

Former U.N. Expert: The U.S. Is Violating International Law by Attempting a Coup in Venezuela



Actually there is no need to imagine. It's happening already. Editor's Note: We are aware that Amy Goodman has filed in recent years some pretty questionable programs indicating a drift toward the dark side, where the imperial Big Lie reigns supreme. In connection with Syria, for example, and even Russiagate, she has not emerged with the clean skirts that many of her onetime loyal public would have expected. That said, and despite those stinkeroos, this particular program is unusually clean and powerful, as far as we can tell, featuring the witness of a man, a genuine cosmopolitan—Alfred de Zayas—whose opinions, despite coming from a recognised establishmentarian, are backed up by a lifetime career of intellectual courage and integrity. In addition, this double-header has the testimony of Prof. Miguel Tinker Salas, a respected expert on Venezuelan matters. So, use this program for its excellent content, and remain cautious but flexible in

how you evaluate Amy Goodman's work in the future. Who knows, she might be coming home to consistent leftism again. –PG

AMY GOODMAN'S COVERAGE OF THE US VENEZUELAN COUP ATTEMPT

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A Coup in Progress? Trump Moves to Oust Maduro & Install Pro-U.S. Leader in Oil-Rich Venezuela

The Venezuelan government is accusing the United States of staging a coup, after President Trump announced that the U.S. would recognize opposition leader Juan Guaidó as Venezuela's new leader. Trump made the announcement shortly after Guaidó, the new head of Venezuela's National Assembly, declared himself president during a large opposition protest. The European Union and the Lima Group have joined the U.S. in recognizing opposition leader Juan Guaidó as president. Mexico is the one dissenting nation in the Lima Group to still recognize Maduro. We speak with Miguel Tinker Salas, professor at Pomona College, who says, "This is unprecedented not only in Venezuelan history, but in Latin America." He is the author of "The Enduring Legacy: Oil, Culture, and Society in Venezuela" and "Venezuela: What Everyone Needs to Know."

Transcript

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AMY GOODMAN: We begin today's show in Venezuela. The Venezuelan government is accusing the United States of staging a coup, after President Trump announced the U.S. would recognize opposition leader Juan Guaidó as Venezuela's new leader. Trump made the announcement shortly after Guaidó, the new head of Venezuela's National Assembly, declared himself president during a large opposition protest.

***JUAN GUAIDÓ:** [translated] I swear to assume all the powers of the national executive as interim president of Venezuela, to secure an end of the usurpation and a treasonous government, and to have free elections. If it is to be, let God and country reward us; and if not, let God and country demand it.*

AMY GOODMAN: Venezuela's sitting President Nicolás Maduro, who was recently sworn in to a second 6-year term, responded to Trump's decision by breaking off relations with the United States.

***PRESIDENT NICOLÁS MADURO:** [translated] I am announcing to the free people and countries of the world that, as the constitutional president, head of state, head of government, in fulfilling my duties, to which I swore before the people to respect, and have respected, the independence, sovereignty and the peace of the republic, I have decided to break diplomatic and political relations with the imperialist government of the United States. ... To sign the diplomatic note giving the entire diplomatic and consular personnel of the United States of America in Venezuela 72 hours to leave the country, signed in the name of the people of Venezuela.*

AMY GOODMAN: The European Union and the Lima Group have joined the U.S. in recognizing opposition leader Juan Guaidó as interim president. Mexico is the one dissenting nation in the Lima Group to still recognize President Maduro. Russia, China, Turkey, Cuba and Bolivia are among the other nations expressing support for Maduro.

The United States has been ratcheting up pressure on Venezuela in recent weeks, ever since Guaidó became head of the National Assembly and led an effort to declare Maduro a usurper, in an effort to remove him from office. On the day of Maduro's recent inauguration, January 10th, U.S. Secretary of State Mike Pompeo called Guaidó to congratulate him on his election victory to head the National Assembly. Then, national security adviser John Bolton announced, quote, "The United States does not recognize Venezuelan dictator Nicolás Maduro's illegitimate claim to power," unquote. On Tuesday, Vice President Mike Pence posted a video message to the people of Venezuela.

***VICE PRESIDENT MIKE PENCE:** Hola. I'm Mike Pence, the vice president of the United States. And on behalf of President Donald Trump and all the American people, let me express the unwavering support of the United States as you, the people of Venezuela, raise your voices in a call for freedom. Nicolás Maduro is a dictator with no legitimate claim to power.*

AMY GOODMAN: Vice President Pence posted that video a day before Guaidó announced that he was the interim president.

The U.S.-led effort targeting the oil-rich nation of Venezuela dates back two decades, since the late Hugo Chávez became president in 1999. In November, John Bolton accused Venezuela, Cuba and Nicaragua of being part of a "troika of tyranny." In September, *The New York Times* [reported](#) the Trump administration conducted secret meetings with rebellious military officers in Venezuela to discuss overthrowing Maduro.

In August, Maduro survived an assassination attempt when he was attacked by a small drone. He accused the U.S. and Colombia of being involved in the plot.

All of this comes as Venezuela is facing a staggering economic crisis, caused in part by falling oil prices and broad U.S. sanctions. According to the IMF, inflation is over a million percent in the last year, the highest rate in the world. There are widespread reports of food and medicine shortages. The United Nations estimates 3 million Venezuelans have left Venezuela since 2015, resulting in what the U.N. has described as an “unprecedented migration crisis” in Latin America.

We’re joined now by two guests. In Claremont, California, Miguel Tinker Salas, professor at Pomona College, author of *The Enduring Legacy: Oil, Culture, and Society in Venezuela*, as well as the book *Venezuela: What Everyone Needs to Know*. And in Geneva, Switzerland, we’re joined by Alfred de Zayas, former U.N. independent expert who visited Venezuela in 2017. He’s professor of law at the Geneva School of Diplomacy.

We welcome you both to *Democracy Now!* Miguel Tinker Salas, let’s begin with you, as a Venezuelan, as a professor here in the United States. Can you talk about what just has transpired, the United States recognizing a new president of Venezuela—not elected, he declared himself this in the streets—and Venezuela now saying they are cutting off ties with the United States?

MIGUEL TINKER SALAS: Good morning. This is unprecedented, not only in Venezuelan history, but in Latin America. The only similarity, as a historian, that I can recall was with the Bay of Pigs, in which part of the U.S. plan in landing troops in Cuba was to declare a government in exile, and then that government in exile, up in arms, would request U.S. military assistance, and the U.S. would then land troops. This is a scenario that likely could play out in Venezuela. It depends on what Juan Guaidó decides to do.

There is no way that Maduro can accept another sovereign, another person, declaring to be president within the country. So this is an effort to escalate the crisis, to polarize the conditions further. It is the equivalent, essentially, of Nancy Pelosi saying that Donald Trump is a usurper, he is corrupt, he has laid off 800,000 federal employees, and I'm going to declare myself president of the U.S., and she would be recognized by France, Germany and England. It's unprecedented.

And again, I don't see how it resolves any of the fundamental problems that exist in Venezuela. It doesn't address the economic issues. It doesn't address the social issues, and simply closes the door to dialogue to negotiations, which I think are the only solution possible in Venezuela.

AMY GOODMAN: On Wednesday night, Vice President Mike Pence was interviewed on Fox Business by Trish Regan.

TRISH REGAN: Let me ask you about this, because the president's policies have been seen by some as to be somewhat isolationist. And he would say, "Listen, we don't need to bother being in places that we don't need to be. It's a waste of our time, our money, our resources, etc." But he does think it's important, and you think it's important, to take a stand on Venezuela. Why?

VICE PRESIDENT MIKE PENCE: Well, President Trump has made no secret of the fact that he is not a fan of American deployments all over the world and American entanglements. Our first president, George Washington, had the same concerns. And yet, President Trump has always had a very different view of our hemisphere. He's long understood that the United States has a special responsibility to support and nurture democracy and freedom in this hemisphere.

AMY GOODMAN: Vice President Pence talking about the difference

when a country is in this hemisphere. Professor Miguel Tinker Salas, your response?

MIGUEL TINKER SALAS: Well, the reality is, Donald Trump has no experience with Latin America. He can sit there and coddle dictators in Honduras, Juan Orlando Hernández, who's calling for elections in Venezuela when his own elections were corrupt and, even from the perspective of U.S. observers, were largely illegal; with Jimmy Morales in Guatemala—a president who separates families and their children at the border, a president who will not even consider asylum claims by Latin Americans who are fleeing conditions created in part by U.S. policy in Central America.

The reality is that this is a politically driven agenda, largely by Miami elites, by Marco Rubio, by Mike Pompeo, by John Bolton. And again, as your lead-in indicated, in November, with the declaration of a wish to eliminate what they call the "troika of tyranny," it was clear that they were going to go after Venezuela, after Cuba and after Nicaragua. And this is now the realization.

It's no coincidence that this all happened yesterday. Yesterday was the anniversary of the ouster of dictator Marcos Pérez Jiménez on January 23rd, 1958. So this was very much of an orchestrated event. We saw the build-up for it in the weeks before that with Guaidó's declaration, Trump's recognition, then the Lima Group, which had already made a declaration earlier.

I should point out that Mexico and Uruguay are not a part of it, and Mexico and Uruguay have offered to negotiate, to provide the context for dialogue in Latin America, as has Spain and Portugal. So I think it's important to understand that there are alternative voices out there that recognize that what is happening is an infringement on sovereignty and on the independence of Venezuela, and is against—I would interpret it—against the U.N. Charter, against the OAS and

against international treaties, where, again, countries do not meddle in the internal affairs of other countries.

AMY GOODMAN: And yet, the OAS has recognized Guaidó as the new president.

MIGUEL TINKER SALAS: Well, we should understand this is Mr. Almagro, who, as head of the OAS, has been the greatest effort—has made the greatest effort to try to have regime change in Venezuela. And the reason why the Lima Group was created is they couldn't get the OAS to condemn the government of Venezuela, so that the conservative governments within the OAS created the Lima Group as a pressure against the government of Venezuela.

AMY GOODMAN: On Wednesday, a reporter asked President Trump if he's considering military options in Venezuela.

REPORTER: You made an announcement about Venezuela today. Some administration officials told reporters on a conference call that all options are on the table. Are you considering a military option for Venezuela?"

PRESIDENT DONALD TRUMP: We're not considering anything, but all options are on the table.

REPORTER: Does that mean you're considering, though, a military—

PRESIDENT DONALD TRUMP: We're just—all options, always. All options are on the table.

AMY GOODMAN: "All options are on the table." Professor Tinker Salas?

MIGUEL TINKER SALAS: Well, that obviously includes the military threat. And again, what we're talking about is

intervention.

And there's a long history of intervention in Venezuela. It starts with the very—the discovery of oil in 1922, when there was a symbiotic relationship between the oil industry in Venezuela and the U.S. government and the U.S. society and the U.S. economy. In many ways, the progression of oil industry and oil linked the two countries together. It also meant that the U.S. engaged in a fundamental nation-building project in Venezuela, trying to create institutions that would be similar to the U.S. and that would favor U.S. foreign investments and the repatriation of profits—the only country in Latin America by the 1940s that allowed for foreign capital. But when Venezuela became an exporter of oil, it also became a net importer of food. It created a tremendous dependence.

But the greatest intervention of the U.S. has been the sale of the American way of life, of the consumer value, of the notion that Venezuela was an exceptional country. And it created this dependence to the U.S., to the oil industry, that is now fracturing the country because much of that dependence is to blame for the lack of other economic development in the country, along with government mismanagement, improvisation and, of course, U.S. sanctions, which have worsened conditions in Venezuela, because it prohibits—it impedes the country from access to credit, from being able to renegotiate its debt. So, again, part of that intervention is multifaceted.

AMY GOODMAN: I wanted to ask—you look at three countries. 2003, the U.S. invades Iraq, an oil country in the Middle East. Right before, President Trump [*sic*] coins the term or utters the term of one of his speechwriters—President Bush coins the term “axis of evil,” as they vilify Iraq before the invasion. Go back to 1953, the oil-rich country of Iran: The U.S. funds, the CIA funds a coup d'état against the democratically elected leader, Mohammad Mosaddegh. And then, of course, you have, right now, in Venezuela—this is an oil-rich country in Latin America. You have John Bolton, the

national security adviser, who is now calling Venezuela one of the three “troika of tyranny.” Are you concerned that at this point, with President Maduro kicking out the U.S. from Venezuela, saying within 72 hours, and now the U.S. saying, no, they won’t go, that the U.S. is setting Maduro up for some kind of situation that will lead to U.S. intervention?

MIGUEL TINKER SALAS: There’s no doubt that this is a tactical pincer movement in which they’re trying to corner Maduro. They know that he has to respond in some way. If he doesn’t respond, he loses support among his own base. He loses credibility. He loses legitimacy. So, in that sense, they know that they can manipulate.

Pompeo has already announced that the U.S. diplomats will not leave. If that’s the case, then it sets up a situation for a crisis that’s reminiscent of Grenada, when the U.S. utilized the medical students in Grenada against the government of Maurice Bishop, who had been killed, as a pretext for an invasion. That’s always the threat. That’s always the challenge. Remembering what Trump said, that all options are on the table, so that there is that concern. Again, that would lead to bloodshed. That would lead to destabilization. And that would be the worst-case scenario.

The best-case scenario, again, is for cooler heads to prevail, for dialogue, negotiations, for the Vatican, for Mexico and Uruguay to provide the context for a dialogue in Venezuela that would lead to some sort of peaceful transformation and peaceful solution.

AMY GOODMAN: We’re talking to Miguel Tinker Salas, a Pomona professor and author of *The Enduring Legacy: Oil, Culture, and Society in Venezuela*. When we come back, we’ll go to Geneva, Switzerland, to talk with a former U.N. independent expert who visited Venezuela for the United Nations. This is *Democracy Now!* Back with Alfred de Zayas in a minute.



Part 2

Former U.N. Expert: The U.S. Is Violating International Law by Attempting a Coup in Venezuela

Amy goodman/ Democracy Now!

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- [Venezuela](#)

WITNESSES

[Alfred de Zayas](#) : former U.N. independent expert who visited Venezuela in 2017, law professor at the Geneva School of Diplomacy.

- [Miguel Tinker Salas](#): professor at Pomona College and author of *The Enduring Legacy: Oil, Culture, and Society in Venezuela* and *Venezuela: What Everyone Needs to Know*.

As President Trump announces that the U.S. will recognize opposition leader Juan Guaidó as Venezuela's new leader and sitting President Nicolás Maduro breaks off relations with the United States, we speak with a former U.N. independent expert who says the U.S. is staging an illegal coup in the country. **Alfred de Zayas**, who visited Venezuela as a U.N.

representative in 2017, says, "The mainstream media has been complicit in this attempted coup. ... This reminds us of the run-up to the Iraq invasion of 2003." We also speak with Miguel Tinker Salas, professor at Pomona College and author of "The Enduring Legacy: Oil, Culture, and Society in Venezuela" and "Venezuela: What Everyone Needs to Know."

Transcript

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AMY GOODMAN: We continue to talk about the situation in Venezuela. Is this a coup d'état? We're joined by Alfred de Zayas in Geneva. He visited Venezuela in 2017 on behalf of the United Nations. At the time, he was the U.N. independent expert on the promotion of a democratic and equitable international order. Still with us, Miguel Tinker Salas of Pomona College in California.

Alfred de Zayas, welcome to *Democracy Now!* Talk about what we are seeing right now in Venezuela. Are we seeing a coup d'état unfolding?

ALFRED DE ZAYAS: First of all, Amy, I am quite honored to be on your program. I endorse every word that my knowledgeable colleague, Professor Tinker Salas, has just said.

As far as a coup d'état, well, it is not a consummated coup d'état. It is an attempted coup d'état. Now, we all believe in democracy. Your program is called *Democracy Now!* Now, there's nothing more undemocratic than a coup d'état, and also boycotting elections. As you know, there have been 26, 27 elections in Venezuela since Chávez was elected in 1998. So, if you want to play the game, you have to participate in the elections. And if the opposition refused to participate in the elections, they bear responsibility for the situation that has ensued.

Beyond that, I want to endorse the words of my Secretary-

General Guterres, who has called for dialogue. I very much supported the mediation carried out in 19—I'm sorry, 2016, 2018, by José Luis Rodríguez Zapatero, the former Spanish prime minister. And that actually would have led to a sensible compromise. The text was on the table, was ready for signature. At the last moment, Julio Borges refused to sign it.

Now, is it a coup d'état? Well, this is a matter of semantics. We have here an unconstitutional situation in which the legislature is usurping competences that belongs to the executive and to the judiciary. The judiciary has already declared all of these actions and declarations of the National Assembly to be unconstitutional.

Now, I am not a constitutional lawyer in Venezuela, but I did have the opportunity, when I was in Venezuela in November, December 2017, to speak with all stakeholders, with members of the National Assembly, of the Chamber of Commerce, of the university students, opposition leaders, opposition NGOs, PROVEA, Amnesty International, Human Rights Watch, the OAS representative there, etc., and, of course, with all the ministers. Now, the function of a rapporteur is not to go around grandstanding. The function of the rapporteur is not naming and shaming. The function of a rapporteur is to listen and listen, and then to study all the relevant documentation and arrive at constructive proposals, which I formulated in my report, which was presented to the Human Rights Council last September 10, 2018. Now, I formulated many recommendations, and actually the government already implemented some of my recommendations even shortly after my visit, because I also gave the foreign minister of Venezuela, Mr. Arreaza—I gave him a six-page confidential memorandum upon my departure. Some of that was reflected then in my report.

But my concern—and I think it is a concern of every person who believes in democracy and in the rule of law—is to calm the waters. My concern is to avoid a civil war. One thing that I

told members of the opposition is that you simply cannot topple the government, and Maduro is not simply going to roll over. I mean, there are 7, 8, 9 million Venezuelans who are committed Chavistas, and you have to take them into account. What are you going to do with them if you topple the government through a coup d'état? What are you going to do with these people? These people are most likely going to fight. Now, we don't want fighting. We don't want shedding of blood. Therefore, the only logical avenue now is to call for dialogue. And I hope that the Vatican and Mexico and Uruguay will lead the way.

AMY GOODMAN: What about the role of the media in what is happening right now in Venezuela? You would have no idea, if you watched the networks in the United States—I'm not just talking about Fox, I'm talking about CNN and MSNBC—if you watched in any regular way—

ALFRED DE ZAYAS: No, I know. Of course.

AMY GOODMAN: —what is unfolding, the level of involvement of the United States, right through to this video that Vice President Pence posted right before Juan Guaidó announced from the streets that he was the president, the head of the National Assembly, the Nancy Pelosi equivalent.

ALFRED DE ZAYAS: Well, the mainstream media has been complicit in this attempted coup. The mainstream media has prepared, through a conundrum of fake news, an atmosphere that the public should accept this regime change imposed by the United States on the people of Venezuela because, ultimately, it's supposed to be for the good of the Venezuelans.

Now, this reminds us of the run-up to the Iraq invasion of 2003. Now, the mainstream media supported all the lies, all the manipulations of George W. Bush and of Tony Blair to convince the world that Saddam Hussein had weapons of mass destruction. And on this excuse, it was made somewhat

palatable to world public opinion that you would enter Iraq and change the government by force. Now, the fact is that here you had not only a crime of aggression, not only an illegal war, as former—the late Secretary-General Kofi Annan, in more than one occasion, stated. Here you have actually a revolt of 43 states, the “coalition of the willing,” against international law. If there is one tenet of the U.N. Charter that is *jus cogens*, that is peremptory international law, it's the prohibition of the use of force. And this attack on Iraq was conducted by 43 states in collusion, breaking all the rules of international law. Now, that was preceded by this media campaign.

Now, we have had, for the last years, actually, a media campaign against Venezuela. And I am particularly familiar with it, because before I went to Venezuela, I had to read everything and all the reports, not only of *The Washington Post* and of *The New York Times*, but also the reports of the Inter-American Commission on Human Rights, the reports of Amnesty International, Human Rights Watch, etc., proposing that there was a humanitarian crisis in Venezuela.

Now, when I went to Venezuela, I again took the opportunity to interview representatives of Amnesty International and PROVEA and the other opposition NGOs, but I also had the opportunity to study the documents, to compare, to see the statistics, etc., etc. And, of course, there was no humanitarian crisis. There was hunger. There was, what we say in Spanish, *zozobra*. There was suffering. There was malnutrition, etc., etc. But it's not just stating that there is an economic crisis. That's not the crucial point. The crucial point is which are the causes of that so-called humanitarian crisis. And certainly, those who are crying humanitarian crisis should be the least to say that they should now solve the problem. There's a principle of international law called *ex injuria non oritur jus*, which is the principle to estoppel. So they should be estopped from demanding regime change when they themselves are

the ones who are aggravating a situation, caused initially by the dramatic fall of the oil prices.

I wanted to make a reference to a professor, Pasqualina Curcio, of the University of Caracas. I had the opportunity of seeing her for a couple of hours when I was there. And she published a book called *The Visible Hand of the Market*. This is a book that documents the financial blockade, documents the whole complex economic war being waged against Venezuela, which reminds you of the economic war that was waged against Salvador Allende. And what's interesting is, after three years of economic war against Allende not succeeding in toppling Salvador Allende, it took a coup d'état by General Augusto Pinochet, which brought the Chilean people 17 years of dictatorship.

We should be asking ourselves: Do we want a coup d'état in Venezuela? And what legitimacy would the government of Guaidó have? And what kind of elections would be held? Now, there have been, as I said, 26 or 27 elections in Venezuela since 1998. And President Jimmy Carter and the Carter Center went repeatedly to Venezuela to monitor those elections. And Carter had a very good opinion of the system and of the safeguards of elections in Venezuela. So, if the opposition really considers itself democratic, it has to play the democratic game, and it has to participate in the elections. They have chosen to boycott the elections over the last years.

And another thing that I think it's important to notice is that the mainstream media has always presented the opposition as peaceful demonstrators. Now, there are ample videos, photographs of the violence committed by the so-called guarimbas in Venezuela in the years 2014, especially 2017. I had the opportunity of interviewing not only victims of police brutality in Venezuela, but also victims of the guarimbas—persons who were just trying to go from point A to point B, and there was a barricade somewhere, and then they were either killed or they were seriously injured or burned. I

interviewed them when I was there.

So, I must say, *audiatur et altera pars*, let's listen to both sides, and let us not just concentrate, as the mainstream media does in the United States, on the arguments of the opposition. You also have to take into account the 7, 8 or 9 million Venezuelans, who are human beings, who have democratic rights, who have expressed those democratic rights in their ballot box. And you simply cannot shove them away.

AMY GOODMAN: I'm going to give Miguel Tinker Salas the last word here, what you expect to see. I mean, what we've seen in the past, before, President Chávez, there was almost a coup against him. The military took him; he got free. Same happened in Ecuador with Correa, but he also was able to free himself and continue as president. On the other hand, you had President Aristide in Haiti, proven U.S. links there to the coup. He was flown out. And you had President Zelaya in Honduras. He also was forced out of his position. He did not succeed in maintaining power. What do you think will happen here, Professor Tinker Salas?

MIGUEL TINKER SALAS: I think part of what the U.S. is trying to do, and the opposition, is to see if there are fundamental cracks within the military that would facilitate their strategy. That, again, would lead to a coup d'état. That, I think, would not be the best outcome for Venezuela. I insist, if we continue to ratchet up this brinkmanship, we run the risk of exacerbating this crisis and obscene violence. And I think we should try to avoid the violence. I think the best-case solution is to find some process by which negotiations and discussions can take place. We can have cooler heads prevail, and begin to have a conversation in which we recognize the presence of the other. Because if there are elections tomorrow and if the government wins, the opposition will not recognize; if the opposition win, the Chavista supporters will not recognize. That's a stalemate. We have to be able to break those loggerheads and find solutions in

which, long terms, Venezuelans come to term with the presence of the other in society and recognize the humanity of the other and find dialogue and a peaceful solution to this crisis.

AMY GOODMAN: I want to thank you both for being with us, Miguel Tinker Salas, professor at Pomona College, author of *The Enduring Legacy: Oil, Culture, and Society in Venezuela* and *Venezuela: What Everyone Needs to Know*, as well as Alfred de Zayas, joining us from Geneva, Switzerland, former U.N. independent expert, visited Venezuela in 2017 on behalf of the United Nations.

This is *Democracy Now!*, democracynow.org, *The War and Peace Report*. When we come back, we'll be joined by an international human rights lawyer, Wolfgang Kaleck. Stay with us.

[break]

AMY GOODMAN: Oliver "Tuku" Mtukudzi. He passed away yesterday at the age of 66.



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