
THE BROADWAY DEMOCRATS

♦ District Leaders: Curtis Arluck, Paula Diamond Román ♦ President: Joe Nunley ♦

June General Meeting

Your Elected Officials Talk Civics

Invited:

Borough President Mark Levine*
City Councilmembers Gale Brewer* & Shaun Abreu
State Senators Cordell Cleare & Robert Jackson
State Assemblyman Danny O'Donnell
Representatives Adriano Espaillat & Jerry Nadler*

*Confirmed

This year, we've introduced a new twist to our Town Hall. Think "Schoolhouse Rock" meets Constituent Services. Our elected officials will still answer questions but with a focus on what they do and how they do it and on the differences between what local, state and federal officials each do. Please bring your questions. Hopefully, we'll all leave a little better educated!

online, via Zoom

Thursday, June 16th

7:30 pm Club Business / Lt Gov Endorsement

8:00 pm Town Hall

register in advance at

bit.ly/broadwaydems-register-Zoom-meeting

for more information, email DistrictLeaders@BroadwayDemocrats.org

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Volume 47, Issue 6

June 2022

President's Corner

Joe Nunley

We Are All Julian Assange

Julian Assange is today in Her Majesty's Belmarsh Prison, a maximum-security jail which has housed terrorists and serial killers, at the behest of the US government. He's attempting to fight extradition to the United States where he faces 175 years in prison under the Espionage Act. He will be tried in the Eastern District of Virginia where he faces the flimsiest chance of a fair trial.

After seven years of hiding in the Ecuadorian Embassy in London he's been in Belmarsh for over two years. He's in solitary confinement 23 hours a day in a medieval dungeon, the size of a large closet, the width and depth being no greater than his height which is 2 inches higher than the ceiling, so standing, he is forced to bend down. He's deprived of all books, reading material, pens, a radio, everything really. Doctors have said that his mental and physical health have greatly deteriorated. He's fifty years old. There's a fear that he will commit suicide if extradited.

It's extraordinary that anyone anywhere is in solitary confinement. How do you confine a human being on his own? We are social animals. We live by various degrees by our relationships with everything. How can you deny it to a human being who has done nothing but good, who has committed no crimes, who has performed the historic public service of informing many people about their governments and the truth of their governments? How can you do this?

What did Wikileaks do? It published 90,000 reports about the war in Afghanistan, including The Afghan War Logs, which documented a greater number of civilian casualties by coalition forces than the US military had reported. It also published nearly 200,000 field reports of the Iraq War, more than 15,000 unreported deaths of Iraqi citizens, and the systematic murder, torture and rape by the Iraqi army and verified that this was ignored by US forces.

Wikileaks also published the Guantanamo Files, 779 secret reports constituting evidence of the US government's abuses of 800 men and boys, ages 14 to 89. That abuse violated the Geneva Convention and the Convention Against Torture.

The most notorious release by Wikileaks was the 2007 "Collateral Murder" video which depicts a US Army Apache helicopter targeting and firing on unarmed civilians in Bagdad. Two Reuters reporters and 16 other civilians were killed including a man who came to rescue the wounded. A US Army tank drove over one of the bodies severing it in half.

Daniel Ellsberg, who released the Pentagon Papers on the Viet Nam war, said in written testimony that he considered WikiLeaks's publication "to be amongst the most important and truthful revelations of hidden criminal state behavior that has been made public in US history."

The Obama administration refused to file criminal charges against Assange for fear of setting a dangerous precedent. Donald Trump demonstrated no such forbearance. He charged Assange under the 1917 Espionage Act making him the poster boy for his attack on the press and media which he calls "the enemy of the people." No media outlet or journalist has ever been prosecuted under the Espionage Act for publishing truthful information, which is protected First Amendment activity. There is no distinction between what Wikileaks did and what The New York Times, Le Monde, El Pais, Der Spiegel, The Guardian did as well. They all published articles based on documents Wikileaks released. The Obama administration prosecuted a number of whistleblowers but refrained from indicting Assange.

Wikileaks also revealed information on many multi-national corporations and uncovered Russian surveillance, published exposes of Bashar Al-Assad in Syrian, and corruption in Tunisia and torture in Egypt.

Assange is being prosecuted for activities that national security journalists engage in every day—and that they need to engage in if they are to provide a meaningful check on government powers. The Justice Department knows that publishing government secrets is an important part of what American news organizations do. The Washington Post disclosed classified information when it revealed the CIA's network of black sites. The New York Times disclosed classified information when it exposed the National Security Agency's warrantless wiretapping program.

As I. F. Stone said when teaching a college journalism class, "If you can remember two words from this class, remember this, GOVERNMENTS LIE. Now, if you can remember three words; ALL GOVERNMENTS LIE."

Now, let me make a special mention to those of my fellow Democrats who hate Assange and blame him for the 2016 presidential election defeat and seek revenge. (One would hope that they've already gotten enough revenge.) The Podesta emails exposed excerpts of Clinton's paid speeches to Goldman Sachs, three speeches for \$650,000, efforts to rig part of the Democratic primary in favor of Clinton, proposals for turning voters against Presidential candidate Bernie Sanders, and Clinton's duplicity when it came to progressive issues, like trade, clean energy, and raising the minimum wage. This, and the disclosures of the DNC which displayed emails calling Black Lives Matter "a radical organization" and showed heavy favoritism for Clinton in the Democratic primary (sound familiar?), opened the Democratic establishment to a sharp backlash from their base of voters. Did this hurt our chance of victory? It probably did. But I can't blame Assange. Sadly, I have to blame Hilary Clinton for being Hilary Clinton. (I know this deserves a more in depth discussion but there's not enough space here.)

They say that character is revealed by how one behaves when nobody is watching. I think the quality of governments is revealed by how they behave when no one is watching. Good journalists search out what's really happening behind closed doors and reveal that to the people. Is that espionage?

Julian Assange needs to be released from prison, not just for him, but for all of us. If we want to show the population of Russia and dictatorships around the world what real freedom looks like, this must be done.

Let's talk to our Senators and members of Congress about this. Let's ask President Biden to drop the charges against Julian Assange and stop the attempt to extradite him to the United States. I think that it would help Biden and the Democratic Party and America and the entire world. We are all Julian Assange.



District Leaders' Report

Curtis Arluck

Update on Redistricting and Primaries

We should be focusing on the assault weapons massacres of children and people of color, the soon-to-be-successful assault on what women can do with their own bodies, the assault by Trump's mobs against free elections and our very democracy, and the assault and slaughter of the people of Ukraine by Putin's mobs.

But instead, I must devote most of this column to the same subject that has plagued us since last year: New York's awful redistricting mess and its effect on the elections in our community.

Much is still unresolved, but we do know a few things. There will be a primary on August 23 for Congress and State Senate. For both of these offices, the districts have changed drastically. For State Senate, we lose the outstanding Robert Jackson entirely; his district now doesn't go below 155th St. Our entire area will now be represented by the outstanding Senator Cordell Cleare, though she does have a primary opponent. For Congress, most of our area will now be represented by the outstanding Adriano Espaillat, assuming he survives a minor primary challenge. However, almost all of the area south of 114th and west of Broadway will remain in what I will still call the Nadler district. As most of you know, Jerry Nadler and Carolyn Maloney have been thrown into the same district. Maloney once represented much of our area on the City Council, and I have always admired her, but for his significantly more progressive politics, his outstanding community and legislative record, and his sheer brilliance, Nadler is our and hopefully the district's clear choice.

I hope at least some people in the so-called "good government" groups realize just what a debacle they have caused us. With their sanctimonious belief in "impartial," "independent," "bi-partisan" and "non-partisan" redistricting, they have given us districts drawn without regard to history, community, political experience, or common sense. These "impartial" districts were also initially racist as well, pitting numerous Black incumbents against each other. The justifiable outcry caused this aspect of the districts to be improved somewhat, but the fact remains that politicians in states like New York almost always give us better districts than their nitwit "good government" critics. That's because they live in the real world, and understand the communities they represent.

<http://www.broadwaydemocrats.org>

[facebook.com/groups/BroadwayDemocrats](https://www.facebook.com/groups/BroadwayDemocrats)

What we still don't know are whether there will be one primary or two, and whether the Assembly (and therefore the State Committee, County Committee, and Judicial Convention) districts are definitely set. For the Assembly etc. districts, everybody with any sense, even the Assembly Republicans, feels that the Legislature's lines are pretty good, done in consultation with people (including upstate Republicans) who actually understand their communities. But there is still a lawsuit, brought by a few self-serving politicians and supported by some of the "good government" groups, making the same specious process arguments that the ignorant Special Master should be given the same opportunity to ruin the Assembly districts as he did the Congressional and State Senate districts.

The other lawsuit, again supported by some of the "goo-goos", but also seen as a stalking horse for Andrew Cuomo and others of his ilk, seeks to move all the primaries, including those for Governor and Lt. Governor, to August 23. I don't feel as strongly about this one—it would save some money—but still, why give Cuomo another chance, and, more importantly, why have all the elections in the middle of August when few are paying attention and even fewer will vote? Wasn't confusingly moving election dates and locations one of the major tools of the Jim Crow South that the Civil Rights Movement fought so hard to abolish? How is holding a major election in the Dog Days of Summer good government?



Disclaimer: unless otherwise indicated, items herein reflect the views of their authors only. They are published as a part of our club's commitment to the free and open exchange of ideas on topics of interest, but their publication should not be construed as an endorsement by the editor, the Steering Committee, or the Broadway Democrats club.



District Leader's Report

Paula Diamond Román

On May 24, 2022, an 18-year-old used an AR-15-style rifle, a lightweight semi-automatic "long gun," to fatally shoot nineteen elementary school students and two teachers, and wound seventeen other people at Robb Elementary School in Uvalde, Texas. This was only *the third-deadliest* American school shooting, after the Virginia Tech shooting in 2007 and the Sandy Hook Elementary School shooting in 2012. The shooting in Uvalde followed

the shooting in Buffalo where another teenager shot and killed ten people at a supermarket, and was itself followed by a series of smaller shootings over the holiday weekend.

I'm not going to argue about the causes of these shootings. I don't believe that there's only one cause. I do believe that we make a mistake ignoring all but one cause. I believe there's an element of desensitization by some "first-person shooter" video games and other forms of media. I believe there's an element of the lack of access to and stigmatization of mental health care. I believe in the importance of violence intervention programs in schools. I believe there's an element of political rage, primarily by white supremacists and other people purposively stirred up by our former president, as well as some sort of anomie and PTSD growing in our country that *must* be addressed.

There is, however, one element common to every one of these shootings. Currently, we allow civilians to purchase, own, and use weapons that were specifically meant to be used in battle. Time and time again, military leaders have agreed that it is a mistake for these guns to be so readily available. As Admiral James Stavridis, former Supreme Allied Commander of NATO, phrases it, "I spent my life in the profession of arms ... These are powerful, destructive weapons that should never be placed in the hands of an amateur."

Here is a sample of things you can do.

Volunteer with, donate to, and/or otherwise support **Everytown for Gun Safety**, formed by the 2013 merger of Mayors Against Illegal Guns and Moms Demand Action for Gun Sense in America. Everytown does grassroots organizing including voter registration and training/supporting gun control advocates to run for office, as well as the usual contacting of elected officials and holding marches. They have a great list of all the legislation they're supporting. In addition, they support Students Demand Action, school-aged activists organizing to keep themselves and their peers safe.

Join/publicize **Students Demand Action's NYC walkout on Friday, June 3rd** at 1pm as they grieve with the Uvalde community and demand action from our lawmakers. Meet up at Union Square and wear orange. There is a toolkit at studentsdemandaction.org/report/walkout-activation-toolkit/ for students who want to organize their own school for the nationwide walkout on Tuesday, June 7th at noon local time.

Join **Gays Against Guns**, formed in the wake of the 2016 Orlando Pulse shooting. GAG is an inclusive, direct-action group of LGBTQ+ people and their allies committed to nonviolently breaking the power of the gun industry and the investors, NRA and politicians who block safer gun laws. They hold protests after mass shootings and at the Supreme Court with “human beings” dressed all in white to represent the victims of the most recent shooting, all too often forgotten among the rhetoric. To participate in their next protest, email gagsignup@gmail.com.

Volunteer with or donate to **March for Our Lives** (<https://marchforourlives.com/>), formed in the wake of the 2018 Marjory Stoneman Douglas High School. They focus on gun violence as a public health crisis and have a detailed policy agenda, including advocating for \$1 billion in funding for evidence-based community intervention programs to tackle urban gun violence in 40 cities across the country.

Join this year's **March for Our Lives on Saturday, June 11th**: at noon in Washington Square (tinyurl.com/NYCMarchJune11), or at 10:00 in DC (tinyurl.com/MarchDCJune11).

If you haven't already, sign-up with our group, **Go Blue 2022** formed in 2018 to register voters and work on campaigns in other states so that we can turn Congress solidly blue. This is the best chance to work towards getting rational gun legislation passed. Contact them at goblueuws@gmail.com.

Meanwhile, Thursday will be a busy day in Congress as House Democrats try to advance a long list of gun control bills. House Judiciary Committee Chair Jerry Nadler has called back committee lawmakers to “mark up” gun legislation that combines eight separate bills. The Raise the Age Act would lift the purchasing age for semiautomatic rifles from 18 to 21

- Prevent Gun Trafficking Act
- The Untraceable Firearms Act
- Ethan's Law
- The Safe Guns, Safe Kids Act
- The Kimberly Vaughan Firearm Safety Storage Act
- Closing the Bump Stock Loophole Act
- The Keep Americans Safe Act would bar large-capacity magazines

This bill, which is expected to pass the House but not the Senate, should at least spark bipartisan negotiations that leads to lawmakers passing a more limited bill with support from both parties. **You can always call or email your legislators to remind them how important this is to you!** Senate Minority Leader Mitch McConnell, called a “rational”

Republican on Monday by President Joe Biden, seems to be encouraging this assumption. A “bipartisan group of 10 senators working on the issue” was supposed to have a Zoom call on Tuesday” to start the negotiations. We can hope that this isn't another example of Lucy, Charlie, and the football or we can mobilize to make sure it isn't!

In Judaism, if you say a prayer over something, then fail to do the requisite action that follows, like blessing bread and not eating it, it's a bracha levatla – which is a sinful act.

If you pray for victims of gun violence but do nothing, it is a sinful act.

Rabbi Mark Asher Goodman



SCOTUS is Fundamentally Reshaping Life in America

Pat Almonrode

It's increasingly obvious that this Court's current conservative/Republican supermajority cannot be bothered even to *pretend* to hold disinterested non-partisanship as an ideal. It's hard not to laugh when Justice Barrett argues that she and her colleagues are not just “a bunch of partisan hacks,” while standing beside Sen. Mitch McConnell, the man whose naked partisanship secured her a seat on the Court. And it's impossible not to raise an eyebrow when Justice Thomas refuses to recuse himself and casts the sole vote against requiring disclosure of White House communications about the January 6, 2021 insurrection – some of which may include emails and texts with Ginni Thomas, the Justice's rightwing-firebrand wife.

More significantly, Trump's Supreme Court has already issued a number of decisions and is poised to issue others that undercut any shred of legitimacy the Court may still have. These include decisions on the so-called “shadow docket,” issued with very little stated reasoning, leaving lower courts to guess at just how those rulings should be applied. They also include decisions that will trash long-settled precedents that have formed the foundations of modern American life – including, of course, the decision in *Dobbs v. Jackson Women's Health Organization*, which will overturn *Roe v. Wade*.

Any other institution that revealed itself to be so illegitimate would sooner or later undermine itself into irrelevance. And yet the Supreme Court still has real power, no matter how illegitimate its exercise of

that power may be in a particular case. In our system the Court is the final arbiter of what the law and the constitution say.

And that means, for now, that we live in the fever-dream of six black-robed ayatollahs who think nothing of abrogating long-settled precedent in order to impose their will. Too harsh? Consider Justice Alito's sweeping away of fifty years of settled law in *Dobbs*. Consider the likelihood that the Court will use *West Virginia v. EPA* to advance the longstanding conservative project to dismantle the administrative state that has enabled modern American life (and made it notably safer) since at least FDR. And consider that the Court is almost certain to use *NYS Rifle & Pistol Association v. Bruen* to strike down a state law that's been on the books for more than a century, a law that simply requires a reasonable showing of "proper cause" in order to obtain a public-carry permit (although the case is about a New York law, it will likely open similar laws in at least six other states to challenge). Such a decision would, by the way, twist the Court's precedent in *District of Columbia v. Heller* almost beyond recognition.

And while we're at it, let's add the utterly disgraceful and immoral decision just issued in *Shinn v. Martinez Ramirez*, which gutted the Court's own 2012 holding that a state criminal defendant whose post-conviction lawyer was too incompetent to effectively develop evidence of the *trial attorney's* incompetence should be able to bring that evidence before a federal court in a *habeas* proceeding. The upshot, after *Shinn*, is that such a common-sense remedy is no longer available – and barring some miracle, at least one of the two defendants in *Shinn* will be executed, even though the case against him has practically evaporated.

Oh – *Shinn* does make one important nod to precedent: the decision is consistent with 1993's *Herrera v. Collins*, which infamously held that the constitution does not prohibit states from executing someone for a crime they did not commit.

As law professor Leah Litman (a former clerk to Justice Anthony Kennedy) wrote in *Slate*, the draft opinion in *Dobbs* and the published decision in *Shinn* make clear that "the court's conservative supermajority is hellbent on smashing and grabbing precedent and constitutional rights no matter the consequences." Most observers anticipate that the decisions in *West Virginia v. EPA* and *Bruen* will continue that trend. When this tendency is coupled with the increase in number and scope of "shadow docket" decisions in recent years, it's not too much to say that the Court is becoming increasingly lawless.

What to do? In our system, Congress has significant power to legislatively overrule decisions by the Supreme Court. Although rare, this happens more often than you might think, and in fact there are statutes scattered throughout the U.S. Code that explicitly state that they are meant to supplant particular SCOTUS decisions. This is the theory behind the push by some to "codify *Roe v. Wade*." But of course, the votes aren't there to codify a federal right to abortion, or to pass laws on the federal level that would nullify *West Virginia, Bruen*, or *Shinn*, and that probably won't change after the midterms. Similarly, proposals to change the Court itself – by enlarging the number of Justices, restricting the Court's jurisdiction, and/or imposing term limits – are very unlikely to pass in this political climate, even if national Democrats were to get behind any one proposal (which they haven't yet).

But when we recognize that the express goal of much of the Court's recent jurisprudence is to "return power to the states," a path becomes visible: we must take the Justices at their word, and we must compel our state legislators to use the power that SCOTUS wants to give them. To take the most obvious example, the *Dobbs* draft decision does not itself "outlaw" abortion – rather, it gives each state the power to eliminate *or to codify* a right to abortion in *state* law. And so we must do all we can to ensure that the states preserve every right and every protection devolved upon them by the Court.

This will be a long and difficult task. It will not always be possible – for instance, state agencies simply will never be able to do the work of all the federal agencies that will be hamstrung by *West Virginia v. EPA*. And even when technically possible, the effort won't always be successful. But it seems to be the work that's ahead of us, in this moment.



2022 Endorsement Meetings

Eligibility to Vote in Club Elections

To vote in club elections (endorsements, elections of officers, judicial convention, amendments), you must be an eligible, voting member of the Broadway Democrats.

- You must live in the 69th Assembly District, or an area that used to be in the 69th AD before redistricting.
- You can't have voted in any other club for the 2021 races.
- You must have attended at least one of the previous nine monthly public meetings.

- You must be up to date with your membership dues. Dues are \$25; senior dues are \$10. Dues can be paid by check mailed to Luis Román, c/o Broadway Democrats, 120 West 109th Street #3E, New York, NY 10025 OR paid through PayPal using your account or your credit card on our website (broadwaydemocrats.org/pay-your-annual-dues.html). When you pay your dues, please include your email address and telephone number.

Things have been confusing in our new virtual world. If you're unclear whether you've attended one of the previous nine monthly public meetings or any of the other rules, please feel free to contact Paula Diamond Román & Curtis Arluck at districtleaders@broadwaydemocrats.org

Instant Runoff Voting (IRV)

Under the Club Constitution, voting for endorsement uses the method of Instant Runoff Voting (IRV). Each voting member casts only one ballot. A ballot consists of a list of the candidates known to be running, as well as "No Endorsement", for each office. If there are only two candidates running for an office, the candidate with a majority of votes (50% plus 1) receives the club's endorsement. If there are more than two candidates running for an office, the voting member shall indicate preferential ranking by numbers - 1 for first choice, 2 for second choice, 3 for third choice. No more than three choices are ranked, although a member can choose to rank fewer than three candidates.

If a single candidate has received a majority of votes, that candidate has won the vote and the club endorsement. Otherwise, whichever candidate (other than "No Endorsement") has the fewest total votes is eliminated, and their votes are redistributed to the next ranked candidate down the list. In the case where no further ranked candidates are listed on a ballot, that vote is distributed to "No Endorsement." When a single candidate has a majority of votes, that candidate has won the vote and the club endorsement. If the process reduces to a single candidate, and that candidate doesn't have more votes than "No Endorsement," the club doesn't endorse in that race.

In addition, where the office represents only part of the Club's area, at least ten votes must be cast by members living in the district represented, and the candidate must win the majority of the vote among those members living in that district, as well as the majority of the vote of the full club

Balloting Procedures

Once again, we'll be conducting the vote electronically. The voting link accesses an internet app called Election Runner which is anonymous. If a member is eligible to vote, the member will receive a link to cast their vote; we need to enter the member's name and email address into the app beforehand which is why the member needs to contact us 24 hours in advance to pay their dues or if they didn't receive a link and they think they're eligible. The "polls" open at 7:00pm on June 16th and close at 7:00pm on June 18th. We'll be sending out further instructions closer to the vote. In the meantime, if you're unavailable to vote electronically, contact District Leaders Paula Diamond Román & Curtis Arluck at districtleaders@broadwaydemocrats.org to make arrangements for a paper ballot.



- Gun violence is now the leading cause of death for US children.
- There are nine fatal shootings of children per day – one killing every 2 hours and 36 minutes.
- A minority of these involve school or mass shootings.
- The majority are killings of individual children in "routine" crime and gang violence.
- The overwhelming majority of those killed are African-American and minority children.

Children's Defense Fund
The State of America's Children 2021

Click [HERE](#) to Purchase Tickets. Any questions, email
BwayDemsFundraiser2022@gmail.com



**2022 Sunny
Summer Soirée**

**Sunday, June 12th
3:00pm to 6:00pm**

Presenting
The Excellence in Democracy Award
Hon. Mark D. Levine
Manhattan Borough President

&

The Ida and Jesse Frankel Community Service Award
Invisible Hands

The Ellington
2745 Broadway
(corner of West 105th Street)

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Please note that we will consider
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