Resist Newsletter, Feb. 1983

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Capitol Punishment

Terrorist
Kook
Loner

who didn’t want a nuclear war
(who would?)

was shot dead by federal sharpshooters
who, attempting to hit his tires,
hit his tired old body as well,

fitting punishment for the crime
of holding hostage a national icon
that suspiciously looks like an MX
except that you gotta buy them in dense-packs
can’t get ‘em in singles

or can ya? The prez says he’s willing to talk
about a deal

Even-up, one 66-year-old terrorist
loner
kook (with a criminal record
that included leafletting without permission)
for one national icon
that suspiciously looks like an MX

But then, mainstream movement that
secretly meets with the president
might not want a terrorist,
let alone a kook,
certainly, god forbid, not a loner
to challenge respectability and media time

do you really think you’d miss the Washington
monument
in the mass confusion of Armageddon
or am I getting too picky.

—John Demeter

John Demeter is a member of Xerox Artists for Social Responsibility.
Nicaragua

Defendants include Ronald Reagan, William Casey, Alexander Haig, George Schultz, Thomas Enders, and several other administration officials. An attorney from the National Lawyers Guild termed this an "historic case," noting that never before had the victims of US covert operations sued in US courts.

Two residents of Florida have joined the suit, claiming that camps in Florida, where many of the raiders are trained, violate local laws. Also joining the suit is Congressman Ron Dellums, "alleging that the secret campaign against Nicaragua violates the Neutrality Act and the War Powers Act, and Congress' constitutional authority to declare war."

The most important aspect of this suit is its claim that the raids into Nicaragua "are part of a conspiracy, authorized, financed and directed by high-ranking US officials" to destabilize the Nicaraguan government—a direct challenge to the administration's claims that its paramilitary activities are only intended to stop weapons shipments. Lawyers for the plaintiffs intend to move before the end of January for an injunction which would forbid further US support for Nicaraguan counter-revolutionaries, on the grounds that their clients are in danger of irreparable harm from further raids.

One of the plaintiffs, Dr. Myrna Cunningham, spoke in Cambridge, Massachusetts, December 9th under the auspices of the Central America Solidarity Association. Cunningham is a health administrator who works in the North Atlantic Coast region of Nicaragua, a largely Miskito area which has been a particular focus of cross-border raids. On December 28, 1981, she and several other health workers were kidnapped by a raiding party, which also stole medicines and vandalized a hospital. She and the other victims were beaten and raped, and taken to a camp in Honduras where their captors boasted of the help they were receiving from the US and the Honduran army.

Cunningham and her fellow workers were lucky to get away alive. More than a hundred Nicaraguans have been killed by raiders over the last three years, and many more wounded. The pace of attacks has increased dramatically in the last year, and the raiding parties are getting larger, often involving over a hundred men.

Although the lawsuit itself may seem something of a long shot, one of its purposes is to alert Americans to the human toll of US policy in Central America. While the Reagan administration has tried to depict Nicaragua as a heavily-armed, aggressive nation, there is a particular poignancy in the fact that so many of the victims of the attacks the US finances have been peasants, doctors, agricultural workers, and teachers. The hallmark of the Nicaraguan revolution has been the ambitious programs to extend health care and education to all the Nicaraguan people. The cross-border raids financed by the US are counter-revolutionary in the most literal sense, intended to undermine the social, human promise of the Nicaraguan revolution.

Colin Danby works with CAMINO, the Central American Information Office (1151 Mass. Ave., Cambridge, MA 02138).

STAFF POSITIONS

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FOR A
NO FIRST USE
CAMPAIGN

JON SAXTON

For thirty-seven years the United States has had the policy of using nuclear weapons first, if need be, in military or political conflicts which threaten American global interests. The history of American nuclear diplomacy, which is now just beginning to be told, clearly demonstrates the extent to which both the capability and the expressed willingness to use nuclear weapons have served to "guarantee" American political and economic power around the world.

To those who have followed American nuclear planning and deployments for many years, this fact comes as no surprise. But for the hundreds of millions of people who have not been privy to such information, it has been quite a revelation.

For over three decades the American and West European peoples have been told that America's nuclear arsenal was essentially a benign force for securing the peace against an aggressive Soviet military machine. If it were not for America's nuclear deterrent, we have been told, the West would long ago have been held hostage to or overrun by communists in the quest for world domination. In short, nuclear weapons were portrayed as the most crucial part of the West's defense, justified on the grounds that they were built only so they would never have to be used. Through civil defense exercises, the "peaceful Atom" campaign and much more, the West was taught to tolerate nuclear weapons as a necessary evil in a difficult and threatening world.

Only recently have there been the beginnings of a mass awareness that the theory may not fit the reality. With the oil crisis and the decline of America's economic position and political prestige, first Carter, in vague terms, and then Reagan, in very aggressive terms, began talking of using nuclear weapons to protect American interests in the Middle East, Western Europe and perhaps elsewhere. For the first time since the trauma of the Cuban missile crisis. American presidents were publicly expressing the willingness to use nuclear weapons, not against an immediate and overwhelming threat, but for "limited" gains. The first few months of Reagan's presidency particularly were marked by repeated references to nuclear war-fighting scenarios in Europe.

If the Freeze campaign had not already existed, either it would have been necessary to invent it, or it would have arisen spontaneously out of the massive popular alarm and disbelief that such nuclear war-fighting talk engendered. Europeans and then Americans were suddenly made aware that nuclear weapons, like any other weapons, are made to be used. The major spring demonstrations in Europe and the June 12 rally in New York City were the dramatic expression of the resounding negative popular reaction to the revelations concerning the role of these weapons. The Freeze Campaign in the U.S. and the E.N.D. movement in Europe must be credited with turning this concern with the role of nuclear weapons into a movement against the very fact of their existence.

Since June 12 the American peace movement has been asking itself how to carry on the disarmament struggle in such a way as to maintain the active participation of the millions of people represented at the New York rally. The Freeze Campaign has done well at the polls and appears capable of broadening its appeal still further. Some people have taken up the European initiative in campaigning for Nuclear Free Zones. The goal of unilateral and unconditional disarmament remains the goal of others. But the movement for nuclear disarmament faces serious difficulties in sustaining and expanding its base of active support among the general population.

Meanwhile Reagan has counterattacked against the Freeze on two fronts: attempting to discredit and intimidate the disarmament movement with charges of communist manipulation and subversion; while at the same time clouding the issue of the role of nuclear weapons by reasserting the "aggressive" and escalating Soviet nuclear threat, and portraying a sorry picture of American and NATO weakness and vulnerability. The first of these is potentially serious and cannot be underestimated, but to date has had little apparent impact. The second of these, however, is particularly worrisome, as the Administration has the decided advantage over the peace movement when it comes to propagandizing the population, commanding loyalty, or claiming legitimacy for its positions in the numbers game. Although the Freeze Campaign has done wonders for the cause of disarmament, it finds itself somewhat strapped by its reliance on the logic of nuclear parity. Reagan argues that parity is necessary for bi-lateral, balanced reductions in nuclear forces. Since we are (supposedly) behind the Soviets it is therefore incumbent upon anyone who supports a Freeze to first support a build-up to achieve parity. The struggle threatens to get bogged down over the question of what constitutes parity, what is a balanced reduction, and other such technical problems which can easily be manipulated to confuse and delay.

If Reagan is successful with this tactic, it is likely that we will find the American public retreating back into "tolerance" of the nuclear guarantee and the status quo. The Freeze Campaign is not unaware of this possibility and in many communities is relating the nuclear question to the conventional uses of military force in order to draw out the implications of the overall projection of American power. The difficulty may be, however, that the same question of what constitutes parity, this time for conventional forces, will again be posed. These questions cannot be answered without reference to the actual roles both nuclear and conventional forces play and have played in American policy. The continued on page 6
RETREATS FROM
ROE V. WADE

NAN HUNTER

The Supreme Court now has before it three cases which together will decide how far the current court will retreat from Roe v. Wade, the 1973 decision providing a constitutional guarantee of the right to choose an abortion. In the last five years, the court has cut back on reproductive rights by permitting parental consent or notification laws to be imposed on minors and by ruling that a denial of Medicaid funds does not "unduly burden" the right of poor women to have abortions. Now the court has agreed to decide the constitutionality of state laws that impose a variety of restrictions on abortions designed to harass women and cut back the availability of abortion services.

The two major cases involve the 1978 Akron ordinance, which was passed after intensive efforts by right-to-lifers to get a model anti-abortion law on the books, and a Missouri state law. Both these laws require that a woman seeking an abortion be forced to wait after seeing the doctor—24 hours in Akron and 48 hours in Missouri*—so that she can "think it over" before going through with the abortion. Both laws require that all abortions after the first trimester (12th week) be performed in a hospital, even though second trimester abortions are routinely and safely done in clinics, and the hospitalization requirement multiplies the cost of an abortion. Both laws contain special consent procedures for minors. In addition, the Akron law requires that doctors tell the woman that "the unborn child is a human life from the moment of conception" and that they describe the characteristics of the fetus. The doctors are required to inform the woman that an abortion is a major operation (which is not true) and to list the serious complications that can result from it. This list that the doctors are required to read contains complications that do not pertain to abortions.

The goal of all these provisions is to frighten women into not having abortions, to intimidate doctors into not performing abortions, and to attack women's independence, including the right to make independent decisions. The ruling the Supreme Court makes this term on these laws will determine whether the state will be able to use a bogus concern for women's health, built on the stereotype of women as weak and indecisive creatures, unable to make important decisions on their own, as the rationale for laws which lock women into the role of childbearers.

The most significant single outcome of the court's decision is not likely to be tied to any one of the detailed provisions but to the general question of how fundamental is the right to have an abortion. The Court of Appeals opinion in the Akron case, which the city has appealed to the Supreme Court, adopted a stringent standard for testing whether a restrictive law infringes on a woman's right to choose. That decision held that a law which had any "legally significant" impact on a woman's choice during the first trimester, when under Roe v. Wade the state has no legitimate interest in regulating abortion, must be declared unconstitutional. For laws which regulate the second trimester, the court held that they must be genuinely designed to protect the woman's health (which is the only legitimate interest of the state during that time recognized in Roe v. Wade) and that they be precise enough not to infringe on her rights under the guise of protecting her health. Under this standard of constitutional review it is very difficult for the state to succeed in justifying a law which imposes restrictions on abortions. The court deliberately made the standard difficult to satisfy as a recognition of the importance of the right to choose. The right to have abortions is treated as fundamental to the right to be free from governmental interference in the intimate realms of one's life. Although this approach stems from the mistaken liberal concept that individuals make free, private "choices" unaffected by a political and social context, it is nonetheless the strongest legal principle currently protecting our right to control our reproductive lives.

Attorneys for the city of Akron and the state of Missouri are asking the Supreme Court to overrule this standard of review and to adopt one in its place allowing restrictive abortion laws to stand unless those challenging the law can show that the burdens it imposes are almost tantamount to a prohibition of abortion. The court could then treat a forced waiting period merely as a good idea; the impact it has on women who have to miss time from work or school or who have to travel long distances to reach an abortion provider would be considered inconsequential. Therefore, how the Supreme Court rules on the standard of review will largely determine the outcome of future cases involving other abortion laws.

The importance of the cases before the Supreme Court is illustrated by the extraordinary step taken by the Reagan "Justice" Department in asking the court to uphold these anti-abortion laws. The Justice Department has no legitimate role in the litigation. The federal government is not a party to any of the cases, which involve only city and state, not federal, laws. Despite this, with a political debt to pay to the far right, the Reagan administration has filed a brief as a "friend of the court," arguing that abortion laws should be treated as policy choices to be left up to state legislatures and not as fundamental constitutional rights to be protected against encroachment, even by majority rule. The Reagan administration brief advocates a states' rights approach to the Constitution. It makes clear that the administration wants to reverse the Roe v. Wade decision, which it says is based on "shadows." The brief...
stops short of asking the court to do that only because the cases before it do not present the specific issue addressed in *Roe v. Wade*. The brief warns that abortion questions will continue to plague the court for years to come unless such wide latitude is given to state legislatures that their laws become virtually impossible to challenge.

Like a throwback to the end of Reconstruction, the brief argues for what amounts to the withdrawal of federal civil rights protections and acquiescence to the old order. Whatever toehold women may have gained in controlling their lives, the brief suggests, must be cut away. Things have gone too far and patriarchal rule must be restored. Implicit in it is the political message from the Reagan executive branch to the Burger judicial branch: lay off on abortion.

The basis of the Justice Department brief is the contention that legislatures are more democratic than courts, and thus courts should almost never strike down a law passed by majority vote. This is the traditional rationale for ignoring the rights of minorities. It depicts a fairytale version of American democracy that has little relationship to the reality of how state legislatures function. The history of the Akron ordinance is a good example.

The Akron ordinance was drafted in 1977 as part of a campaign to pass an anti-abortion law anywhere which would then serve as a model for right-to-lifers across the country. It contains provisions such as a reference to "the municipal hospital" that have no application to Akron itself, where there has never been a municipal hospital. The sponsors of the bill made no attempt to review abortion procedures then in use, visit clinics, interview women or consult with the city health department. The bill was opposed by the mayor, the Akron commissioner of health and the city law department. It was drafted and redrafted by outsiders. It was presented to selected conservative councilmembers in secret hearings, not open to the public. It was finally enacted, on a 7 to 6 vote, despite the fact that copies of the revised text were not even distributed to all councilmembers prior to the vote.

The *Akron* case has been moving slowly through the court system since 1978. During this time, the ordinance has served as a model for dozens of proposed anti-abortion laws throughout the country. Although most provisions of the Akron ordinance were declared unconstitutional both at trial and in the Court of Appeals, right-to-lifers have reworded the parts stricken by the courts and enacted them into law in other states around the country. If the Supreme Court declares the Akron ordinance—or most of it—to be constitutional, lower federal courts which are now hearing challenges to similar abortion laws will almost certainly uphold them and allow them to go into effect. Women who live in Illinois, Nevada, Louisiana, Utah, Kentucky, Tennessee, and North Dakota could face the sudden imposition of restrictions on abortion which until now have been enjoined by the courts. In many other states as well, we can expect right-wing legislatures to flood us with harassment and intimidation laws modelled after the one in Akron.

Ironically, the arguments before the Supreme Court on these cases will probably be heard close to the date of the tenth anniversary of *Roe v. Wade*. It was the movement of women demanding control over their lives that made possible the limited victory in that case, and the backlash of anti-abortion groups which set the stage for our recent defeats. Now we must make new and creative efforts to communicate even to this Supreme Court the depth of women's determination to control their reproductive lives. Abortion is a linchpin in women's struggle for the chance to lead a full and independent life in every sense—personal, political, occupational, and educational. The cases now before the Supreme Court and our response to whatever decision results from them will be a crucial test of strength for our movement.

Nan Hunter is a staff lawyer with the Reproductive Freedom Project of the ACLU, and a member of CARASA (Committee for Abortion Rights and Against Sterilization Abuse) and the National Lawyers Guild. This article was reprinted from *CARASA NEWS* (17 Murray St., 5th Fl., NY, NY 10007). CARASA has been the recipient of many Resist grants.
movement needs something which can complement the work of the Freeze in its work against the fact of nuclear weapons by taking up directly the role(s) these weapons have in American military and foreign policy. A No First Use campaign could provide the necessary vehicle to do just that.

The idea of No First Use has been around for decades. The Soviets have proposed a mutual pledge with the United States on many occasions, and at the Second U.N. Special Session on Disarmament this summer the Soviets unilaterally made such a pledge. The United States, as it always has, rebuffed the initiative and refused to reciprocate. There are many reasons for the American refusal, but chief among them are two: NATO Alliance commitments, and the unwillingness to relinquish forever the ability to credibly threaten nuclear sanctions in response to "unfriendly" moves by other nations.

But the No First Use idea was really brought to public attention by Robert MacNamara, McGeorge Bundy, George Kennan and Gerard Smith, all former high officials in defense and national security affairs. In the Spring '82 issue of Foreign Affairs, they argued that the U.S. should renounce the first use of nuclear weapons in Europe. As defense liberals, they worry that the NATO Alliance may not survive the strains generated around the nuclear issue, and they understand on some level that "limited" nuclear war is an inherently dangerous proposition which could easily expand into a wider nuclear exchange. They argue that a No First Use pledge, coupled with a commitment to a compensatory conventional build-up, would alleviate the strains in the Alliance and lead to a more believable deterrent to a Soviet invasion of Western Europe.

Coming from such quarters, it is difficult to find truly progressive features in No First Use as these four officials have articulated it. Not surprisingly, though, their proposal has been taken up by other defense liberals, while it has been criticized by traditional Atlanticists and conservatives on both sides of the Atlantic who rightly fear that it could undermine what stability remains in the Alliance. It is more surprising, however, that elements of the peace movement have taken it up in its present form. The Union of Concerned Scientists, for one, has published a position piece which was used widely at the November 11 university campus teach-ins, and which essentially reproduces the original argument: No First Use and a conventional military build-up. In this way the shock to the Alliance would be minimized while the process of removing the specter of nuclear use in Europe could be begun. The implications of this variant of a "peace" position are very troubling.

What does it mean for the disarmament movement to begin a process of "trading" one variety of weapon of mass destruction for another? Can the disarmament movement take responsibility for possibly helping to set in motion an expansion of American overseas force commitments, a resumption of the draft, the development of the Rapid Deployment Force (RDF), or all of these as the price for a step toward nuclear disarmament? How much is enough? What kinds of weapons are we to favor over nuclear weapons and by what criteria? Clearly the point of any conventional build-up in Europe would be to compensate for the power lost through a No First Use pledge. Are we not then merely supporting replacing immense power concentrated in one form for equally immense power concentrated in another? In short, the decision by UCS to support such a position is at best ill-conceived. If adopted more generally, it would seriously undermine the movement for peace and disarmament.

What is perhaps most unfortunate about this position is that a No First Use campaign not coupled to a conventional build-up could have great potential as a vehicle for mobilizing mass popular opinion and action in the West. Here's why:

To call for a No First Use pledge by the United States is to immediately raise the issue of the role of these weapons. The question of No First Use highlights the design and capabilities of nuclear weapons, and the refusal to renounce the first use of them brings with it serious questions about the costs, consequences and rationale of that refusal. If made a public and popular issue it could stir widespread controversy over a whole range of issues and create many forums for education.

Few Americans know that some 14,000 tactical nuclear weapons are stationed around the world with American and NATO troops, fully integrated into modern battlefield planning. Few Americans know that these weapons can be fired from tanks, cannon and grenade launchers, or deployed as landmines or as nuclear depth charges. A No First Use campaign would highlight these facts.

It would also bring to national attention the eighteen times since 1945 that the US has threatened other countries with the first use of nuclear weapons, as in Korea (1950), China (1953, 1958), Iraq (1958), Berlin (1948, 1961) and elsewhere. It would take on directly the question of the Soviet threat: the fact that the Soviets have not made such nuclear threats; have never threatened Western Europe with attack; have abided by all weapons treaties; have just recently approached "parity" with the US; and have pledged never to use nuclear weapons first. The openings it provides for the Soviet threat question are particularly important given the history of this major impediment to organizing work in this country.

The NATO Alliance is based upon the American nuclear guarantee, but it has also been at the root of Alliance conflict. A No First Use campaign would call for a reassessment of NATO and the entire defense position of the Alliance, not merely for a shift of types of forces. The pressures for such a re-evaluation have existed for decades, and the No First Use question could push it to actually happen. Such an opening could prove especially important to the European disarmament movement.

The racist character of nuclear and conventional wea-
pons could also be drawn out by reference to US nuclear cooperation with racist South Africa and Israel, not to mention the obvious intent to use the Rapid Deployment Force as a nuclear tripwire in Asia, Africa or the Middle East.

It is because a No First Use campaign is designed to raise these and other vital issues that it would be an important step forward in the disarmament movement's attempt to cooperate more fully with anti-intervention/solidarity struggles, as well as anti-militarist and European based disarmament activities.

A No First Use campaign would also force fundamental political and moral questions that the Freeze Campaign felt it could not pose: Why does the US refuse to renounce the first use of a weapon which it claims is purely defensive? What military or political gains are worth the deaths of hundreds of millions of people? Is US military policy really geared to defense, or does the first use policy clearly demonstrate the American policy of constant military aggression and intimidation to achieve political and economic objectives?

As long as the current (or any) Administration can be kept on the defensive in answering these questions, and refuses to renounce the first use of nuclear weapons, the base for organizing and education can only continue to grow. If or when an American Administration does pledge No First Use, we will then have a substantial platform for significant moves toward disarmament. For if both sides have pledged No First Use, then, we can ask, what is the use of continuing to produce and deploy these weapons? In conjunction with the pressure for a Freeze, we could have a very powerful base for making significant gains for both disarmament and popular democracy.

A No First Use campaign of this type has begun within the Boston Mobilization For Survival, and hopes to generate broader interest for a national effort within the next few months. Initial contact with Freeze organizers has been very positive; there seems to be a growing awareness of the need to keep the struggle against the role of nuclear weapons in as clear a light as the struggle against the fact of their existence, if mass activism is to be sustained. These dimensions of nuclear weapons are inseparable in theory, and need to be treated so in practice.

Jon Saxton is a PhD candidate in Sociology at Brandeis University. He is a former staffperson of Boston Mobilization For Survival and is the convener of the No First Use taskforce.

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WIRE Exchange (NY, NY)
National Alliance of Third World Journalists (Philadelphia, PA)
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The Newspaper (Lynn, MA)

THIRD WORLD SUPPORT WORK

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Emergency Campaign Against Intervention in Central America and the Carribean (Boston, MA)
Women's Caucus of the Northampton Committee on El Salvador (Amherst, MA)
CISPES (Cambridge, MA)
March 27th Coalition (NY, NY)
Indochina Newsletter (Dorchester, MA)
Oscar Romero Center (NY, NY)
Association in Solidarity with Guatemala (Washington, DC)
CASA (Cambridge, MA)
Third World and Progressive People's Coalition (Brooklyn, NY)
SAMRAF (Brooklyn, NY)
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Ad Hoc Lebanon Emergency Committee (Boston, MA)
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FEMINIST

Women Against Military Madness (Minneapolis, MN)
Philadelphia Reproductive Rights Organization (Philadelphia, PA)
Women's Pentagon Action Film Alliance (Rosendale, NY)
Isis (Amherst, MA)
Dorchester Women's Committee (Dorchester, MA)
National Clearing House on Marital Rape (Berkeley, CA)
Coalition for Reproductive Freedom (Boston, MA)
Feminist Task Force for SSD II (Boston, MA)
Feminist Video on Non-violent Civil Disobedience (Brooklyn, NY)
Rural American Women (Washington, DC)
Mujeres Latinas (Dorchester, MA)

LABOR

Substitutes United for Better Schools (Chicago, IL)
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DISARMAMENT AND ANTI-DRAFT

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European Nuclear Disarmament Solidarity Committee (Colchester, VT)
AWOL (Cambridge, MA)
NY June 12th Disarmament Campaign (NY, NY)
Nebraska Nuclear Weapons Freeze Coalition (Lincoln, NE)
Waltham Concerned Citizens (Waltham, MA)
Vietnam Veterans Against the War (Chicago, IL)
Black Vets for Social Justice (Brooklyn, NY)
Comite de Educacion Popular (El Paso, TX)
No Nuclear News (Cambridge, MA)
War Resisters League—West (San Francisco, CA)
Kalamazoo Vets for Peace (Kalamazoo, MI)
New Englanders for Peace (Methuen, MA)
Military Law Task Force (San Diego, CA)
Catholics for Peace and Justice (Tucson, AZ)
People for Peace (St. Barrington, MA)
Stop the Pentagon/Serve the People (Philadelphia, PA)
Anti-Draft Festival (NY, NY)
Blacks Against Nukes (Washington, DC)
Tidewater Draft Counseling (Norfolk, VA)
Peace Education Project (Boulder, CO)
Bay State Conversion (Cambridge, MA)
San Diego CARD (San Diego, CA)
Jobs with Peace (Baltimore, MD)
June 14th Civil Disobedience Campaign (NY, NY)
Berkeley Resistance (Berkeley, CA)

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Washington Prison News Service (Seattle, WA)

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Vermont PIRG (Montpelier, VT)
New Jewish Agenda (Northampton, MA)