

NATIONAL LAWYERS GUILD

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September 23, 2013

The Honorable John Kerry
Secretary of State
Washington, DC 20520

Dear Mr. Secretary,

I am writing as the President of the National Lawyers Guild (NLG) and a member of one of four election delegations of NLG lawyers who travelled to Venezuela in the past 16 months to observe elections there – for the February 2012 opposition primary, the October 2012, and April 2013 presidential elections, and, most recently, the electoral “audit” that concluded in June. We met with members of opposition parties, media, civil society, and government, and attended seminars on the electoral system conducted by the National Electoral Council (CNE). The comprehensive report from our most recent delegation can be accessed here: <http://www.nlg.org/resource/reports/delegation-to-venezuela>.

The CNE announced the victory of Nicolas Maduro over Henrique Capriles by over 260,000 votes in the presidential election shortly after polls closed on April 14, 2013. The Supreme Court of Venezuela rejected the challenges of the losing party on August 7.

Although we were glad to hear that the State Department briefly appeared to be re-establishing diplomatic ties with Venezuela, we ask that you explicitly recognize Nicolas Maduro as the legitimately elected president of Venezuela. For the State Department to use its political differences with Venezuela as an excuse to deny recognition of Venezuela’s duly elected president constitutes a clear violation of the U.S.’s own notions of international comity and sovereignty. But it is particularly unacceptable in the case of an election carried out under the excellent electoral system that exists in Venezuela.

The National Lawyers Guild, the oldest and largest bar association in the U.S., has had a longstanding relationship with the Bolivarian Republic of Venezuela, generated by our concern about U.S. involvement in the 2002 attempted coup against Hugo Chavez – engineered, in fact, by some of the supporters of Henrique Capriles. We have studied the 1999 Bolivarian Constitution and the laws passed pursuant to it; and we have marveled at the changes accomplished in the past decade in Venezuela, using the constitution and the rule of law to utilize profits from the oil fields to the improve the lives of the Venezuelan people, and setting up a system of worker and communal councils to allow workers and local citizens to take control of their workplaces and communities. In the past five years, we have attended numerous elections and observed firsthand the workings of the country’s unique and acclaimed national electoral system, operating under the auspices of the constitutionally independent 5th branch of government, the Poder Electoral, and its implementing body, the CNE.

NLG delegates, including myself, who have travelled to observe elections in Venezuela, have been uniformly impressed by the advanced electoral system which is overseen and operated by a separate and independent branch of government, and monitored by a random selection of citizen

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poll workers. Venezuelan elections are audited and observed by witnesses from all sides, as well as national and international experts, many of whom work for electoral authorities in their own countries.

As our reports and those of the Carter Center and other international observers indicate, the Venezuelan electoral system is known to be more inclusive and fraud-proof than any system in the world. Over 95% of the eligible voters are registered and 79% of the registered voters came out for the April 2013 elections, making it far more inclusive and democratic than our own system. Electronic votes are verified by digital fingerprints and paper receipts, and every part of the process including the open source software is audited by all parties.

It is true that the margin of President Maduro's victory was relatively small, but, as we note in our report, it was no smaller than recent U.S. presidential elections. Our delegates reviewed the unsubstantiated challenges to the election filed in the Supreme Court by the losing parties, and we believe that courts of law anywhere would find them to be unworthy of serious consideration and amounting to an abuse of process.

For the U.S. to continue to stand as the only state in the region to have refused to recognize the results of what Jimmy Carter calls "the best electoral system in the world" further discredits this country in the eyes of our neighbors and gives credibility to claims that the U.S. is assisting the Venezuelan opposition in their campaign to destabilize the current duly elected government.

Sincerely,

A handwritten signature in cursive script, appearing to read "Azadeh Shahshahani".

Azadeh Shahshahani
President

cc: Roberta Jacobson, Assistant Secretary of State for Western Hemispheric Affairs, and members of the House Foreign Relations and Senate Foreign Affairs Committees