



No. 3

January 20, 2021

CONTENTS

Preserving the Security of the Constitutional Order in the United States

- **TML Editorial**
- **Trump Presidency Comes to an End**
- **Insurrection and the Administrative State**
- *Kathleen Chandler* -

Hardial Bains Resource Centre

- **The House, Senator Cruz and References to
the U.S. Civil War**
- **Disinformation**
- **Joint Intelligence Bulletin: An Example of Disinformation**

For Your Information

- **House Judiciary Report on Impeachment**
- **Constitutional Amendments Pertaining to U.S. Civil War**
- **Joint Statement from U.S. Senators Opposing Certification of Electoral
College Vote**

Preserving the Security of the Constitutional Order in the United States

TML Editorial

TML is producing a Supplement on the unfolding events in the United States on the eve of the inauguration of Joe Biden as 46th president of that country. These events have significance for the U.S. polity and, by extension, the Canadian polity and the peoples of the world.

Material in this issue focuses on explanations for what is happening in the United States by delving into what is relevant and what is not so as to get to the heart of the matter. The lead article by Kathleen Chandler explains why the U.S. House of Representatives called the rampage which took place at the Capitol building in Washington DC on January 6 an insurrection using the 14th amendment of the U.S. Constitution, rather than Article 1 of the Constitution, on Congressional powers, and the implication of this to the workers' and peoples' striving for justice

and democracy. Kathleen Chandler leads the U.S. Marxist-Leninist Organization (USMLO). Other material is brought to you by the Hardial Bains Resource Centre (HBRC) which carries out ongoing work on matters of concern to the forces fighting for change which serves nation-building by humanizing the natural and social environment and opening society's path to progress.



TML is producing a Supplement on the unfolding events in the United States on the eve of the inauguration of Joe Biden as 46th president of that country. These events have significance for the U.S. polity and, by extension, the Canadian polity and the peoples of the world.

Material in this issue focuses on explanations for what is happening in the United States by delving into what is relevant and what is not so as to get to the heart of the matter. The lead article by Kathleen Chandler explains why the U.S. House of Representatives called the rampage which took place at the Capitol building in Washington DC on January 6 an insurrection using the 14th amendment of the U.S. Constitution, rather than Article 1 of the Constitution, on Congressional powers, and the implication of this to the workers' and peoples' striving for justice and democracy. Kathleen Chandler leads the U.S. Marxist-Leninist Organization (USMLO). Other material is brought to you by the Hardial Bains Resource Centre (HBRC) which carries out ongoing work on matters of concern to the forces fighting for change which serves nation-building by humanizing the natural and social environment and opening society's path to progress.

One of the HBRC's major fields of investigation concerns how disinformation works, in its ideological and material forms, not in terms of beliefs. An article on disinformation is published below with the aim of helping readers provide themselves with the orientation they require when they attempt to understand what is going on, how it is spoken about and the measures which are being taken.

We focus on what the police powers are in relation to representational government and how disinformation works in terms of the ideological form, not just individual beliefs. Disinformation involves the destruction of what is being informed, what is providing form.

An important feature of analyzing unfolding events is not to confound the objective world with one's subjective impression of that world. Rather than a reflection of the objective world, an analysis can become an amalgam rendered through the prism of one's own understanding of what one is observing, reading and hearing. Hence the expression: One sees not what is there but what one thinks is there. For instance, various forces describe what is happening in the United States as a problem of extremism, or fascism, or authoritarian, or populism, or pre- or post-fascism and the like. There is a refusal to discuss actual human relations and what they

reveal, in part because information is lacking, and deliberately so.

Human relations, all the many relations between humans and humans and humans and nature, are not a collection of things. In a polity, they concern the basis of political relations which are not the same as social relations of production. A polity has relations, individual and collective and in terms of the whole. Theories of governance, balance of power, the distinction between domestic and foreign policy -- all these are eliminated when a police power is established. A police power simply considers all humans and the relations they enter into as "things" placed into categories to be disposed of accordingly. "Blacks: criminals;" "youth: delinquents;" "middle class: good;" "working class: troublemakers;" "extremists, Muslims, Iranians, Cubans, Venezuelans: terrorists;" "Chinese: spies, enemies;" "Russians: ditto," and so on.

Repeating these characterizations is what we call the Cinderella Complex. Some say that what is happening in the U.S. is extremism, or fascism, or authoritarianism, or populism, or Armageddon. Armageddon, according to the New Testament of the Christian Bible, is the last battle between good and evil before the Day of Judgment. All of it signifies a refusal to discuss the ensemble of human relations and what they reveal.

The basic Cinderella story is of a prince, with a glass slipper, who goes in search of the right foot to fit it. Whatever name is attached to some event or developments, they are somehow linked together and then those making the claim (the slipper) go looking for facts to support it while those claiming otherwise look for facts to refute it. Interestingly, nobody is supposed to question the basic presumption that everyone wants to either be the prince, or marry the prince.

The arguments do not clarify the vantage point or throw light on the situation we are in. Their validity is decided by how many "likes" they get on Facebook, or absence of "likes." Whether particular vantage points are good or bad, the vantage point expressed is always from the point of view of the prince and those arguing cannot see beyond that.

People's thinking on Trump and on what is taking place in the United States is all over the map. It is not unusual to hear people say they are convinced that the world is coming to an end. Some agree with this or that analysis but instead of corroborating the analysis, they corroborate what is going on in their own head, such as the belief that the election was stolen from Trump or that Trump is a really bad man and that Biden may not be so bad, or will be just as bad, or good, and the like.



January 2021. Protest actions by those involved in the movement for rights and against police impunity continue in Portland (above) and other cities.

These personality politics can drive people crazy. People become afraid when they think about

things based on personal feelings and apprehensions. They become victims of disinformation, which is not to make you believe in this or that but to deprive people of acquiring a world outlook which serves them and helps them work out what can be done to change the situation in their favour. Those who participate in acquiring a modern outlook cannot be driven crazy or become scared. They become capable of analyzing the objective world, sorting out the contradictions and engaging in actions with analysis to change the situation in favour of themselves, the working class, all of humanity and the general interests of society.

The objective world changes spontaneously, but more importantly for humans at this juncture of history, the existing objective contradictions in relations of production can be resolved through conscious organized actions to change the world, all of which demands constant analysis, organized actions and yet more analysis and actions. This opens great possibilities to humanize the social and natural world.

For a person with a modern outlook, the disinformation exists as noise like a distant ambulance siren. Its effect is no more than annoying sound waves which reach the brain and almost immediately disappear.

Please send us your views, reports, photos and information. Write to editor@cpcml.ca.

We also note that Martin Luther King Day was observed this year on January 18. Many TV and radio stations played his speech from 1967, condemning the war against Viet Nam and his last speech delivered a day before his assassination in April 1968. Reflecting the strength of the anti-war movement of that time, the speeches called for a radical rupture with the U.S. socio, economic and political system, including calling for an end to militarism, racism and poverty. His life and work, like that of Malcolm X, Fred Hampton, Fannie Lou Hammer and many others, continue to inspire millions of people in the U.S.

Trump Presidency Comes to an End



On January 20 the Trump presidency will be over and the world is breathing a sigh of relief -- even though what comes next looks like more of the same in too many ways. Trump's election in 2016 indicated that the old way of doing things was finished; civil society arrangements would no longer serve to sort out problems of any kind. Four years of Trump rule could not reveal this more vividly. It remains the case and defines the present, despite wishes it were not so.



January 18, 2021. Streets around the Capitol building barricaded ahead of inauguration.

The armed military camp that will occupy Washington, DC for the next 30 days, along with seven-foot fences topped with razor wire, broad closures of public places and transportation, are an indication of government plans to contend with resistance by the people. Another indication that police powers by the executive will increase under Biden is the Joint Intelligence Bulletin issued by the U.S. Department of Homeland Security, the Federal Bureau of Investigation and the National Counterterrorism Centre. It identifies those it labels "violent extremists," "anti-government and anti-authority violent extremists," and "racially or ethnically motivated violent extremists," along with militias, saying they pose the greatest domestic danger. Given that the striving of the people for equality, justice and accountability -- including in relation to COVID-19, demands for the right to healthcare, housing and a livelihood -- will persist and the government is giving itself the authority to decide who is and is not an "extremist," the likelihood of increased repression against the people is evident.

In a neo-liberal world where cartels and coalitions made up of oligopolies have directly seized the powers of the state in the U.S. and other capitalist countries, the rulers cannot sustain a political process. Trump positioned himself to break the bounds of the Constitution and oversee the consolidation of a state of police powers, developed under Obama as well, such as with drones and mass deportations. At this point police power is not concerned with legitimacy so it tramples underfoot the old forms of claiming legitimacy through elections. It considers they are no longer required. Similarly, it does not recognize the validity of having a civil society which pressures government. Instead, it is pushing the need to preserve the security of what it calls constitutional order.



Internationally, the Trump presidency and the military that backed him were opposed to nation-building as an activity of the military. All hitherto set ways for conducting international relations were smashed, affecting all bilateral and multilateral relations and institutions, including not only relations with the closest U.S. allies and the United Nations and UN agencies but also the aggressive U.S.-led military alliance NATO. Contention and collusion with all rivals has been carried out on the basis that the President is "in the game." Trump's "art of the deal" jives with oligopoly where everything is used to seek advantage. Trump's foreign policy did not position the U.S. for or against Russia or China but on how to pit them against each other, to both contend and collude and seek advantage.

No sooner Trump was elected, the overall stand of the U.S. polity and most of the world was one

of revulsion and repulsion along with every effort on the part of the monopoly media to divide the polity by blaming the people for electing a racist, anti-immigrant and misogynist person. The Old Guard presented themselves as not racist but, on the contrary, champions of civil rights, the police powers at their disposal notwithstanding. All of it was done to divert from the U.S.'s known persona as a racist state which unleashes various police and other forces to run rampant and commit crimes against Black lives, immigrant lives, the lives of the working people and indigenous peoples as well as war crimes.

Great credit goes to the working people of the United States who have waged a vigorous fight for democracy, not only distancing themselves from what is done in their name but demanding equality, an end to police impunity, injustice and the abuse of the human person. Not only will the battle for democracy in the United States, against the use of police powers and replacement of rule of law with police rule continue, but so too the battle of democracy which is still incomplete and demands to go forward. It requires the politics of empowerment, a political process that provides for the elimination of the condition of slavery, privilege and the rule of the few over the many.



January 21, 2017. Women's March on Washington, the day after Trump's inauguration, rejects his presidency and all that it stands for.

Insurrection and the Administrative State

- Kathleen Chandler -

Why did Congress so quickly take up impeachment on the basis of charging Trump with "incitement to insurrection?" What does it mean for a Biden administration and the movements of the people for rights? Part of the problem the rulers are contending with is that existing political arrangements cannot solve the people's demands for equality and accountability. This drive of the people was evident in many actions in 2020 and since, not only in terms of opposing racist police brutality and killings, but also by nurses, warehouse workers and other frontline workers demanding COVID-19 protections and free health care for all. It can also be seen in demands for income security throughout the COVID crisis, opposition to evictions and more. The growing conflicts within and between Congress, the Presidency, military and policing

agencies also show the rulers cannot solve these conflicts among their contending factions vying for power.



January 17, 2021. Washington DC.

The rapidity with which Congress took up the charge of inciting insurrection is significant, as was its repetition by the media. Everything is being taken in this particular direction. At the same time, this process is separate from the one under the auspices of the Department of Justice (DoJ) which is part of the Executive. The DoJ is not bringing charges of insurrection against individuals, or even rioting. Thus far individuals are mainly being charged with violent entry and disorderly conduct.

The charge brought against Trump of inciting insurrection uses wording from the 14th Amendment of the U.S. Constitution even though the constitutional argument of what is insurrection is given in Article 1 concerning Congressional powers. These powers are specifically delineated in Article 1 and include the power to declare war, levy taxes, etc. This is where it says: "The Congress shall have Power to: Provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions." The House is not using Article 1, but rather the 14th Amendment, which is from the time of the Civil War. Unlike Article 1, it talks about removing people from office and blocking them from holding office in the future. It is noteworthy that the House is not giving the constitutional defence of the Republic, but rather what punishments can be given to officials charged with incitement to insurrection.

Impeachment is the Congress acting against the Presidency, with both Congress and the Presidency vying for greater power. This is occurring in conditions where the Executive has usurped and concentrated far greater powers in the Presidency than any other branch of government. There is no "balance" of powers and impeachment will not change this reality.

Following the January 6 events at the Capitol in Washington, DC, the House Judiciary Committee quickly drew up a 70-page document giving the arguments as to why Trump should be impeached. The document gives two main arguments: 1) to safeguard the nation between elections; 2) it is necessary to preserve the security of the constitutional order. The second is the argument that they are relying on at this time.

Preservation of the constitutional order is not a new argument, and is a very basic one that has been used at various times. Leading political scientists, think-tanks, academics and policy makers all elaborate on this argument, underscoring the need to defend what is called "the administrative

state." This is all the bureaucracies, military, policing and regulatory agencies involved in maintaining the state and preserving the constitutional order. This administrative state persists from one president to the next.

Historically, especially when dealing with the executive power, insurrection posed a problem for a constitutional order. The conception of executive power involved an "intermingling of external and internal security," and conflict between morality and security, something often seen today in debates on security versus civil rights. There are many writings from the period of WWII to today speaking to these difficulties. One, for example, in 1946, was called *Total War and the Constitution*, by Samuel Corwin, dealing with the constitutional implications of U.S. wartime experience.

Corwin shows how the power of the President grew at the expense of the other branches of government. He put the matter in terms of the regulatory agencies of the administrative state. He asks, "How far can we continue to progress in the direction of conferring upon administrative officials more and more virtually unreviewable discretionary power over the lives and activities of men without finally reaching a state of absolutism that can no longer be called a liberal democracy?"

Consider that the bureaucracies now are far, far larger than when Corwin was writing, numbering in the hundreds of thousands.

Corwin was one of the teachers of the teachers being trained in the expanding bureaucracy, which took institutional forms. These include think tanks like the Research and Development Corporation (RAND) and the Council on Foreign Relations (CFR) both places where the rulers today gather to work out policy and how to preserve the state in conditions of great conflicts among and between them and in relation to powers abroad. RAND is a global policy think tank created in 1948 by Douglas Aircraft Company to offer research and analysis to the United States Armed Forces. These think tanks are financed by the U.S. government and private endowment, corporations, universities and private individuals. They get public funds for planning nuclear strategies, dealing with urban uprisings, and so forth.

The arguments put forward are from institutions. They are not ideas in someone's head; they are not random beliefs. The think-tanks and government institutions have their own publications, connections to universities, connections between industry and government and so on. There is a materiality to the culture.

The administrative state is institutionalized and carries great weight. Part of the difficulty Biden will face is how to unite these contending forces. Much of what is done in relation to immigration and border issues, including in relation to trade, as well as for the environment, and financing, like the Federal Reserve, are done through regulations and the policies of these institutionalized bureaucracies.

Preserving the Constitutional Order Against Communism

The period called the Cold War was significant in providing anti-communist arguments for the preservation of the constitutional order which is fundamentally an anti-communist conception. It involves a fundamental question that still confronts us, which had an institutional form. That question is: How did the world go from an anti-fascist war and anti-fascist united front and the institutions that came out of that, like the UN, decolonization, de-nazification, to immediately, in the late 1940s, becoming an anti-communist front? That anti-communist front took an institutional form.

Coming up to today when it is written that it is necessary to preserve the constitutional order, as

the Judiciary Committee did, the same arguments are given from the time the transformation took place from an anti-fascist united front into an anti-communist front organized from the U.S., using an Anglo-American alliance. This was the so-called English-speaking peoples Winston Churchill referred to in his Iron Curtain speech delivered on March 5, 1946 in Fulton, Missouri. This shows up when someone has to immediately put out a 70-page document and organize it under the title of *Preserving the Constitutional Order*. There is an institutional basis for what is occurring which it is not a fight between fascists versus neo-liberals. There may be such fights when it comes to setting policy objectives, but not when it comes to the main issue at hand. It is a matter of preserving the constitutional order against communism. In many ways one can say that Madison, a main author of the Constitution, gives the original anti-communist argument. He said the faction of the propertyless must be kept under control and out of power. Madison comes up with an argument about the tyranny of despots turning into a tyranny of the majority, the propertyless, which had to be prevented. This anti-communism is fundamental to the arguments now being given about impeachment, insurrection and the Constitution itself.

Impeachment and preserving the constitutional order are not just directed at efforts to sort out fights among the ruling class -- but mainly at disempowering the people who since March spent the whole summer and fall finding ways to make known their demands for social and political equality. As well, workers made demands for security in terms of jobs and healthcare and for a peaceful transfer of power, which was not partisan and involved about 600,000 people who were planning a general strike on January 20 if Trump called out the military.



The demands of the people are not coming from a defence of the Constitutional order but as rights belonging to the people. The demands come from the quality of being human, demanding human rights, equality and accountability. The clash between the two conceptions is very real. Biden and the Democrats are striving desperately to block the demands for equality and rights and bring youth and workers back into the fold of this dysfunctional constitutional order, which has shown it cannot provide equality. There is little doubt that this striving for equality and people's empowerment and governing arrangements that provide for that, will intensify in the Biden administration.



January 2021. Banner drop in New York City demands permanent status and protection for migrants. Banner drops and other actions for migrant rights and to abolish ICE are being organized in the days before and on Inauguration Day.

The House, Senator Cruz and References to the U.S. Civil War

- *Hardial Bains Resource Centre* -



January 7, 2021. New York City protest calls for Trump to be impeached.

The House Judiciary Committee arguing for charging Trump with "incitement to insurrection," and Senator Ted Cruz of Texas and the Senators who joined him in challenging certification of the vote, all use Civil War references to make their arguments.

The Judiciary report uses the 14th Amendment, section 3, arguing the charge of "incitement to insurrection" is needed as the "threat that manifested in the Capitol is ongoing. The emergency is still with us." This refers to the threat of violence in DC and State capitols across the country. The 14th Amendment is one of the three Civil War Amendments (the 13th ratified in 1865 at the end of the Civil War, the 14th ratified in 1868 and the 15th ratified in 1870). The 14th prohibits any person, member of Congress or officer of the U.S. who has engaged in insurrection or rebellion from holding any office in the U.S. The Committee says: "despite widespread bipartisan calls for Trump's immediate resignation, the president has refused to leave office," so they have to move to impeachment. Given that the grounds for impeachment are that the President incited insurrection, the 14th amendment can then be used to pass a vote in the Senate by simple majority to say Trump is blocked from ever again holding office. That is the punishment they are trying to achieve even after he leaves January 20.

At the time of the Civil War, the battle between Congress and the Presidency and the Supreme Court was also a main part of the fight. The Supreme Court said, in the event of war, the government was liable for destruction of property, including in relation to enslaved African Americans who were treated as property, as things, not human beings. As a war, the laws of war would apply. It would be necessary to delineate who is military, who are civilians, who are prisoners of war, etc. As well, the Supreme Court and Congress raised questions over Lincoln being Commander-in-Chief. The Supreme Court challenged him, saying he had not been called into service, as is stated in the Constitution. Even so, he did give himself authority as Commander-in-Chief, but did not call the conflict a civil war or even insurrection.

Even though Lincoln said by law he could not touch issues of slavery and promised not to do so in debates prior to his election, the Democrats, representing the Slave Power, basically said "we do not believe you." All were contending with various uprisings of the enslaved people at the time, along with the raid on the U.S. arsenal in Harper's Ferry led by abolitionist John Brown in 1859 which was an effort to strengthen the rebellions by arming greater numbers. This took place before Lincoln's first inaugural address, in March 1861, where he continued to keep away from even mentioning civil war and slavery. He said things such as that slavery was an amoral

institution, but his address mainly promoted reconciliation, for preserving the federal union under the Constitution.

The Democrats then in Congress rejected that and went back to their various states and basically organized coups in their states. Some at first tried to have assemblies and referendums but that did not work as people were against secession. So they organized coups. Shortly after, the Confederacy was formed, with its Articles of Confederation, its own flag, army, uniforms, generals, etc. In April 1861 the Confederate forces laid siege to and fired on Fort Sumter, the opening battle of the Civil War.

Lincoln still tried to avoid calling it civil war or insurrection. He referred to the actions of gangs, marauders, hooligans. It is not until his Gettysburg Address in November 1863 that he called it civil war. The general argument he supported was that slavery as a system was on its way out and free labour was on the rise, thus slavery would die out on its own. It is significant for arguments made today, which are pushing insurrection instead of reconciliation, even though Biden presents himself as a unifier. This includes calling for the removal of House Representatives who challenged certification of the Electoral College Vote for being "supporters of insurrection."

The Civil War was launched from states seceding from the United States. It was launched as an insurrection against the U.S. state, a rebellion by the slave-masters. It was not a war between states. If Lincoln accepted it as war, it would be considered a war between distinct nations states, and involve international relations and the laws of war. It was also not simply to secede, but rather to also settle which forces would dominate the Americas. People in Lincoln's cabinet were actually offering Canada, Cuba and Nicaragua to the Confederacy, saying this would give them lots of room to expand and manoeuvre. It would be better to choose empire rather than wage war against the government, they argued. But the Confederacy wanted it all.

Most of the generals in the Civil War got their experience in wars against Mexico and with the westward expansion and its genocide and wars against Indigenous peoples. This includes Confederate generals like Robert E. Lee and Jefferson Davis (the general, not the head of the Confederacy) as well as Ulysses S. Grant who led the Union Army as Commanding General in winning the Civil War and subsequently served as the 18th president of the United States from 1869 to 1877. The Confederacy was not simply defending the system of slave labour but all the connections serving their interests with northern merchants, railroads and the world market of the day.

Despite the fact that between 600,000 and 700,000 people were killed during the war, Lincoln did not even want to call it an insurrection. But on January 11 the House wasted no time in calling the events of January 6 an insurrection, as opposed to a riot or a violent protest or other similar language. By relying on the 14th amendment, first they have to say Trump incited insurrection and then they can make use of the content of the 14th Amendment to block Trump from holding office in the future.

The time period of the 14th Amendment, which is during Reconstruction (1865-1877) was also raised by Senator Ted Cruz on January 2, in the letter explaining why Republican Senators were challenging certification of the election. The letter raises the issue of the 1877 presidential election, the Hayes-Tilden race. That time period was raised to delegitimize Biden's election. Cruz said in the letter that for the 1877 dispute Congress did not dismiss concerns about the election. He introduced the period of crushing Reconstruction, with federal troops removed from the south in exchange for which Hayes got the presidency.

According to arguments of the time, charges of insurrection were also used against the workers fighting to defend themselves. Big upheavals were happening in terms of the development of the

U.S. state. The trans-continental railroad was completed and there was a serious depression after the Civil War, in 1873. By 1877 the Baltimore & Ohio railroad (B&O) was completed. In West Virginia, the railroads twice cut wages and workers went on strike. It turned into a national strike and general strikes were held in specific cities like St. Louis and Chicago. The national strike lasted from June to September of 1877 and saw some of the most violent battles, put down by federal troops and the Pinkertons, a private police force. A lot of other workers such as iron workers, steel workers and coal miners also went on strike and used armed resistance. All were part of the battle for an eight-hour day. There was recognition that the working class had emerged -- black and white together. Newspapers of the time are filled with headlines and arguments that the Paris Commune -- the revolutionary uprising of French workers who seized control of Paris in 1871 and governed in the interests of the workers -- was coming to the U.S.

Cruz picked up on this history. Reconstruction was a period that witnessed a broad flowering of democracy, especially in the south where state constitutions were being rewritten and debates on women's rights, voting, representation, people's assemblies, were taking place. While it was partly an opportunist argument, he also specifically picked a period during which Reconstruction was smashed. Perhaps he is worried there will be a repeat of the 1877 uprisings.

The fact that both the House and Cruz are referencing this period is reflective of the reality today that the ruling factions, who no longer have mechanisms like a functioning Congress and elections to resolve conflicts, will drag the country into a violent civil war and that they consider that the current movements of the people threaten their rule as more and more demand a new direction for the economy and politics.

As W.E.B DuBois, a recognized authority on the Civil War and Reconstruction said, both involved a general strike and an effort by workers, black and white, to carry forward the elimination of all enslavement.

Disinformation

- Hardial Bains Resource Centre -



Most significant in going through this particular historical period of retreat of revolution, is that all the experience of humans relating to humans and humans relating to nature from time immemorial is coming to a head. If that vast experience is not thought through, then we could be heading for a greater tragedy, an event causing great suffering, destruction, and distress. It is in this context that what constitutes disinformation has significance.

Disinformation is not synonymous with misinformation. It can include misinformation, straightforward lying or misconceptions of various things but this does not go to the heart of the matter which lies in the "dis" part of the word disinformation. To "dis" is to destroy. Disinformation is the destruction of what is being informed, that which is providing form.

A legitimate question is: What is the realm of what needs to be informed with this vast human experience? What is the arena that we are actually dealing with? How do we connect with, have links with, feel the whole sensuous matter of this experience that we have in our personal lives and in the lives of our collectives and in society in general and internationally throughout the world?

We are speaking here of the ensemble of human relations -- all the material that becomes thought material, that is provided to the human brain. This is what has to be informed. We are not talking about information as in bits of computer data or about giving the proper piece of data that somebody in their brilliance can construct. This is akin to sorting out the question of "what is what" by having a grocery list of things or, for that matter, by collecting metadata. If we are to take various bits of information and just string them together in any way that we desire, giving it whatever form we desire, that could be well and fine and there are various points of interest that could possibly be communicated by doing something like that. But that is not what we are talking about when we speak about informing, about having information. Without tackling this, we will not see the disinformation.

When we look at the world, the natural and social environment, when we deal with our society, our collectives, where we work, how we work, all of these things, we get to see a vast entanglement, how everything is related to everything else and how there is such a complexity. If one could stand on a mountaintop and look down and see all the trees and lakes together, one might see a city over here and cars and roads over there. But for us in social life, it is never like having that vantage point on a mountaintop because we are right in the midst of the hurly-burly. How does one relate to one's colleagues and co-workers, to one's comrades, family, neighbours, to one's nation, to one's polity -- all such questions arise. Not only that, there is a whole history that has brought us all together up to this point. This history is the whole social development and the stage of development now reached by the productive forces, of which the most important are the human beings who do the work, who have contributed to bringing society to where it is today, to bringing civilization to this point. There is a human need to see, to literally see, to observe what is known, to understand how did we get here, what is unknown, to define precisely, especially what is unknown, what is absent in our lives. And thus how do we deal with the problems as they are presented?



All the developments that have taken place provide very rich content, but this content necessarily outstrips the forms that have been established in the past. To put it very concretely, in the society we live in today the fetter on our lives is the social relations of production that we enter into independent of our will. Literally forced down everybody's throats are the claims of monopoly right, to the extent that there is no public right. People's right to make claims for a livelihood, for conscience, for all the things that are needed, including those within the spheres of knowledge and all such matters, are simply not recognized.

At the same time, being human beings in a particular historical period, in a definite political and economic arrangement, we all have to have our opinions about what we need to do. If we cannot collect, inform this vast need for expressing our opinions, we have no way of examining even what is correct or incorrect, relevant or irrelevant. Everything becomes diffuse. At the same time, because of the developments and because we live in a modern society there are all sorts of institutions with their disciplines. For example, with the development of modern capitalist society, one of the most important achievements was the scientific and technological revolution in which the relations of humans with nature could be transformed for use by human beings. In order to carry this out, the university system was developed, various institutions were established, such as publishing houses and newspapers and associations, and this constituted part of the original revolutionary struggles that established the modern nation states. Within these universities and forms of education, and within the development of journalism, knowledge had its expressions, as well as all the opinions that pertained to that knowledge. This constituted the various disciplines, whether it was mathematics or biology or economics or political and social sciences or fine arts, music or others. They were developed to the level that social development had carried them, along with the productive forces, but within the context of the social relations that were already established. What was most important at a certain period was the creation of something that was public, the formation of outlook -- not just knowledge but an outlook based on that knowledge.

We are not dealing here with the question of world outlook *per se*, but an aspect of it which is the creation of public opinion, that in the creation of politics and political society there is the need for arguing out all the distributions of claims and interests that people have in different ways. That public opinion is going to be informed by people fighting in their interests, expressing their outlooks. Because we live in a class society, that fight within the domain of public opinion goes on among all the contending classes and social forces.

This constitutes a definite complexity that is linked very closely but is not the same as the problem that exists in fighting for and carrying out the democratic revolution against medievalism. That fight brought forth a modern conception of democracy which served the needs of the society as it existed at that time. Today this no longer adequately expresses what is required as people present themselves with many interests as individuals, within their collectives, then in the society overall and which are, at the same time, the consequence of all the influences both of their own experiences and how they are affected by the vast interaction through the institutions of their society. This is what is called *affect*. It is not simply a social relation that exists, but because of the human brain, these social relations, to varying degrees and in various ways, are cognized. All the human brain can do in cognition is perceive and know the relations that underlie the basis of the society, those relations between humans and humans and humans and nature. That affect is expressed in the form of passions. It is what provides emotionality. In the domain of public opinion, there will be the expression of all the angers, joys, happiness, anxieties, lusts, strivings and so on of that particular society, which will be informed by its culture -- political, ethical, scientific culture.

Every type of work that is done within that society, based on its stage of development, has its own culture and that culture has a form. It has material, social and ideological form, not as separate things, but as that culture. Any work that is established develops its own culture. If the needs of that society at any particular time are not met by establishing work, whether it is in industry, or in scientific research or in the area of class struggle, that culture is not able to develop. This means that the affects, the sensuousness of people, the passions are going to be influenced by those who have done that work, carried them out in the domain of work.

Put in terms of what happens today, this is where the human personality becomes either humanized or dehumanized. It either gets organized adequate to or in conformity with this stage of development that society has already reached or it does not. It is what history is calling for as

the task that has to be settled once and for all in these particular circumstances. This is what has to be informed. All the opinions expressing the affect, the social affect in that emotionality that people enter into in their relations to one another and to nature have to be informed. It means that we have to be able to work together within the particular historical circumstances, we have to have the facts of the matter and to be able to discuss the facts of the matter. We have to decide where these facts of the matter will lead us. We have to be able to make predictions. For instance, it is how deliberations take place on how to prevent a natural disaster. In the same way, we could stop the social disaster which is in the making; we could turn historical success into victory. All of this is fought out in this realm of what is public opinion.

There have to be the forms given rise to that are adequate to bring this content into the public realm, to release the initiative of all the people who have the expertise to make the contributions, to make this advance, and to settle scores finally, historically, with everything from the past.

To be continued.

Joint Intelligence Bulletin: An Example of Disinformation

On January 13, 2021 a Joint Intelligence Bulletin was issued by the U.S. Department of Homeland Security (DHS), the Federal Bureau of Investigation (FBI) and the National Counterterrorism Center (NCTC). The Report is titled: "Domestic Violent Extremists Emboldened in Aftermath of Capitol Breach, Elevated Domestic Terrorism Threat of Violence Likely Amid Political Transitions and Beyond." It states that its purpose is "to highlight the threat of violence from domestic violent extremists in the wake of the January 6 violent breach... of the U.S. Capitol Building in Washington, DC, following lawful protest activity related to the results of the General Election." The Bulletin is Classified U/FOUO, meaning "unclassified, for official use only."

It is written, so it is said, to warn about the threat of further actions such as took place on January 6 in the period surrounding the Presidential Inauguration and after. But it reads as a threat to all those standing up for rights -- any who take action "in furtherance of political and/or social agendas, which are deemed to derive from anti-government or anti-authority sentiment, including opposition to perceived economic, social, or racial hierarchies; or perceived government overreach, negligence, or illegitimacy." Certainly the large majority think the government is negligent concerning COVID-19, that there is a serious problem of government racism and attacks on the people and more. By labelling whole groups of people as "violent extremists," the Bulletin is putting in place the justification and legal basis for broad attacks against resistance. And it is doing so in the name of protecting the people and preventing violence.

The disinformation involves an effort to disrupt and destroy the broad public opinion that exists that the country remains headed in the wrong direction, that there are no means to hold government accountable, and that basic human rights to healthcare, housing, education and a livelihood are repeatedly denied. That public opinion is to be destroyed and replaced with considering those named by the FBI, DHS and NTCT as "extremists" deserving of punishment. Part of this is rendering whole groups of people as things, using initials, like DVE, for "domestic violent extremists." Doing so dehumanizes the people so branded, making them things subject to government violence and collective punishment, not human beings demanding rights. While the Bulletin includes militias, there is ample evidence, including from January 6, that the government backs and often arms these militias and is well aware of their plans but does not interfere or stop them. They are included in part to hide this.

The Intelligence Bulletin says a "domestic violent extremist" is an individual who is operating in the U.S. "without direction or inspiration from a foreign terrorist group or other foreign power who seeks to further political and social goals wholly or in part through unlawful acts of force or violence." It then claims that "the mere advocacy of political or social position, political activism, the use of strong rhetoric, or generalized philosophic embrace of violent tactics may not constitute extremism, and may be constitutionally protected." This claim of not interfering in "constitutionally protected" activism was made repeatedly when federal, state and local forces violently attacked demonstrators all through the summer. They simply declared the actions violent or unlawful and made broad use of tear gas, pepper spray, rubber bullets and more. Few give any credence to the statement now that demonstrations may, only may, be "constitutionally protected."

The categories given by the FBI, DHS and NCTC are broken down into three sub-sets:

- **Anti-Government and Anti-Authority Violent Extremists** are those mentioned above.

- **Militia Violent Extremists** are said to be "individuals who seek, wholly or in part through unlawful acts of force or violence, to further their belief that the U.S. is purposely exceeding its Constitutional authority and is attempting to establish a totalitarian regime." "Consequently," the Bulletin states, "these individuals oppose many federal state laws and regulations, particularly those related to firearms ownership [and] take overt steps to violently resist or facilitate the overthrow of the U.S. Government."

- **Racially or Ethnically Motivated Violent Extremists** are said to use "the potentially unlawful use or threat of force or violence, in furtherance of political and/or social agenda, which are deemed to derive from bias, often related to race or ethnicity, held by the actor against others, including a given population group."

For the policing agencies behind the Bulletin, the "Greatest Domestic Threats in 2021" are not all the problems people face related to COVID-19, like unemployment, lack of healthcare, evictions, suicides and other deaths, but the people fighting for their rights. Indeed the Bulletin says its intelligence is informed by the response it expects to "renewed measures to mitigate the spread of COVID-19, socio-political conditions, and perceived government overreach."

The Bulletin, like Biden and the House of Representatives predict an increase of "threats and plotting of illegal activity, including destruction of property and violence targeting officials at all levels of the government, law enforcement, journalists, and infrastructure, as well as sporadic violence surrounding lawful protests, rallies, demonstrations, and other gatherings." The armed camp now in DC with 30,000 National Guards deployed for a month and thousands more FBI, DHS and police forces, are their response.

The Bulletin also advises "government counterterrorism and law enforcement officials, and private sector security partners to remain vigilant," in light of this "persistent threat" and "unpredictable target selection," so as to "effectively detect, prevent, preempt, or respond to incidents and terrorists attacks."

January 6 as "An Enduring Driver for Violence"

The Bulletin says that the January 6 events at the Capitol building will serve as "a significant driver of violence for a diverse set" of people. It says targets could include "racial, ethnic, or religious minorities and institutions, law enforcement, and government officials and buildings," as well as members of the media "due to perceived complicity in a system hostile to their beliefs." This is a purposeful effort to put together the broad efforts of more than 20 million people targeting racist police violence ("law enforcement") and "government officials and

buildings," together with the racist militias. All are made equally violent, all are "extreme," and deserving of government violence and arrests.

The Bulletin says that "amplified perception of fraud" in the 2020 Presidential Election, "the change in control of the Presidency and Senate," combined with "long-standing drivers such as perceived government or law enforcement overreach, and the anticipation of legislation perceived by some to oppose or threaten their beliefs -- very likely will lead to an increase in violence."

An important part of the disinformation throughout is to present the problem as one of beliefs, that it is people's beliefs, not the existing economic and political relations which are organized against the people, that are supposedly the source of violence.

The Bulletin expects an increase in violence "regarding the U.S. government's exercise of power, influence and initiatives: possibly including gun control legislation, the easing of immigration restrictions, and new limits on the use of public lands;" as well as "the ordered dissemination of COVID-19 vaccinations and the efficacy and/or safety of COVID-19 vaccinations."

In this manner, the numerous and united demonstrations defending immigrants, refugees and their children, as well as organizing in relation to COVID-19 are all being targeted as a source of violence. The government has worked very hard to present the people as divided and split, when both the united actions of people from all walks of life on immigration and COVID show the opposite. It is the policing agencies, military and presidency that are increasingly in conflict, within and between their ranks. The Bulletin forces hope to unite these contending agencies, in the name of defending against violence, while striving to pit the people against each other and justify violence against them.

For Your Information

House Judiciary Report on Impeachment

On January 12, the House Judiciary Committee Chairman Jerrold Nadler released a majority (Democratic) staff report for the impeachment of President Donald J. Trump on the charge of "incitement to insurrection." The report provides the arguments that will be used by House Representatives in presenting their impeachment case to the Senate, where the trial is held. Senate leaders have not yet set a date for the trial, which will now occur after Trump leaves office. The vote for impeachment included 10 Republicans, most notably the third most powerful Republican in the House, Liz Cheney from Wyoming. She went out of her way to condemn Trump, saying he "summoned this mob, assembled the mob, and lit the flame of this attack," and his actions were the "greatest betrayal" ever by a U.S. president. She is the daughter of former Vice-President Dick Cheney.

To read the 70-page report, [*click here*](#).

Constitutional Amendments Pertaining to U.S. Civil War

The Civil War Constitutional Amendments, 13-15 are as follows:

Amendment XIII

Passed by Congress January 31, 1865. Ratified December 6, 1865. The 13th Amendment changed a portion of Article IV, Section 2.

SECTION. 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION. 2. Congress shall have power to enforce this article by appropriate legislation.

Amendment XIV

Passed by Congress June 13, 1866. Ratified July 9, 1868. The 14th Amendment changed a portion of Article I, Section 2. A portion of the 14th Amendment was changed by the 26th Amendment.

SECTION. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION. 5. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Amendment XV

Passed by Congress February 26, 1869. Ratified February 3, 1870.

SECTION. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION. 2. The Congress shall have the power to enforce this article by appropriate legislation.

Joint Statement from U.S. Senators Opposing Certification of Electoral College Vote

U.S. Senators Ted Cruz (R-Texas), Ron Johnson (R-Wis.), James Lankford (R-Okla.), Steve Daines (R-Mont.), John Kennedy (R-La.), Marsha Blackburn (R-Tenn.), and Mike Braun (R-Ind.), and Senators-Elect Cynthia Lummis (R-Wyo.), Roger Marshall (R-Kan.), Bill Hagerty (R-Tenn.), and Tommy Tuberville (R-Ala.) issued the statement below in advance of the Electoral College certification process on January 6, 2021.

America is a Republic whose leaders are chosen in democratic elections. Those elections, in turn, must comply with the Constitution and with federal and state law.

When the voters fairly decide an election, pursuant to the rule of law, the losing candidate should acknowledge and respect the legitimacy of that election. And, if the voters choose to elect a new office-holder, our Nation should have a peaceful transfer of power.

The election of 2020, like the election of 2016, was hard fought and, in many swing states, narrowly decided. The 2020 election, however, featured unprecedented allegations of voter fraud, violations and lax enforcement of election law, and other voting irregularities.

Voter fraud has posed a persistent challenge in our elections, although its breadth and scope are disputed. By any measure, the allegations of fraud and irregularities in the 2020 election exceed any in our lifetimes.

And those allegations are not believed just by one individual candidate. Instead, they are widespread. Reuters/Ipsos polling, tragically, shows that 39 per cent of Americans believe 'the election was rigged.' That belief is held by Republicans (67 per cent), Democrats (17 per cent), and Independents (31 per cent).

Some Members of Congress disagree with that assessment, as do many members of the media.

But, whether or not our elected officials or journalists believe it, that deep distrust of our democratic processes will not magically disappear. It should concern us all. And it poses an ongoing threat to the legitimacy of any subsequent administrations.

Ideally, the courts would have heard evidence and resolved these claims of serious election fraud. Twice, the Supreme Court had the opportunity to do so; twice, the Court declined.

On January 6, it is incumbent on Congress to vote on whether to certify the 2020 election results. That vote is the lone constitutional power remaining to consider and force resolution of the multiple allegations of serious voter fraud.

At that quadrennial joint session, there is long precedent of Democratic Members of Congress raising objections to presidential election results, as they did in 1969, 2001, 2005, and 2017. And, in both 1969 and 2005, a Democratic Senator joined with a Democratic House Member in forcing

votes in both houses on whether to accept the presidential electors being challenged.

The most direct precedent on this question arose in 1877, following serious allegations of fraud and illegal conduct in the Hayes-Tilden presidential race. Specifically, the elections in three states-Florida, Louisiana, and South Carolina-were alleged to have been conducted illegally.

In 1877, Congress did not ignore those allegations, nor did the media simply dismiss those raising them as radicals trying to undermine democracy. Instead, Congress appointed an Electoral Commission-consisting of five Senators, five House Members, and five Supreme Court Justices-to consider and resolve the disputed returns.

We should follow that precedent. To wit, Congress should immediately appoint an Electoral Commission, with full investigatory and fact-finding authority, to conduct an emergency 10-day audit of the election returns in the disputed states. Once completed, individual states would evaluate the Commission's findings and could convene a special legislative session to certify a change in their vote, if needed.

Accordingly, we intend to vote on January 6 to reject the electors from disputed states as not 'regularly given' and 'lawfully certified' (the statutory requisite), unless and until that emergency 10-day audit is completed.

We are not naïve. We fully expect most if not all Democrats, and perhaps more than a few Republicans, to vote otherwise. But support of election integrity should not be a partisan issue. A fair and credible audit-conducted expeditiously and completed well before January 20-would dramatically improve Americans' faith in our electoral process and would significantly enhance the legitimacy of whoever becomes our next President. We owe that to the People.

These are matters worthy of the Congress, and entrusted to us to defend. We do not take this action lightly. We are acting not to thwart the democratic process, but rather to protect it. And every one of us should act together to ensure that the election was lawfully conducted under the Constitution and to do everything we can to restore faith in our Democracy."

(To access articles individually click on the black headline.)

Website: www.cpcml.ca Email: editor@cpcml.ca