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A Warning from History



Z MAGAZINE June 2019

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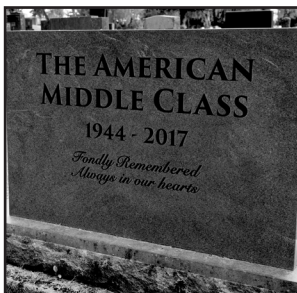
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Three Lessons for the Left from the Mueller Inquiry

By Jonathan Cook

Here are three important lessons for the progressive left to consider now that it is clear the inquiry by special counsel Robert Mueller into Russiagate is never going to uncover collusion between Donald Trump's camp and the Kremlin in the 2016 presidential election.

Painting the Pig's Face

1. The left never had a dog in this race. This was always an in-house squabble between different wings of the establishment. Late-stage capitalism is in terminal crisis, and the biggest problem facing our corporate elites is how to emerge from this crisis with their power intact. One wing wants to make sure the pig's face remains painted, the other is happy simply getting its snout deeper into the trough while the food lasts.

Russiagate was never about substance, it was about who gets to image-manage the decline of a turbo-charged, self-harming neoliberal capitalism.

The leaders of the Democratic party are less terrified of Trump and what he represents than they



Protestors across the U.S. urged Attorney General Barr to release the unredacted report on the Mueller Investigation, photo by Rick Beauregard/Shutterstock.com

are of us and what we might do if we understood how they have rigged the political and economic system to their permanent advantage.

It may look like Russiagate was a failure, but it was actually a success. It deflected the left's attention from endemic corruption within the leadership of the Democratic party, which supposedly represents the left. It rechannelled the left's political energies instead towards the convenient bogeymen targets of Trump and Russian president Vladimir Putin.

Mired in corruption

What Mueller found—all he was ever going to find—was marginal corruption in the Trump camp. And that was inevitable because Washington is mired in corruption. In fact, what Mueller revealed was the most exceptional forms

of corruption among Trump's team while obscuring the run-of-the-mill stuff that would have served as a reminder of the endemic corruption infecting the Democratic leadership too.

An anti-corruption investigation would have run much deeper and exposed far more. It would have highlighted the Clinton Foundation, and the role of mega-donors like James Simons, George Soros and Haim Saban who funded Hillary's campaign with one aim in mind: to get their issues into a paid-for national "consensus."

Further, in focusing on the Trump camp—and relative minnows like Paul Manafort and Roger Stone—the Russiagate inquiry actually served to shield the Democratic leadership from an investigation into the much worse corruption revealed in the content of the DNC emails. It was the leaking/hacking of those emails that provided the rationale for Mueller's investi-

gations. What should have been at the front and center of any inquiry was how the Democratic party sought to rig its primaries to prevent party members selecting anyone but Hillary as their presidential candidate.

So, in short, Russiagate has been two years of wasted energy by the left, energy that could have been spent both targeting Trump for what he is really doing rather than what it is imagined he has done, and targeting the Democratic leadership for its own, equally corrupt practices.

Trump Empowered

2. But it's far worse than that. It is not just that the left wasted two years of political energy on Russiagate. At the same time, they empowered Trump, breathing life into his phony arguments that he is the anti-establishment president, a people's president the elites are determined to destroy.

Trump faces opposition from within the establishment not because he is "anti-establishment" but because he refuses to decorate the pig's snout with lipstick. He is tearing the mask off late-stage capitalism's greed and self-destructiveness. And he is doing so not because he wants to reform or overthrow turbo-charged capitalism but because he wants to remove the last, largely cosmetic, constraints on the system so that he and his friends can plunder with greater abandon—and destroy the planet more quickly.

The other wing of the neoliberal

establishment, the one represented by the Democratic party leadership, fears that exposing capitalism in this way—making explicit its inherently brutal, wrist-slitting tendencies—will awaken the masses, that over time it will risk turning them into revolutionaries. Democratic party leaders fear Trump chiefly because of the threat he poses to the image of the political and economic system they have so lovingly crafted so that they can continue enriching themselves and their children.

Trump's genius—his only genius—is to have appropriated, and misappropriated, some of the language of the left to advance the interests of the 1 percent. When he attacks the corporate "liberal" media for having a harmful agenda, for serving as propagandists, he is not wrong. When he rails against the identity politics cultivated by "liberal" elites over the past two decades—suggesting that it has weakened the U.S.—he is not wrong. But he is right for the wrong reasons.

TV's Version of Clickbait

The corporate media, and the journalists they employ, are propagandists—for a system that keeps them wealthy. When Trump was a Republican primary candidate, the entire corporate media loved him because he was TV's equivalent of clickbait, just as he had been since reality TV began to usurp the place of current affairs programs and meaningful political debate.

The handful of corporations that own the U.S. media—and much of corporate America besides—are there both to make ever-more money by expanding profits and to maintain the credibility of a political and economic system that lets them make ever more money.

The "liberal" corporate media shares the values of the Democratic party leadership. In other words, it is heavily invested in making sure the pig doesn't lose its lipstick. By contrast, Fox News and the shock-jocks, like Trump, prioritize making money in the short term over the long-term credibility of a system that gives them license to make money. They care much less whether the pig's face remains painted.

So Trump is right that the "liberal" media is undemocratic and that it is now propagandizing against him. But he is wrong about why. In fact, all corporate media—whether "liberal" or not, whether against Trump or for him—is undemocratic. All of the media propagandizes for a rotten system that keeps the vast majority of Americans impoverished. All of the media cares more for Trump and the elites he belongs to than it cares for the 99 percent.

Gorging on the Main Course

Similarly, with identity politics. Trump says he wants to make (a white) America great again, and uses the left's obsession with identity as a way to en-

ergize a backlash from his own supporters.

Just as too many on the left sleep-walked through the past two years waiting for Mueller—a former head of the FBI, the U.S. secret police, for chrissakes—to save them from Trump, they have been manipulated by liberal elites into the political cul-de-sac of identity politics.

Just as Mueller put the left on standby, into waiting-for-the-Messiah mode, so simple-minded identity politics has been cultivated in the supposedly liberal bastions of the corporate media and Ivy League universities—the same universities that have turned out generations of Muellers and Clintons—to deplete the left's political energies. While we argue over who is most entitled and most victimized, the establishment has carried on pillaging Third World countries, destroying the planet and siphoning off the wealth produced by the rest of us.

These liberal elites long ago worked out that if we could be made to squabble among ourselves about who was most entitled to scraps from the table, they could keep gorging on the main course.

The “liberal” elites exploited identity politics to keep us divided by pacifying the most marginalized with the offer of a few additional crumbs. Trump has exploited identity politics to keep us divided by inflaming tensions as he re-orders the hierarchy of “privilege” in which those crumbs are offered. In the



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process, both wings of the elite have averted the danger that class consciousness and real solidarity might develop and start to challenge their privileges.

The Corbyn Experience

3. But the most important lesson of all for the left is that support among its ranks for the Mueller inquiry against Trump was foolhardy in the extreme.

Not only was the inquiry doomed to failure—in fact, not only was it designed to fail—but it has set a precedent for future politicized investigations that will be used against the progressive left should it make any significant political gains. And an inquiry against the real left will be far more aggressive and far more “productive” than Mueller was.

If there is any doubt about that look to the UK. Britain now has within reach of power the first truly progressive politician in living memory, someone seeking to represent the 99

percent, not the 1 percent. But Jeremy Corbyn's experience as the leader of the Labour party—massively swelling the membership's ranks to make it the largest political party in Europe—has been eye-popping. I have documented Corbyn's travels regularly in this blog over the past four years at the hands of the British political and media establishment.

Corbyn, even more so than the small, new wave of insurgency politicians in the U.S. Congress, has faced a relentless barrage of criticism from across the UK's similarly narrow political spectrum. He has been attacked by both the right-wing media and the supposedly “liberal” media. He has been savaged by the ruling Conservative party, as was to be expected, and by his own parliamentary Labour party. The UK's two-party system has been exposed as just as hollow as the U.S. one.

The ferocity of the attacks has been necessary because, unlike the Democratic party's success in keeping a progressive left-

winger away from the presidential campaign, the UK system accidentally allowed a socialist to slip past the gatekeepers. All hell has broken out ever since.

Simple-Minded Identity Politics

What is so noticeable is that Corbyn is rarely attacked over his policies—mainly because they have wide popular appeal. Instead he has been hounded over fanciful claims that, despite being a life-long and very visible anti-racism campaigner, he suddenly morphed into an outright anti-semitic the moment party members elected him leader.

But what is amazing is that, just as with the Mueller inquiry, much of the British left—including prominent figures like Owen Jones and the supposedly countercultural Novara Media—have sapped their political energies in trying to placate or support those leading the preposterous claims that Labour under Corbyn has become “institutionally anti-semitic.” Again, the promotion of a simple-minded identity politics—which pits the rights of Palestinians against the sensitivities of Zionist Jews about Israel—was exploited to divide the left.

The more the left has conceded to this campaign, the angrier, the more implacable, the more self-righteous Corbyn’s opponents have become—to the point that the Labour party is now in serious danger of imploding.

A Clarifying Moment

Were the U.S. to get its own Corbyn as president, he or she would undoubtedly face a Mueller-style inquiry, and one far more effective at securing the president’s impeachment than this one was ever going to be.

That is not because a left-wing U.S. president would be more corrupt or more likely to have colluded with a foreign power. As the UK example shows, it would be because the entire media system—from the *New York Times* to Fox News—would be against such a president. And as the UK example also shows, it would be because the leaderships of both the Republican and Democratic parties would work as one to finish off such a president.

In the combined success-failure of the Mueller inquiry, the left has an opportunity to understand in a much more sophisticated way how real power works and in whose favor it is exercised. It is moment that should be clarifying—if we are willing to open our eyes to Mueller’s real lessons. **Z**

Jonathan Cook won the Martha Gellhorn Special Prize for Journalism. His books include *Israel and the Clash of Civilisations: Iraq, Iran and the Plan to Remake the Middle East* (Pluto Press) and *Disappearing Palestine: Israel’s Experiments in Human Despair* (Zed Books). His website is www.jonathan-cook.net.

Trump’s “Troika of Tyranny” Meddles in Venezuela, Cuba, Nicaragua

By Marjorie Cohn

Under the guise of protecting human rights, the Trump administration is illegally meddling in three countries it has dubbed the “troika of tyranny”—Venezuela, Cuba and Nicaragua. National Security Adviser John Bolton claimed, “Miami is home to countless Americans, who fled the prisons and death squads of the Castro regime in Cuba, the murderous dictatorships of Chavez and Maduro in Venezuela, and the horrific violence of the 1980s and today under the brutal reign of the Ortegans in Nicaragua.”

But the U.S. government’s human rights record doesn’t compare favorably to Cuba’s. And the Trump administration, which ignores notorious human rights violators like Saudi Arabia, is acting out of more cynical motives in its commission of egregious human rights violations against Venezuela, Cuba and Nicaragua.

The U.S. government has imposed unlawful, coercive

sanctions on these nations, and attempted to mount a coup to illegally change Venezuela's regime.

Trump and the real troika of tyranny—Bolton, Secretary of State Mike Pompeo and U.S. envoy for Venezuela Elliott Abrams—have failed in their coup attempt against the democratically elected Venezuelan President Nicolas Maduro. Trump's troika, egged on by Senator Marco Rubio (R-FL), are seeking to substitute U.S. puppet Juan Guaidó for Maduro as president of Venezuela.

On May 1, Pompeo told *Fox Business* that the U.S. might use military force in Venezuela "if that's what is required." Eric Prince, founder of the infamous Blackwater mercenary group, presented a plan to U.S. and European leaders to provide 5,000 mercenaries to Guaidó.

McClatchy reported that covert U.S. weapons shipments arrived in Venezuela from Miami in February.

This is particularly alarming because Russia has a solidarity presence in Venezuela and a U.S.-backed attack could risk a conflagration with Russia.

Furthermore, the United Nations Charter forbids countries from using or threatening to use force against the territorial integrity or political independence of another country. The Charter of the Organization of American States prohibits any country from intervening in the internal or external affairs of another nation. And the International Covenant on Civil and Political Rights guarantees the right to

self-determination.

Sanctions Constitute Illegal Collective Punishment

Meanwhile, the Trump administration has increased punishing sanctions on Venezuela as a step toward forcible regime change. "Statements from the [Trump] administration indicated that the purpose of the sanctions was to provoke a military rebellion to topple the government," according to a new report by the Center for Economic and Policy Research.

Those sanctions are exacerbating the humanitarian catastrophe in Venezuela. They have led to more than 40,000 deaths from 2017-2018 and oil production has fallen more than 36 percent since January 2019.

The report says the economic sanctions Trump imposed in August 2017 "reduced the public's caloric intake, increased disease and mortality (for both adults and infants), and displaced millions of Venezuelans who fled the country as a result of the worsening economic depression and hyperinflation." In addition, "They exacerbated Venezuela's economic crisis and made it nearly impossible to stabilize the economy, contributing further to excess deaths. All of these impacts disproportionately harmed the poorest and most vulnerable Venezuelans."

According to the report, "Even more severe and destructive than the broad economic sanctions of August 2017 were

the sanctions imposed by executive order on January 28, 2019, and subsequent executive orders this year; and the recognition of a parallel government."

Seeking to pressure Cuba to cease its solidarity with Venezuela, Trump has slammed Cuba with more sanctions, stiffening the economic and travel blockade and activating Title III of the Helms Burton Act to allow thousands of lawsuits that will discourage tourism and investment in Cuba.

Trump has threatened Cuba with "a full and complete" embargo if it does not "immediately" stop supporting the Maduro government. Cuba called Bolton a "pathological liar" for alleging that Cuban troops are stationed in Venezuela. Cuban Foreign Minister Bruno Rodriguez stated at a news conference, "This is vulgar calumny. Cuba does not have troops nor military forces nor does it participate in military or security operations of the sister Republic of Venezuela." Indeed, the CIA has determined that Cuba is much less involved and its solidarity is much less crucial to Venezuela than U.S. officials think, according to a former official.

In December 2018, Trump signed a bill levying sanctions to block Nicaragua from obtaining loans from the World Bank, the Inter-American Development Bank and the International Monetary Fund. The U.S. government is targeting Nicaragua's Bancorp, which has ties to Venezuela.

All of these sanctions constitute collective punishment of

the civilian population, which is prohibited by the Geneva and Hague Conventions. They also violate the Charter of the Organization of American States, which prohibits intervention in the internal or external affairs of another country and the use of economic or political coercive measures “to force the sovereign will of another State.”

This is not the first time the U.S. government has interfered and intervened in these three sovereign socialist countries. In 1960, responding to a secret State Department memo, the Eisenhower administration imposed an economic embargo on Cuba. The memo proposed “a line of action which, while as adroit and inconspicuous as possible, makes the greatest inroads in denying money and supplies to Cuba, to decrease monetary and real wages, to bring about hunger, desperation and overthrow of government.” The cruel U.S. economic blockade against Cuba, which continues to this day, has never led to the overthrow of the Cuban Revolu-

tion.

In the 1980s, the Reagan administration illegally assisted the Contras, who sought unsuccessfully to overthrow Daniel Ortega’s socialist government in Nicaragua.

And in 2002, the CIA during the George W. Bush administration mounted a failed coup attempt against socialist president Hugo Chavez in Venezuela.

The United States uses a double standard for its human rights concerns and its attacks on socialist countries.

Embassy Protection Collective Protects Venezuelan Embassy

Meanwhile, the Embassy Protection Collective remains in the Venezuelan embassy in Washington, DC. Members of CODEPINK and Popular Resistance have lived in the embassy for more than two weeks to protect it from a coup attempt and possible invasion by U.S.-backed opposition forces.

es. On May 1, members of the collective fended off an attempted takeover of the embassy by forces loyal to Guaidó.

If the Trump administration were to enter the embassy to expel these people, who are present with consent of the Venezuelan government, it would violate the Vienna Convention on Diplomatic Relations. Article 22 of that treaty states, “The premises of the mission shall be inviolable.” U.S. agents are prohibited from entering the embassy without the consent of the Maduro government. The United States is also “under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.” And the premises, furniture and other property “shall be immune from search, requisition, attachment or execution.”

Margaret Flowers and Kevin Zeese, members of the Embassy Protective Collective, wrote, “If the Venezuelan embassy in Washington is taken over by the opposition, it will have disastrous results. The Venezuelan government declared that if this happens, they will take the US embassy in Caracas. The US will view this as an act of aggression, and because it is already looking for an excuse to do so, could attack Venezuela. Because Russia and China are close allies of Venezuela, this could spark a global conflict.”



Havana, Cuba, by Sean Pavone/Shutterstock.com

Why Is Team Trump In-

tent on Sanctions and Regime Change?

Why is Trump's troika so intent on regime change in Venezuela and sanctions in Cuba, Venezuela and Nicaragua?

Last month, Bolton addressed the Bay of Pigs Veterans Association on the 58th anniversary of the Bay of Pigs invasion, in which the U.S. aided and abetted a failed attempt to overthrow Cuba's Fidel Castro. "Together, we can finish what began on those beaches," Bolton said, adding, "We must reject the forces of communism and socialism in this hemisphere."

It's not simply anti-communism that animates the Trump administration's fixation on sanctions and regime change in these Latin American countries. "With at least a half-million voters who were born in Cuba, Venezuela, Colombia or Nicaragua—and more with ancestral roots in those countries—it's a constituency that could prove pivotal in November 2020 in a state that's essential to Trump's reelection fortunes," Marc Caputo wrote at Politico.

U.S. strategies on Cuba and Venezuela intertwine in an insidious way, and Senator Rubio is pivotal in both. "Venezuela is really an extension of the position on Cuba," according to Ricardo Herrera, director of the Cuba Study Group. The *Wall Street Journal* reports that both countries are part of a plan to reassert U.S. dominance in Latin America and finally destroy the Cuban Revolution.

Moreover, corporate America wants to get its hands on Venezuela's oil. Bolton said in January, "We're in conversation with major American companies now.... It will make a big difference to the United States economically if we could have American oil companies really invest in and produce the oil capabilities in Venezuela."

Veterans for Peace issued a statement calling on U.S. troops to resist illegal orders to invade Venezuela, noting, "While President Trump speaks of supporting democracy in Venezuela and Latin America, the real purpose of the U.S. assault on the Venezuelan government is to fully open the vast Venezuelan oil reserves to U.S. and other Western oil corporations as well as to destroy progressive governments in Latin America that put their own peoples' needs above the profits of foreign corporations."

Although there is opposition to Maduro's policies in Venezuela, people don't want the United States to impose its will on them. Eva Golinger, former adviser to Hugo Chavez, told "Democracy Now!" that "certainly, there are many in Venezuela who would hope for change in their country, but they don't want a U.S.-backed regime in place. They don't want a far-right-imposed regime that answers to foreign interests, which is what we're seeing take place in the country."

On May 1, Representative Ilhan Omar (D-MN), also appearing on "Democracy Now!," said, "A lot of the policies that

we have put in place has kind of helped lead the devastation in Venezuela," adding, "this particularly bullying and the use of sanctions to eventually intervene and make regime change really does not help the people of countries like Venezuela, and it certainly does not help and is not in the interest of the United States."

Many in Congress and the corporate media walk in lockstep with the administration on its Venezuela strategy. On April 3, a bipartisan group of senators introduced a bill to recognize Guaidó as the president of Venezuela.

Instead, Congress should pass H.R.1004, the Prohibiting Unauthorized Military Action in Venezuela Act, which would forbid the use of U.S. military force in Venezuela without explicit congressional authorization. This bill is now pending in the House Armed Services and Foreign Affairs Committees. People can contact their representatives and urge them to co-sponsor and support H.R.1004. **Z**

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Marjorie Cohn is professor emerita at Thomas Jefferson School of Law, former president of the National Lawyers Guild, deputy secretary general of the International Association of Democratic Lawyers and a member of the advisory board of Veterans for Peace. Her most recent book is *Drones and Targeted Killing: Legal, Moral, and Geopolitical Issues*.

Ruth Bader Ginsburg: A Life

By Stephen Bergstein

2018 was an anxious year for progressive Supreme Court watchers. In October 2018, the U.S. Senate confirmed Brett Kavanaugh to the Court following an explosive confirmation process in which Dr. Christine Blasey Ford accused Kavanaugh of an attempted rape in high school. That episode inflamed the American culture wars as we navigate the age of Trump: while Kavanaugh's defenders minimized Dr. Ford's claims (including the President, who mocked her at a public rally), the rest of the country watched in horror as Kavanaugh won confirmation after melting down before the Senate, cementing a 5-4 conservative Supreme Court majority that could govern the American legal system for decades. If Kavanaugh—a Federalist Society conservative who previously worked for President George W. Bush—discharges his duties as expected, this will be the first conservative firewall at the Supreme Court since the 1930s, when the Court repeatedly struck down New Deal legislation.

A month after Kavanaugh joined the Court, the progressive community gasped as



Ruth Bader Ginsburg, by Rob Crandal/Shutterstock.com

Justice Ruth Bader Ginsburg cracked three ribs after falling in her chambers at the Supreme Court. Justice Ginsburg is the most well-known justice, now a folk-hero as her firebrand dissenting opinions have drawn attention to the 85-year-old feminist who has already survived 2 bouts of cancer but works as hard as women half her age in a seeming effort to outlast the Trump administration and prevent the incendiary President from appointing a third conservative justice to the Court, which may soon rule on the legality of the Mueller investigation, Trump's presidential authority and general civil rights issues, including the rights of gays, lesbians and transgender employees.

This is a good time for a solid biography of Justice Ginsburg. We now have one. Jane Sherron DeHart, an historian specializing in women's studies, has authored a readable and engaging biography that traces Gins-

burg's life from her Brooklyn childhood to the nation's highest court. The book, *Ruth Bader Ginsburg: A Life* (Penguin/Random House: 2018), also outlines the trajectory of civil liberties over the last 45 years, demonstrating how Ginsburg almost single-handedly persuaded the Supreme Court in the 1970s to expand women's rights under the Equal Protection Clause, which had never previously been interpreted this way.

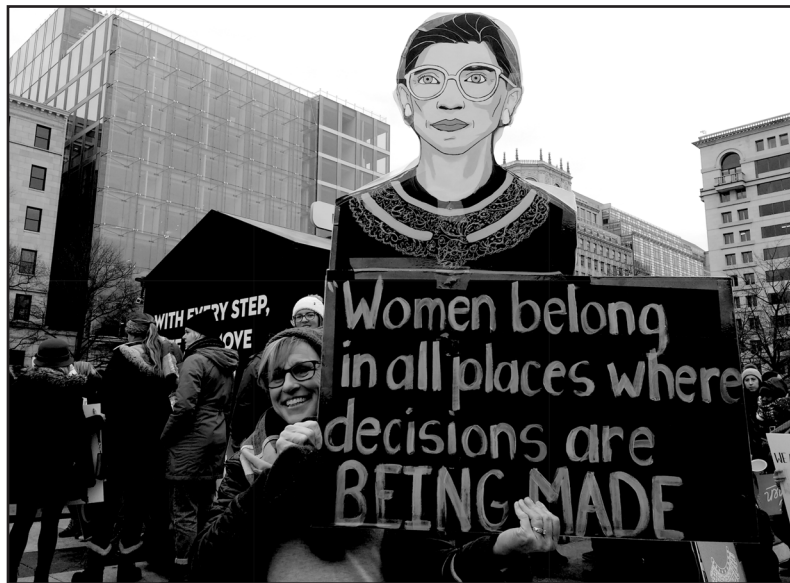
From childhood, Ginsburg was a brilliant and driven student who lost her mother to cancer on the eve of her high school graduation but excelled at Harvard and Columbia law schools, one of the few women in her class during the 1950s. DeHart captures the sexist atmosphere for female law students at the time, some of whom were openly ridiculed in class. By graduation, she had already married Martin Ginsburg, who went on to become an influential tax lawyer and played a key

role in marshaling support for his wife's judicial aspirations. Yet, that goal was decades away when Ginsburg graduated at the top of her class. Landing a judicial clerkship—the holy grail for law graduates who then springboard to large law firms or a law professorship—was difficult. One influential judge, Learned Hand, did not want to hire Ginsburg because, as “a gentleman of the old school, he knew that it was highly impolite to curse in front of a lady, and he had no incentive of censoring his salty language,” DeHart writes. One of Ginsburg's law professors convinced another federal judge to give her a chance.

Many top-shelf lawyers head straight to academia following law school. These days, it's usually a matter of choice. Ginsburg did it because she could not find a job. Many law firms did not want to hire women or Jews. Congress had not yet passed the Civil Rights Act of 1964, which prohibits employment discrimination on the basis of gender and religion. After a few years teaching at Rutgers Law School, Ginsburg took an interest in women's rights litigation, appellate practice in particular, where courts issue precedents that bind the lower courts. She also taught a course in sex discrimination and the law. When Ginsburg took on this work in the late 1960s, women had few legal rights. She and other pioneers designed law school courses, but there was little case law for students to study on the subject of women's rights. That would soon change.

While the legal landscape was barren in this area, the tools were in place for enterprising lawyers working to carve out new protections for women. The Civil Rights Act was still a new statute, but the Supreme Court did not start issuing rulings that definitively interpreted the law until the 1970s. And there was always the Fourteenth Amendment's Equal Protection Clause. At the time, heightened protections under that provision mostly dealt with racial discrimination, thanks to Thurgood Marshall, who as chief counsel for the NAACP in the 1940s and 1950s repeatedly struck down racial barriers and argued the seminal *Brown v. Board of Education*, which in 1954 held that school segregation violates

Ginsburg affiliated with the ACLU, where lawyers were influenced by the social movements of the 1960s to litigate their way to social change. Looking for a test case, Ginsburg's husband found one through a tax dispute where the IRS offered income tax deductions for unmarried women but not unmarried men. Ginsburg used this and other cases to embark on a strategy. Take on the right cases that could lead to a positive result. Each victory would become a building block for future cases, just as Marshall had done with racial discrimination cases. Fortunately, Ginsburg mostly won her cases, many of which challenged laws addressing trusts and estates, arcane administrative rules and



By Erin Alexis Randolph/Shutterstock.com

equal protection. Ginsburg did not know it, but she would emulate Marshall as a civil rights trailblazer and then as Supreme Court justice.

the drinking age. You set your precedents where you can find them, even if it means representing men who suffer discrimination so the precedent can protect

women in future cases.

Winning these cases was not easy. Ginsburg was arguing before judges who came of age in a misogynist time, nearly all of whom became lawyers and judges prior to the Civil Rights Act of 1964, and for whom equal rights for women was a foreign concept. (The Supreme Court did not rule that sexual harassment violates the Civil Rights Act until 1986.) Courts are also reluctant to find new rights in the Constitution. The puzzle is that the Equal Protection Clause does not speak to women or anyone else. It only says the “State [shall not] deny to any person within its jurisdiction the equal protection of the laws.” Courts have never applied that language literally, instead affording the government some leeway in regulating economic and other social matters so long as the law has a “rational basis,” an elastic legal standard in which the government usually wins.

The liberal Warren Court of the 1950s and 1960s eventually employed the Equal Protection Clause to protect blacks and other racial minorities from government-sponsored discrimination. Judges formulated a legal framework for analyzing statutes and rules that discriminated on the basis of race. Courts will strike down the law unless it is narrowly tailored to promote a compelling government interest. This is the perhaps the most stringent legal standard in constitutional law. Few laws survive “strict scrutiny,” in which courts carefully study the measure to determine whether its enact-

ment was absolutely necessary. But courts did not extend these protections to women, denying them heightened protections against discrimination under the Constitution. This spawned the Equal Rights Amendment, which gathered support in the 1970s but failed to see ratification in the early 1980s as the nation grew more conservative.

What ERA supporters could not accomplish through the political process was partly achieved through Ginsburg’s legal advocacy in the 1970s, although the Supreme Court never came to analyze sex discrimination cases as it did racial discrimination cases. Rather than apply “strict scrutiny” review (applicable to race claims), the Supreme Court settled upon “intermediate scrutiny” for sex discrimination cases, striking down laws that discriminate against women unless they substantially advanced an important government interest. That framework still prohibits many forms of gender discrimination, but it is not the kiss of death promised by strict scrutiny.

We can thank Ginsburg for these legal developments. She was not a litigator when she took on sex discrimination cases in the Supreme Court, but she developed a reputation as a serious and hard-working perfectionist whose analytical mind persuaded the all-male Supreme Court to revisit constitutional protections for women. Had Ginsburg never become a Supreme Court justice, she would have merited a biography. But not one that exceeds 700 pages. Half the book

covers her life after litigation.

In her mid-40s, after Jimmy Carter was elected President, Ginsburg sought a federal judgeship, hoping to capitalize on Carter’s promise to appoint more women to the federal judiciary, which was still dominated by white men. But at the time, Ginsburg was seen as just another civil rights crusader. Interviewing for a position on the Second Circuit Court of Appeals in Manhattan, the business lawyers on the screening committee deemed her unsuitable because she was unfamiliar with securities law. In 1980, after dragging his feet, Carter ultimately appointed her to the Court of Appeals for the District of Columbia, a training ground for many Supreme Court justices. Ginsburg joined the Supreme Court in 1993, making her only the second female justice. (Today, the Supreme Court has three women, Ginsburg, Elena Kagan and Sonia Sotomayor.)

Unfortunately for civil rights advocates, the Court has been largely conservative ever since Ginsburg became a justice. This has produced some memorable dissenting opinions by Ginsburg on civil rights and other issues, meriting the “Notorious RBG” nickname. But perhaps her most influential ruling came in 1996, when Ginsburg wrote the majority opinion that struck down the males-only admissions policy at the Virginia Military Institute. This ruling fulfilled the legal vision that Ginsburg had initiated 25 years earlier as a private litigator. The legal standard that Ginsburg devised in reviewing

these cases now requires the government to advance an “exceedingly persuasive justification” for policies that treat men and women differently. She referred to this as “skeptical scrutiny,” which comes close to the “strict scrutiny” test governing race discrimination cases. Ginsburg’s biographer asks whether she had actually altered the legal standard to provide greater rights for women. Some scholars believe the “exceedingly persuasive” test is more demanding than the one employed by the Supreme Court in the 1970s in assessing gender distinctions, but not as strict as the test applicable to racial discrimination cases. It certainly looks that way.

Any Supreme Court biography asks its reader to plow through lengthy discussions of landmark rulings that may not interest non-lawyers. This book covers that ground in lively fashion, all the while keeping tabs on Ginsburg’s private life, including her husband’s death in 2010 after more than a half-century of marriage. Marty Ginsburg was a feminist in his own right, taking on his share of domestic responsibilities, including the cooking, as his wife worked late nights building her career. This book also provides some inside-baseball in areas that are often long-forgotten or under-reported. Ginsburg’s quest for a judgeship in the late 1970s sheds light on the political and other considerations that can scuttle or advance a judicial career, factors that remain in force today, particularly as the

federal judiciary takes on a more enhanced role in American life, and interest groups recognize the impact that any new justice can have on a variety of legal issues. Many excellent lawyers never become judges, and many well-known judges would have lived their lives in relative obscurity as lawyers but for a few twists and turns on the way to a judicial nomination. Ginsburg experienced those twists and turns. We also learn that Ginsburg did not get to argue all the cases she wanted in the Supreme Court in the early 1970s, as the ACLU reluctantly allowed an obscure lawyer to seek the glory in *Reed v. Reed*, an important case that held for the first time that the government cannot discriminate on the basis of gender. The author writes that, without Ginsburg’s direct involvement, the oral argument was terrible.

A few years ago, a debate erupted over whether Ginsburg should have retired when President Obama was in office, so he could replace her with an ideologically-compatible justice. Ginsburg would do nothing of the sort. She has been on the Court a quarter century and works out regularly. From what I can see in reading her opinions, her mind is as sharp as ever. Reading this biography, it is easy to see how no one will talk her into retiring, no matter who the president is. I am sure Ginsburg was shocked to see Donald Trump reach the White House. I doubt she minds the race to outlast Trump. This is one tough woman.

Z

Stephen Bergstein is a civil rights lawyer in upstate New York.

VAWA and the NRA

By Laura Finley

That Congress has not already reauthorized the Violence Against Women Act (VAWA) is abhorrent. VAWA, which was initially signed into law by President Bill Clinton, has provided funding and support for domestic violence services for decades. Its various reauthorizations (in 2000, 2005 and 2013) have extended provisions to victims of dating violence and stalking, immigrant and Native victims, and more. Yet the current reauthorization, which was supposed to occur



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in fall 2018, has stalled, in part due to the government shutdown and in part due to a provision that would block domestic abusers from having firearms. Not surprisingly, the NRA has been vocal in its opposition to that provision.

The proposed bill would extend so-called “red flag” measures that prohibit individuals with a history of domestic violence, stalking or sexual assault from owning or possessing guns. Several states have adopted such laws, which are often called extreme risk protection orders (ERPOs), which allow families and members of law enforcement to petition for a temporary seizure of someone’s weapons if he or she poses a danger to self or others.

Federal law also seems to allow ERPOs: 18 U.S. Code § 922 (g) prohibits individuals who are under court order “for harassing, stalking, or threatening an intimate partner” from possessing a firearm. The National Instant Criminal Background Check System, which was established in 1993 to collect more detail about criminal incidents, provides information on state-level domestic violence convictions to the Federal Bureau of Investigation, although it is only on a state-by-state basis. The VAWA reauthorization would mandate that states provide relevant legal information to the federal government. In early 2019, New York became the 14th state, along with Washington, DC, to pass ERPO measures, while 29 other states already have similar

restrictions for individuals convicted of domestic violence.

Data indicates that ERPOs are effective. A 2006 study found that states that adopted laws authorizing the confiscation of firearms from individuals subject to a domestic violence-related restraining order saw intimate partner homicides drop by seven percent, while another study led by researchers at Duke University’s School of Medicine Center found that the EPRO measure enacted by Connecticut in 1998 averted up to 100 suicides, as well as likely dozens of violent homicides. Research is very clear that guns escalate abusive situations. A gun makes it at least five times more likely a woman will be killed.

The NRA, however, has used what is its typical narrative to whip up concern about that provision of the reauthorization. It argues that proponents are “playing politics” and that ERPOs will lead to a slippery slope of broader gun confiscations and prohibitions. NRA spokesperson Jennifer Baker told *National Journal*, “The NRA opposes domestic violence and all violent crime, and spends millions of dollars teaching countless Americans how not to be a victim and how to safely use firearms for self-defense. It is a shame that some in the gun-control community treat the severity of domestic violence so trivially that they are willing to use it as a tool to advance a political agenda.”

While the U.S. flounders on reauthorizing VAWA, at the poten-

tial peril of domestic violence victims, Australia has enacted measures that will likely severely curtail abuse. New legislation prohibits anyone who had been convicted of domestic violence anywhere in the world from getting a visa to enter the country. The new law even allows those who have been convicted and are currently living in the country on visas to be kicked out, as of February 28, 2019. I am not expressing support for that law, as certainly it raises some concerns about rehabilitation and second chances, but it does stand in stark contrast to the lack of political will to address domestic violence thoroughly in the U.S. **Z**

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“Every War Is a War Against Children”

By Kathy Kelly

At 9:30 in the morning of March 26, the entrance to a rural hospital in northwest Yemen, supported by Save the Children, was teeming as patients waited to be seen and employees arrived at work. Suddenly, missiles from an airstrike hit the hospital, killing seven



Afghan kids on tank, by Lizette Potgieter/Shutterstock.com

people, four of them children.

Jason Lee of Save the Children, told the *New York Times* that the Saudi-led coalition, now in its fifth year of waging war in Yemen, knew the coordinates of the hospital and should have been able to avoid the strike. He called what happened “a gross violation of humanitarian law.”

The day before, Save the Children reported that air raids carried out by the Saudi-led coalition have killed at least 226 Yemeni children and injured 217 more in just the last 12 months. “Of these children,” the report noted, “210 were inside or close to a house when their lives were torn apart by bombs that had been sold to the coalition by foreign governments.”

Last year, an analysis issued by Save the Children estimated that 85,000 children under age 5 have likely died from starvation or disease since the Saudi-led coalition’s 2015 escalation of the war in Yemen.

“Children who die in this way suffer immensely as their vital organ functions slow down and eventually stop,” said Tamer Kirolos, Save the Children’s Country Director in Yemen. “Their immune systems are so weak they are more prone to infections with some too frail to even cry. Parents are having to witness their children wasting away, unable to do anything about it.” Kirolos and others who have continuously reported on the war in Yemen believe these deaths are entirely preventable. They are demanding an immediate suspension of arms sales to all warring parties, an end to blockades preventing distribution of food, fuel and humanitarian aid and the application of full diplomatic pressure to end the war.

The United States, a major supporter of the Saudi-led coalition, has itself been guilty of killing innocent patients and hospital workers by bombing a

hospital. On October 3, 2015, U.S. airstrikes destroyed a Médecins Sans Frontières (Doctors Without Borders) hospital in Kunduz, Afghanistan, killing 42 people. “Patients burned in their beds,” MSF reported, “medical staff were decapitated and lost limbs, and others were shot from the air while they fled the burning building.”

More recently, on March 23, 2019, eight children were among fourteen Afghan civilians killed by a U.S. airstrike also near Kunduz.

Atrocities of war accumulate, horrifically. We in the United States have yet to realize both the futility and immense consequences of war. We continue to develop, store, sell, and use hideous weapons. We rob ourselves and others of resources needed to meet human needs, including grappling with the terrifying realities of climate change.

We should heed the words



Photo by Will E. Davis/Shutterstock.com

and actions of Eglantyne Jebb, who founded Save the Children a century ago. Responding to the British post-war blockade of Germany and Eastern Europe, Jebb participated in a group attempting to deliver food and medical supplies to children who were starving.

In London's Trafalgar Square, she distributed a leaflet showing the emaciated children and declaring: "Our blockade has caused this—millions of children are starving to death." She was arrested, tried, convicted, and fined. But the judge in the case was moved by her commitment to children and paid her fine. His generosity was Save the Children's first donation.

"Every war," said Jebb, "is a war against children." **Z**

This article first appeared on the website of *The Progressive* magazine.

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Who are Venezuela's Colectivos?

By Federico Fuentes

As we walked around the 23 de Enero barrio in Caracas, an announcement came through Cucaracho's walkie talkie: "We

are in a war and the main target of this offensive is the popular movements, the colectivos. This is no coincidence: they know the colectivos are their main obstacle and 23 de Enero is the tip of the iceberg."

Cucaracho—"that's what they call me"—is a member of the Alexis Vive colectivo, which is active in this historically militant neighborhood strategically located close to the presidential palace. Its history and location means 23 de Enero is regularly referred to as one of the main bases for the colectivos.

Demonized by the international media and targeted by the opposition, the colectivos have become a symbol of scorn for President Nicolas Maduro's opponents. They are regularly portrayed in the media as armed gangs and the last bastion of support for Maduro's government. But the reality of the colectivos—like almost everything in Venezuela—is vastly different. Many of the groups today labelled as colectivos pre-date Maduro and his predecessor Hugo Chavez. Others, like Alexis Vive, emerged during the Chavez presidency.

Origins

Almost all of them are community organizations that have flourished under Venezuela's Bolivarian Revolution. "They view the colectivos as similar to the insurgent groups in the Middle East that resisted invasion," explains Cucaracho. "That is why they demonise

us. They see us as a barrier, as a final line of defence, but they don't come to see our reality."

Alexis Vive was instrumental in establishing the Panal 2021 commune. Promoted by Chavez, communes have become the main form of democratic community organizing across the country.

The Panal 2021 commune, which incorporated about 3,600 families in a sector of 23 de Enero, has its own self-managed enterprises such as a bakery and sugar-packaging plant, its own radio and cable TV station, its own transport and food distribution centers, and even its own local currency.

Profits from all of the commune's enterprises are deposited in the communal bank and redistributed to projects decided upon by the community.

"The idea of the commune is to disperse power," explains Cucaracho, "so that the people are the ones who make the decisions. "Our role is to train cadre and teach people about the strategic vision of the commune. "But we are just like everyone else in the community: we join the same queues as everyone else, we help the elderly, we are part of the community."

This does not mean that colectivos limit themselves solely to community work.

Violence

In San Fernando, the capital of Apure state, I spoke to members of the Union of Motorizados—motorbike couriers who are regularly labelled as colecti-

vo members.

“The opposition are the violent ones,” one of them said. “They loot shops, set houses on fire. So what happens? We, the motorizados, come out and then they run away, they don’t come back. You won’t find us looting shops or creating chaos. But we are also not going to let others set people’s houses on fire.”

“The last time they protested,” another said, referring to the wave of violent opposition protests that rocked the country in 2017, “they burnt down a nursery. What sort of protest is that? Those kids have got nothing to do with what is going on, so why are they being targeted?”

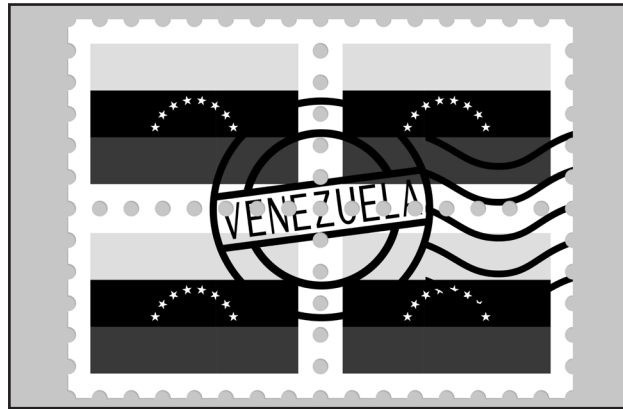
Junior is a member of the Bolívar and Zamora Revolutionary Current (CRBZ), another group denounced in the media as a colectivo, but which has its origins in a group of campaigners for peasant rights formed in the 1990s. He was among those present on the Venezuela-Colombia border on February 23, when the United States sought to violate Venezuelan sovereignty under the pretext of bringing in “humanitarian aid.”

Junior explained that the CRBZ decided to send some members to the border during those days. “It was an internal decision. Those of us who are the most politically clear, the most prepared, were the ones who went.”

“We didn’t go because the

government told us to go. It was our political consciousness that took us there.”

The build-up to the events on February 23 meant that the possibility of violence was ever present. Not knowing what to expect, Junior explained that they “psychologically prepared



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for the worst, for anything that might come.

“You couldn’t go there thinking about your family, your children. So you had to go there thinking about your contribution to the revolution, to defending your country, the fact that you are going there to fight for your mum’s future, your dad’s future, the future of my children and the children of my children.

“We went to defend our sovereignty, the sovereignty of our country, of our nation. If a military intervention had occurred, we were there, ready, and they would have had to go through us, because we are a people willing to defend our sovereignty, willing to fight back to defend every centimetre of this territory.”

In the end, the opposition’s

mission failed. Even the media’s lie that the Venezuelan armed forces had burned trucks carrying humanitarian aid was revealed to be false when videos emerged showing opposition protesters had caused the fire.

According to that same media, colectivos had attacked protesters on the Venezuelan side of the border. But Junior recounted a different version of events.

“The border region of Tachira is very complicated,” he said. “The Venezuelan opposition there works with Colombian paramilitaries to increase their strength.”

“On February 23, there were some small protests on this side of the border in disputed areas, areas where you have Colombian paramilitaries who are struggling to gain control of the area because it’s a strategic region for them. Their presence provides the opposition with logistics and force.”

Despite the paramilitary presence, the opposition was unable to generate the kind of violence they hoped for, though Junior explained that he, along with others from the CRBZ had to find alternate means to get home after opposition protesters set some of their vehicles on fire.

Media Bias

The media generally does not portray the reality of events. The reality is that the violence overwhelmingly comes from the

opposition,” Junior said.

“The opposition always tries to provoke violence because they know the media will simply say the government is responsible, that the government represses the people, and use this as an excuse for intervention. The media always take the side of the opposition; they don’t tell the truth. They sell a message to the rest of the world that is false. They are not balanced in regard to their information and their reporting on what is happening here.”

Colectivo members I spoke to acknowledged that, in some cases, state intelligence agents had either infiltrated certain colectivos or masqueraded as ones to attack and intimidate opposition protests. But, although this was more the exception rather than the rule, it is these groups the media have focussed on.

Rafael Ramos, a postgraduate student at the Institute for High Studies in Diplomacy Pedro Gual, explained that the media’s portrayal of the colectivos has a clear intention: “This editorial line is pushed to make international public opinion believe that Chavismo has lost all its support. They are introducing the idea that Venezuela is supposedly a dictatorship, with no freedom of speech, and that Chavismo is just limited to a few remaining supporters who potentially have to be exterminated.

“Because they’re just a few people, then violence against Chavistas, the colectivos, is justified. The media dehumanises them, portrays them as non-hu-

man, so in the end it doesn’t matter if they treat them like animals or kill them.

“The image they are trying to portray internationally is an attempt to justify violence.”

The colectivo members I spoke to understand this.

“We are human beings, like everyone else” said Robert Longa, whose voice I had heard through Cucaracho’s walkie talkie. “We live in the community, participate in the commune, attend assemblies, study and look for ways to produce food to deal with the crisis.

“But we are conscious that we are in a war. Not against the opposition because opposition doesn’t exist, they cannot overthrow Maduro. We are up against imperialism.” They attack the colectivos because we are willing to defend our model. The colectivos are organised with the aim of deepening the Bolivarian Revolution through popular organisation and the creation of the communal state.

“We are strongly convinced that this is the correct way forward: a government of the people based on participatory democracy.”

“We will resolve our problems within the revolution. We are Chavista and we will not betray Chavez.”

“There are people that claim to be Chavista but that are killing Chavismo. There are people who have infiltrated state institutions and who work against us.

“The people want the revolution to be deepened. They want the bureaucrats kicked out once and for all; for the land to be

given to the peasants and the factories to be taken over by the workers. We want a radicalisation of the revolution. We want all power to the people: that is what we seek. But for now our problem is with the gringos. Once we resolve this issue, then we will deal with our own internal problems.” **Z**

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The Toxic Lure of “Guns and Butter”

By Norman Solomon

The current political brawl over next year’s budget is highly significant. With Democrats in a House majority for the first time in eight years, Speaker Nancy Pelosi and most other party leaders continue to support even more largesse for the Pentagon. But many progressive congressmembers are challenging the wisdom of deference to the military-industrial complex—and, so far, they’ve been able to stall the leadership’s bill that includes a \$17 billion hike in military spending for 2020.

An ostensible solution is on the horizon. More funds for domestic programs could be a quid pro quo for the military increases. In other words: more guns

and more butter.

“Guns and butter” is a phrase that gained wide currency during escalation of the Vietnam War in the mid-1960s. Then, as now, many Democrats made political peace with vast increases in military spending on the theory that social programs at home could also gain strength.

It was a contention that Martin Luther King Jr. emphatically rejected. “When a nation becomes obsessed with the guns of war, social programs must inevitably suffer,” he pointed out. “We can talk about guns and butter all we want to, but when the guns are there with all of its emphasis you don’t even get good oleo [margarine]. These are facts of life.”

But today many Democrats in Congress evade such facts of life. They want to proceed as though continuing to bestow humongous budgets on the Pentagon is compatible with fortifying the kind of domestic spending that they claim to fervently desire.

Democratic leaders on Capitol Hill have reflexively promoted militarism that is out of step with the party’s base. In early 2018, after President Trump called for a huge 11 percent increase over 2 years for the already-bloated military budget, Pelosi declared in an email to House Democrats: “In our negotiations, Congressional Democrats have been



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fighting for increases in funding for defense.” Meanwhile, the office of Senate Democratic leader Chuck Schumer proudly announced: “We fully support President Trump’s Defense Department’s request.”

What set the stage for the latest funding battle in the House was a Budget Committee vote that approved the new measure with the \$17 billion military boost. It squeaked through the committee on April 3 with a surprising pivotal “yes” vote from Representative Barbara Lee (D-CA), who is now among the lawmakers pushing to amend the bill on the House floor to add \$33 billion in domestic spending for each of the next two years.

As Common Dreams reported, progressives in the House “are demanding boosts in domestic social spending in line with the Pentagon’s budget increase.” But raising domestic spending in tandem with military spending is no solution, any more than spewing vastly more carcinogenic poisons into the

environment would be offset by building more hospitals.

Representative Ro Khanna (D-CA) and Congressional Progressive Caucus Co-Chair Pramila Jayapal (D-WA), who both voted against the budget bill in committee, have said they won’t vote for it on the House floor. In Khanna’s words, “You can’t oppose endless wars and then vote to fund them.” Jayapal said:

“We need to prioritize our communities, not our military spending. Progressives aren’t backing down from this fight.”

The *New York Times* described the intra-party disagreement as “an ideological gap between upstart progressives flexing their muscles and more moderate members clinging to their Republican-leaning seats.” But that description bypassed how the most powerful commitment to escalation of military spending comes from Democratic leaders representing deep blue districts—in Pelosi’s case, San Francisco. Merely backing a budget that’s not as bad as Trump’s offering is a craven and immoral approach.

Senator Bernie Sanders’ staff director, Warren Gurnels, responded cogently when he tweeted: “How can we keep giving more money to the Pentagon than it needs when 40 million live in poverty, 34 million have no health insurance, half of older Americans have no retirement savings, and 140 million

can't afford basic needs without going into debt? This is insanity."

Yet most top Democrats keep promoting the guns-and-butter fantasy while aiding and abetting what Dr. King called "the madness of militarism." **Z**

Norman Solomon is cofounder and national coordinator of RootAction.org. He is the author of a dozen books including *War Made Easy: How Presidents and Pundits Keep Spinning Us to Death*. Solomon is executive director of the Institute for Public Accuracy.

Chelsea Manning Locked Down Again: An Interview With John Pilger

By Dennis J Bernstein

In the U.S. of 2019, truth itself has become a radical act, and to be motivated by belief, instead of profit and corporate power is, to say the least, rare. Chelsea Elizabeth Manning is indeed one of those rare examples of a 21st century truth teller who has been jailed once again—having already served seven years in Leavenworth, two years in solitary—for standing up for what



Chelsea Manning, by JStone/Shutterstock.com

she believes. That Manning, who transitioned into womanhood behind bars, was taken into custody and locked down again on International women's Day, is almost overwhelming.

"In solidarity with many activists facing the odds," Manning told the Court, in her public refusal to appear before the grand jury investigating Wikileaks, "I will stand by my principles. I will exhaust every legal remedy available. My legal team continues to challenge the secrecy of these proceedings and I am prepared to face the consequences of my refusal."

In 2013, Manning made available thousands of classified documents to Wikileaks that

revealed the abject brutality of the policies that U.S. military commanders were using in order to pacify the Iraqi population. Among the most damning was top secret video footage that came to be known as "Collateral Murder," which revealed a U.S. helicopter gunship getting the go-ahead to gun down innocents, including a couple of journalists from Reuters.

Manning was found guilty of espionage and in August 2013, was sentenced to 35 years in Fort Leavenworth. On January 17, 2017, President Obama commuted Manning's remaining sentence, and she was released from prison on May 17, 2017. Less than two years later,

Chelsea Manning is back behind bars, staring at an indefinite jail sentence, which could last the length of as many witch-hunt grand juries that prosecutors want to convene in holding Manning's political feet to the fire.

I spoke to Emmy Award-Winning Filmmaker and legendary muckraker, John Pilger, on March 12 about the re-imprisonment of Manning, and what it portends for our country and our world, that someone such as Manning should be derided and locked down again, instead of being celebrated as the rare example of someone standing by the courage of her convictions.

Dennis Bernstein: It is good to talk to you again John, but the occasion is troubling. Chelsea Manning back behind bars, jailed on International Women's Day. Before being taken into custody, she told the court and the world: "... I will stand by my principles... I am prepared to face the consequences of my refusal." Manning is back in jail now facing those consequences. Give us your gut response. What is happening here. How do you see it.

John Pilger: Here is someone saying publicly that they are prepared to go to prison in order to stand by their principles. In one sense, it is thrilling to hear Chelsea Manning say that, but of course there are great dangers for her personally. She needs particular care in prison. The justice of her being sent to prison is especially telling. It seems

that in the United States these days any injustice is okay. This injustice goes back to an archaic relic of the 12th century, when the first grand jury was implemented by King Henry II in England. He used it for enforcing what he called "the king's peace." It persisted in common law jurisdiction throughout the world but was abandoned as something out-of-date. In Britain it was abandoned in 1948. The only two countries that kept it were the United States and Liberia. It is not at all like the common conception of a jury trial. When the U.S. government wants to prosecute politically, it uses a grand jury in the eastern district of Virginia, a dormitory town for the national security establishment of the United States: the CIA, the NSA, the Pentagon. All living side by side in suburban bliss. That's who make up these grand juries. They have star chamber powers. For one thing, you give up your right to silence, the very basis of justice. For this judge to jail Chelsea Manning for contempt, it is the

system that is jailing her, which is contemptible. This is important to understand: it is abusing the law in order to catch people for political reasons. The problem is that the government cannot concoct a satisfactory charge against Julian Assange. With espionage you have to prove deliberate intent and so, once it goes into a courtroom, it is certain to fail. So they have tried to concoct other charges.

Of course, Julian Assange has committed no crime. He's done no more than the *New York Times* did and many other newspapers in the United States and around the world, by publishing the leaks. As for Chelsea Manning, she was very open about what she had done. She was in the literal sense a conscientious objector. She was affronted by what she saw as an intelligence officer in Iraq and she exposed the practices, particularly the "Collateral Murder" video. What they tried to do was make a direct connection in her trial between her and Julian Assange. Well, they failed.



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Yes, she leaked it through WikiLeaks, but WikiLeaks has an encryption system that allows people to leak material anonymously. So on WikiLeaks' end, they don't know who it is. They tried to show there was a direct link between WikiLeaks and Chelsea Manning, that there was a conspiracy, but they couldn't do it. All they are doing is interrogating Chelsea Manning all over again. What they are doing is relying on one's normal flawed memory so that they can trip her up. But she has answered all the questions. I think it is wonderful to hear Chelsea Manning's resolve, that she is prepared to be imprisoned again in order to stand by her principles.

Of course, we fear for her, but her decision really does set an example of a consistent way to live, in this time when truth itself has become a radical act. It is interesting that she was jailed again on International Women's Day. This is someone who essentially became a woman in solitary confinement.

It brings to mind a question, a question many so-called activists in the United States and elsewhere have to ask themselves: Where were they in regards to Chelsea Manning? Why were there only ten people outside the courthouse? Where is Amnesty International, where are the women's groups, the LGBT groups? Where are the Pride people? Why aren't they massing in support of Chelsea Manning? This is the most sig-

nificant act of principle, an inspiration to all decent people. People should be in the streets.

There is a special place in this context for the corporate journalists. It seems that these journalists believe that Chelsea Manning should be in jail and that Julian Assange should be tried for treason. After all, these journalists are patriots, they are not reporters.

I think we can beat our heads on the media brick wall. The media is part of an oppressive system. It is an extension of the established order. These days it lacks something it used to have and that is spaces for free and fair comment. Right across the corporate media, these spaces have evaporated. And so the media are part of a system. They have shown this in the most grotesque way by the persecution of Julian Assange, the slandering of him, the distortion of the facts of his case. It was also shown during the court martial of Chelsea Manning. There were often empty seats. Sometimes there might be one agency person, some days there were none. It wasn't considered important enough.

I think that our protest against the media should be more of a direct action now: occupy their spaces, occupy their buildings, confront them. But asking ourselves over and over again why they do this doesn't lead us anywhere. Those of us who preserve human decency, outside oppressive governments and outside oppressive media,

have to ask ourselves what we are doing about it. Where is the resistance? The Chelsea Manning/Julian Assange case goes to the very heart of everything. It is about freedom, it is about justice, it is about the law and its misuse, it is about right and wrong. If there is going to be any real debate, we have to do it on our own terms, not through the hopeless cipher of the corporate media.

What do you think was the significance of the release of that video? Did it influence the course of the war or our understanding of the war that the U.S. was fighting in Iraq?

There had been other shocking visual evidence of criminal action during war. The Collateral Murder video helped refine this criminality. It had a hideous theatrical quality about it. And it came at a time of social media. The impact was almost universal. It forced people to really think about what a military does when it invades a country. What it does in a civilian situation. The homicidal aspect of militarization, of murdering people 360 degrees, of free-fire zones and all the rest of it that we saw in Vietnam has been carried on through the post-Vietnam invasions. The Collateral Murder video is one of the most significant pieces of evidence condemning the U.S. military, and Chelsea Manning performed an extraordinary public service, as did WikiLeaks in disseminating it. **Z**

The Age of Pardon or the Age of Aggression?

By Boaventura de Sousa Santos

Throughout the 20th century there were frequent apologies and claims for reparations for the atrocities committed in the context of the relations between peoples and countries, as illustrated by Germany's initiatives with regard to the Holocaust and by the U.S. response in the case of the Japanese Americans kept under arrest during World War II. In the 21st century there has been an insistent (and not always heeded) demand for apologies regarding atrocities, violence and crimes committed in the more or less distant past under European colonialism. Sometimes the demands for an apology are accompanied by claims for reparation or compensation. Here are a few examples.

In 2004, the German government recognized the violence committed against the people of Namibia in the genocidal killing of 65,000 Herero, who had revolted against their colonizers in 1904. In 2018, the Namibian government demanded a formal apology and compensation for those acts, which the German

government refused to do. On a visit to Libya in 2008, Italian Prime Minister Silvio Berlusconi formally apologized to the Libyan people for the “unhealed wounds” inflicted by the 30 years of Italian colonization and pledged compensation in the form of a \$5 billion investment. Shortly thereafter, Libya was invaded and destroyed by the “allied forces,” of which Italy was a part. Then, in 2014, the Caribbean Community's Reparation Commission approved a proposal to achieve justice for the victims of genocide, slavery, the slave trade and racial apartheid, which the Commission considers to be crimes against humanity. The proposal had in mind the main slave-owning countries in the region—the Netherlands, England, and France—but was potentially aimed at other countries as well. It consisted of a very broad action plan with the following points: formal apology, repatriation, indigenous peoples development program, cultural institutions, public health, illiteracy eradication, African knowledge program, psychological rehabilitation, technology transfer.

On a visit to Jamaica in 2015, the UK prime minister at the time, David Cameron, ruled out any possibility of reparations. Upon visiting India two years before that, the same David Cameron had recognized that the 1919 massacre of 1,000 unarmed Indians who were protesting British colonialism had been “deeply shameful,” but he never submitted a formal apology nor did he agree to compen-

sations. In 2013, under pressure of legal action, the UK agreed to pay £ 2,600 to each of the 5,000 members of Kenya's Mau Mau movement who had been arrested and tortured in the 1950s for resisting British colonialism, at the same time that it expressed its “sincere regret” for the occurrence. Since then, some 44,000 Kenyans have made similar demands for how they were mistreated during the colonial period. In 2017, the then-presidential candidate, Emmanuel Macron, admitted that France's colonization of Algeria had been a crime against humanity.

More recently, on the 500th anniversary of the Spanish conquest of Mexico, President António Manuel López Obrador wrote the King of Spain and the Pope requesting a formal apology for the atrocities against the indigenous peoples during the colonial period, while committing himself to do the same as a descendant of the colonizers. The request was resolutely rejected by the Spanish state; but the autonomous government of Catalonia was quick to acknowledge the abuses, the deaths of millions of people and the annihilation of entire cultures at the hands of Spanish colonialism. And as recently as April 4, 2019, the Belgian government apologized to métis Belgians, the thousands of mixed-raced children of Belgian fathers and Congolese mothers who, having been born at the end of Belgian colonization (between the years 1940 and 1950), were taken away from their families to be compulsorily placed in orphan-

ages and, in some cases, sent to Belgium.

What is the meaning of this movement for historical justice with all its ramifications, which has grown to include the request for the return of art objects brought (why at all?) from Europe's colonies and now on exhibit in the museums of the global North, or the return of land, as is the case with Zimbabwe or, somewhat more recently, of South Africa—with regard to the apartheid period, which was a particular form of colonialism—and Australia. Legal or ethical arguments either way do not seem to add much to it. Obviously this is not about finding reasons to hold the present generations of the colonizing countries accountable for crimes committed long ago. This is a political problem caused by a number of factors, the most important of which is the fact that political independence exists side by side with the perpetuation of colonial dependence.

The anti-colonial struggles waged in Latin America (19th century) and then Africa and Asia (20th century) aimed to ensure historical justice, restore territories to their inhabitants and allow people to be the builders of their own future. The truth, however, is that none of that came to pass, as was most dramatically made plain in the first colonial liberation of all, that of Haiti, in 1804. The conditions imposed on the freed slaves, now faced with the need to overcome international isolation, were just plain brutal (as

are the conditions of structural adjustment the IMF still continues to impose with impunity throughout the global South), and the outcome is in plain sight in today's Haiti. The continuation of colonial dependence was brilliantly exposed in 1965 by Kwame Nkrumah, Ghana's first president, when he coined the term neocolonialism to describe circumstances that were as real then as they are now. The plundering of natural resources that was a feature of colonialism persists to this day, carried out by multinational corporations of the global North with the complicity of the local elites, who, in the case of Latin America, happen to be the descendants of the colonizers.

The demand for historical justice is just another way of legitimizing the struggle against the injustices and inequalities that continue to characterize the relationships between core and peripheral countries. And when the answer is mere apologies, whether they are accepted or not, they are nothing but legitimizing rituals on the part of those who either demand or accept the apologies, so that everything can remain the same. In other words, colonialism did not end with political independence. An end has been put to the colonial occupation of territories by foreign powers, but the fact is that colonialism continues to exit in other forms, some of them more brutal than those of historical colonialism. Just as slavery persists in the shameful form of "labor analogous to

slavery," to use the UN phrase, so colonialism continues to this day not only in the form of economic dependence but also in the form of racism, xenophobia, racial apartheid, police brutality against young blacks, Islamophobia, the "refugee crisis," the "war on terrorism," the assassination of social leaders fighting to defend their land against invasion by mining, logging or agro-industrial companies, against environmental disasters that threaten disposable populations who live in places given up as "sacrifice zones," and so on and so forth.

In the case of Latin America, where independence was won by the descendants of the colonizers, the persistence of colonialism took on a specific form: the internal colonialism to which the indigenous populations and the descendants of enslaved African peoples have been subjected. The "development models" of these last 150 years have systematically turned a blind eye to the interests, aspirations and cultures of those peoples. If López Obrador insists on implementing some variant of these models, he should not find it surprising that, rather than ask for apologies, the indigenous peoples demand not only true respect for their cultures and territories, but also the scrapping of megaprojects and neo-extractivist policies rejected by the affected populations, once they have been consulted and informed in good faith.

By telling the colonizer to apologize and committing him-



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self and his own government in the process, Lopez Obrador is actually bringing something new to the controversy over historical justice. He strikes a posture of tragic sincerity in the Greek tragedy sense. He teeters on a razor's edge that can throw him off balance and make him fall as he tries to stand up. He, perhaps better than anyone else, knows that at present he represents the highest social consciousness possible on the part of a development model that is inherently anti-social, for it is designed to

generate returns largely destined to end up in the pockets of global capitalism. He knows that today's capitalism, being dominated by financial capital, will never agree to negotiate the terms of plunder if plunder itself is called into question. He knows that, under whatever variant, this model has failed in other Latin American countries in the recent past (Brazil, Argentina, Ecuador, Venezuela). To the north, there is a shameful, imperial wall, too solid to melt with the blood of those who try

to cross it. He is the bearer of the remaining hope of a continent torn by U.S. and European imperialism with the complicity of the local elites, who have never allowed the popular classes—los de abajo—to even dream about the end of colonialism. Under such circumstances, he who bears the responsibility for hope must also bear the responsibility for frustration. The king of Spain's response does not bode well. But it is also true that from a king of nothing one cannot expect everything. **Z**

Feature



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The Assange Arrest is a Warning from History

By John Pilger

The glimpse of Julian Assange being dragged from the Ecuadorean embassy in London is an emblem of the times. Might against right. Muscle against the law. Indecency against courage. Six police officers manhandled a sick journalist, his eyes wincing against his first natural light in almost seven years.

That this outrage happened in the heart of London, in the land of Magna Carta, ought to shame and anger all who fear for “democratic” societies. Assange is a political refugee protected by in-

ternational law, the recipient of asylum under a strict covenant to which Britain is a signatory. The United Nations made this clear in the legal ruling of its Working Party on Arbitrary Detention.

But to hell with that. Let the thugs go in. Directed by the quasi fascists in Trump’s Washington, in league with Ecuador’s Lenin Moreno, a Latin American Judas and liar seeking to disguise his rancid regime, the British elite abandoned its last imperial myth: that of fairness and justice.

Imagine Tony Blair dragged from his multi-mil-

lion pound Georgian home in Connaught Square, London, in handcuffs, for onward dispatch to the dock in The Hague. By the standard of Nuremberg, Blair's "paramount crime" is the deaths of a million Iraqis. Assange's crime is journalism: holding the rapacious to account, exposing their lies and empowering people all over the world with truth.

The shocking arrest of Assange carries a warning for all who, as Oscar Wilde wrote, "sow the seeds of discontent [without which] there would be no advance towards civilization." The warning is explicit towards journalists. What happened to the founder and editor of WikiLeaks can happen to you on a newspaper, you in a TV studio, you on radio, you running a podcast.

Assange's principal media tormentor, the *Guardian*, a collaborator with the secret state, displayed its nervousness with an editorial that scaled new weasel heights. The *Guardian* has exploited the work of Assange and WikiLeaks in what its previous editor called "the greatest scoop of the last 30 years." The paper creamed off WikiLeaks' revelations and claimed the accolades and riches that came with them.

With not a penny going to Julian Assange or to WikiLeaks, a hyped *Guardian* book led to a lucrative Hollywood movie. The book's authors, Luke Harding and David Leigh, turned on their source, abused him and disclosed the secret password Assange had given the paper in confidence, which was designed to protect a digital file containing leaked U.S. embassy cables.

With Assange now trapped in the Ecuadorean embassy, Harding joined the police outside and gloated on his blog that, "Scotland Yard may get the last laugh." The *Guardian* has since published a series of falsehoods about Assange, not least a discredited claim that a group of Russians and Trump's man, Paul Manafort, had visited Assange in the embassy. The meetings never happened; it was fake.

But the tone has now changed. "The Assange case is a morally tangled web, the paper opined. "He (Assange) believes in publishing things that should not be published But he has always shone a light on things that should never have been hidden."

These "things" are the truth about the homicidal way America conducts its colonial wars, the lies of the British Foreign Office in its denial of rights to vulnerable people, such as the Chagos Islanders, the expose of Hillary Clinton as a backer and beneficiary of jihadism in the Middle East, the detailed description of American ambassadors of how the governments in Syria and Venezuela might be overthrown, and much more. It's all available on the WikiLeaks site.

The *Guardian* is understandably nervous. Secret police have already visited the newspaper and demanded and got the ritual destruction of a hard drive. On this, the paper has form. In 1983, a Foreign Office clerk, Sarah Tisdall, leaked British Government documents showing when American cruise nuclear weapons would arrive in Europe. The *Guardian* was showered with praise.

When a court order demanded to know the source, instead of the editor going to prison on a fundamental principle of protecting a source, Tisdall was betrayed, prosecuted and served six months.

If Assange is extradited to America for publishing what the *Guardian* calls truthful "things," what is to stop the current editor, Katherine Viner, following him, or the previous editor, Alan Rusbridger, or the prolific propagandist Luke Harding?

What is to stop the editors of the *New York Times* and the *Washington Post*, who also published morsels of the truth that originated with WikiLeaks, and the editor of *El Pais* in Spain, and *Der Spiegel* in Germany and the *Sydney Morning Herald* in Australia. The list is long.

David McCraw, lead lawyer of the *New York Times*, wrote: "I think the prosecution [of Assange] would be a very, very bad precedent for publishers ... from everything I know, he's sort of in a classic publisher's position and the law would have a very hard time distinguishing between the *New York Times* and WikiLeaks."

Even if journalists who published WikiLeaks' leaks are not summoned by an American grand jury, the intimidation of Julian Assange and Chelsea Manning will be enough. Real journalism is being criminalized by thugs in plain sight. Dissent has become an indulgence.



By Katherine Da Silva/Shutterstock.com

In Australia, the current America-besotted government is prosecuting two whistleblowers who revealed that Canberra's spooks bugged the cabinet meetings of the new government of East Timor for the express purpose of cheating the tiny, impoverished nation out of its proper share of the oil and gas resources in the Timor Sea. Their trial will be held in secret. The Australian prime minister, Scott Morrison, is infamous for his part in setting up concentration camps for refugees on the Pacific islands of Nauru and Manus, where children self harm and commit suicide. In 2014, Morrison proposed mass detention camps for 30,000 people.

Real journalism is the enemy of these disgraces. A decade ago, the Ministry of Defence in London produced a secret document which described the "principal threats" to public order as threefold: terrorists, Russian spies and investigative journalists. The latter was designated the major threat.

The document was duly leaked to WikiLeaks, which published it. "We had no choice," Assange told me. "It's very simple. People have a right to know and a right to question and challenge power.

That's true democracy."

What if Assange and Manning and others in their wake—if there are others—are silenced and "the right to know and question and challenge" is taken away?

In the 1970s, I met Leni Reifenstahl, close friend of Adolf Hitler, whose films helped cast the Nazi spell over Germany.

She told me that the message in her films, the propaganda, was dependent not on "orders from above" but on what she called the "submissive void" of the public.

"Did this submissive void include the liberal, educated bourgeoisie?," I asked her.

"Of course," she said, "especially the intelligentsia When people no longer ask serious questions, they are submissive and malleable. Anything can happen."

And did.

The rest, she might have added, is history. **Z**

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Feature



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Trump Whacks the Middle Class and U.S. GDP 1st Qtr 2019 Analysis

By Jack Rasmus

In 2016, Trump promised tax cuts for the middle class. Now it's clear Trump's 2018 tax cut is making the middle class pay for corporations, businesses, investors and the wealthiest 1% households historic tax cuts totaling no less than \$4.5 trillion over the next decade.

A massive redistribution of income favoring

the capitalist class—at the expense of everyone else—is underway. Only with “tax day” did the dimensions become apparent.

Polls show 80 percent of the 170 million taxpayers in the U.S. are saying they're paying much more this year.

And 17 percent indicate they used to get re-

funds in the past but are now writing the IRS checks for thousands more this year. That's 17 percent of 170 million, or almost 30 million households no longer getting refunds. And 136 million saying they're paying more. So that's a middle class tax cut?

\$4.5 Trillion to Capital Incomes

Conversely, capital incomes are getting a tax cut of no less than \$4.5 trillion under the Trump 2018 tax cut. Their big payday is due largely to:

- cuts in corporate tax rates,
- the new 20 percent off the top business pass through deduction,
- the elimination of the Alternative Minimum Tax (AMT) for corporations and reduction of the AMT for individuals,
- the halving of the Estate Tax, favorable changes in personal income tax brackets, levels and rates,
- more credits for private school tuition and child care costs,
- no upper limits on itemized deductions, and many other measures.

But the biggest tax break of all, more than \$2 trillion over the next decade, goes to U.S. multinational corporations: the foreign profits tax and all territorial offshore taxation for U.S. multinational corporations are now eliminated altogether. And if they repatriate their \$4 trillion in profits held offshore they can bring it back at a 10 percent one-time corporate tax rate instead of the prior 35 percent. The big beneficiaries of the \$2 trillion tax cut for multinationals are the tech, banking, oil and energy, big pharmaceutical, and telecom companies. (See my blog, jackrasmus.com, postings during early 2018 where I previously documented these details of how much capital incomes will



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gain from the Trump tax cut.)

The Ideological Cover-Up of 2018

The corporate press and media throughout 2018 refused to accurately report the \$4.5 trillion historic income transfer. Instead, they fed the public the phony calculation that the cost of the Trump 2018

tax cut was "only" \$1.5 trillion over the coming decade. That calculation was made based on ignoring the \$4.5 trillion in reporting, and the \$1.5 trillion tax hike on the middle class, and estimating that the tax cuts would generate 3-4 percent economic growth annually for the next decade every year. And thus there would be no recession for another decade. The \$4.5 trillion in this manner got reduced to the official, press reported \$1.5 trillion. (\$4.5 trillion for business and investors minus \$1.5 trillion tax hike on middle class minus the phony growth assumption of \$1.5 trillion more tax revenue equals the phony \$1.5 trillion hit to the U.S. budget deficit and claim the Trump tax cut was only \$1.5 trillion.)

In true supply-side, phony economic ideology, by giving investors and corporations trillions of dollars more, academic hacks for business argued corporations would invest it in the U.S., creating more jobs and production from which more government tax revenue would follow. This neoliberal argument has been used to justify tax cuts for corporations and rich investors since Reagan. And it's been wrong ever since. There's no shred of empirical evidence showing a direct causal relationship between business-investor tax cuts and economic growth or jobs. For example, in 2018 real investment (in plant, structures, equipment, etc.) in the U.S. in 2018, after the introduction of the Trump tax cut in January, continued to decline over the course of 2018 by more than two-thirds,



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reaching a low point at the end of the year.

Instead of corporations investing in the U.S. and creating jobs after receiving the tax cuts, the Trump tax cuts produced a windfall profits gain to their bottom line. How much?

The Trump tax cuts, it has been estimated, account for 22 percent of the 27 percent profits gain by Fortune 500 companies alone.

The \$1.5 Trillion Tax Hike on the Rest of Us

So where did the \$4.5 trillion go in 2018? It didn't go to the U.S. Treasury. Corporate tax revenues alone are off by several hundred billions of dollars so far. The hundreds of billions tax windfall for corporate America instead has been diverted into financial markets, into merger and acquisitions of other companies, into offshore expansion by U.S. multinational corporations and into speculation in foreign currencies, stocks, dollarized bonds, and derivatives markets. Or just hoarded on corporate balance sheets in anticipation of the next recession, now around the corner.

And how is the \$1.5 trillion tax hike on the middle class occurring? Unlike the manner change in provisions benefiting capital incomes by hundreds of billions in 2018 (continuing to provide \$4.5 trillion over the coming decade), middle class taxpayers are now seeing how much more taxes they are beginning to pay (to make up the \$1.5 trillion over the decade).

The main changes and provisions that are now "whacking" the middle class include ending the

personal exemptions (\$16,200 for a family of 4), eliminating more than a dozen deductions for those who itemize their taxes, changing the tax brackets and levels of the personal income tax, making singles pay more for the AMT, ending or phasing out at lower thresholds various tax credits, and so on.

So the middle class now finds itself writing larger checks to the IRS than they had in the past, much larger. Meanwhile, corporations, businesses, investors, and the wealthiest households enjoy a massive reduction in their tax.

While the Trump government, Congress, and media focus on the "Great Distractions" (Trump on immigrants as cause of our problems; Democrat leaders on Russia intervention in U.S. elections—neither of which the average American gives a damn about), Trump continues to "pick their pockets"—big time.

For more discussion on this topic, listen to my April 12, 2019 radio show, *Alternative Visions*, on the Progressive Radio Network, where I discuss the dimensions of the greatest single redistribution of income to the rich from the rest in American history.

US GDP 1st Qtr 2019 Analysis

U.S. GDP for the 1st quarter 2019 in its preliminary report (2 more revisions coming) registered a surprising 3.2 percent annual growth rate. It was forecast by all the major U.S. bank research departments and independent macroeconomic forecasters to come in well below 2 percent. Some banks forecast as low as 1.1 percent. So why the big difference?

One reason may be the problems with government data collection in the first quarter with the government shutdown that threw data collection into a turmoil. The first preliminary GDP stats are typically adjusted significantly in the second revi-

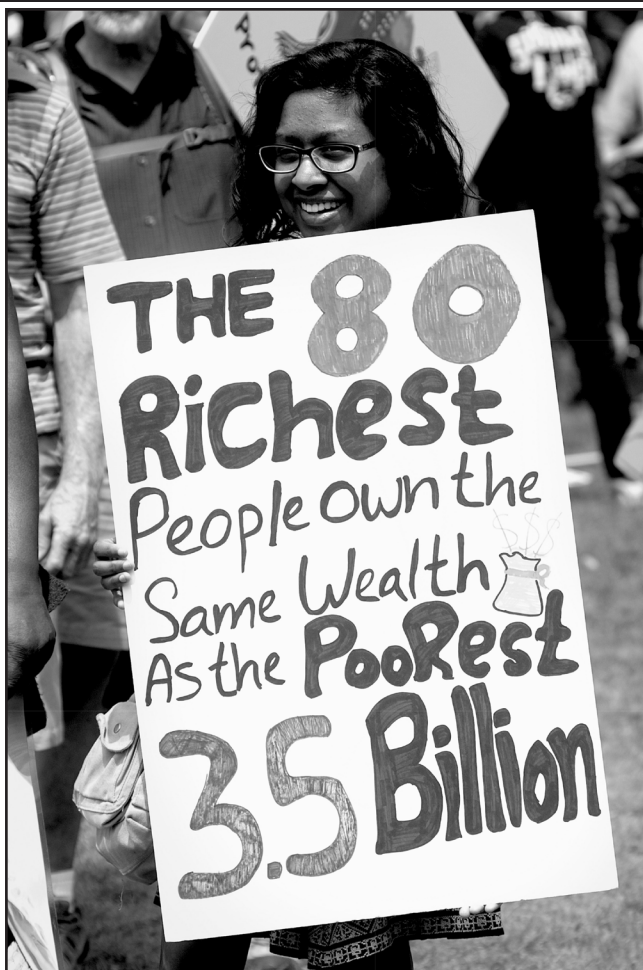
sion coming in future weeks. (The third revision, months later, often is little changed.)

There are many problems with GDP accuracy reflecting the real trends and real GDP, that many economists have discussed at length elsewhere. My major critique is the redefinition in 2013 that added at least 0.3 percent (and \$500 billion a year) to GDP totals by simply redefining what constituted investment. Another chronic problem is how the price index, the GDP Deflator as it's called, grossly underestimates inflation and thus the price adjustment to get the 3.2 percent "real" GDP figure re-

ported. In this latest report, the Deflator estimated inflation of only 1.9 percent. If actual inflation were higher, which it is, the 3.2 percent would be much lower, which it should. There are many other problems with GDP, such as the government including in their calculation totals the "rent" that 50 million homeowners with mortgages reputedly "pay to themselves."

Apart from these definitional issues and data collection problems in the first quarter, underlying the 3.2 percent are some red flags revealing that the 3.2 percent is the consequence of temporary factors, like Trump's trade war, which is about to come to an end soon with the conclusion of the U.S.-China trade negotiations. How does the trade war boost GDP temporarily?

Two ways, at least. First, it pushes corpora-



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tions to build up inventories artificially to get the cost of materials and semi-finished goods before the tariffs begin to hit. Second, trade disputes initially result in lower imports. In U.S. GDP analysis, lower imports result in what's called higher "net exports" (i.e. the difference between imports and exports). Net exports contribute to GDP. The U.S. economy could be slowing in terms of output and exports, but if imports decline faster it appears that "net exports" are rising and, therefore, so too is GDP from trade.

Looking behind the 1st quarter numbers it is clear that the 3.2 percent is largely due to excessive rising business inventories and rising net exports contributions to GDP.

Net exports contributed 1.03 percent to the 3.2 percent and inventories another 0.65 percent to the 3.2 percent. Even the *Wall St. Journal* reported that without these temporary contributions (both will abate in future months sharply), U.S. GDP in the quarter would have been only 1.3 percent. (And less if adjusted more accurately for inflation and if the 2013 phony redefinitions were also "backed out"). U.S. GDP in reality, probably grew around the 1.1 percent forecasted by the research departments of the big U.S. banks.

This analysis is supported by the fact that around 75 percent of the U.S. economy and GDP is due to business investment and household consumption typically. And both those primary sources of GDP (the rest from government spending and net exports).

Consumer spending (68 percent of GDP) rose only by 1.2 percent and thereby contributed only 0.82 percent of the 3.2 percent. That's only one-fourth of the 3.2 percent, when consumption typically contributed 68 percent.

Durable manufactured goods collapsed by 5.3 percent and auto sales are in free fall. And all this during tax refund season which otherwise boosts spending. (Thus confirming middle class refunds due to Trump tax cuts have been sharply reduced due to Trump's 2018 tax act.)

Similarly, private business investment contributed only a tepid 0.27 percent of the 3.2 percent, well below its average for GDP share.

Business investment is composed of building structures (including housing), private equipment, software and the nebulously defined "intellectual property," and of course the business inventories previously mentioned. The structures and equipment categories are by far the largest. In the first quarter 2019, structures declined by 0.8 percent, housing by 2.8 percent and equipment investment rose only a statistically insignificant 0.2 percent.

This poor contribution of business investment contributing only 2.7 percent to GDP, when the historical average is about 8-10 percent normally, is all the more interesting given that Trump projected a 30 percent boost to GDP is his business-investor-multinational corporate heavy 2018 tax cuts were passed. 2.7 percent is a long way off 30 percent. The tax cuts for business didn't flow into real investment, in other words. (They went instead into stock buybacks, dividend payments, and mergers and acquisitions of competitors.) And they compressed household consumer spending to boot.

Sine Trump's tax cuts there's been virtually no increase in the rate of Gross private domestic investment in the U.S. It's held steady at around 5 percent of GDP on average since mid-2017. Within that 5 percent, housing and business equipment contributions have been falling, while IP (hard to estimate) and inventories have been rising.

In short, both consumer spending and core business investment contributions to U.S. GDP have been slowing, and that's true within the 3.2 percent GDP. First quarter GDP rose 3.2 percent due to the short term, and temporary contributions

to inventories and net exports—both driven artificially by Trump's trade wars.

The only other major contribution to first quarter GDP is, of course, Trump war spending which rose by 4.1 percent in 1st quarter GDP. (Conversely, non defense spending was reduced 5.9 percent in the first quarter GDP.)

Going forward in 2019, no doubt war spending will continue to increase, but business inventories and household consumption will continue to weaken.

Trump is betting on his 2020 re-election and preventing the next recession now knocking at the U.S. and global economy door. He will keep defense spending growing by hundreds of billions of dollars. He'll hope that concluding his trade wars will give the economy a temporary boost. And he'll up the pressure on the Federal Reserve to cut interest rates before year end.

Meanwhile, beneath the surface of the U.S. economy, the major categories of U.S. GDP—business structures, housing, business equipment, and household consumer spending (especially on durables and autos)—will continue to weaken. Whether war spending, the Fed, and trade deals can offset these more fundamental weakening forces remains to be seen.

Bottom line, however, the 3.2 percent GDP is no harbinger of a growing economy. Quite the contrary. It is artificial and due to temporary forces that are likely about to change. It all depends on further war spending, browbeating the Fed into further submission to lower rates, and what happens with the trade negotiations. **Z**

For those interested in a further discussion of these trends, listen to my April 26, 2019 Alternative Visions Radio show.

Jack Rasmus is the author of the forthcoming book, *The Scourge of Neoliberalism: US Economic Policy from Reagan to Trump*, Clarity Press, Summer 2019, and *Alexander Hamilton and the Origins of the Fed*, Lexington Books, March 2019. He blogs at jackrasmus.com, tweets at @drjackrasmus, and hosts the weekly radio show, Alternative Visions, on the Progressive Radio Network on Fridays, 2:00 PM eastern time.

Feature



Riot Police use a water canon and tear gas, by Alexandros Michailidis/
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Yellow Vests Struggle To Reinvent Democracy

By Richard Greeman

After five months of constant presence at traffic circles, toll-booths and hazardous Saturday marches, the massive, self-organized social movement known as the Yellow Vests has just held its second nationwide “Assembly of Assemblies.” Hundreds of autonomous Yellow Vest activist groups from all over France each chose two delegates (one woman, one man)

to gather in the port city of St. Nazaire for a weekend of deliberation (April 5-7).

After weeks of skirmishing with the municipal authorities, the local Yellow Vests were able to host 700 delegates at the St. Nazaire “House of the People,” and the 3-day series of general meetings and working groups went off without a hitch in an atmosphere of good-fellowship. A sign on the wall

proclaimed: “No one has the solution, but everybody has a piece of it.”

Their project: mobilize their “collective intelligence” to re-organize, strategize, and prolong their struggle. Their aim: achieve the immediate goals of livable wages and retirements, restoration of social benefits and public services like schools, transportation, post offices, hospitals, taxing the rich and ending fiscal fraud to pay for preserving the environment, and, most ambitious of all, re-inventing democracy in the process. Their Declaration ends with the phrase “government of the people, by the people, and for the people.” I often wonder if they know who coined it.

Yellow and Green Unite and Fight

Particular attention was paid to the issue of the environment, reaffirming the popular slogan: “End of the week. End of the world. Same logic, same struggle.” (It rhymes in French.) The Assembly went further and called on, “All persons who wish to put an end to the expropriation of the living to take up a conflictual stance against the present system in order to create, together, a new ecological, popular social movement.”

This shows growth from the original Yellow Vest uprising which began as a protest against a hike in taxes on Diesel fuel imposed in the name of the “saving environment.” (Less well known is that only 17 percent of that tax was actually earmarked for the environment. In any case, Macron rescinded it in an early attempt to pacify the movement.) Since then, the Yellow Vests have tentatively converged with the environmental groups, whom many poor and working-class Yellow Vests can’t help seeing as bourgeois on bicycles wanting to be nice but unwilling to struggle directly against the establishment.

So their call for unity is also in part a challenge to the environmental movement: “join us in the struggle for social equality and be ready to fight the whole system.” Brilliant. Who said an unstructured autonomous movement of ordinary, not well-educated people, could not come up with strategies and tactics? Psychologists explain that this “wisdom of crowds” emerges whenever people are on an equal footing and free of constraint. It grows through experience. And discussion. A

dialectical process leading to its emergence. “No one has the solution, but everybody has a piece of it.” This was the basis of direct democracy in Athens, from which the Yellow Vests have also borrowed the idea of choosing representatives by lot. Autonomy

The Assembly of Assemblies reaffirmed the Yellow Vest founding principle of keeping clear of political parties. Also of leaders. To my mind this is a genius stroke. Every popular mass movement I have participated in over the past 60 years has been co-opted by the establishment (or crushed). Leaders set up an office, they try to raise money and gain access to power, end up compromising; they treat the rank and file activists like a mailing list and the power and dynamic of the mass movement melts away—like the Nuclear Freeze which once mobilized millions. Eventually, the Democratic Party lures them. Here, the Socialist Party swallowed SOS Racism, the embryo of a much-needed Civil Rights movement here in France.

Instinctively, from the beginning, the Yellow Vests seem to have assimilated and put into practice the profound criticism of representative democracy that goes back to the 18th century and was applied during the Paris Commune in 1871. There, delegates were given limited mandates, subject to instant recall, regularly rotated, and paid at worker’s wages. The Communards also called on other cities to rise and link up as a federation. This is precisely the Yellow Vests *modus operandi*.

Europe

This critique of representation explains the Assembly’s attitude toward the elections for the European Parliament, which will play out as a rehearsal for the next legislative elections when parties will be competing seriously for votes. The fear of being manipulated for political purposes is strong. Recently, Yellow Vests at a Paris demonstration recognized a Yellow Vest who had just declared her candidacy to great media fanfare, apparently in the name of the Yellow Vests. They were furious and yelled at her until she withdrew, shaken. Ugly, but a necessary example to anyone else who would rather be a politician than a Yellow Vest (without resigning first).

As far as Europe is concerned, the Assembly, far from calling for a Frexit, reached out to social movements in the other countries of the European Union in a call to come together and struggle against its neo-liberal policies. The Assembly saw no point in voting in this sham election. As everyone knows, the European Parliament has no power or even visibility. It's not even in Brussels, where the important decisions are made by representatives of the German banks and multinational corporations. Moreover, it limits the deficit spending of its member countries, thus making it illegal for France to finance the social services and environmental reconstruction the people are demanding.

Restructuring and Reflection

The Assembly of Assemblies coincided with Act 21 of the Yellow Vests' long struggle to occupy public spaces and freely proclaim their hopes and angers, and it brought out only 23,400 people (government count) across France, the lowest

number so far. Small wonder after five straight months of bloody repression. The police were as usual out in force, and they stopped and frisked 14,919 people according to the Paris Prefecture. After 21 weekly battles, many of us are too tired, too scared and/or too old to continue "running with the bulls" through the streets dodging gas canisters.

"We thought we were off for a sprint. In fact we were involved in a marathon and we need to prepare ourselves," admitted one speaker. "We realize we need to vary our tactics, refine our goals, organize our democratic structures better for the movement to last, and last weekend's Assembly attempted to face this challenge, starting with three weeks of discussion and a number of new approaches."

Among the new tactics was a call for a huge nationwide protest against the increasing repression being imposed by the Macron government,



Yellow Vest protesters during a demonstration against the policy of Emmanuel Macron in Paris, France on April 20, 2019, by Alexandros Michailidis/Shutterstock.com

the liberation of all those in jail, whether Yellow Vests or in other “criminalized” struggles, and refers directly to the oppressed North African and immigrant communities in France, whose 2005 youth rising was brutally put down. “[The violent repression] we are experiencing today now has been for decades the daily experience in the popular quarters [ghetto-like “suburbs”]” and concludes: “Now authoritarianism is being generalized to the whole society.”

Macron's Response: Propaganda and Violent Repression

In contrast to these deliberations, the Macron government delivered the results of its official “Great Debate,” a publicity stunt organized by his government at a cost of 12 million Euros to showcase the President articulately answering questions from selected audiences of mayors and local notables in towns and villages across the country. In all, Macron logged 92 hours of speaking.

France's elected monarch concocted this “Debate,” whose limits were set in advance (taxing the rich and the corporations was off the table), as was his “answer” to the Yellow Vests' demand for participatory democracy. The results were unsurprising: the French want “lower taxes, no cuts to services” (*NYT* April 9). Asked if the “Great Debate” was a “success for Macron and his government,” only 6 percent of those polled by BFM-TV answered “yes.” Another poll revealed that 35 percent of French people still approve the Yellow Vests (down from 70 percent last December) while only 29 percent approve of Macron.

PR aside, the Macron government's real answer to public opposition posed by the Yellow Vests has been brutally stark: slander, violent repression and strict new laws limiting the right to demonstrate—a right enshrined in the Declaration of Human Rights and the French Constitution. Macron and his ministers have publicly denounced the Yellow Vests as “anti-Semites,” “fascists,” “a hateful mob,” and a violent conspiracy of “40-50,000” terrorists “of the extreme left and extreme right,” out to destroy French institutions.

This vicious caricature, echoed endlessly by the media and reinforced by scary images of vio-

lence and vandalism against the symbols of wealth and power in Paris, is designed to dehumanize the protesters, otherwise easily recognizable as poor provincials who are tired of being ignored. Thus demonized, the Yellow Vests' actual demands for dignity and justice can be ignored. As a threat to France, they must be repressed by any means necessary.

Since November 2018, when the Yellow Vest movement suddenly sprung up 300,000 strong, the government has unleashed unprecedented police brutality, using military grade weapons against unarmed demonstrators, provoking hundreds of serious injuries (including blindings, loss of limbs, and broken faces). Although invisible on French mainstream media (government subsidized and corporate owned), this French government violence has been repeatedly condemned by human rights panels in France and the European Union, as well as by Michelle Bachelet, former President of Chile and UN High Commissioner for Human Rights.

Government Violence At Last Exposed

On Saturday, March 23, as President Macron was visiting the Riviera, 73-year-old Geniève Legay, local spokesperson for ATTAC (the 20-year-old international NGO that proposes taxing financial transactions for social purposes) joined the Yellow Vest demonstration at Nice to speak out against this repression. Interviewed on local TV carrying a rainbow peace flag, she declared: “We are here to say we have the right to demonstrate ... We will leave this square when we choose. And if they use force... Then we'll see. I'm not afraid. I'm 73 years old, what could happen to me? I'm fighting for my grandchildren. Against tax havens, and all the money the banks are laundering, against fossil energy.”

Moments later, Police Commander Souchi ordered his heavily armed riot police to charge the peaceful group in which Geneviève Legay was standing, and she found herself on the ground, surrounded by riot cops, bleeding profusely, with a cracked skull and broken ribs. She is still in the hospital with serious injuries.



By sebos/Shutterstock.com

On Monday, the Public Prosecutor and President Macron categorically denied that she had had any contact with the police, and the President, interviewed by the local paper, made a hypocritical apology, “wishing her a speedy recovery and hoping that she might learn some “sagesse” (literally “wisdom” but typically applied to children in the sense of learning to “behave”).

According to the President of France, as a fragile elderly person, Legay should have known better than to go out to the square in the first place and get herself trampled in the crowd. (The haughty Macron, like the arrogant Trump, seems to enjoy adding insult to injury.) But, as her TV interview makes clear, Geneviève Legay knew very well she was risking her life to defend the democratic freedom to demonstrate and foresaw such an attack moments before it was ordered by Souchi.

Indeed, videos taken on the spot and the testimony of street-medics and other eyewitnesses (including police officers) told a different story. Apparently a police officer wielding a shield hit her in the head and knocked her down, then he and other cops straddled her and dragged her away bleeding, refusing to allow street medics to attend to her. They may also have kicked her when she was down, which would explain her cracked ribs. Later, police entered her hospital room, where Le-

gay was alone (her daughters having been barred without explanation). They repeatedly tried to get Legay to admit that a “cameraman” had pushed her down, but when she repeated that it was a police officer, they stopped taking notes.

Meanwhile, videos of the attack were all over the Internet, and the independent, subscriber-supported news site Médiapart gathered eyewitness evidence and presented it to the Public Prosecutor, who on March 29 was obliged to reverse himself and affirm police involvement.

Then, on April 8, Médiapart exposed the deliberate official cover-up of this attack. It turns out that the person placed in charge of the investigation, Hélène P, one of the police officers who had pressured Legay in her hospital room to declare that she had been pushed down by a “cameraman,” was none other than the common-law wife of Commander Souchi.

This scandal has finally broken official silence on French police brutality after five months of violent, indiscriminate attacks on Yellow Vests—visible on YouTube but not on TV. Even the death, during a housing demonstration in Marseille, of Zaineb Redouane, an 80-year-old woman who was killed on December 4 at her upstairs window when shot directly in the face with tear-gas grenade, went unacknowledged.

Macron's Lies and Cover-ups

Thus, the President of the Republic was caught outright lying to cover up police brutality. Not as strange as one might think, given the scandal that has clung to him like a tick since last summer, also uncovered by Médiapart, is the Benalla Affair—named for Macron's Security Chief, who last year was captured on a video, wearing a borrowed riot police uniform, viciously clubbing a demonstrator lying on the ground—apparently for the fun of it. It then emerged that Macron's protégé and left-hand person, Benalla, was also involved in a variety of international intrigues and scams, which continue tarnish Macron's Mister Clean image in France as new evidence emerges.

Nonetheless, Macron, a former Socialist, is still seen internationally as a progressive, democratic leader, efficiently modernizing France's archaic "exception" to neo-liberal dogma, basically a friend to human rights. The extraordinary violence of his regime has remained hidden behind a smokescreen of demonization of the Yellow Vests and de facto censorship by the mainstream media. Even the liberal *New York Review of Books*, which in the 1960s printed a diagram of a Molotov cocktail on its front page, has clung to this line, placing the blame for "violence" on the protestors. So before leaving this subject, let's look at some unpleasant statistics and then examine the role of the Black Block of so-called casseurs ("trashers") in sustaining this image.

Whose Violence?

The official narrative is that the Yellow Vests have been attacking the forces of order, and indeed they are often seen on TV throwing tear-gas canisters back at the police. Interior Minister Castaner has been categorical: "I know of no policeman who has attacked the Yellow Vests." Here are the statistics.

No police officer have been reported as seriously injured during the five months of weekly clashes with the Yellow Vests.

On the other hand, the latest official Interior Ministry figures list:

- 2,200 wounded demonstrators,

- 10 eyes permanently put out,
- 8,700 arrests, 1,796 convictions,
- 1,428 teargas canisters fired,
- 4,942 dispersion grenades fired,
- 13,460 Flashballs (LBDs) fired.

Flashballs, manufactured in Switzerland, are listed as "sub-lethal military weapons" but when they cross the French border, they magically become crowd-control devices. They are extremely powerful and accurate at 50 yards, and the number of head wounds indicate that they have been deliberately aimed at demonstrators' heads, as have been tear-gas canisters and grenades.

Médiapart's list counts:

- 606 demonstrators wounded including one death,
- 5 hands ripped off,
- 23 blinded in one eye, 236 head wounds (including jaws ripped off),
- and 103 attacks on journalists.
- Among the wounded 464 were demonstrators, 39 minors, 22 bystanders, 61 journalists and 20 medics.

What About the Violent Vandals?

Concerning the Black Bloc and other casseurs ("trashers") they are certainly guilty of property damage on a fairly significant scale, but have as far as I know not wounded, blinded or crippled any human beings. That, to me (but apparently not to the French media) is a significant difference. I have never eaten at Fouquet's restaurant, and I'm sure they have insurance.

My problem with the Black Bloc at Yellow Vest demonstrations is that they never get arrested or struck by flashballs. Go on YouTube and you can see dozens of videos of masked, black-clad guys with crowbars smashing banks and trashing stores in plain sight. No one ever stops them. Why?

A certain number of casseurs have been spotted (and videoed) as police provocateurs, infiltrating the demonstrations, smashing stuff, and then being exfiltrated through police lines. This is an old French police tactic designed to spoil the image of a demonstration and justify violent repression, but the whole truth is that Europe is full of angry young men, self-styled anarchists, deeply invested in fighting the establishment by smashing its

symbols. They come in from all over Europe.

So the cops leave them alone and concentrate on their main mission: brutalizing the crowds of ordinary demonstrators to scare them off and stifle dissent. Moreover, the Black Bloc folks are more likely to kick the

shit out of the cops who try to stop them than are high-school kids, parents with children, and old folks like me and Geneviève. I'd like the Black Bloc much more if they would fight the cops themselves, instead of using us as human shields while expressing their quite understandable rage while we get gassed and shot at.

"Libertycidal" Legislation

The new "anti-casseurs" laws that Macron is pushing through the legislature will legalize and set in stone for the future the repressive practices used against the Yellow Vests, making them permanently available to his successors (for example Marine LePen). They have nothing to do with actual casseurs (who are obviously breaking existing laws and need only to be apprehended under them) and everything to do with making it nearly impossible for ecologists, trade unionists or Yellow Vests to demonstrate.

For example, if you are a small-town Yellow Vest and take the train to Paris on a Saturday, you are likely to be stopped several times between the station and the Champs Élysées. If you have in your backpack Vaseline, eye drops, ski goggles, a bicycle helmet, a face-scarf or God forbid a gas-mask, you can be arrested, brought to summary trial, and convicted the very same day for being part of a "group organized for the purpose of destroying public order and obstructing the forces of



Demonstration by Yellow Vests, by jeanlucd7761/ Shutterstock.com

strate and the demonstration leads to property damage, you may also be made legally and financially responsible. You may also be placed on a list of dangerous people and barred from demonstrating again at the whim of the local Prefect.

The chilling prospect of turning these absurd police-state practices into law is what brought pacifists like Geneviève Legay out into the streets with the Yellow Vests. Interviewed in the hospital, where she is still in pain and recovering slowly from multiple injuries, she declared: "Today I am determined to carry on the fight. It is ever more necessary to do so when you see the anti-democratic drift of this government [...] The Yellow Vests support me and I will continue supporting them. I am not going to stop fighting to defend our rights, as I have for 50 years, and to struggle against State repression whatever form it may take."

The Cat Is Out of the Bag

She will not be alone. The League for the Rights of Man and more than 50 other civil liberties groups, religious associations, trade unions, civic associations and far-left parties have called for a massive national demonstration for the right to demonstrate, along with the Yellow Vests, for Saturday, April 13.

The choice of Saturday is significant as an act of solidarity with the Yellow Vests, who alone

order."

Of course if you insist on a real trial with lawyers and everything, they will gladly hold you over in jail, but if you're not at work on Monday you'll lose your job and, meanwhile, who is minding the kids? And if you eventually do get to demon-



Yellow Vests demonstrate against the policies of Emmanuel Macron in Paris, France, by Alexandros Michailidis/Shutterstock.com

have been defending the public's right to assemble in public places, and this at considerable personal risk. For 22 weeks, the Yellow Vests have been acting out this basic democratic right through their principled refusal to beg the police for special permission for citizens to gather in a public square or parade through the streets. Imagine "Occupy Wall St." happening all around the country, in cities and on traffic circles, on a weekly basis. All alone, the Yellow Vests have sustained thousands of injuries and thousands of arrests through this weekly act of civil disobedience, proclaiming the right to the city. Now, at last, they have recognition and allies. This convergence of other groups, along with the new perspectives flowing from the Yellow Vests' Assembly of Assemblies, may mark a new phase in their long and lonely struggle against Macron's harsh, anti-democratic, neo-liberal regime in its implacable drive to wipe out the relative advantages in living standards, social services and personal liberties won by previous generations of French people in 1936 (the general strike), 1945 (the Liberation) and 1968 (the general strike and student uprising). Indeed, since 1789 (the Decla-

ration of the Rights of Man, which enshrines the people's right to demonstrate grievances).

P.S. Meanwhile, the Algerian people, having suffered a century of French colonial rule, a long and bloody war for independence, and more than 60 years of corrupt police-state rule, are carrying on a similar struggle for dignity and democracy, filling the streets once a week (but on Friday, not Saturday) in so-far peaceful massive demonstrations. (The Montpellier Yellow Vests immediately voted their support.) The irony is that the Algerian police have held back on violence, whereas here in France, the level of state repression against the Yellow Vests reminds me of the oppressive atmosphere of police repression I experienced as a student in Paris during the Algerian War.

P.P.S. In my next report from Montpellier, I will try to relate, as a participant-observer, what it's like inside the Yellow Vests. Meanwhile, don't hesitate to send me any questions you may have about this under-reported but much-maligned autonomous popular movement.

Z

Feature



Paraopeba River polluted by tailings after the collapse of Dam of the Córrego do Feijão mine of Vale S.A. in Brumadinho, Minas Gerais, Brazil, by Christyam de Lima/Shutterstock.com

Brazilian Tailings Dam Disaster: Is Wisconsin Next?

By Al Gedicks

On January 25, 2019, a 28-story-high tailings dam in Brumadinho, in southeastern Brazil, failed, releasing almost 3 billion gallons of sludgy mine waste. The spill flooded nearby homes, submerging cars and buses under a river of reddish-brown sludge. The death toll so far has risen to 228 with an estimated 49 people still missing and presumed dead. This is Brazil's deadliest-ever mining accident.

The same design for storing mine waste, known as the upstream dam construction method,

is now being proposed for a large open pit metallic sulfide mine and tailings dam next to the Menominee River on the Wisconsin-Michigan border. While Brazil's mining agency has already banned this design from further use, Michigan regulators are poised to approve this design and risk a catastrophic dam failure that could send toxic wastes into Lake Michigan and threaten drinking water for millions in the Upper Midwest. A coalition of concerned citizens, environmental groups and the Menominee Indian Tribe of Wisconsin is deter-

mined to prevent this from happening.

What are Tailings Dams?

Tailings dams are some of the largest human-made structures on earth. Tailings are the waste material left over from the crushing, grinding and chemical (including cyanide) processing of mineral ores. Tailings often contain residual minerals—including lead, mercury and arsenic that can be toxic if released to the environment. However, unlike water-retaining dams made of concrete and steel, tailings dams are held back by walls of sand and silt.

Contrary to the claims of safety by the mining industry, tailings dams are failing with increasing frequency and severity. When they fail, they can destroy entire communities and livelihoods. The largest mining disaster in Canadian history occurred in August 2014 when the Mount Polley tailings dam failed and released 6.6 billion gallons of tailings into the Fraser River watershed in British Columbia. Local emergency response officials warned downstream residents not to drink, cook with, bathe in or come in contact with the effluent. The Brazilian spill has contaminated 75 miles of the Paraopeba River, where mud, debris and dead fish have devastated the Pataxo indigenous people who depend upon the river for drinking, fishing and irrigation. A Pataxo woman emphasized that the damage from the spill was not limited to the loss of life and the pollution of the river. “Our relationship with the river is very special because the origin of the Pataxo was born in a drop of water that fell on the ground.”

The Brumadinho dam is owned by the mining giant Vale, the same company responsible for a tailings dam failure four years earlier at the Samarco mine in Mariana that buried 3 communities, killed 19 people, leaving hundreds homeless and contaminating hundreds of miles of river valleys with toxic sludge. It was one of the worst environmental disasters in Brazil’s history. The tailings dam failures at Brumadinho and Mariana occurred in a technologically advanced country with a history of mining and with mining companies that had the ability to use state-of-the-art technology to construct and maintain tailings

dams. Vale is the largest producer of iron ore and nickel in the world, with massive operations in Brazil. BHP Billiton was a co-owner, with Vale, of the failed tailings dam at Mariana. BHP Billiton, an Anglo-Australian company, is the world’s largest mining company.

This environmental disaster should raise red flags for Michigan regulators who have already been besieged by multiple controversies about the impact of Aquila Resources’ Back Forty project on the communities and environment around this proposed mine.

Aquila Resources’ Proposed “Back Forty” Mine and Tailings Dam

Aquila is a Canadian exploration company that has no experience with mining. It has recently submitted a revised permit application to Michigan’s Department of Environmental Quality (DEQ) for its proposed Back Forty metallic sulfide mine a mere 100 feet from the Menominee River. Although the Menominee River is an interstate waterway, the Wisconsin Department of Natural Resources has allowed Michigan to assume exclusive jurisdiction over the permitting process.

The proposed mine would produce 70 million tons of acid-producing waste rock and milled tailings. When sulfide minerals in mines and mining wastes are exposed to air and water, the chemical reaction produces sulfuric acid and metal pollution known as acid mine drainage (AMD). AMD is toxic to fish and wildlife due to dissolved metals and contaminants such as mercury, lead, arsenic, cadmium, zinc, copper and many others. These contaminants would threaten the Menominee River and eventually Lake Michigan, the second largest of the Great Lakes.

Downstream Communities

The main revision to Aquila’s mine permit is the expansion of the tailings dam. Aquila claims that these finely ground chemical-laden wastes, along with millions of gallons of water mixed in a slurry, can be stored safely next to the Menominee River in perpetuity. Downstream communities in Wisconsin that depend upon the river for their drinking water, fishing and tourism

doubt the company's assurances of safety. Seven counties, four towns, three cities, and dozens of tribal governments have passed resolutions against the project.

Mining on Sacred Lands?

The location of the proposed Back Forty mine has special significance for the Menominee Indian Tribe of Wisconsin because it is their original homeland. The Menominee River is named for the Menominee Indians, who trace their origin back thousands of years to when the Ancestral Bear emerged from the mouth of the Menominee River and was transformed into human form as the first Menominee. They occupied the Menominee River area for millennia, until an 1836 Treaty with the U.S. forced them to cede their original territory in Michigan. However, the Menominee Nation never gave up its right to protect its traditional cultural resources that are essential to their identity. The present-day Menominee reservation is 60 miles southwest of the proposed mine.

The mine site is located on the traditional lands of the Menominee Nation that include prehistoric burial mounds, village sites, raised agricultural beds and dance circles. Similar concerns about harm to water supplies and the destruction of sacred sites have resulted in massive tribal and environmental protest against the Dakota Access Pipeline next to the Standing Rock Sioux reservation in North Dakota.

Lessons of Brazilian Dam Failures

The Brazilian tailings dam that failed was built in 1976 using the upstream dam construction method. This design involves piling waste from the mine toward the tailings pond, raising the dam to new levels as the dam grows in size. Upstream dam construction is the cheapest design because it requires less material to build. It is also the most prone to failure, according to experts. About 76 percent of tailings dam failures worldwide are related to upstream construction methods.

Upon hearing of the Brazilian dam failure, Menominee Nation community organizer, Guy Anahkwet Reiter said, "It hurts my heart to think that this could possibly happen to the Menominee

River and the people depending on it to survive. Even more so that we as Menominee people who come from that river and have a connection that leads back for thousands of years. The river holds memory, it knows our deep connection. The river is the center of our universe. We look to it to be reminded that we must always keep moving."

Can modern mining technology guarantee zero catastrophic events?

Aquila's revised mine permit application minimizes the possibility of a tailings dam failure at the Back Forty project and fails to recognize the risks to people and water quality from a tailings dam design that has caused dams to become progressively dangerous as their height increases. Despite Aquila's claim that mining technology and regulation have made modern mining safer, a recent study by the Center for Science in Public Participation (CSP2) found nearly half of all recorded serious tailings dam failures happened in modern times, between 1990 and 2010. "These failures," according to the report, "are a direct result of the increasing prevalence of tailings storage facilities with greater than a 5 million cubic meter total capacity necessitated by lower grades of ore and the higher volumes of ore production required to attain or expand a given tonnage of finished product."

In Aquila's original mine permit application, they proposed to store 5.1 million cubic meters of tailings. In their revised application, they propose to store 4.9 million cubic meters of tailings. If the open pit mine extends into an underground operation, as the company has told its investors, the volume of tailings will exceed 5 million cubic meters.

The stability of Aquila's proposed tailings dam is at further risk because upstream embankments are not suited to areas of seismic activity because earthquakes can cause dam failures. Aquila's mine permit application fails to mention that a small earthquake, called the "Menominee Crack" caused a split in the ground almost 360 feet long and 30 feet wide at its largest point not far from the mine site in 2010. Scientists from Michigan Technological University proposed that this seismic event, which they called a "pop up," probably occurred "when underground pressure on the limestone rock in the area was released." Could mining of

the open pit and/or subsequent underground mining disrupt an area of trapped air pressure and lead to shifting rock layers that could destabilize the rock and soil underneath the tailings pond?

Regulators in the Michigan Department of Environmental Quality (DEQ) need to ask Aquila: “What would be the effect of a spontaneous 30 foot wide crack opening in the rock underneath the tailings pond?” Unfortunately, the leadership at the DEQ has shown little interest in raising technical and scientific objections that would delay Aquila’s rush to obtain all its required mine permits.

Aquila’s Wetland Permit Approved

In June 2018 the Michigan DEQ issued Aquila’s wetland permit over the objections of DEQ’s own Water Resources Division. According to the agency’s Findings of Fact: “After due consideration of the permit application, on-site investigation and review of other pertinent materials, the Water Resources Division finds that the project does not demonstrate that an unacceptable disruption to the aquatic resources of the State will not occur and that the activities associated with the project are not consistent with the permitting criteria for an acceptable impact to the resources regulated under Parts 301, Inland Lakes and Streams, and Part 303, Wetlands Protection.”

Despite repeated requests from the public and environmental groups, the DEQ leadership has not provided an explanation of why the agency ignored the scientific and legal objections of their own agency staff.

Whatever the reason for the failure of the DEQ to enforce the wetland protection requirements of the Clean Water Act, it is clear that the DEQ has lost public confidence in their ability to critically evaluate Aquila’s tailings dam design. The Coalition to Save the Menominee River and the Menominee Indian Tribe of Wisconsin have both filed legal challenges to the DEQ’s approval of Aquila’s wetland permit in state administrative proceedings and in federal court.

It was precisely this lack of regulatory oversight that contributed to the Brazilian tailings dam disaster. According to an investigation by the *Wall*

Street Journal, Vale executives knew for months that the dam was unstable and could collapse. Brazilian prosecutors are now seeking to hold Vale executives liable under anticorruption and environmental laws. To address Michigan’s regulatory failure, the Front 40 Environmental Group and the Mining Action Group of the Upper Peninsula Environmental Coalition contracted with Dr. David Chambers, an internationally recognized expert on tailings dams and the director of CSP2, for an independent scientific review of Aquila’s mine waste storage plans. According to Dr. Chambers, “Any time tailings are used for structural support, the risk of failure is increased over that of mechanically engineered materials. It is not clear from the Dam Safety Permit Application...why the cost savings gained with upstream impoundment construction is more important than the increased long-term risk to the public of impoundment failure.” A far safer method, the downstream construction method, was never considered by Aquila.

As long as the mining industry ranks cost ahead of safety, the list of catastrophic dam failures will continue to grow, according to Chambers. The key question for Alan Septoff, communications director for Earthworks, an industry watchdog, is whether science or politics will guide mine permitting in Michigan. “In the wake of the 2014 Mount Polley mine waste disaster,” says Septoff, “an independent panel of mining experts from industry and academia recommended banning wet mine tailings disposal everywhere, and it’s that disposal process that has been at the root of subsequent disasters around the world. The Back Forty mine would use this inherently unsafe waste disposal, condemning those downstream to eternal threat of disaster because a mining waste impoundment must last literally forever.” Z

Al Gedicks is the executive secretary of the Wisconsin Resources Protection Council in La Crosse. He is working with the Menominee water protectors to oppose the Back Forty mine project.



Paraopeba River polluted by tailings after the collapse of Dam of the Córrego do Feijão mine of Vale S.A. in Brumadinho, Minas Gerais, Brazil, by Christyam de Lima/Shutterstock.com

