release, many hundreds more remain in the prison camps, denied needed medical care and imposing the trauma of prison on the children, many of them very young. Many have said the camps, with their rotten conditions and armed guards and use of solitary confinement, are more like internment camps. It is currently estimated that the government will expand facilities to more than 3,000 beds in the coming year.

*Voice of Revolution* demands an *End to Family Detention Now!* The U.S. has imposed anarchy and chaos on the countries of Central America, where most of the families are from, forcing them to flee. For the many refugees and immigrants now here, the government is using the terror of deportations and family detention to silence resistance — and threaten all with the same fate. The women and children have committed no crime, yet are being forcibly detained and denied rights.

In a situation where the human rights of many, including refugees, immigrants, African Americans, Puerto Ricans and many

others are regularly being trampled on by the government all across the U.S., standing to oppose detention camps is vital. They are for women and children now; they can easily be expanded to be slave labor camps for all the government decides.

As part of preparations for such a direction, the federal government is also working hard to get local, county and state policing agencies to come under their control, including military control. Using demands to enforce immigration law is one tool for this. Faced with broad rejection of their last program, “Secure Communities,” that embroiled local and state police in immigration enforcement, DHS is now bringing out a new one, known as the Priority Enforcement Program (PEP). DHS is rightly facing broad opposition again, not only from immigrant families and rights organizers but from cities, county sheriffs and local police. Given that the Pentagon has highly militarized these forces, it cannot now afford to have them refusing to submit. No doubt, immigration enforcement, alongside joint actions for repressing African Americans, as seen in Baltimore and Ferguson, will be means to try and secure control.

We urge all to stand against criminalization of immigrants and refugees and demand, *End Family Detention Now!* We also reject all efforts to turn local policing agencies into armies for the Pentagon. The tanks and weapons and Pentagon control are for urban warfare, against our youth, our families! We say NO! Our security lies in stepping up our fight for rights and we stand united with the women and children refugees in saying *NO* to detention camps! *NO* to criminalization of those who resist. YES to defending our rights!

## 170 Groups Tell DoJ To End Criminal Prosecution of Refugees at Border

*Law360*

“More than 170 civil rights, human rights and faith-based groups urged the U.S. Department of Justice (DoJ) on July 28 to stop criminally prosecuting refugees who arrive at the U.S.-Mexico border seeking asylum, saying the prosecutions almost exclusively target Latinos and are “profoundly immoral.”

In a letter sent to U.S. Attorney General Loretta Lynch, the groups said that criminally prosecuting asylum seekers who have fled their countries seeking safety and migrants who want to reunite with their families is the wrong response at the southern border. It was signed by groups like the American Civil Liberties Union, the American Immigration Lawyers Association, the Council on American-Islamic Relations, Farmworker Justice, the Justice Policy Institute, the Leadership Conference on Civil and Human Rights, the Mexican American Legal Defense and Educational Fund, the Women’s Refugee Commission and others.

The groups pointed to a May 2015 report from the U.S. Department of Homeland Security Office of the Inspector General

on Streamline — an initiative to criminally prosecute individuals who enter the U.S. without authorization along the southwest border — saying it could not show that U.S. Customs and Border Patrol (CBP) referrals of apprehended migrants for federal prosecution actually deter unauthorized migration, which is the “precise policy goal of CBP.”

Moreover, the groups said that the proceedings are “fraught with due process problems” and that CBP’s referral of asylum seekers for criminal prosecution via Streamline violates U.S. obligations under the Refugee Convention.

“The DoJ should not be in the business of immigration enforcement, particularly when the strategies are unproven and highly problematic in their implementation,” the groups said.

They noted that undocumented entry [a civil offense] and re-entry [now branded as a criminal felony offense] are now the most prosecuted federal crimes in the U.S., and the increase in undocumented re-entry convictions over the past 20 years

accounts for 48 percent of the growth in total convictions in federal courts over those two decades, citing data from the Pew Research Center.

And although the DoJ doles out hundreds of millions of dollars annually on U.S. Marshals Service and Bureau of Prisons beds used for non-citizens prosecuted for undocumented entry or re-entry, the prosecutions fail to further the DoJ's defined prosecutorial priorities, such as national security, violent crime, financial fraud, and cases that protect the nation's most vulnerable communities, the groups said.

Furthermore, they added, the prosecutions nearly exclusively target Latinos and lead directly to the disproportionate

representation of Latinos in the federal prison system.

"Most importantly, criminalizing migration is profoundly immoral," the groups said. "The causes of migration are complex and varied, and migration pre-supposes no threat to public safety. Our nation can find far more humane and compassionate ways to respond to people crossing our southern border."

They urged the DoJ to end prosecutions for undocumented entry and re-entry at the southern border and, in the event the federal agency fails to completely discontinue it, asked it to issue guidance directing U.S. Attorneys to significantly reduce their use of prosecutions for undocumented entry and re-entry and to always decline referrals for prosecution of asylum seekers.

## Dilley, Texas Mothers Gain Release from Detention

As a result of the ongoing struggle by refugee mothers forced into family detention camps, immigration judges have begun ordering the release of some of the families held in the Dilley, Texas camp. Women in the camps have waged hunger strikes and taken various other actions, including on the legal front, to defend their rights and those of their children, demanding immediate release. They have repeatedly denounced the poor conditions, lack of medical care, and threats to separate them from their children.

Recently, a federal judge ruled that the Dilley detention center is in violation of a 1997 settlement governing the treatment of immigrant and refugee children. Specifically, the judge determined that because the families are held in an unlicensed and "secure" facility that they cannot leave, the government is violating the settlement, known as the Flores agreement.

The immigration judges hearing cases since the ruling began ordering mothers who had bail hearings released on conditional parole, without having to pay bail, according to lawyers representing nine families in the Dilley detention center.

Christina Brown, a Denver immigration attorney volunteering in Dilley, said five of her clients were ordered released because of the ruling. The attorneys had been arguing that the detention was unlawful to start with.

Immigration and Customs Enforcement (ICE) is holding more than 1,700 women and children in detention centers in Dilley



and Karnes County, Texas. The agency began holding families in those facilities last year when conditions in their home countries forced many to flee. More than 100,000 women and children, most of them from Central America, were detained crossing the border in the Rio Grande Valley and unjustly forced into detention camps. Refugees, especially children, are not supposed to be imprisoned, but rather turned over to the Department of Health and Human Resources. They in turn commonly house the families and children in homes, church-operated facilities, families, etc.

Homeland Security Secretary Jeh Johnson recently announced that mothers who pass the first stage in the asylum process will be released with bail or on what are known as alternatives to detention, which include ankle monitors. The large majority of those currently detained long ago met this requirement and have been illegally held for months. Now bail will be used to keep many detained, while some are being released. About 500 mothers and children have recently been released.

Advocates also bring out that unjust treatment has meant those being released have lost tens of thousands of dollars on lost flights and buses they missed because ICE refused to release them as promised. Among on-going injustice at the centers are refusal to provide medical care, forcing immigrants who were given bail to wear ankle monitors, revoking access to the camps for two pro-immigrant psychologists, and more.

# **Mothers File Complaints Against Systemic Problems**

*American Immigration Lawyers Association*

Ten mothers came forward to lodge formal complaints about the substandard medical care they and their children received while detained by the Department of Homeland of Security (DHS). The complaints describe the severe suffering families have endured due to poor access to and quality of care, and questionable medical ethics. These ten complaints are representative of the regular failures of DHS to provide adequate medical care for mothers and children in family detention facilities, and they add to the already ample evidence demonstrating why family detention must end.

The complaints were submitted to the DHS Office for Civil Rights and Civil Liberties (CRCL) and the Office of Inspector General (OIG) on behalf of the women by the American

Immigration Council, American Immigration Lawyers Association, Catholic Legal Immigration Network, Inc., Immigrant Justice Corps, Refugee and Immigrant Center for Education and Legal Services, and the Women's Refugee Commission.

These six organizations urge both CRCL and OIG to conduct a prompt and thorough investigation into these examples immediately and to take swift action to fully address the systemic problems highlighted by these cases. Advocates have heard from women about many more medical care problems, including 74 additional instances at the facility in Dilley, Texas alone, since June 2015. The medical abuses highlight the urgent need to #EndFamilyDetention.

## HABEAS PETITION FILED

# **Government Refuses to Release Mother and Child**

*Bender's Immigration Bulletin*

"For more than six months, immigration authorities have imprisoned Lolian Celina Gutierrez Cruz ("Ms. Gutierrez") and her six year-old daughter, Maria, in unlicensed, for-profit family detention facilities in South Texas. The federal government's prolonged, unjustifiable deprivation of Ms. Gutierrez' liberty, and that of her child, is the product of the Department of Homeland Security ("DHS") disregarding long-settled legal precedent, unambiguous consent decrees, and its own internal policies. DHS can offer no rational justification for continuing its prolonged, indefinite detention of Ms. Gutierrez [...]

"On February 12, 2015, a trained asylum officer who conducted an extensive interview with Ms. Gutierrez and her daughter Maria concluded that she had suffered past persecution and she had established a reasonable fear of future persecution if the government forced her to return to Honduras. Based on this finding, and in accordance with Respondent [DHS Head]

Johnson's stated adopting of [the government's] release plan, Ms. Gutierrez, through her pro bono attorneys at the CARA Project, has repeatedly requested release in the month that has elapsed since June 24, 2015. Time and time again, [the government] has rejected that request and failed to articulate a legitimate or bona fide basis for the denial. The justification articulated is that she is an enforcement priority. Such a basis would mean all women and children in the facility should not be released, which clearly is a direct contradiction to the proclaimed release plan. [...]

"In sum, Ms. Gutierrez escaped harrowing violence in Honduras, only to be faced with prolonged, psychologically corrosive trauma at the hands of [the government]. She came to the United States hoping for nothing more than freedom and security for herself and daughter; but [the government's] detention policies have dashed these hopes." The case is Gutierrez-Cruz v. Lucero, W.D. TX, San Antonio, July 30, 2015

# **RAICES' Response to ICE Announcement on Release of Refugee Families**

***Jonathan Ryan, Director of Refugee and Immigrant Center for Education and Legal Services (RAICES)***

Since July of 2014, RAICES has been serving as the coordinator of the Karnes Pro Bono Project, providing more than 1,000 families in the Karnes Detention Camp with access to free legal services.

"We call for an immediate end to all family detention, and that the Administration take a serious step in ensuring protections for refugee families.

The move by the Obama Administration, to release mothers and children who are found to have a positive fear finding, is

only seen as a victory because of how bad the Administration has made life for refugees. A year ago we would never have accepted this minor shift in policy towards asylum seekers, nor would we have celebrated this move by the Administration. After nearly a year of advocating for children and mothers, who have fled immense violence, we are thrilled that the Administration is finally accepting that their treatment of this population of people was wrong.

Acknowledging the growing consensus that it can not provide

proper medical care for women and children detained in family internment camps, ICE announced that it would release all detained families who have been found to have fear of returning to their home countries. This announcement comes one week after it was discovered that 250 children had been injected with adult doses of Hepatitis A vaccines after they were awakened in the middle of the night, marched out to wait for hours outside the internment camp's chapel, and denied information about what exactly was being injected into their children's bodies.

Families report that they must languish inside these internment camps for up to four to five weeks before receiving their initial fear interviews, far too long for any family to be subject to confinement. [And many have been held for months after demonstrating they have legitimate fear, the basis for being released — VOR Ed. Note] Any length of detention is too long. We will continue to advocate for the use of community-based alternatives to detention as the most appropriate, effective, and inexpensive program for refugee families.”

# Some Alternatives to Family Detention

*National Immigrant Justice Center*

**FACT 1:** The vast majority of detained families are bona fide asylum seekers under U.S. law. Recently released USCIS data shows that 88 percent of families are proving to the government that they have credible claims to protection.

**FACT 2:** There is no humane way to detain families. Experts show that the stress of detention can damage a child's developing brain and re-traumatize victims of violence.

**FACT 3:** Pressure is mounting on the Obama Administration to end family detention. Three quarters of the President's own party in Congress have called for the practice to end.

For most asylum-seekers, release on parole, their own recognizance or a minimal bond is appropriate because they have no criminal history and, with strong family ties in the U.S. and strong legal claims, pose little flight risk.

Three basic steps support the integrity of the entire system:

- Improve access to counsel. Unaccompanied children who have counsel have a 94.7 percent appearance rate at their hearings. Studies show that individuals who feel they have been given due process are much more likely to accept the final determination and comply with removal orders.

- Provide better information at the border. People who are clearly informed about their obligations are more likely to meet those obligations. But many families do not understand the paperwork they are given by Border Patrol or what they were being asked to do.

- Ensure immigration courts have resources to hear cases in a timely, but not rushed, manner. Individuals need time to find a lawyer and prepare a case, but extreme delays undermine the immigration system's integrity. Creating a shortcut “expedited docket” instead of properly investing in the courts was no solution, and made the problem worse.

Where a more substantial flight risk cannot otherwise be mitigated, proven alternatives to detention (ATDs) should be used instead of incarceration.

- ATDs cost far less than detention. The President's FY2016 budget prices family detention at \$342.73 per person per day. ICE plans to expand this year to 3,700 family detention beds. By contrast, for FY2016, DHS estimates that the average cost per ATD participant will be \$5.16 per day.

- ATDs are extremely effective. ICE's current ATD program and several community support pilot programs have shown high rates of compliance with immigration hearings and removal. Over

95 percent of those on “full-service” ATDs (which include case management) appeared for their final hearings.

- Alternatives are widely used in the pre-trial criminal justice context. They are recommended as cost-savers by the American Jail Association, American Probation and Parole Association, American Bar Association, Association of Prosecuting Attorneys, Heritage Foundation, International Association of Chiefs of Police, National Conference of Chief Justices, National Sheriffs' Association, Pretrial Justice Institute, Texas Public Policy Foundation, and the Council on Foreign Relations' Independent Task Force on U.S. Immigration Policy.

- The Administration has signaled a commitment to greater exploration of ATD. The President's FY2016 budget request would increase ATDs by nearly \$30M million to \$122 million. ICE is currently considering proposals for community-based ATD models.

What kinds of alternatives are appropriate and effective?

The most restrictive alternatives, like ankle bracelets, are also the most costly. Ankle bracelets require confinement in a specific space for many hours per day to charge the device. That kind of restriction on liberty is rarely necessary for an asylum-seeker who has every incentive to attend her hearing. DHS should only use GPS devices when no other conditions could reasonably ensure public safety and compliance with the immigration Community-support ATD models, which are far more appropriate. Holistic programs that offer case management services and facilitate access to legal counsel as well as safe and affordable housing have been shown to substantially increase program compliance without the extensive use of electronic monitoring. Previous pilots have shown excellent results:

- 95.6 percent appearance rate: In June 2013, Lutheran Immigration and Refugee Services (LIRS) entered into a memorandum of understanding with ICE to screen vulnerable immigrants for release and enrollment in LIRS' Community Support Initiative. Between June 2013 and Nov. 2014, 44 out of 46 formal referrals were in full compliance

- 96 percent appearance rate at 3 percent of the cost of detention: In 1999, the Immigration and Naturalization Service (INS) partnered with LIRS to release 25 Chinese asylum seekers from detention and provide them shelter, food, medical care, and case management. Annual program costs were just 3 percent of what detention would have cost.

## **DEFEND THE RIGHTS OF WOMEN AND CHILDREN REFUGEES**

• 97 percent appearance rate: From 1999 – 2002, INS collaborated with Catholic Charities of New Orleans to work with 39 asylum seekers released from detention and 64 “indefinite detainees” who could not be removed from the United States. The court appearance rate for participants was 97 percent and the program cost \$1,430 per year per client, a fraction of the cost of detaining them.

• 91 percent appearance rate: Funded by INS, the Vera Institute of Justice studied over 500 participants in a supervised release and assistance program from 1997-2000. Participants were asylum seekers; convicted criminals facing removal; and undocumented workers. The program saved taxpayers \$4,000 per participant, boasted a 91 percent overall appearance rate at required hearings, and a 93 percent appearance rate for asylum seekers.

### **Guiding Principles for the Use of Alternatives to Detention**

• Alternatives to detention are intended to reduce reliance on costly institutional detention, not to place additional restrictions on immigrants who – based on an individualized assessment – should be released.

• The least restrictive alternative should be used in every case.

• Anyone whose flight risk can be mitigated by ATD or bond should not be detained, even if there is bed space.

• ICE should utilize community-supported ATD instead of relying exclusively on electronic monitoring programs.

• All custody and release decisions should be made after an individualized assessment of public safety and flight risk. ICE should conduct periodic re-assessments on all individuals who remain detained, including after h/she has passed a credible/reasonable fear interview or obtained an attorney.

• ICE should ensure adequate staffing for ATD programs within ICE, and the availability of ATDs in all field offices, so that the agency can utilize all available slots.

For more information contact:

Karen Lucas, American Immigration Lawyers Association, [klucas@aila.org](mailto:klucas@aila.org);

Royce Murray, National Immigrant Justice Center, [rmurray@hearthlandalliance.org](mailto:rmurray@hearthlandalliance.org);

Brittney Nystrom, Lutheran Immigration and Refugee Service, [bnystrom@lirs.org](mailto:bnystrom@lirs.org);

Katharina Obser, Women’s Refugee Commission, [katharinao@wrcommission.org](mailto:katharinao@wrcommission.org).

### **ICE AND NASHVILLE POLICE FORCED TO SETTLE LAWSUIT**

## **Terrorism of Warrantless Raids Opposed**

Immigrants, some citizens, recently achieved a settlement in a lawsuit against unjust raids by Immigration and Customs Enforcement (ICE) and, in this case, the Metropolitan Nashville Police Department (MNP). ICE and MNP agreed to pay \$310,000 to settle all claims, and ICE awarded the non-citizens impacted with deferred action status for seven years. This means they can work and live without fear of being deported. The case was another example of those who are undocumented standing up for rights despite the threats and terrorism of ICE and deportation. Citizens, who were also detained in the raid, joined them.

The case, Escobar v. Gaines, stemmed from a 2010 raid where armed ICE and MNP agents in full SWAT gear descended on an apartment complex home to mostly Latino residents. They did so at night, storming into and searching homes without a single warrant or consent. The government raiders shouted racial

slurs, and held guns to some people’s heads. Residents were detained without any reasonable suspicion or probable cause to believe they had engaged in any criminal activity. As evidence that this was a raid to generate terror and quell resistance can be seen in the fact that no one was ever charged with a criminal violation as a result of the raid.

Those bringing the lawsuit emphasized that a main aim was to help prevent such raids and terrorizing of immigrant communities in the future. The suit condemned ICE MNP for, among other things, conspiracy to violate the right to be free from unlawful searches and seizures, and discriminatory conduct. The settlement send as a message to state policing agencies that people will continue to resist in various ways, including through lawsuits, to demand that their right to be free from raids, warrantless searches and unauthorized home entries be upheld.

### **TAKE OVER OF CALIFORNIA OFFICE**

## **Youth Demand Senator Feinstein End Anti-Immigrant Proposals**

Youth active in the immigrant rights movement took over California Senator Dianne Feinstein’s office recently, demanding that she stop promoting anti-immigrant legislation. The proposed legislation targets sanctuary cities, such as San Francisco, using the blackmail of withholding federal funds if local officials do not cooperate with federal policing agencies, like Immigration and Customs Enforcement (ICE). Similar legislation already

passed in the House.

“California is the state with the nation’s largest and most diverse immigrant population. We expect our leaders to … oppose scapegoating and fear mongering. When we are attacked by anti-immigrant laws or propositions, we do whatever we can to stop them,” said the youth. They brought out that Feinstein is doing just the opposite. She plans legislation to force local law

enforcement to submit to ICE, and its unjust raids. The youth brought out that this undermines rights and in the past has meant unjust detentions and deportations of immigrants guilty of no crime. They demanded that Feinstein withdraw the legislation.

Feinstein's bill would require state and local law enforcement officials to tell ICE when an undocumented immigrant with a felony conviction is about to be released. However, it is not clear how felony will be defined. For example, re-entry without documentation, long a civil offense, has now been made a felony offense, as are many minor non-violent drug charges. Feinstein, like Republicans in the House, is also threatening to withhold federal funds for state and local officials who fail to comply.

The legislation is being introduced at a time that the federal government is having great difficulty forcing local cities and counties to continue to enforce federal immigration law. Many have had experience with federal programs, like "Secure Communities." These made their cities and towns much more insecure as ICE terrorized immigrants with raids and forced local and state police to do the same. Many cities and states have now withdrawn from such programs and are refusing to join the latest federal program, Priority Enforcement Program, PEP, designed to bring all policing agencies under federal, and potentially military command. Feinstein's proposal is a mechanism to impose this federal control through federal legislation.

# Cities and Local Law Enforcement Opposing Federal Demands

As Congress debates using the blackmail of withholding federal funds for cities and states that do not submit to federal demands concerning immigration enforcement, mayors, city governments, the National Fraternal Order of Police, the Major Counties Sheriffs Association have sent letters opposing such efforts. The House has already passed legislation and the Senate is now considering it. In addition, many cities are rejecting the Department of Homeland Security's (DHS) new program demanding local enforcement of immigration, known as the Priority Enforcement Program (PEP), which began July 2. It replaces "Secure Communities" which was rejected across the country as a mechanism to strike terror in communities and enforce unjust detentions and deportations. More than 350 cities, states and communities had ended their participation in Secure Communities, so now DHS is rolling out PEP, which is essentially the same.

Officials in New York City, which has the nation's largest police department, said they are still in talks with DHS. But the city's policy severely limits its cooperation with ICE, as detaining people "must be accompanied by a federal warrant." Los Angeles has said that its police department, the nation's third largest, will not participate in PEP, though Los Angeles County might. Other jurisdictions — such as Philadelphia, with the fourth-largest police force and Cook County, Illinois — have also not committed.

We reprint below the letter to senators from the National League of Cities.

\* \* \*

Dear Senator:

We write on behalf of mayors and their city governments to register our strong opposition to legislation that would withhold federal law enforcement assistance from so-called "sanctuary cities."

We believe that decisions related to how law enforcement agencies prioritize their resources, direct their workforce, and define the duties of their employees must reside with local government leadership. This includes defining the role of local police

officers in the context of enforcing federal immigration laws. It is our strong belief that effective policing cannot be achieved by forcing an unwanted role upon the police by threat of sanctions or withholding of law enforcement assistance funding as has been proposed.

At a time when law enforcement agencies are working hard to strengthen police-community relations and build trust, legislative proposals to withdraw funding from communities are particularly troubling and counterproductive to those efforts.

Building relationships based on trust with immigrant communities is central to overall public safety, according to the recently released President's Task Force Recommendations on 21st Century Policing. In order to strengthen these relationships and to foster the trust so essential to public safety, the Task Force also recommended terminating the Department of Homeland Security's use of the state and local criminal justice system, to enforce civil immigration laws against civil and non-serious criminal offenders, including through detention, notification, and transfer requests.

Further, shifting the federal responsibility of enforcing civil immigration law to state and local governments diverts critical resources from their law enforcement agencies, compromises public safety, and hinders local police department efforts to work with immigrant communities in preventing and solving crimes.

Immigration enforcement laws and practices must be nationally based, consistent, and fully funded by the federal government. Immigration is a federal, not a state or local, responsibility.

We urge you not to take precipitous action that will have a negative impact on law enforcement agencies and public safety across the nation

Sincerely,

Tom Cochran, CEO and Executive Director, The United States Conference of Mayors

Clarence E. Anthony, CEO and Executive Director National League of Cities

**I • Fight for Anti-War Government**

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would stop at nothing to achieve it. It was an effort to strike fear in the peoples who had defeated fascism, especially those of the then socialist Soviet Union. It did not succeed, as the peoples pushed forward. But unlike the Hitlerites, the U.S. was not held accountable and charged for this crime of mass killing and destruction.

It is the peoples' struggles that have been a major factor in blocking nuclear war, as they have consistently fought against war and for elimination of nuclear weapons, those of the U.S. first and foremost. Countries like Iran and the Democratic People's Republic of Korea have joined in calling for nuclear free zones in their regions — which the U.S. rejects. The fight now to demand the U.S. disarm and be held accountable for its war crimes, present and past, is an important part of honoring the peoples in Hiroshima, Nagasaki and all those worldwide massacred by U.S. imperialism.

The devastation already caused by the U.S. dropping the bomb, with peoples of Japan, Marshall Islands, across the U.S. and elsewhere to this day suffering the health and environmental consequences also makes clear the need to eliminate nuclear weapons. Far from doing so, the U.S. spends more than \$62 billion yearly to keep and modernize its weapons, far more than all the other major nuclear powers combined. And this is in addition to the almost trillion dollars the Pentagon spends yearly for war.

We say, *Stop Funding War and Fund Our Rights! Eliminate U.S.*

***Nuclear Weapons Now!***

Seventy years since this act of terrorism and the U.S. is still striving for world domination and still showing it will stop at nothing. It regularly says it will use nuclear weapons as a first strike, even against non-nuclear states. Indeed, its efforts to modernize include efforts to create tactical nuclear weapons — and develop bunker busters and depleted uranium munitions which it has used in Iraq and Afghanistan.

The U.S. has not used the occasion of this anniversary to put forward plans to eliminate its weapons, as the Nuclear Non-Proliferation Treaty (NPT) requires it to do. Nor has it taken responsibility for its crime of dropping the bomb, not once but twice on innocent civilians. It has made clear it

will continue to wage aggressive illegal wars and use state terrorism against the peoples.

What is needed is a pro-world, pro-people, anti-war government. A government that does act to eliminate nuclear weapons, end all use of force against the peoples, and dismantle the war machine, including dismantling NATO, NORAD, and AFRICOM. Japan remains occupied by the U.S., as does south Korea. Instead of building more bases, against the wishes of the people of Okinawa and all Japan, bring all troops home. That would be a contribution to peace and security worldwide.

*Fight for an Anti-War Government!*

## **70 Years After Bombing of Hiroshima, Calls to Abolish Nuclear Weapons**

***Sarah Lazare, Common Dreams***

From Hiroshima's Peace Memorial Park to nuclear weapons complexes across the U.S., campaigners and survivors are demanding disarmament.

As tens of thousands gathered in Hiroshima on August 6 to commemorate the 70th anniversary of the U.S. dropping of the atomic bomb, people from Japan and across the globe urged world leaders to honor the lives of those killed and wounded by abolishing nuclear weapons once and for all.

A bell rang in Hiroshima's Peace Memorial Park where a

massive crowd, with heads bowed, held a moment of silence at 8:15 AM to mark the exact instant the bomb was dropped. Roughly 150,000 people were killed in the bombing and aftermath. The U.S. military followed the attack on Hiroshima by dropping a second atomic bomb on the city of Nagasaki on August 9, 1945, which killed approximately 75,000 people.

"To coexist we must abolish the absolute evil and ultimate inhumanity that are nuclear weapons," declared Hiroshima Mayor Kazumi Matsui in a speech at the ceremony. "Now is the time

## FIGHT FOR AN ANTI-WAR GOVERNMENT

to start taking action.”

Japan’s Prime Minister Shinzo Abe, who has advocated a nuclear power restart over majority public opposition, also called for the nuclear disarmament at the ceremony, which was attended by representatives of over 100 countries. Meanwhile, protesters were reportedly blocked from attending the memorial by police.

In a meeting with survivors of the bombing following the ceremony, Abe was skewered for his efforts to undo pacifist components of the country’s constitution and embrace military buildup. “These bills will bring the tragedy of war to our nation once again,” said 86-year-old Yukio Yoshioka. “They must be withdrawn.”

Moreover, some drew a direct line between the horrors of the atomic bombings and the more recent Fukushima nuclear meltdown.

“The horror of these bombings should be taken as a warning of the threats of nuclear weapons, but instead, the government is locking Japan into a nuclear future. Whether for military or civil purposes, nuclear energy is not peaceful. It carries the threat of nuclear weapons development, and as the 2011 Fukushima disaster demonstrated to the world, nuclear energy is neither safe, nor clean,” said Junichi Sato, Greenpeace Japan Executive Director, in a statement released Thursday.

“The trauma felt by the Japanese people after the Fukushima accident—and also by thousands of people affected by other nuclear disasters, such as Chernobyl—should never again be endured, which is why we firmly believe that peace—not war—is the best form of self defense,” Sato added.

Many are also calling on the U.S.—the only country to ever drop a nuclear bomb on civilian populations—to embrace disarmament and reverse its ongoing nuclear buildup.

Anti-nuclear campaigners on August 6 began three days of rallies, marches, and direct actions at nuclear weapons complexes across the United States, from the Los Alamos National Laboratory in New Mexico to the Kansas City Plant in Missouri. The



coordinated protests, led by atom bomb survivors, scientists, health providers, and faith communities, are demanding disarmament.

“This 70th anniversary should be a time to reflect on the absolute horror of a nuclear detonation,” declared Ann Suellentrop, a member of the Kansas City chapter of Physicians for Social Responsibility. “Yet the new Kansas City Plant is churning out components to extend U.S. nuclear weapons 70 years into the future. The imperative to change that future is what motivates me to organize a peace fast at the gates of the Plant.”

According to the latest findings of the Stockholm International Peace Research Institute (SIPRI), released in June, the U.S. has a total of 7,260 nuclear war heads—more than any of the nine known nuclear weapons states, which include Russia, Britain, France, China, India, Pakistan, Israel, and north Korea.

Meanwhile, the U.S. and Russia are pursuing “extensive and expensive long-term modernization programs under way for their remain-

ing nuclear delivery systems, warheads and production,” SIPRI notes. And all other nuclear states are “are either developing or deploying new nuclear weapon systems or have announced their intention to do so.”

Many charge that the hypocrisy of the ongoing buildup of the [five main nuclear weapons] nations, which control almost all of the nuclear weapons on the planet, was on full display during negotiations with Iran, which does not have a nuclear weapons program, according to expert reports and intelligence assessments.

However, there are also signs of growing opposition to nuclear weapons. In May, 107 non-nuclear weapons states signed a humanitarian pledge to “stigmatize, prohibit, and eliminate nuclear weapons in light of their unacceptable humanitarian consequences and associated risks.”

The statement adds: “The risk of nuclear weapons use with their unacceptable consequences can only be avoided when all nuclear weapons have been eliminated.”

# Nuclear Zero Lawsuit by Marshall Islands Appealed to Higher Court

*Jane Ayers, Reader Supported News*

*An interview with David Krieger, President of the Nuclear Age Peace Foundation (Santa Barbara, California), and Consultant to the Marshall Islands*

**Question:** The “Nuclear Zero” lawsuit filed by the Republic of Marshall Islands (RMI) against the nine nuclear nations to adhere to the Non-Proliferation Treaty (NPT) was denied in February by Judge Jeffrey White in U.S. Federal District Court (SF). RMI Foreign Minister Tony de Blum wants the U.S. and other nuclear nations to negotiate in good faith for nuclear disarmament, so why did this lawsuit get denied, and is the Appeal brief filed on July 13th an indication of ‘no backing down’ by the Marshall Islands?

**Krieger:** The lawsuit against the United States in U.S. Federal District Court was denied on jurisdictional grounds, having to do with standing and the political question doctrine. The Marshall Islands and its legal team believe the judgment was in error, and the ruling was appealed to the Ninth Circuit Court of Appeals (SF) on July 13th.

**Q:** Judge Jeffrey White’s decision noted that the Non-Proliferation Treaty’s fundamental purpose is to slow the spread of nuclear weapons, and to bar the non-nuclear countries from acquiring nuclear weapons. However, the Marshall Islands lawsuit focuses on the continuing breach of the treaty’s nuclear disarmament obligations. Do you think the judge’s decision to dismiss this case was based on a fundamental difference in the interpretation of the NPT’s core purpose? Do you think the number of groups filing Amicus Briefs with the Appeal [in support of the Marshall Islands] indicates that total nuclear disarmament should be seriously addressed, instead of just modernizing the arsenals?

**Krieger:** The judge was not correct in focusing only on the treaty’s provisions for preventing the spread of nuclear weapons. A critical element of the Non-Proliferation Treaty is Article VI, which calls for negotiating an end to the nuclear arms race at an early date, and achieving nuclear disarmament through good faith negotiations. The judge omitted from his decision reference to the importance of the nuclear disarmament provisions of the NPT. Many parties to the NPT consider the nuclear disarmament obligations to be the most important obligations of the treaty, and certainly a tradeoff for preventing proliferation to other



nations. The goal of the treaty is to obtain a world with zero nuclear weapons – no proliferation of nuclear weapons and good faith negotiations for nuclear disarmament by the countries that already have nuclear weapons.

**Q:** The Nuclear Zero lawsuit’s Appeal Brief was officially filed on July 13, in the Ninth Circuit Court of Appeals (SF). Secretary of State John Kerry was also trying to wrap up a nuclear agreement with Iran on that day. What do you think of the U.S. establishing a new nuclear agreement with Iran, when the Marshall Islands Nuclear Zero lawsuits assert the U.S. has not lived up to the former international treaty agreements of the Non-Proliferation Treaty?

**Krieger:** It is a coincidence that the Marshall Islands filed their Appeal Brief in the Ninth Circuit Court of Appeals on the day on which Secretary of State Kerry was trying to finalize the agreement with Iran. The U.S. and the other countries in the P5+1 have worked hard trying to obtain a meaningful agreement with Iran... The U.S. and other members of the P5 are all working on modernizing their nuclear arsenals, however, and this is a violation of Article VI of the Non-Proliferation Treaty. They must also be held to account for the breaches of their obligations, and this is what the courageous Marshall Islands seeks to do with its lawsuits. South African Nobel Peace laureate Desmond Tutu stated “The United States’ breach of the NPT Article VI has serious consequences for humankind and the Marshall Islands appeal is of critical importance.”

**Q:** The Nuclear Zero lawsuits by the Marshall Islands were

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also filed at the International Court of Justice (ICJ). However, the U.S. has rejected the compulsory jurisdiction of the ICJ, and considers any judgments of that court to not be binding on the U.S. Considering this dilemma, what would a victory at this international court bring in the long run?

**Krieger:** The Marshall Islands also brought the Nuclear Zero lawsuits against all nine nuclear-armed nations to the International Court of Justice. However, the way the ICJ works is that only the countries that accept the compulsory jurisdiction of the court, [which the U.S. does not], can be held into the lawsuits... The legal system at the international level is equivalent to a situation where someone is injured by corporate misconduct, and the injured party would have to invite the defendant to court, rather than there being compulsory jurisdiction to assure the defendant does not have a choice about showing up in court.

That is an important reason why a separate case was initially brought against the U.S. in U.S. Federal District Court (SF). If the U.S. cannot be held to account for its treaty obligations at the International Court of Justice, and it also cannot be held to account in its own federal courts, then how can any country have confidence in entering into treaty obligations with the U.S.? [...]

But a victory in these cases will be won not only in the courtroom, but in the court of public opinion. [...]

**Q:** The recent Obama administration proposal for approximately \$1.1 trillion for modernizing the U.S. nuclear arsenal (weapons, submarines, bombers, ICBMs, and the infrastructure of the nuclear weapons complex) does not align with compliance with the Non-Proliferation Treaty, even with the reductions in the number of nuclear weapons under the New START Treaty. Do you think the world is more at risk of a nuclear war with nuclear nations modernizing their arsenals, even with fewer weapons overall?

**Krieger:** Modernizing nuclear arsenals does not align at all with international legal obligations under the NPT and customary international law. It demonstrates that the most powerful countries in the world are continuing to rely on their nuclear arsenals, and to improve them despite their obligations under international law. This is a recipe for further nuclear proliferation, and puts the world at greater risk of nuclear accidents, nuclear miscalculations, and nuclear war.

A great danger of modernization is that the weapons will be perceived by their possessors as being more accurate, and therefore, more usable. They want to reduce the numbers but increase the usability of the weapons. Because the world previously went to the insane number of 70,000 nuclear weapons does not mean that having only 16,000 in the world now makes us substantially safer. We are playing a very dangerous game



with nuclear weapons, and the use of even a dozen or so nuclear weapons could destroy the U.S. as a functioning country. The use of only a few hundred nuclear weapons could leave civilization in shambles.

I consider the current approach of the U.S. and the other nuclear weapon states in modernizing their nuclear arsenals to be akin to playing nuclear roulette. It is like metaphorically loading nuclear weapons into the chambers of a six-shooter, and pointing the gun at humanity's head.

**Q:** The Non-Proliferation Treaty was signed in 1968 and entered into force in 1970, and yet there have been no multilateral negotiations to eliminate all nuclear weapons in the 45-year history of that treaty. The Marshall Islands' lawsuits highlight that there are over 16,000 nuclear weapons still remaining in the world, with approximately 2000 nuclear weapons on high alert status. The lawsuits assert that immediate negotiations for disarmament are required, and that the nuclear nations have failed in these obligations. What do you think about issues of terrorism, national security, and foreign affairs affecting U.S. decisions about nuclear disarmament?

**Krieger:** The legal obligation of the parties to the Non-Proliferation Treaty, including the U.S., is to engage in good faith negotiations for an end to the nuclear arms race and for nuclear disarmament. If the U.S. were doing this and achieving success in eliminating nuclear weapons, the threat of nuclear terrorism would be substantially reduced, if not eliminated. Further, it is in the national security interest of the U.S. to achieve the global elimination of nuclear weapons, because it is the one type of weapon that no country, including the U.S., can protect itself against. In terms of U.S. foreign relations, the U.S. should adhere to its legal obligations, including its nuclear disarmament obligations under the NPT. [...]

**Q:** Marshall Island foreign minister Tony De Blum has argued that he is taking international action because his population of 70,000 islanders has greatly suffered from the effects of 67 major

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## ELIMINATE U.S. NUCLEAR ARSENAL NOW

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nuclear tests by the U.S. in the past, and now the atolls are also threatened by rising sea levels. The lawsuits do not seek redress for their suffering. Instead, they emphasize their radioactive contamination to prevent future suffering in the world, to remove this threat from the world. Is the debate of climate change tied to nuclear issues a legitimate concern for the survival of humanity?

**Krieger:** Nuclear devastation and climate change are the two most significant global survival issues confronting humanity. The Marshall Islands are at the forefront of seeking solutions to both issues. It is a small but bold and courageous country. We should all be thankful to the Marshall Islands for being willing to speak out on these issues and take the legal actions that it has. Climate change is predicated on global warming taking place, and even a relatively small nuclear war could send the world plummeting into a new Ice Age. [...]

**Q:** The U.S. Conference of Mayors also adopted a major resolution backing the Marshall Islands in their Nuclear Zero lawsuit, and several of the mayors also filed an Amicus Brief to the Ninth Circuit Court of Appeals in support of the appeal. The mayors' resolution states that the U.S. and eight other nuclear nations are "investing an estimated \$100 billion annually to maintain and modernize their nuclear arsenals while actively planning to deploy nuclear weapons for the foreseeable future." The mayors are calling on the President and Congress to "reduce nuclear weaponry spending to the minimum necessary to assure safety and security of the existing weapons as they await dismantlement." Do you think this is a bold move by the mayors of our nation to want Congress to redirect military spending to domestic needs?

**Krieger:** It is actually a very smart and sensible move by the U.S. Conference of Mayors. Our cities need resources for



infrastructure and the well-being of our citizens. It makes great sense to redirect the planned trillion dollar expenditure on nuclear weapons to improving our infrastructure and helping improve our housing, our healthcare system, and the education of our children. The federal government would do well to listen to the demands of the mayors of our cities, rather than waste our resources on unusable weapons of mass annihilation. It was extraordinary that the mayors stood up for the Marshall Islands lawsuit and backed them in their Resolution.

It is extremely reaffirming that the U.S. Conference of Mayors supports these lawsuits. Their resolution reflects an understanding that every city in the world is a potential target for the devastation that would be wrought by the use of nuclear weapons.

**Q:** What other support have the Marshall Islanders received tied to these lawsuits?

**Krieger:** It has been heartening to see how much support the Marshall Islands have received. In addition to the U.S. Conference of Mayors, the Marshall Islands lawsuits have been supported by major civil organizations, including Greenpeace International, the International Physicians for Prevention of Nuclear War (including Dr. Helen Caldicott), the World Council of Churches, the International Lawyers Against Nuclear Arms, and the Nobel Women's organization. It has also received the support of many individual leaders, including Nobel Peace Laureates Archbishop Desmond Tutu, Mairead Maguire, Oscar Arias, Jody Williams, and Shirin Ebadi. More than five million people have also signed a petition in support of the Nuclear Zero lawsuits filed by the Marshall Islands.

For more information, go to [www.NuclearZero.org](http://www.NuclearZero.org), or [www.wagingpeace.org](http://www.wagingpeace.org).

## Hiroshima and Nagasaki: Lessons Learned?

*Akira Kawasaki, Bulletin of Atomic Scientists*

In August 1945, little more than three weeks after the Trinity test inaugurated the atomic age, the United States detonated "Little Boy" over Hiroshima, killing tens of thousands. Days later, the same fate was visited on Nagasaki with "Fat Man." Historians have debated whether the bombings were necessary or gratuitous; justified or criminal; responsible for Japan's surrender or largely irrelevant to it. Today, with the remaining

survivors of Hiroshima and Nagasaki approaching the end of life, to what extent has the world absorbed the lessons of the bombings—and can seven more decades elapse without the wartime detonation of a nuclear weapon?

The 70th anniversary of the Hiroshima and Nagasaki bombings is a highly symbolic one. Seventy years, after all, is roughly an average human lifespan—so time is running out for the

## FIGHT FOR AN ANTI-WAR GOVERNMENT



relatively few individuals who have first-hand experience of a wartime nuclear detonation. Many survivors of Hiroshima and Nagasaki, known in Japanese as Hibakusha, have already passed away. Fewer than 200,000 are still living. The average Hibakusha is now more than 80 years old. What will their legacy be? Has the world absorbed the lessons that the Hibakusha have sought to teach? And how will Hiroshima and Nagasaki be remembered by generations to come?

For decades, Hibakusha have spoken tirelessly and courageously about their tragic experiences. They have warned the world about the cruel, inhumane, and immoral effects of nuclear weapons. They have repeatedly sent delegations to the UN General Assembly and to review conferences for the Nuclear Non-Proliferation Treaty (NPT). They have conducted letter-writing campaigns urging nuclear weapon states to accelerate disarmament. They have appealed to both policy makers and ordinary people to create a world free of nuclear weapons.

But outside Japan, their voices have often been ignored. Indeed, their message has sometimes been misinterpreted so badly that the horrific experiences they describe have been portrayed as an incentive for nations to develop nuclear weapons in the name of deterrence.

But deterrence does not explain why nuclear weapons have not been used in wartime over the last seven decades. The United States considered using nuclear weapons during both the Korean and Vietnam Wars — but did not use them. U.S. leaders rejected the nuclear option not because they feared retaliation but because they understood the physical, humanitarian, and political consequences that the nuclear option would have entailed. In other words, it is not an adversary's readiness to use nuclear weapons, but rather recognition of these weapons' catastrophic impact, that has prevented wartime nuclear detonations for 70 years.

But as Hibakusha continue to age, and as their memories fade, the taboo surrounding the use of nuclear weapons may weaken in national policy debates. Even in Japan nowadays, the doctrine of nuclear deterrence is challenged less and less. This has provided space for a handful of ideologues to advocate that Japan become nuclear-armed itself.

Still, the Hibakusha, whose dream is to see a world without

nuclear weapons within their lifetimes, have in recent years gained hope for disarmament. Their renewed hope is largely due to the international community's increased focus on the humanitarian consequences of using nuclear weapons.

### A Movement Gets Moving

The "humanitarian initiative" arguably began with a 2010 appeal by the president of the International Committee of the Red Cross that noted "the unspeakable human suffering" that nuclear weapons cause and called for their elimination "through a legally binding international treaty." The next year, the Council of Delegates of the Red Cross and Red Crescent issued a resolution that highlighted the "destructive power of nuclear weapons [and] the threat they pose to the environment and to future generations." The resolution appealed to all states to "ensure that nuclear weapons are never again used" and to work with urgency and determination toward a binding agreement that eliminates nuclear weapons.

Then, during a 2012 NPT meeting in Vienna, the nation of Switzerland issued a statement on behalf of 16 countries emphasizing the humanitarian dimensions of nuclear disarmament. The statement stopped short of calling for a ban on nuclear weapons. But the number of countries that support the statement has grown. By April of this year, 159 countries had signed on to a sixth version.

In the interim, a series of international conferences on the humanitarian impact of nuclear weapons was conducted. Featuring testimony from Hibakusha, these conferences built upon the lessons of Hiroshima and Nagasaki; there was also testimony from survivors of nuclear tests. Experts highlighted the catastrophic effects that would proceed from any nuclear detonation — whether intentional, accidental, or as a result of miscalculation. Tens of millions would be killed, injured, or displaced. The global climate would be disrupted, leading to famine. Communication infrastructures would be destroyed and the global economy would be impaired, rendering impossible any effective humanitarian response by governments or relief agencies.

In response to these appalling scenarios, the chair of the

## ELIMINATE U.S. NUCLEAR ARSENAL NOW

2014 humanitarian conference in Nayarit, Mexico stated that the “time has come to initiate a diplomatic process” toward reaching “new international standards and norms, through a legally binding instrument.” He also stated that “in the past, weapons have been eliminated after they have been outlawed” and that “this is the path to achieve a world without nuclear weapons.” In other words, he called for an outright ban on nuclear weapons—something that would go far beyond the relatively weak disarmament requirements of the NPT. He identified the 70th anniversary of the Hiroshima and Nagasaki attacks as “the appropriate milestone to achieve our goal.”

Existing international law does not regulate nuclear weapons properly. Unlike other weapons of mass destruction, nuclear weapons are not banned in explicit terms. The NPT is the only multilateral treaty that contains a binding commitment to nuclear disarmament—but this treaty, while it prevents most states from acquiring nuclear weapons, effectively allows five states to possess them. What’s needed, then, is a complete legal prohibition against all nuclear weapons.

In order to redress this fundamental deficit in the disarmament regime, the Austrian government at the 2014 humanitarian conference in Vienna initiated what has become known as the Humanitarian Pledge. In the pledge, Austria called on all parties to the NPT to “identify and pursue effective measures to fill the



legal gap for the prohibition and elimination of nuclear weapons.” This statement, though rendered in rather bland diplomatic language, appears to identify the Nuclear Non-Proliferation Treaty as inadequate for achieving disarmament and pledges action to create an alternate, much stricter legal structure. A number of civil society groups have begun promoting the pledge—and it has now been endorsed by some 110 governments, a number that continues to grow.

### A Fitting Legacy

For 70 years, Hibakusha have worked to communicate that nuclear weapons are inhumane and the consequences of

using them are unacceptable. In Nayarit, the Hibakusha Setsuko Thurlow said that “Although we Hibakusha have spent our life energy to warn people about the hell that is nuclear war, in nearly 70 years there has been little progress in the field of nuclear disarmament. … It is our hope that this new movement to ban nuclear weapons will finally lead us to a nuclear weapon-free world.”

Now, within the limited time left to those who have first-hand experience of wartime nuclear detonations, is the moment to establish an international treaty that stigmatizes nuclear weapons, criminalizes them, and provides for their total elimination. Such a treaty would honor the Hibakusha’s seven decades of work and provide them a fitting, lasting legacy.

## Arguments for Nuclear Abolition

### *International Campaign to Abolish Nuclear Weapons*

#### **The humanitarian case:**

The abolition of nuclear weapons is an urgent humanitarian necessity. Any use of nuclear weapons would have catastrophic consequences. No effective humanitarian response would be possible, and the effects of radiation on human beings would cause suffering and death many years after the initial explosion. Eliminating nuclear weapons – via a comprehensive treaty – is the only guarantee against their use.

Even if a nuclear weapon were never again exploded over a city, there are intolerable effects from the production, testing and deployment of nuclear arsenals that are experienced as an ongoing personal and community catastrophe by many people around the globe. This humanitarian harm too must inform and motivate efforts to outlaw nuclear weapons.

#### **Catastrophic effects of nuclear weapons**

“Nuclear weapons are unique in their destructive power, in the unspeakable human suffering they cause, in the impossibility of controlling their effects in space and time, and in the threat they pose to the environment, to future generations, and indeed to the survival of humanity.” – International Committee of the Red Cross, 2010

#### **The security case**

Nuclear weapons pose a direct and constant threat to people everywhere. Far from keeping the peace, they breed fear and mistrust among nations. These ultimate instruments of terror and mass destruction have no legitimate military or strategic utility, and are useless in addressing any of today’s real security threats, such as terrorism, climate change, extreme

## FIGHT FOR AN ANTI-WAR GOVERNMENT

poverty, overpopulation and disease.

While more than 40,000 nuclear weapons have been dismantled since the end of the cold war, the justifications for maintaining them remain largely unchanged. Nations still cling to the misguided idea of “nuclear deterrence”, when it is clear that nuclear weapons only cause national and global insecurity. There have been dozens of documented instances of the near-use of nuclear weapons as a result of miscalculation or accidents.

**Myth:** It is OK for some countries to possess nuclear weapons.

**Reality:** When it comes to nuclear weapons, there are no safe hands. So long as any country has these weapons, others will want them, and the world will be in a precarious state.

**Myth:** It is unlikely that nuclear weapons will ever be used again.

**Reality:** Unless we eliminate nuclear weapons, they will almost certainly be used again, either intentionally or by accident, and the consequences will be catastrophic.

**Myth:** Nuclear weapons provide a useful deterrent against attack.

**Reality:** Nuclear weapons do not deter terrorists. Nuclear-armed nations are actually more vulnerable to pre-emptive strike and terrorist targeting than non-nuclear countries.

**Myth:** Nuclear weapons can be used legitimately in war.

**Reality:** Any use of weapons would violate international humanitarian law because they would indiscriminately kill civilians and cause long-term environmental harm.

### The Environmental Case

Nuclear weapons are the only devices ever created that have the capacity to destroy all complex life forms on Earth. It would take less than 0.1 percent of the explosive yield of the current global nuclear arsenal to bring about devastating agricultural collapse and widespread famine. The smoke and dust from fewer than 100 Hiroshima-sized nuclear explosions would cause an abrupt drop in global temperatures and rainfall.

Climate disruption and nuclear famine: “Climate change may be the global policy issue that has captured most attention in the last decade, but the problem of nuclear weapons is at least its equal in terms of gravity – and much more immediate in its potential impact.” – International Commission on Nuclear Non-Proliferation and Disarmament, 2009

### The Economic Case

The production, maintenance and modernization of nuclear forces diverts vast public resources away from health care, education, climate change mitigation, disaster relief, development assistance and other vital services. The nine nuclear-armed nations spend in excess of \$105 billion each year, or \$12 million an hour, maintaining and modernizing their nuclear arsenals. The U.S. alone spends more than \$60 billion annually.

The World Bank forecast in 2002 that an annual investment of just \$40-60 billion, or roughly half the amount currently spent on nuclear weapons, would be enough to meet the internationally agreed Millennium Development Goals on poverty alleviation by the target date of 2015.

Despite renewed commitments by nations to achieve a nuclear-weapon-free world, all of the nuclear powers continue to invest exorbitant sums of money in their nuclear forces, [with the U.S. by far spending the most, more than all the others combined]. Funding allocated to national disarmament efforts is minuscule by comparison, and the principal UN body responsible for advancing nuclear abolition has an annual budget of just over \$10 million, which is less than the amount spent on nuclear weapons every hour. It is time for a ban.



# America's Barbaric Logic of Hiroshima 70 Years On

*Finian Cunningham*

Even if we accept that there was a plausible military imperative to drop the atomic bombs on Hiroshima and Nagasaki – to bring about a swift defeat of Japan and thus an end to the Pacific War – the horror of civilian death toll from those two no-warning aerial attacks places a disturbing question over the supposed ends justifying the means.

But what if the official military rationale touted by U.S. President Harry Truman and his administration turns out to be bogus? That is, the real reason for dropping the A-bombs on Hiroshima and Nagasaki 70 years ago on August 6 and 9, 1945, had little to do with defeating imperial Japan and saving the lives of American troops. What if the real reason was the deliberate and cold-blooded demonstration of raw military power by Washington in order to warn the Soviet Union of America's postwar demarcation of global hegemony?

### **U.S. Terrorism**

That leads to the most chilling conclusion – a conclusion far worse than the official American narrative would have us believe. For it means that the act of obliterating up to 200,000 Japanese civilians was an event of premeditated mass murder whose intent was solely political. Or, in other words, an act of state terrorism committed by the United States.

This conjecture about the ulterior motive for the American atomic bombing of Japan has been around for many years. In January 1995, the *New York Times* reported: "Indeed, some historians contend that the bombing was not aimed so much at the wartime enemy Japan as at the wartime ally Soviet Union, delivered as a warning against postwar rivalry."

With complacent equivocation, the *New York Times* did not follow through on the horrendous implications of its own partial admission for why the atomic bombs were dropped. If the official U.S. calculation was indeed "a warning against postwar rivalry" to the Soviet Union, then that makes the act an indefensible political decision that had nothing to do with a moral imperative of promptly ending a war. It was, as noted, a supreme act of terrorism.

### **Bombing Not Necessary to End War**

Professor Gar Alperovitz – one of several American historians



– has over the decades compiled a compelling case that the Truman administration did in fact make the decision to use the nuclear bombs as a political weapon against the Soviet Union.

The author of "The Decision to Use the Atomic Bomb" wrote: "Though most Americans are unaware of the fact, increasing numbers of historians now recognize that the United States did not need to use the atomic bomb to end the war against Japan in 1945. Moreover, this essential judgment was expressed by the vast majority of top American military leaders in all three services in the years after the war ended: Army, Navy and Army Air Force."

Alperovitz cites then U.S. Secretary of War Henry L. Stimson and such military luminaries as General Dwight Eisenhower and Joint Chiefs of Staff Admiral William D Leahy who were explicitly opposed to using the nuclear bomb on Japan. Eisenhower said it was "completely unnecessary" while Leahy noted: "The use of this barbarous weapon at Hiroshima and Nagasaki was of no material assistance in our war against Japan. The Japanese were already defeated and ready to surrender."

This points to covert political decision-making during the critical three-week period between the Potsdam conference (July

17-August 2 1945) and the dropping of the bombs on Japan. During that period it appears that Truman and his aides decided in secret that the then Soviet wartime ally was to be henceforth made the postwar enemy. The Cold War was being formulated.

Bear in mind that for months before Potsdam, the U.S. and Britain were appealing to Russian leader Josef Stalin to join the Pacific War soon after the defeat of Nazi Germany. Two months after the Third Reich was vanquished in May 1945, the Potsdam conference between the Big Three allies achieved the much-anticipated commitment from Stalin to re-deploy the Red Army against Japan. The Soviet Union was scheduled to officially enter the Pacific War on August 15. As it turned out, Stalin ordered the Red Army into Manchuria on August 8, a week ahead of the scheduled offensive.

As Harry Truman gleefully wrote in a private letter during Potsdam this commitment from the Soviet Union meant that the Japanese "were finished."

However, the successful testing of the first atomic bomb by the United States in the desert of New Mexico on July 16 – only the day before beginning the Potsdam summit – was a point of no return. With this awesome new weapon, U.S. planners must have quickly realized that they could finish the war against Japan without the Soviet Union entering the Pacific theatre, by dropping the atomic bomb.

But the primary US objective was not to finish the Pacific War per se. American and British military chiefs and intelligence were convinced that the mere entry of Russia into the war against Japan would precipitate the latter's surrender. And besides the American invasion of mainland Japan was not planned to take place until November 1945.

It seems clear then that the Truman administration rushed ahead to use its new atomic weapon on Japan because its concern was to circumscribe any advance by the Soviet Union in the Asia-Pacific. Not only was the Red Army poised to take Manchuria and the Korean Peninsula but mainland Japan as well.

### Crime of Bombing Used to Threaten Soviet Union

Hiroshima and Nagasaki – two civilian centers of no military value – were thus selected as the venues for demonstrating the most spellbinding act of terror, not to an all but defeated Japan, but to the Soviet Union. The atomic bombing of Japan was therefore not the last act of the Pacific War, as the official American narrative contends, but rather it was the first, brutal act of the nascent Cold War by the US towards Soviet Russia.

That puts the horrific events in an altogether different criminal light. Because the atomic bombings can then be seen as a deliberate act of mass murder for no other strategic reason than to intimidate a perceived geopolitical rival – Moscow.

Seventy years on, history proves that this barbaric logic of the U.S. ruling elite still holds. After the official end of the Cold



War nearly a quarter of a century ago, Washington has evidently no intention of disarming its nuclear arsenal. In fact, the U.S. government under President Barack Obama is planning to spend \$355 billion over the next decade to upgrade its stockpile of some 5,000 nuclear warheads – each many times more powerful than the bombs that were dropped on Japan.

Furthermore, Washington has officially declared Russia, along with China, as its top strategic enemy, as recent as this month, according to senior Pentagon figures.

The unilateral withdrawal by the U.S. from the Anti-Ballistic Missiles Treaty in 2002 and the ongoing expansion of U.S. missile systems on Russia's borders and in the Pacific with provocative reference to China are testimony to the inherent bellicose intent that resides in Washington.

As with the first and only use of nuclear weapons 70 years ago, the U.S. logic that led to the holocaust at Hiroshima and Nagasaki is a barbaric logic that pertains to this day. It is still being aimed at Russia, as it was seven decades ago.

Only the full exposure and eradication of this uniquely American barbaric logic will lead to peaceful international relations.

*(Strategic Culture Foundation)*

WHEN U.S. BOMBED THE WORLD

# Nuclear Testing and the Rise of Global Cancer Deaths

*Jeffrey St. Clair, August 7, 2015*

The Cold War (as we once knew it) may be over, but its legacy remains quite hot — hot and deadly. A little noticed investigation from 2002 spells out the grim toll. Radioactive fallout from nuclear weapons testing has killed more than 15,000 Americans and caused at least 80,000 cancers. Ominously, the report concluded that decades of open air nuclear blasts have exposed to radiation nearly everyone who has resided in the United States since 1952.

The report, conducted by the National Cancer Institute and Centers for Disease Control, is remarkable for several reasons, not least because it represented the first time the U.S. government released an assessment of the spread and consequences to human health of radioactive fallout from nuclear weapons testing. It was also the first time that the government owned up to the fact that a substantial number of cancer deaths have been caused by nuclear testing. Previously, the federal government had only admitted to adverse health consequences to downwinders, residents in communities near the Nevada Test Site.

The report was commissioned by Congress in 1998 following the public uproar over a 1997 study by the National Cancer Institute that investigated the fallout from only one radionuclide, iodine-131, and its link to thyroid cancers. That study mainly looked at the so-called “milk pathway” to exposure. Iodine-131 dropped as fallout across dairy country, where it was consumed by cows and goats. The toxic iodine then showed up in concentrated form in cow, and especially, goat milk.

The 2002 investigation of global fallout was much broader, tracking, among other things, exposure to cesium-137. In addition to charting fallout from the Nevada Test Site, the National Cancer Institute study also probed fallout from U.S. nuclear tests in the Marshall Islands and Johnston Atoll, British nuclear explosions on the Christmas Islands and Soviet testing at Semipalatinsk and Novaya Zemlya.

The irradiation of the global environment has been a uniquely cooperative endeavor, with all of the world’s nuclear superpowers contributing to the toll. The U.S. has carried out 1,030 nuclear weapons tests (the last on September 23, 1993); the former Soviet Union conducted 715 explosions; France 210 tests; China 47 tests



and Britain 45 tests.

The body count from radioactive fallout is insidious, largely hidden in the slow but relentless accumulation of cancers, such as thyroid (2,500 deaths), leukemia (550 deaths), radiogenic cancers from external exposure (11,000 deaths) and radiogenic cancers from internal doses of tritium and cesium-137 (3,000 deaths).

“This report and other official data show that hot spots of radiation occurred thousands of miles away from the test sites,” said Dr. Arjun Makhijani, president of the Institute for Energy and Environmental Research. “Hot spots due to testing in Nevada occurred as far away as New York and Maine. Hot spots from U.S. Pacific area testing and also from Soviet testing were scattered across the United States from California, Oregon, Washington in the West to New Hampshire, Vermont and North Carolina in the East.”

Even so the conclusions from this report are far from comprehensive. The CDC/NCI study only examined tests conducted from 1951 to 1962. That means it excluded Chinese tests, most French atmospheric testing in the Pacific, pre-1951 testing in the Marshall Islands, the 1945 New Mexico tests, the Hiroshima and Nagasaki bombings and ventings from underground tests by the U.S. and the Soviet Union.

In addition, the NCI/CDC report did not include calculations for Alaska and Hawai’i, which experienced heavy fallout from the Novaya Zemlya and Marshall Islands tests respectively.

And this only tells a small part of the story. The fallout statistics do not account for the illnesses and death of other civilians, including uranium miners, nuclear plant workers, and people who live near nuclear sites such as Hanford and Rocky Flats.

The NCI/CDC report gathered dust for more than six months, as the Bush administration and congress tussled over how to control the reaction to its horrifying conclusions. Even in the 1950s, the Pentagon and the old Atomic Energy Commission knew that radioactive fallout from explosions at the Nevada Test Site was spreading across the American West and into Canada and Mexico.

Yet, the government largely chose to hide this information from the public. (*Counter Punch*)