



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 23, 2012

Ambassador Daan Everts
Office for Democratic Institutions and Human Rights
Organization for Security and Co-operation in Europe
Ul. Miodowa 10
00-251
Warsaw, Poland

Dear Ambassador Everts:

The Organization for Security and Co-operation in Europe (OSCE) will reportedly dispatch election observers to the State of Texas to monitor the November 2012 general election. While it remains unclear exactly what your monitoring is intended to achieve, or precisely what tactics you will use to achieve the proposed monitoring, OSCE has stated publicly that it will visit polling stations on Election Day as part of its monitoring plan.

In April, you reportedly met with a group of organizations that have filed lawsuits challenging election integrity laws enacted by the Texas Legislature. One of those organizations, Project Vote, is closely affiliated with ACORN, which collapsed in disgrace after its role in a widespread voter-registration fraud scheme was uncovered. In September, a federal appeals court rejected Project Vote's challenge to the State's voter-registration regulations and allowed Texas to continue enforcing laws that were enacted to protect the integrity of the voter-registration process.

According to a letter that Project Vote and other organizations sent to you, OSCE has identified Voter ID laws as a barrier to the right to vote. That letter urged OSCE to monitor states that have taken steps to protect ballot integrity by enacting Voter ID laws. The OSCE may be entitled to its opinions about Voter ID laws, but your opinion is legally irrelevant in the United States, where the Supreme Court has already determined that Voter ID laws are constitutional.

If OSCE members want to learn more about our election processes so they can improve their own democratic systems, we welcome the opportunity to discuss the measures Texas has implemented to protect the integrity of elections. However, groups and individuals from outside the United States are not allowed to influence or interfere with the election process in Texas. This State has robust election laws that were carefully crafted to protect the integrity of our election system. All persons—including persons connected with OSCE—are required to comply with these laws.

Elections and election observation are regulated by state law. The Texas Election Code governs anyone who participates in Texas elections—including representatives of the OSCE. The OSCE's representatives are not authorized by Texas law to enter a polling place. It may be a criminal offense for OSCE's representatives to maintain a presence within 100 feet of a polling place's entrance. Failure to comply with these requirements could subject the OSCE's representatives to criminal prosecution for violating state law.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Abbott". The signature is written in a cursive, flowing style with a large initial "G".

Greg Abbott
Attorney General of Texas



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 25, 2012

The Honorable
Hillary Rodham Clinton
Secretary of State
2201 C Street NW
Washington, D.C. 20520

Dear Madam Secretary:

Yesterday you received a letter from the Organization for Security and Co-operation in Europe (OSCE) asking that the U.S. Department of State take steps to ensure the OSCE's election observers are not "restrained in their activities" while in the State of Texas. It appears that OSCE is under the misimpression that the State Department can somehow help its representatives circumvent the Texas Election Code. Texas law prohibits unauthorized persons from entering a polling place—or loitering within 100 feet of a polling place's entrance—on Election Day. OSCE monitors are expected to follow that law like everyone else.

As you know, Texas election laws govern anyone who participates in Texas elections. The fact that representatives of the United States joined the U.S.S.R, Yugoslavia, Romania, and other OSCE member-nations in signing a document at a 1989 conference in Copenhagen has absolutely no bearing on the administration of elections or laws governing elections in the State of Texas. Yet the OSCE invokes the 1990 OSCE Copenhagen Document to seek your help ensuring that its representatives are not "restrained" by Texas law. If the OSCE wishes to visit Texas during election season, we welcome the opportunity to educate its representatives about the State's electoral process. But OSCE is not above the law and its representatives must at all times comply with Texas law when they are present in this state.

While the 1990 OSCE Copenhagen Document cited in the OSCE letter is legally irrelevant and will have no impact on the State's administration of the November elections, for the sake of accuracy you should know that the letter misconstrues OSCE's own governing documents. Indeed, the OSCE claims that requiring its representatives to comply with Texas law somehow contravenes paragraph 8 of the Copenhagen document. That is false.

In fact, paragraph 8 specifically stipulates that OSCE representatives may only observe elections "to the extent allowed by law." As you know, in the United States that means both state and federal law. The OSCE's letter states only that its observers are committed to compliance "with all *national* laws and regulations." This statement may simply reveal that the OSCE is unfamiliar with our nation's federalist system. On the other hand, it may reveal that the OSCE does not consider itself restrained by state law. Texas needs OSCE's assurance that its

representatives will abide by Texas law when they are present in this state. We have not received that assurance.

In addition to my desire to defend and enforce Texas election laws, I am also concerned that an unnecessary political agenda may have infected OSCE's election monitoring activities. The OSCE has published policy recommendations and other reports that raise objections to state laws that prohibit convicted felons from voting, prevent voter registration fraud, and require voters to present a photo identification at the polling place. The OSCE may object to photo identification laws and prohibitions on felons voting—but our nation's Supreme Court has upheld both laws as entirely consistent with the U.S. Constitution. And perhaps ironically, the OSCE representative leading the mission to the United States hails from the Netherlands, which has a photo identification law for voters. According to the Dutch government's official website: "checking identity documents helps fight fraud." Why the OSCE appears to now question voter identification laws in the United States is beyond reason. Perhaps it is just politics. Regardless, the OSCE's perspective on Voter ID is legally irrelevant in the United States.

Indeed, contrary to the principles of "political pluralism" articulated in the 1990 OSCE Copenhagen Document, the OSCE has recently coordinated with a number of plainly partisan organizations in the United States. This appears to reflect a concerted effort to politicize an initiative that was previously perceived as an international information exchange program. While Texas may welcome visitors from any nation or international organization who wish to learn more about the steps the State has taken to protect the integrity of state elections, we need not open our doors and accommodate an international effort affiliated with partisan organizations in the United States that wish to suppress electoral integrity.

The case in point is OSCE's coordination with Project Vote, an overtly partisan organization that was founded by and closely affiliated with ACORN. As you know, ACORN collapsed in the wake of a national voter registration fraud scandal that resulted in multiple criminal prosecutions for violations of state and federal election laws. Just this week, Project Vote boasted that it was advising OSCE on which issues to study—and which states to monitor—this election cycle. In light of Project Vote's history of voter registration fraud and its more recent failed attempt to enjoin Texas election laws that were enacted to prevent fraud, no legitimate international body would affiliate with Project Vote. Consequently, OSCE's affiliation with this dubious organization necessarily undermines its credibility and the independence of its election monitors.

Rather than work closely with domestic partisan organizations to advance their shared political agenda, the OSCE should consult the report that President Jimmy Carter and Secretary of State James Baker issued as co-chairmen of the bipartisan Commission on Federal Election Reform. As you know, President Carter is one of the world's most well-known election monitors. Given President Carter's experience in this area, it is noteworthy that the report he authored found: "The electoral system cannot inspire confidence if no safeguards exist to deter and detect fraud or to confirm the identity of voters." Apparently the Netherlands agrees with that assessment, which is why the Dutch government similarly requires voters to present a photo identification before casting their ballots.

The United States Constitution authorizes the States to regulate the conduct of state and federal elections within their borders. In Texas, the Legislature has exercised its prerogative to implement laws that preclude felons from voting, prevent groups like Project Vote from questionable voter registration activities, and instill confidence in the electoral system by requiring voters to present a photo identification. While we welcome international visitors who wish to engage in a legitimate information exchange, we have no interest in being lectured by the OSCE about how best to conduct the State of Texas' business.

Unlike the unelected bureaucrats at the OSCE, our State's leaders and decision-makers were duly elected by Texas voters. Elected members of the Texas Legislature enacted the Texas Election Code to ensure our State's elections are free, fair, open, and reliable. The Election Code does not authorize OSCE's representatives to enter the polling place and nothing in a document that may govern the OSCE's conduct has any impact—legal or otherwise—on the conduct of elections in the State of Texas. If the OSCE does not wish to follow the laws that govern everyone else present in the State of Texas, including the voters who elect our State's leaders, then perhaps it should dispatch its representatives to another state.

In closing, I have a simple request: Please work with the OSCE to ensure they agree to comply with Texas law. If they refuse to do so, OSCE's representatives may be subject to legal consequences associated with any violations of state law.

Sincerely,

A handwritten signature in cursive script, appearing to read "Greg Abbott". The signature is written in black ink and is positioned above the printed name.

Greg Abbott
Attorney General of Texas

NOTICE

From the People of Texas

To:

Office for Democratic Institutions and Human Rights
Organization for Security and Co-operation in Europe (OSCE)

November __, 2012

This constitutes NOTICE to the
Organization for Security and Co-operation in Europe (OSCE)
and its Agents and/or Representatives of the following:

We support Greg Abbott, Attorney General of Texas, in his letter to Ambassador Daan Everts of OSCE written on October 23, 2012. We stand firmly behind our Texas Attorney General Greg Abbott in the spirit of international cooperation toward the common goals and objectives of fair and honest elections embraced by both your organization and our elected Texas government officials. If you come to Texas to observe and learn about our election processes for educational purposes only, you are welcome. We in Texas are always open to and support the free exchange of ideas and information.

Moreover, European and American differing traditions of Law and the fundamental structures of our respective governments have long been in conflict with, and are antithetical to one another; therefore, though you may be well intentioned in your zeal to police corruption, BE NOTICED that your efforts could be construed as an attempt at overthrowing our governmental system and therefore an act of aggression.

▲ The nature of sovereignty in Texas is that sovereignty is inherent in the People of Texas (Forum of the People), NOT in the State (Forum of the Ruler) as is the case of European style sovereignty.

▲ The Land of Texas belongs to the People of Texas, NOT to the Ruler or State as is the case in the European style of sovereignty.

▲ Elected Public Officials in Texas derive their limited Powers of Governance from the consent of the People and are therefore accountable to the People, because the Power belongs to the People.

▲ Delegated Power from the People cannot again be re-delegated to another without it being a Breach of the Covenant between the People and the Elected Public Official to whom it was delegated.

▲ Elected Public Officials cannot use their authority to make Treaties with other Nations as a tool to expand their Powers beyond the limited authority of their powers originally inured them by the People.

▲ In America, the People created the three branches of both the state and federal governments and made them sovereign to one another in their respective enumerated Powers, referred to by our

Supreme Court as “diffused sovereignty”, and therefore Texas is not a subject of, nor an instrumentality of the United States.

▲ The People have the Power to redact the Power delegated to their Elected Public Officials if the Elected Public Officials flagrantly Breach their Covenant with the People.

THEREFORE,

BE NOTICED THAT, We the People already have a system of checks and balances to deal with corruption in our country and that your attempts in Texas to monitor our processes may be construed as an attempt to overthrow our system of government constituted by the People of Texas and are therefore an act of aggression, whether intended or not.

BE NOTICED THAT, While our Elected Public Officials have authority to make Treaties with other Nations, they have no authority to enter into Treaties with Intergovernmental Organizations such as the OSCE.

BE NOTICED THAT, Our Elected Public Officials cannot re-delegate the power that We the People have delegated to them; therefore, you possess no enforcement or jurisdictional powers on Texas soil and Treaties cannot re-delegate that authority upon an Intergovernmental Organization such as OSCE. If our Administrative Authorities have misled you into thinking you have enforcement authority on Texas soil, this is to Notice you that in our system of Fundamental Law, the Powers the People have delegated to their elected Public Officials cannot again be re-delegated to another authority such as the OSCE, an organization of unelected bureaucrats, and any attempt at re-delegation is therefore a NULLITY.

BE NOTICED THAT, Your intentions for monitoring our Election Processes appear to be with the intent of asserting a jurisdiction in Texas as your Press Release of October 24, 2012 indicates, and as such, you are hereby Noticed that should you attempt to assert a jurisdiction in Texas over our Election Processes you may be charged with, at a minimum, disturbing the peace in Texas and will be dealt with accordingly to the severity of the offense. Diplomatic Immunity is excluded under common law offenses, such as Disturbing the Peace or attempting to impose a foreign jurisdiction within Texas.

BE NOTICED THAT, In the American system of government, elected Public Officials only possess the authorities enumerated to them by the People according to the Subject Matter conferred upon them by the People and Subject Matter Jurisdiction in America can be challenged at any time in the future, has no statute of limitations; and furthermore, no grant of immunity by any authority whatsoever can protect one from violations of Subject Matter Jurisdiction.

IN CONCLUSION, We repeat again, we stand pledged behind our Texas Attorney General, and if your intentions to observe our Election Process are for educational purposes only, you are welcome.

THEREFORE, We the People of Texas ask that you make Public that your intentions of being here are for educational purposes only and that you disavow any claim of asserting a jurisdiction in Texas. Should you refuse to do so, we must assume that your intentions are not honorable and that you are deceptively proceeding under Color of Law to assert a jurisdiction foreign to our Laws and our Constitution.

Organization for Security and Co-operation in Europe

[Excerpts from Wikipedia, the free encyclopedia]

https://en.wikipedia.org/wiki/Organization_for_Security_and_Co-operation_in_Europe

The **Organization for Security and Co-operation in Europe (OSCE)** is the world's largest security-oriented intergovernmental organization. Its mandate includes issues such as arms control and the promotion of human rights, freedom of the press and fair elections. It has 550 headquarters staff and about 2300 field staff.

The OSCE is an ad hoc organization under the United Nations Charter (Chap. VIII), and is concerned with early warning, conflict prevention, crisis management and post-conflict rehabilitation. Its 56 participating states are located in Europe, the former Soviet Union and North America and cover most of the northern hemisphere. It was created during the Cold War era as an East-West forum.

Structure and Institutions

Political direction to the Organization is given by heads of state or government during summits. Summits are not regular or scheduled but held as needed. The high-level decision-making body of the Organization is the Ministerial Council, which meets at the end of every year. At ambassadorial level the Permanent Council convenes weekly in Vienna and serves as the regular negotiating and decision-making body. The post of Chairman-in-Office is held by the minister for foreign affairs of the participating State which holds the chairmanship. In addition to the Ministerial Council and Permanent Council, the Forum for Security Co-operation is also an OSCE decision-making body. It deals predominantly with matters of military co-operation, such as modalities for inspections according to the Vienna Document of 1999. The OSCE's Secretariat is located in Vienna, Austria. The current Secretary General is Lamberto Zannier of Italy, who took over from Mark Perrin de Brichambaut of France. The Organization also has offices in Copenhagen, Geneva, The Hague, Prague and Warsaw. The Parliamentary Assembly of the Organization for Security and Co-operation in Europe passes resolutions on matters such as political and security affairs, economic and environmental issues, and democracy and human rights. Representing the collective voice of OSCE parliamentarians, these resolutions and recommendations are meant to ensure that all participating States live up to their OSCE commitments. The OSCE PA also engages in parliamentary diplomacy, and has an extensive election observation program. The oldest OSCE institution is the Office for Democratic Institutions and Human Rights (ODIHR), established in 1991 following a decision made at the 1990 Summit of Paris. It is based in Warsaw, Poland, and is active throughout the OSCE area in the fields of election observation, democratic development, human rights, tolerance and non-discrimination, rule of law, and Roma and Sinti issues. The ODIHR has observed over 150 elections and referendums since 1995, sending some 35,000 observers. It has operated outside its own area twice, sending a team that offered technical support to the 9 October 2004 presidential elections in Afghanistan, an OSCE Partner for Co-operation, and an election support team to assist with parliamentary and provincial council elections on 18 September 2005.

The Office of the OSCE Representative on Freedom of the Media, established in December 1997, acts as a watchdog to provide early warning on violations of freedom of expression in OSCE participating States. The Representative also assists participating States by advocating and promoting full compliance with OSCE norms, principles and commitments regarding freedom of expression and free media.

United Nations

The OSCE considers itself a regional organization in the sense of Chapter VIII of the United Nations Charter and is an observer in the United Nations General Assembly. The Chairman-in-Office gives routine briefings to the United Nations Security Council.

[OSCE interests fall under three dimensions]

Politico-military dimension (first dimension)

Arms Control • Border Management • Combating Terrorism • Military Reform • Policing • and more

Economic and environmental dimension (second dimension)

Economic Activities • Environmental Activities

Human dimension (third dimension)

Trafficking in human beings • Democratization • Education • Elections • Gender Equality
Human Rights • National & International NGOs • Media Freedom • Minority Rights

Criticism

Following an unprecedented period of activity in the 1990s and early 2000s (decade), the OSCE has in the past few years faced accusations from the CIS states (primarily Russia) of being a tool for the Western states to advance their own interests. For instance, the events in Ukraine in 2004 (the "Orange Revolution") led to allegations by Russia of OSCE involvement on behalf of the pro-Western Viktor Yushchenko. At the 2007 Munich Conference on Security Policy, Vladimir Putin made this position very clear:

"They [unnamed Western States] are trying to transform the OSCE into a vulgar instrument designed to promote the foreign policy interests of one or a group of countries. And this task is also being accomplished by the OSCE's bureaucratic apparatus, which is absolutely not connected with the state founders in any way. Decision-making procedures and the involvement of so-called non-governmental organizations are tailored for this task. These organizations are formally independent but they are purposefully financed and therefore under control."

Also, following the Belorussian Presidential election of 2001, the OSCE denounced the election, claiming it to be neither 'free nor fair'; however, the OSCE had actually refused to observe the vote, and still made the aforementioned claim, despite Gerard Stoudmann of the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE acknowledging that there was "no evidence of manipulation or fraud of the results".

Russia and its allies are advancing the concept of a comprehensive OSCE reform, which would make the Secretariat, institutions and field presences more centralized and accountable to collective consensus-based bodies and focus the work of the Organization on topical security issues (human trafficking, terrorism, non-proliferation, arms control, etc.), at the expense of the "Human Dimension", or human rights issues. The move to reduce the autonomy of the theoretically independent OSCE institutions, such as ODIHR, would effectively grant a Russian veto over any OSCE activity. Western participating States are opposing this process, which they see as an attempt to prevent the OSCE from carrying out its democratization agenda in post-Soviet countries.

Following the 2008 U.S. presidential election, OSCE's ODIHR was accused of double standards by Russia's lawmaker Slutsky. The point was made that while numerous violations of the voting process were registered, its criticism came only from within the U.S. (media, human rights organizations, McCain's election staff), while the OSCE known for its bashing criticism of elections on the post-Soviet space remained silent.

History

The Organization has its roots in the 1973 **Conference on Security and Co-operation in Europe** (CSCE). Talks had been mooted about a European security grouping since the 1950s but the Cold War prevented any substantial progress until the talks at Dipoli in Helsinki began in November 1972. These talks were held at the suggestion of the Soviet Union which wished to use the talks to maintain its control over the communist countries in Eastern Europe. Western Europe, however, saw these talks as a way to reduce the tension in the region, furthering economic cooperation and obtaining humanitarian improvements for the populations of the Communist bloc.

The recommendations of the talks, "The Blue Book", gave the practical foundations for a three-stage conference, the Helsinki process. The CSCE opened in Helsinki on 3 July 1973 with 35 states sending representatives. Stage I only took five days to agree to follow the Blue Book. Stage II was the main working phase and was conducted in Geneva from 18 September 1973 until 21 July 1975. The result of Stage II was the Helsinki Final Act which was signed by the 35 participating States during Stage III, which took place in Finlandia Hall from 30 July – 1 August 1975. It was opened by Holy See's diplomat Cardinal Agostino Casaroli, who was chairman of the conference.

The concepts of improving relations and implementing the Act were developed over a series of follow-up meetings, with major gatherings in Belgrade (4 October 1977 – 8 March 1978), Madrid (11 November 1980 – 9 September 1983), and Vienna (4 November 1986 – 19 January 1989).

A unique aspect of the OSCE is the non-binding status of its provisions. Rather than being a formal treaty, the OSCE Final Act represents a political commitment by all signatories to build security and cooperation in Europe on the basis of its provisions. This allows the OSCE to remain a flexible *process* for the evolution of improved cooperation which avoids disputes and/or sanctions over implementation. By agreeing these commitments, signatories for the first time accepted that treatment of citizens *within* their borders was also a matter of legitimate international concern. This open process of the OSCE is often given credit for helping build democracy in the Soviet Union and Eastern Europe, thus leading to the end of the Cold War.

The collapse of the Soviet Union required a change of role for the CSCE. The Charter of Paris for a New Europe which was signed on 21 November 1990 marked the beginning of this change. With the changes capped by the re-naming of the CSCE to the OSCE on 1 January 1995, accordingly to the results of the conference held in Budapest, in 1994. The OSCE now had a formal Secretariat, Senior Council, Parliamentary Assembly, Conflict Prevention Centre, and Office for Free Elections (later becoming the Office for Democratic Institutions and Human Rights).

In December 1996, the "Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century" affirmed the universal and indivisible nature of security on the European continent.

In Istanbul on 19 November 1999, the OSCE ended a two-day summit by calling for a political settlement in Chechnya and adopting a Charter for European Security. According to then Minister of Foreign Affairs Igor Ivanov, this summit marked a turning point in Russian perception of the OSCE, from an organization that expressed Europe's collective will, to an organization that serves as a Western tool for "forced democratization."

After a group of thirteen Democratic United States Senators petitioned Secretary of State Colin Powell to have foreign election monitors oversee the 2004 presidential election, the State Department acquiesced, and President George W. Bush invited the OSCE to do so.