

# Opening Statement

Lead Prosecutor

- Francis A. Boyle

**Francis A. Boyle:** Ladies and gentleman, distinguished Members of the Tribunal. May it please the Tribunal. My name is Francis Boyle, professor of International Law at the University of Illinois in Champaign. I appear here today on behalf of the indigenous people of the US, on behalf of the New Afrikan people, on behalf of the Mexican people, and on behalf of the Puerto Rican people who are the plaintiffs in this proceeding against the federal government of the United States of America, the defendant, for the commission of international crimes, under well recognized principles of international law going back to its foundation in 1787 and continuing until this very moment.

We will establish that the Federal government is an international criminal conspiracy and a criminal organization, just like the Nazi government of World War II Germany. As far as the plaintiff is concerned there is no difference whatsoever. Indeed, we will prove our case by using the precise same law that the United States government itself applied to the defeated Nazi war criminals at the Nuremburg Tribunal in 1945. Speaking at that time, Mr. Justice Robert Jackson who was on leave from the United States Supreme Court to serve as Chief Prosecutor at Nuremburg said, and I only paraphrase, that the standard of law that the United States government was imposing at Nuremburg would be a universal standard of law, there would not be two standards — one for the victor and one for the vanquished. But rather, that it would only be fair to hold the US government fully accountable by the same standards that were applied by Nuremburg. Today, 47 years later, we are going to take Mr. Justice Jackson at his

word and hold the federal government of the United States fully accountable for international crimes against indigenous peoples and people of color throughout its two hundred year history. You have already received a copy of the indictment that I was instructed to draw up by the plaintiffs which I represent.

Let me briefly address the question of jurisdiction, your right to consider the charges against the defendant. In the judgment of the Nuremburg Tribunal and also the judgment of the Tokyo War Crimes Tribunal of 1945 against defeated Japanese war criminals, it was made quite clear that all citizens of the world community have both the right and the duty under international law, to sit in judgment on a gross and consistent pattern of violations of international criminal law committed by any member state of the world community. Furthermore, article 38 paragraph one, sub paragraph D, provides that judicial decisions are a subsidiary means for the determination of the rules of international law. You will be called upon to render a judicial decision within the meaning of the statute of the International Court of Justice. The decision that you render will be on a par in terms of judicial precedent and significance with the judicial decision rendered by any other international tribunal or the Supreme Court of the Countries from which you come. So understand, this is not a mock trial. — this is not a mock tribunal. We are here to do a judicial job that has been charged to us by international law and we will create legal precedent. In whatever you decide to do. Now, in this indictment you have 37 charges against the federal government of the United States

of America on behalf of the five groups of peoples who are here as plaintiffs. You have read through these charges and the members of the audience have read through them. I will not go through them one at a time, but I will set out the basic thrust of our legal case under international law. The particulars of this case will then be detailed by the special prosecutors who represent each one of the five groups who are appearing today as plaintiffs.

The heart of the indictment goes back to the Nuremburg charter of 1945. which the US government itself used to prosecute defeated Nazi war criminals and later the same body of law to prosecute defeated Japanese war criminals. We have alleged that the United States government has committed Nuremburg crimes against indigenous people and people of color in North America. Crimes against peace. Planning, preparation, initiation, a waging a war of aggression or a war in violation of international treaties, agreements, or assurances. Or participation in a common plan or conspiracy for the accomplishment of these purposes. Here in particular, the Puerto Rican people, the Mexican people, the Native American peoples all have very strong claims, that you will hear, that they have been the victim of numerous Nuremburg Crimes against peace. Nuremburg War Crimes are defined as the violations of the laws and customs of war, murder, ill-treatment, deportation to slave labor, or any other maltreatment of the civilian population. Murder or ill-treatment of prisoners of war or persons on the seas., killing of hostages. Plunder of public and private property. Wanton destruction of cities, towns, or villages. Devastation

not justified by military necessity. You will hear evidence that all five groups of plaintiffs have been subjected to these practices. Finally, crimes against humanity. And here, let me recall that the notion of crime against humanity was put into the Nuremburg Charter to deal with Hitler's attempt to exterminate the Jewish people.

In our opinion, the defendant has perpetrated the exact same offense against Native peoples, African people, Puerto Rican people, and the Mexican people here in the United States. There is no legal difference. It is guilty of crimes against humanity. And let me quote you this definition of a crime against humanity: "Murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population or persecutions on political, racial, or religious grounds, etc." Now one point that might concern you is the fact that the Nuremburg charter was promulgated in 1945. How can we use this law to examine practices by the US government going back to 1787? First, it is our position that these offenses are still continuing today, against Native peoples and people of color, here in North America. These are ongoing offenses that have a long history — in some cases going back 500 years. This needs to be dealt with by the Tribunal. Second, when it came to the promulgation of the Nuremburg Charter, the US government had no problem with signing a treaty in 1945, and applying it to behavior that had been committed by the Nazi government from the time of its foundation in 1933, up to and including, 1945. Well, what is sauce for the goose, is sauce for the gander.

There is no statute of limitations under international law for the commission of international crimes. We are simply going to hold the US government accountable under these same standards, but instead of going back to 1933, we will go back to 1787. But, I want to make it clear, our position is that these crimes are continuing today. Now, a crime against humanity was later codified in the Genocide Convention of 1948 that the US government is a party to. Again, remember the paradigmatic example is what Hitler did to the Jews, and we believe it is the same thing that the federal government has done to Native peoples, Mexicans, African people, Kanaka Maoli (indigenous Hawaiians) and the Puerto Rican people.

I will read for you the legal test for genocide from the Genocide Convention that codifies the concept of crime against humanity. Genocide means any of the following acts committed with intent to destroy, in whole or in part — we do not have to prove that the federal government has succeeded in destroying completely any one individual group of people, although there is evidence that it has completely destroyed several groups of Native American people. Intent to destroy in whole or in part a national, ethnic, racial, or religious group as such and either one of those characteristics would qualify. In our opinion, all four groups fall into one or more of those categories, national, ethnic, racial, or religious. Some of them meet all four qualifications, and certainly the Native American people do. So the following acts are genocide: Killing members of the group, causing serious bodily, or mental harm to members of the group. This opens up

the psychological trauma that these people have been subjected to for the past 205 years. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

All indigenous people and people of color living under the imperial domain of the federal government fit within that definition of genocide. Every one of them. The federal government is inflicting today, and historically has deliberately inflicted on all of them conditions of life calculated to bring about their physical destruction in whole or in part. Imposing measures intended to prevent births within the group. You will see a pattern of the federal government historically undertaking policies to prevent births of Native peoples, peoples of color, subject to their control, including wide scale sterilization of Native peoples and peoples of color, and finally, forcibly transferring children of the group to another group. And again, you will receive evidence of that reprehensible behavior.

Now, in the indictment we have also alleged numerous violations of human rights treaties. You have those in the indictment, I will not bother to repeat all of it except to point out that the special prosecutors will develop a gross and consistent pattern of violations of fundamental human rights against indigenous people and people of color by the United States government for the past 205 years.

The basic source for these human rights is the Universal Declaration of Human Rights of 1948, which you have already looked at. The US government considers the Universal

Declaration of Human Rights to be binding, as a matter of customary international law. We intend to take the United States at its word. Compare its behavior with the provisions of this document, and you will see that the United States government has violated each and every one of these provisions when it comes to indigenous people and people of color subject to its control. The Universal Declaration was then codified in two United Nations human rights covenants in 1966. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The United States government has recently ratified the International Covenant on Civil and Political rights. So again, it is only fair for you to evaluate their behavior under that treaty. The Economic, Social, and Cultural Convention has not yet been ratified by the United States government, but it has been signed. Under the Vienna Convention on the law of treaties, the US government is obliged to act in a manner so as not to defeat the object and purpose of the Economic, Social, and Cultural Convention until it has given an indication whether or not it will ratify. Again, it is fair to compare its behavior under this treaty and you will find it severely lacking, not only for indigenous people and people of color in America, but for all people in North America. The indictment also refers to the Racial Discrimination Convention, we all know what racial discrimination is about. Our position is that the US government is the paradigmatic example of a racist state in international relations today. It is even worse than South Africa.

Indeed, the United States of America is the grossest violator

of human rights of any state in the world today. Although this is not subject to your jurisdiction, look at the quarter of a million people that the US government exterminated in Iraq, in 100 days. If you allow the US government to get away with it, this is what they are going to do to indigenous people and people of color here on the North American continent. Iraq is the future, unless you do something about it. I also refer to the Apartheid Convention, the US government has signed but again, not yet ratified the racial discrimination convention so it is bound generally to adhere to its terms to the racial discrimination convention. It has not signed the Convention Against Apartheid. Why? Because the US government practices a system of Apartheid against people of color and indigenous people here in the United States, just as reprehensible and heinous as what the South African government has done to its Black people in South Africa. That is why it has refused to sign the Apartheid convention, but that should not deter you because this is a reflection of the Nuremberg concept of crime against humanity, which the US is bound to. Apartheid is defined as a variant of crime against humanity. I submit that you can only conclude that the United States practices apartheid, as defined by this convention, against indigenous people and people of color in North America.

The final area that the special prosecutors will examine today after genocide and human rights violations, will be treatment of freedom fighters from the different groups of people who have been captured by the federal government of the United States of America and are entitled to be

treated as prisoners of war under the Geneva Conventions of 1949 and the Geneva Protocol One of 1977. Now, drawing an analogy to the Nazi treatment of the Jews, those people certainly had a right under international law to rise up and resist and defend themselves. Nothing could be clearer as a matter of law and we would all agree in retrospect. Indeed, there were many courageous people in Germany who rose up to resist the Nazis and Hitler, who were tried in Nazi courts, were punished by Nazi judges, and put in Nazi jails and tortured and then killed by Nazis. We believe this is exactly what is going on in the United States of America today. The federal judiciary is a Nazi court system, with hand-picked judges for political, social, economic reasons designed to enforce the policy of the US government. They take people who engage in resistance to these criminal policies, give them show trials, put them away in prisons and there they are tortured by psychological, and physical means.

The appropriate treatment for these people can be found in the 3rd Geneva Convention of 1949 on prisoners of war. They are entitled to all the protections and certainly cannot be put in prisons and treated as terrorists and criminals. They are not. They are soldiers fighting in international armed conflict against a hostile enemy that is ruthless and will resort to any type of criminal behavior to suppress these struggles by indigenous people and people of color to preserve their own existence. The relevant test for prisoner of war status can be found in article 1, paragraph 4 of additional protocol 1. Again I quote it in short, these people would be entitled to be treated as POWs if you find that they are

engaged in "armed conflicts in which peoples are fighting against colonial domination" and clearly the US government is a colonial dominator. "and alien occupation." The US government is alien to indigenous people and people of color in North America. "and against racist regimes." Clearly the federal government is a racist regime, in the exercise of their right of self-determination as enshrined in the charter of the United Nations. All five of these peoples have a right to self-determination under international law and especially the United Nations Charter. And the freedom fighters that have been captured, prosecuted and imprisoned by this Nazi regime are entitled to be treated as prisoners of war, within the meaning of the Geneva Conventions.

The final count of the indictment states that the US government is an international criminal conspiracy and a criminal organization in accordance with the Nuremberg Charter, Judgment, and Principles. This is exactly what happened at Nuremberg, where the judgment determined, the Tribunal determined that various organs of the Nazi state were criminal organizations and that mere membership in any of these organizations, such as the SS, the Gestapo, etc., was a criminal act.

Again, our position is the federal government of the United States is legally identical to the Nazi government. Indeed, the crimes of the Nazi government were so enormous under international criminal law that it was dissolved as a legal and political entity. It no longer exists today. The current government of Germany, the Federal Republic of Germany is not a

successor in law to the Nazi government. It no longer exists. We are asking you to do the exact same thing to the United States federal government. We are asking you to issue and order determining that the United States federal government is an international criminal conspiracy and a criminal organization. We are asking you to issue an order dissolving the United States federal government as a legal and political entity. Just as happened to the Nazi government at Nuremburg. And finally, we are asking you to recognize that the sovereignty — international legal sovereignty over the lands inhabited by Native peoples, Mexicans, the New African Black people, and the Puerto Rican people resides in the hands of the people themselves and not in the hands of the federal government, which is a criminal organization. Again, this is pursuant to their right of self determination under international law.

We believe that a judgment by this Tribunal along these lines will then prepare the way for these peoples to apply for membership as independent states in the United Nations organization. Just recently, the world witnessed the collapse of the Soviet Union, an empire in its own right. Lenin had once called the Czarist empire “the slave house of nationalities.” Well, we have another slave house of nationalities and that is the United States of America federal government. We are asking you to dissolve this enormous slave house of nationalities, that has repressed, terrorized, intimidated, and exterminated indigenous people and people of color in North America. As the Soviet Union, an empire, collapsed and freed these peoples, so to the American empire must collapse as

well. The collapse of the American empire is the only way to save the existence of indigenous people and people of color living subject to its jurisdiction. It is up to you to produce that result. The beginning of the end of the American empire starts here and today and is in your hands. Thank you.

**Alejandro Molina:** At this point, I would like to ask if there is an official representative of the US government or the office of the Attorney General of the US to come forward. If not I would ask attorney Boyle to return to the stand.

**Francis Boyle:** Again, is there anyone here to represent the defendant — the federal government of the United States of America? I wish to inform the Tribunal of the following. That the defendant was served with the indictment in three formats, starting September 23, 1992, with what is called a summons to appear and answer. There was hand delivery of service of process by Native Americans — it would only be appropriate for Native Americans to serve the US government with this indictment. One Native American in Washington DC served the office of Attorney General William Barr, and another in San Francisco served the office of Mr. John Méndez, United States Attorney. This commenced on September 23. They were also served by Federal Express and they were served by fax transmission. I have the receipts here. We will introduce them into the record. They were summoned to appear and answer on behalf of the United States government and given the time of 11:00 am for the presentation of their defense of the federal government. That is their job, what they get paid to do. Apparently they decided

not to do it.

Now I wish to inform you of the legal significance of their failure to appear. Under international proceedings, a foreign sovereign cannot be forced to appear before an International Tribunal. For example, when the US sued Iran before the World Court, (in the Iranian hostages case), Iran did not appear. But the non appearance of a foreign sovereign cannot be allowed to frustrate the proceedings of an International Tribunal. The Tribunal can proceed in absentia, just like the World Court did in that case. When the Reagan administration did not like a preliminary ruling of the World Court in the Nicaragua case it walked out. But the court proceeded in any event in the absence of the United States government. So you can proceed in absentia. However, you can not find a default judgment against the US government. Default judgments are not permitted in international judicial proceedings. You must reach a judgment on the merits in accordance with the law and the facts just as if the US government had been here and argued its case. I would say that you should not draw any adverse inferences from the fact that the United States government has refused to appear. If you have any questions on that non appearance by the US government, I will be happy to answer them. Thank you.



# Testimony on Genocide

## Indigenous Witnesses

- Kekuni Blaisdell
- Betty Parent

## New Afrikan Witnesses

- Oba T'Chaka
- Daramola Cabral-Evins

## Mexican Witnesses

- María Ortíz

## Puerto Rican Witnesses

- Deborah Santana
- Rafael Cancel Miranda

**Bryan Savage:** May it please the Tribunal. I have two witnesses for you, one is Kekuni Blaisdell and the other is Elizabeth Parent. I would like to call Mr. Blaisdell first. Both of these witnesses will be presenting various documents to you which we will introduce into the record after the Tribunal has finished its receipt of evidence. If the US does appear, its representatives ought to have a time to examine the documents and object to them if necessary. I call my first witness, Kekuni Blaisdell. Mr. Blaisdell if you would take the witness stand there. Mr. Blaisdell's testimony at this point will be directed to the issue of genocide to the indigenous Hawaiian people. If I may approach him I would like him to identify one of the documents that we would like to submit into the record, for the purposes of identification it is titled evidentiary documents to the indictment of the federal government of the United States of America, for the commission of international crimes and petitions- and for orders mandating its proscription and dissolution as an international criminal conspiracy and a criminal organization. Mr. Blaisdell I take it that you have seen this document before is that correct?

**Dr. Blaisdell:** [Ae] Yes.

**Bryan Savage:** Does it describe the various documents that you are going to submit to the Tribunal today?

**Dr. Blaisdell:** That is correct.

**Bryan Savage:** What is your profession in the white man's world?

**Dr. Blaisdell:** In the white man's world I am a professor of

medicine at the University of Hawaii School of Medicine.

**Bryan Savage:** And you direct your political activities through two groups, is that correct?

**Dr. Blaisdell:** In the Kanaka Maoli (indigenous Hawaiian) world I am convenor of the Pro Hawaiian Sovereignty Working Group which meets every week since 1989 and I am coordinator for Ka Pakaukau, a coalition of twelve Hawaiian sovereignty organizations which meets monthly.

**Bryan Savage:** Now I have handed you another document. What group does that document describe the political purposes and activities of?

**Dr. Blaisdell:** Yes, this is the definition mission and declaration of Ka Pakaukau, a coalition of twelve Hawaiian sovereignty organizations committed to the exercise of our inherent sovereignty.

**Bryan Savage:** And among the other documents that you are presenting there is a book called Hawaii's Story by Hawaii's Queen. Is that correct?

**Dr. Blaisdell:** Yes sir, that is the story of our history, of genocide committed by the United States of America, as told by our Queen Lili'uokalani, who yielded her authority January 17, 1893 to the superior armed forces of the United States, temporarily until after presentation of the facts the United States government would undo the actions of its diplomatic and military representatives and restore recognition of our sovereign Hawaiian nation. The full presentation of those

facts and undoing of the crimes committed by the United States against our Kanaka Maoli people and nation have yet to be achieved.

**Bryan Savage:** Please date your explanation. When did the first foreigners come to Hawaii and what was the number of the population of native people at that time and what effect did the arrival of foreigners have on the native population?

**Dr. Blaisdell:** The first foreigners came to our homeland in 1778 in the form of Captain Cook, et. al., under orders from the British Admiralty. Current estimates are that our native population at that time was almost one million, which is also the current population of our islands. Due to the introduction of diseases and foreign ways beginning with the British, but shortly thereafter followed by the United States, traders, seamen, and subsequently missionaries, our population declined rapidly. In 1893, about a century, later at the time of the illegal armed invasion of our homeland and theft of our nation, our population had fallen from almost a million to forty thousand. That is over a 95% eradication of our people. Genocide and holocaust by any definition. And at that time, we were already out-numbered by 50,000 foreigners — 20,000 whites and 30,000 Asian indentured immigrant laborers to work on the plantations.

**Bryan Savage:** You spoke of a foreign invasion in the year 1893. Do you know what country perpetrated that invasion?

**Dr. Blaisdell:** That was “an act of war,” so said President Grover Cleveland in 1893. An act of war committed by his government — the United States of America — against our nation. An armed invasion and theft of our government, our trea-

sury, and all of our lands.

**Bryan Savage:** As a result of that invasion, did the troops and peoples of the United States of America occupy the Hawaiian land?

**Dr. Blaisdell:** Yes. Since that date the United States of America has illegally occupied our nation and has illegally persisted in administering this foreign government imposing itself on our nation.

**Bryan Savage:** What conditions of occupation were imposed upon the Hawaiian people?

**Dr. Blaisdell:** In 1893, the US minister recognized the illegal, so-called provisional government of local American white business men. That provisional government by its own admission, was established to pursue annexation to the United States. The subsequent illegal act, the 1898 annexation to the United States, was unconstitutional. It was a violation of the United States constitution, because it was perpetrated, not by a treaty between the two countries, but merely by a joint resolution of the United States Congress. A resolution, of course, merely expresses intent and is not a statute of the law. The 1898 annexation was the acquisition of foreign territory without treaty, but by resolution, because the US Congress at that time could not muster the 2/3rds majority vote in the Senate to ratify a treaty. US annexation compelled us, Kanaka Maoli, citizens of our own nation, to become US citizens in violation of our own inherent sovereignty, as well as the Constitution of the United States. The annexa-

tion resolution also officially called for the theft of our lands which were transferred by the local white [haole] provisional government, which then called itself the Republic of Hawaii, to the United States of America in 1898.

**Bryan Savage:** Have you investigated whether the occupation by the United States has resulted in the introduction of any fatal diseases into the native population? Can you tell the Tribunal whether the occupation did result in such an infection?

**Dr. Blaisdell:** Indeed, the illegal occupation of our nation by the United States has persisted in worsening our health, social, economic as well as political conditions. In our homeland today, we Kanaka Maoli constitute only 20 percent of the total population, out of a total population of about a million, we number now only 200,000. Of that 200,000 only 6,000 are piha Kanaka Maoli. That is, pure indigenous Hawaiians. It is projected that by the year 2040 there will be no more piha Kanaka Maoli. We will be officially extinct as a pure race. We suffer the worst health profile of all ethnic peoples in our homeland. The shortest life expectancy. The highest rates of death for the major fatal diseases, and chronic illnesses. We also have the worst educational record. Less than 50% of us have high school diplomas, while 15% of those arrested are Kanaka Maoli, 40% of those in jail are our people.

**Bryan Savage:** Please explain to the Tribunal the effect of the invasion and occupation on the Kanaka Maoli religion.

**Dr. Blaisdell:** In 1820, the US government, through the Calvinist missionaries purposefully attacked and destroyed our religion. That is why they came. The first missionary, Hiram Bingham described our ancestors as “chattering, naked savages,” and asked, “Can these be human beings?” The United States minister in 1893 (at the time of the illegal armed invasion) said it was the white man’s burden to civilize and christianize (us) politically incompetent natives. The missionaries took our language, transformed it and used it for their purposes. They infiltrated our government. It was missionaries who drafted our first constitution in 1840. It was missionaries who drafted the mahele, a series of laws during 1848-1850 that privatized and commodified our lands. These laws legalized the theft of our lands so that, within one generation, our lands were controlled by the missionaries and their descendants. Even today, the government continues to destroy and desecrate our historic and religious sites.

**Bryan Savage:** Please develop that theme a little more.

**Dr. Blaisdell:** The H-3 freeway under construction right now in Halawa Valley, costing an estimated 3 billion dollars, is destroying our Heiau, that is, sacred temples with its bulldozers and concrete pourers, in spite of our protests. In September 1992, just last month, we protested and held religious ceremonies there. We have representatives here who were in that protest. Those protesters were jailed for “trespassing.” Our own people jailed for practicing our religion on our own lands!

**Bryan Savage:** Do you know whether the detrimental ef-

fect on the culture and the religion of the Kanaka people was perpetrated in part by missionaries from other types of religions? Do you know whether those missionaries, on the basis of your investigation and knowledge and experience — came under the auspices of the United States government?

**Dr. Blaisdell:** They were sent to Hawai'i by the American Board of Foreign Missions in Boston. Members of that board were officials in, or were very influential with, the US government. President William McKinley in 1898, referred to the illegal annexation as “nothing new, no change, merely a consummation after three quarters of a century.” That is, beginning with the missionaries and traders in the early 1800's, the US colonized and conspired to seize Hawai'i. The first treaty between our nation and the US in 1826 was drafted and forced upon our government by a commander of a US warship in Honolulu harbor. The treaty forced our native government to assume the so-called debts of our chiefs at that time to US sandalwood traders. So the government of the United States was in collusion with its own traders to force that treaty on our government. This meant, forcing our people into enslaved labor to go up into the mountains to cut down the sandalwood trees to meet the demands of those US traders, who reaped huge profits for themselves while our people died.

**Bryan Savage:** On the basis of your own investigation, your knowledge and experience, will you tell the Tribunal what the Kanaka family structure was prior to the invasion and

how the invasion and occupation affected it?

**Dr. Blaisdell:** Since time immemorial, western archeologists say for at least two thousand years, our ancestors founded our nation, in mid-Pacific islands later known as Hawai'i. That was before there was an England and, of course, long before there was a United States of America. Our lives were governed by a simple principle — O Ke au i ka huli wela ka honua. O ke au i ka huli lole ka lani — and that means, everything in our cosmos results from the mating of Wakea our sky father with Papa our earth mother. Everything in our cosmos is living; not only living but conscious; and not only conscious but also communicating. And everything in our cosmos having the same parents means that we are all siblings. Our basic belief is — aloha aina, malama aina. (love the land, care for the land) Our people farmed the aina, (land) which was sacred, fished the Kai, (ocean) which was sacred, and shared the bounties of our nature gods with others. That is the way that we greeted and continue to greet all foreigners who come to our homeland. We gave and shared. But the foreigners who came did not come to live like we do or to believe like we do. They came to take, to exploit and that is why we are now at the bottom. We are the victims of our generosity to foreigners.

**Bryan Savage:** Can you tell me what the effect was, if any, upon the Kanaka educational system? Can you explain to the Tribunal how Kanaka children and people were educated and what change the occupying power of the United States made?

**Dr. Blaisdell:** Yes. The missionaries who came in 1820 attacked our traditional educational system, which was one of learning by doing from our Kupuna (elders), our experts. The missionaries replaced our system with the New England church schooling system, with themselves as the teachers. They transformed our language to meet their design, which was coercive assimilation. We were compelled by their education to think and behave like them. And that continues today. When the Americans officially took over in 1898, they banned our language, having already destroyed or attempted to destroy our religion. And they have purposefully perpetuated mis-education and disinformation so that most of our people, even today, are not aware of the facts that have been presented to you.

**Bryan Savage:** I would ask you to direct any other comments that you have to the Tribunal at this time.

**Dr. Blaisdell:** We Kanaka Maoli, that is indigenous Hawaiians, call upon you and all to help us in the pursuit of an alternative to the present ruling colonial administration which promotes exploitation of others, coercive assimilation, hostility towards indigenous peoples, militarism, subjugation of others and destruction of our sacred environment. We invite you to join us in: ho'ola'a that is reverence, for the dignity and diversity of all peoples, ourselves and others through full sovereignty, self-determination, independence from colonial rule and solidarity with all indigenous people. And ho'ihi that is respect for reason, justice, peace, non-violence, feelings, music, poetry, drama and dreams. And finally lokahi

(oneness), pono (harmony) with all of nature around us, whose kinolau, that is many forms represent the great spiritual forces responsible for our origin, and essential for our survival as a distinct people with a common culture, united in single nationhood.

**Dr. Rae Richardson:** On page four of this handout Genocide as Experienced by Kanaka Maoli, in the fourth paragraph "in July 1898, the US forced annexation upon us Kanaka not by treaty but by a joint resolution of the Congress in violation of its own constitution and compelled us Kanaka to become American citizens." The resolution imposed a ceded, "stolen" lands trust of 1.8 million acres on Hawai'i, with the US as self-declared trustee and us Kanaka as beneficiaries. No pledged benefits have reached us Kanaka as of 1991." What were the pledged benefits that you were supposed to receive under this theft?

**Dr. Blaisdell:** Yes, Dr. Richardson thank you for that question. The language in the 1898 joint resolution of the United States Congress refers to what were called the "public lands." These were the government lands confiscated by the illegal Republic of Hawai'i and the "crown lands," that is, those lands that were the private property of the wearer of the crown of our kingdom, the kingdom of Hawai'i. The Republic of Hawai'i combined those two lands and called them the "ceded lands". Ceded, that is transferred, from their own illegal government, the un-republican Republic of Hawaii, to the United States. So those are stolen lands, those are our lands. The resolution is a reflection of the perverted guilt

of the United States. All the revenues from those lands, according to the resolution, were to go to “the inhabitants of the Hawaiian Islands.” Inhabitants defined as permanent residents, that is, us natives. The US declared itself, the United States government, the trustee, and us natives as the beneficiaries. But no pledged benefits, as indicated in that document, have ever reached us. The United States government and its constituent entities, such as the territory of Hawai’i which the United States government created in 1900 and the state of Hawai’i which the United States government created in 1959, those governments have continued to control those stolen lands and all the income from those lands have gone not to us as the designated beneficiaries, but to the thieves, the United States and its subsidiaries. 500,000 of those “ceded lands,” acres are controlled by the US military, so that is why I referred to militarism continuing. The rest of those lands are currently controlled by the state of Hawai’i. They include the harbors, airports, and other lands leased to developers. The income from those lands goes right back to the thieves and not to us as they pledged. They are violating their own laws.

**Francisca Villalba Merino:** Is it possible to speak about the distribution of the wealth, the levels of unemployment for native peoples as well as that compared with the whites, the level of poverty, and the social situation?

**Dr. Blaisdell:** Yes, we have the highest rates of unemployment because many of our people prefer to survive by living off the land and the sea rather than to seek jobs from the

foreigners who control the economy of our nation. That is, foreigners have imposed a money, a market economy. They have imposed economic dependence on them. Many of our people refuse to participate in that system, preferring to live off the land and the sea. But the foreigners take more and more of our lands, and destroy our fishing grounds, so that is why we have the highest rates for unemployment. With reference to other social indices: we have the lowest median family income. We have the highest rates for poverty as defined by the foreign government which illegally occupies our nation. Our way of living is to fish from the sea and to farm the land and share, but the foreign government does not permit us to do that so we are impoverished.

**Francisca Villalba Merino:** I would also like to ask you if there are political prisoners who are struggling against this situation?

**Dr. Blaisdell:** Yes, I have just referred to those who protested against the destruction of our sacred and historic sites. One of our kupuna (elders) not too long ago, a traditional healer, was arrested for trespassing on our own lands. He had cancer and went to gather medicinal herbs to treat himself, and he was arrested and put in jail. At a gathering on June 11, 1992 just two months ago, on the birthday of our first and great King Kamehameha, at Iolani Palace which we consider the seat of our government, our people were arrested and put in jail. Some of them are right here with me and participated in the chanting this morning. So imprisonment of our people for political reasons for asserting our own inherent

sovereignty in our own way, on our own lands, means that we go to jail. But that is part of our resistance, to occupy our lands, to revitalize our culture and to provide for our livelihood. If it means that we go to jail, we go to jail. Our people at Anahola, Kaua'i in July 1991, did just that. The state, with the assistance of the attorney general and the county state troopers, arrested them and demolished their homes. We have a video outside here that shows that. At Sand Island in 1980, our own people living off the land and fishing, had their homes destroyed and burned and were jailed by the state.

**Bryan Savage:** Thank you, Dr. Blaisdell. I call my last witness on the issue of Genocide. We would like to call Ms. Betty Parent.

**Bryan Savage:** Will you tell the Tribunal how you are presently employed, Dr. Parent?

**Dr. Parent:** I am a professor and chair of American Indian Studies at San Francisco State University.

**Bryan Savage:** And are you affiliated with an Indian nation?

**Dr. Parent:** Yes, I am Ababaskan from Alaska, I am also part Ubik Eskimo.

**Bryan Savage:** How long have you been employed at the University?

**Dr. Parent:** 13 years.

**Bryan Savage:** What type of courses do you teach?

**Dr. Parent:** I teach education, US history, psychology, American Indian women, among other courses.

**Bryan Savage:** During the course of your tenure at the University and your graduate studies have you had occasion to study the educational system and its effect upon indigenous peoples in the United States?

**Dr. Parent:** Yes I have. That was the topic of my dissertation.

**Bryan Savage:** Can you tell the Tribunal the basis of your research and experience how you believe the current educational system relates to the question of genocide here?

**Dr. Parent:** The current education system, based upon historical documentation, is continuing to implement the policy of genocide by the US government against the indigenous people of the United States. The education rates of my Hawaiian relatives really is reflected all over the United States. I have been doing some particular work on higher education, on colleges, universities and graduation rates of indigenous peoples is as low as 2%, 2% is not that uncommon and I must share with my colleagues that it is even lower than that for athletes. The education system perpetrates a system of failure that permeates every level of native life and must be looked at in terms of the policy of genocide.

**Bryan Savage:** Will you tell the Tribunal what a land grant college is? Can you describe how this genocidal educational policy was implemented through the land grant colleges?

**Dr. Parent:** The land grant colleges were established after the civil war through legislation that was sponsored by Abra-



ham Lincoln. After the civil war, the country was very torn apart and the population was very angry. President Lincoln, in seeking to unify an angry constituency, sponsored three pieces of legislation. The railroad act, the homestead act, and the Morrell land grant college act. Congress passed these acts in their 1862–1863 meeting. These acts were immediately implemented and caused the removal of millions of acres of Indian land, not just for railroads and homestead which we are more aware of in popular culture but also for land grant colleges which are the land grant institutions for the individual states.

There were also territories, the Hawaiians and Alaskans and Philippines have been territories, sometimes they did not want to become states and one of the incentives to have them become a state would be that they would get some land for a land grant college. The land grant college in our state is the University of California, so within a decade millions of acres of valuable Indian land was federalized by the federal government and given to individual states, to railroad entrepreneurs and individual homesteaders. I can't begin to tell you how this impoverished the native people, but you can just begin to imagine what it would be and it would empower the people who got the land of course, because it is a valuable resource.

**Bryan Savage:** Was the land that was used for the land grant colleges stolen from Native people?

**Dr. Parent:** There is no question about that. The Indian people did not know what was happening. When the railroads were built, the Christian missionaries were allowed to ride

for free on the railroads to go to the Indian communities and bring their religion. Furthermore, they could take Indian children on the railroads for free. There was only one condition about taking Indian children on the railroads and that was that to take them away from home. Again, thousands of broken hearted families had their children virtually kidnapped, some of these children left when they were five years old and their families did not see them again, if they did not die, until they were 18 years old. If you don't have your child between five and 18, what kind of influence can you have over how they are going to live and how they would learn your way of life? And then, while they were within this system our religious traditions were forbidden, our traditional languages and customs were forbidden and we were made to live according to the ways of the white people.

**Bryan Savage:** The children, the native children who were kidnapped from their families and were put into the white people's educational system, did that have an effect on the mortality rate for those children?

**Dr. Parent:** Absolutely, as our Hawaiian relatives stated earlier, there was testimony on the introduction of infectious diseases. And in these boarding schools under crowded conditions, infectious diseases spread very quickly and there were cases where we had low immunity and spread to the one hundred and forty-two boarding schools. One of the biggest aspects of that area is the cemetery and I have been to several of these where and seen the graves of these little babies, two year olds and five year olds buried in these cemeteries. Perhaps families did not even know that their

children had died.

**Bryan Savage:** On the basis of your research do you know whether this kidnapping from their families and introduction into the forced educational system was done under the auspices of the United States government?

**Dr. Parent:** It was done under the auspices of the United States government and developed by President Grant. President Grant developed a peace policy for the Indians, and this was where the Quakers took all of the names of the Christian mission groups that were willing to work with Indian people and divided up the communities and missionaries fanned out all over the country. This was at the same time that the Smithsonian Institution and the Bureau of American Ethnology were being developed and the precursors of the anthropologists, the ethnologists, fanned out to find out about Indian religious practices, learn Indian languages and customs and then feed that information into the mission education system in order to break down the spirit of these children. In fact this system is so bad that I look upon these children as our youngest combat victims. I think that they should be getting recognition as combat victims of the US.

**Bryan Savage:** What reforms are you advocating ?

**Dr. Parent:** We need big time reforms, I think we need to start from the highest echelons of education, the colleges and universities and then work the other way. The higher education system has been very enthusiastic about implementing the manifest destiny philosophy of the government. They

sent out the ethnographers to find out about our religions and break them up. The colleges and universities promised to educate Native Peoples. Harvard College promised to educate 25 Indians per year since 1650. Dartmouth College was started for the education of Native youth. Notre Dame was started for the education of Native people. Not only do we have to have equal access and equal graduation on our own land in our land grant colleges but the curriculums and the training within those institutions have to reflect our reality. Furthermore, we have another very serious issue which concerns us all as a human family and that is the desecration of our dead and ceremonial objects that are kept illegally within these institutions. That takes place all over the country, including the school I teach at.

**Bryan Savage:** Is it your opinion that until these types of reforms are instituted that the genocidal effect will continue upon the native people?

**Dr. Parent:** Absolutely. As long as we have such a rotten system, in which we have already tracked people out of any kind of success in the system by third grade, genocide will continue. I checked the data about the graduation of Native children from high school in Anchorage and in 1984, more than 80% of the high school freshman did not graduate. so we had less than a twenty percent graduation rate. The state of Alaska will not employ a janitor who does not have a high school diploma or a GED. In fact, it makes for some really ludicrous dynamics in our own community. One of the things that people who retire and move to a senior home like to do is get a GED. So that they can go be a janitor or something.

It is just ludicrous that we have such a low achievement rate within the system. But when you take a look at the system you can understand why.

**Bryan Savage:** Has your research focused on one particular nation or several nations?

**Dr. Parent:** I was originally trying to figure out what happened to Native education in Alaska, since that is my homeland. However, I ended up at Harvard University and I found out that New England Indians were not eligible for my Indian program at Harvard. Harvard apparently did not want anybody from the backyard. I immediately plunged into national issues also because my classmates were from all over the country. I was a student of Dr. Saint Claire Drake at Stanford and he spent many years in Africa and as my mentor, he was very adamant that I continue to study the effect of the Christian missions upon the Indigenous peoples of North America. Every time I would get discouraged and try to talk my way out of it, one of the things that he would point out was that the same thing had happened in Africa. He would really bring me back with that. I am always struck every time I hear testimony from Hawaii, the South Pacific, the Maori in New Zealand and the aborigines in Australia. I am struck by the similarities of these policies.

**Bryan Savage:** Would it be correct to characterize your testimony as saying that this was a policy which affected all indigenous peoples in the US?

**Dr. Parent:** Yes, I would say so and I have an interesting historical excerpt about this. The Apache people were not very

cooperative with the United States government and the government thought what are a bunch of scruffy Apaches going to do? They did not pay that much attention. As a matter of fact, the Apache nation, a few hundred of them, straggling along in the Southwest, kept 25% of the US army running for years. They were not captured until Apache scouts told them where the Apaches really were. Learning from that, Sheldon Jackson, the commissioner of Alaska, a Presbyterian minister who had already worked for the US government for over 30 years when he got to Alaska, said, "we are not going to have any examples like those Apaches in the Southwest." The way the US got missionaries to my home, Bethel Alaska was through the Moravian people who were the only ones willing to go off to Bethel, nobody wanted to go that far out. That was an interesting example of how the missionaries learned from previous experiences, they adapted the domino theory to conquer our nations.

**Bryan Savage:** Dr. Parent, please make any final comments that you have to the Tribunal and make yourself available later in the day for any questions.

**Dr. Parent:** I would like to read a piece of testimony. In 1774, some colonists came to some chiefs and asked to educate their children. I think that if they had taken the advice of the chiefs that US history could have been completely different and we would not be studying genocide as practiced by the educational system. This is the quote of the chiefs from 1794. "Several of our young people were formally brought up at the colleges of the Northern Province, they were instructed in all your sciences, but when they came back to

us they were bad runners, ignorant of every means of living in the woods, unable to bear either cold or hunger, knew neither how to build a cabin, take a deer, or kill an enemy, spoke our language imperfectly, were therefore neither fit for hunters, warriors, or counselors, they were totally good for nothing. We are, however, not the less obliged by your kind offer though we decline accepting it and to show our grateful sense of it, if the gentlemen of Virginia will send us a dozen of their sons we will take great care of their education, instruct them in all that we know and make men of them.”

**Bryan Savage:** I would just have the Tribunal note that the documents which will be given to you by Mr. Castillo and Ms. Parent contain information supporting the charge of genocide, including statistical information, information about the reservation system, and information to support the charge of apartheid. Thank you.

**James Simmons:** My name is James Simmons I am here on behalf of the New African people in this suit against the United States Federal government. New Afrikan people also know as Africans, African- Americans, Black people, and other names. We will be using these names interchangeably during this Tribunal. Sir, what is your full name?

**Dr. Oba T'chaka:** Oba T'chaka.

**James Simmons:** And you are here to testify about the genocide committed against African people in this country?

**Dr. Oba T'chaka:** That is correct.

**James Simmons:** What qualifies you?

**Dr. Oba T'chaka:** 32 years of resistance against the genocide of my people, 32 years of study of that genocide and over 400 years of the genocide of my people at the hands of the US government.

**James Simmons:** What was the relation of African people to the United States government at the time of its formation?

**Dr. Oba T'chaka:** At the time of the formation of the US government, Africans were brought into this country as slaves and not considered human beings. So when the US government was formed, partially based on the Iroquois Confederacy, African people were considered property — less than human beings.

**James Simmons:** So African people were not considered citizens?

**Dr. Oba T'chaka:** That is correct.

**James Simmons:** They were considered chattel?

**Dr. Oba T'chaka:** That is correct.

**James Simmons:** Could you describe why the United States government considered African people chattel?

**Dr. Oba T'chaka:** We have to understand that the US government, which continues to wage genocide against African people, viewed not only Africans, but all people of color as less than human beings. There is a thing in the cultural mindset of Europe that prepared Europe for the game of genocide against people of color all over the world including African people. The fact is that Europe had despiritualized humanity, particularly non-western humanity and it despiritualized the universe. The US proclaimed that there was no truth in the universe, that all truth was relative, and had reduced the universe to a material equation, growing out of Greek thought. Down to Adam Smith and the Wealth of Nations and capitalism. Unfortunately, although Marxism was not a factor in the slave trade, the materialist orientation of western thought also gave birth to a materialist dialectic in Marxism. Out of western thought came a notion that human beings were devoid, particularly non-western human beings, of a spiritual component. The notion that reigned was that intellect was supreme and therefore, the world could be reduced to an equation, and ergo, Africans could be reduced to the equation of savages — open to extermination. The western mindset was a mindset geared to plun-

der, to ripping off the wealth of people and having no regard for human life — that would automatically lead to genocide.

**James Simmons:** Was slavery was in fact, protected by the US government?

**Dr. Oba T'chaka:** There could not be a United States government without the extermination of Native people, the ripping off of their land, and the extermination and enslavement of African people. The basis of this economy was slavery through the triangular trade system set up between the West Indies, between Africa as well as the United States. A triangular system which was based on the production of molasses in the Caribbean, the exchange and the production of molasses into rum in Europe, the enslavement of Africans on the continent, the shipping of Africans back to the Caribbean, South America, and the United States. In those parts of America that were not directly involved in the slave trade, such as the New England states, the economy was based on slavery. The basis for the industrial revolution was based on slavery.

**James Simmons:** In United States history, was there once laws protecting the rights of slave owners to return their slaves, once they had escaped from those slave states?

**Dr. Oba T'chaka:** Yes. Throughout history there have been laws passed stating that slaves had no rights that whites were bound to respect. Those laws were passed by the Supreme Court. The fugitive slave laws in particular, were laws that allowed slave masters to gain the return of what they

considered their “property” even if those slaves had statements proving they had been freed from slavery. This gave rise to mounting resistance movements by Africans who were enslaved in this country.

**James Simmons:** Would you consider slavery a violation of human rights?

**Dr. Oba T’chaka:** Yes. The slave system practiced in the western world — in Europe and in America — was a form of oppression unknown to the world before that time. Whereas in Africa and among Native Americans, people were taken as prisoners of war, they were treated as human beings. The system of slavery reduced a person to the level of chattel or property, treated them worse than mules or any form of animal was treated, separated families, opened women to rape, opened men and women to the most vile and contemptible forms of torture, and degraded them in every way possible. It is the worst kind of human rights violation.

**James Simmons:** On December 18, 1865, the 13th amendment to the US Constitution abolished slavery, and reads “neither slavery nor involuntary servitude except as punishment for crime whereas the parties shall have been duly convicted, shall exist within the United States.” Chattel slavery was eliminated at that point.

**Dr. Oba T’chaka:** Chattel slavery was in theory eliminated, but as Frederick Douglas said, African people then ceased being slaves of individual masters and became slaves of society. Every white person, with few exceptions, virtually

regarded every Black person as their property and viewed it as their right to do whatever they choose to do except when Africans would not allow them to do it, which was often the case.

**James Simmons:** Would you consider the system of the Black codes in the South part of that system?

**Dr. Oba T’chaka:** Yes. The Black codes, the Jim Crow laws, all the measures taken after the end of slavery were measures taken by Southern governments with the full support of the federal government. These measures returned Blacks to a new form of slavery through a system of segregation, through a system that denied Blacks the right to vote, and kept Blacks as slaves on the land to use as cheap labor. There was a general agreement between Northern business and Southern planners that Blacks should not be allowed to work in Northern factories because they said that the hum of machinery would put us to sleep. But when WWI took place, with the shortage of white labor it suddenly became expedient to use us in the Northern factories. The Black codes were part of a new slave system.

**James Simmons:** Did the US government have any laws which gave rise to segregation?

**Dr. Oba T’chaka:** Yes, the US government repealed the Supreme Court decision and repealed the civil rights laws in the 1800s. The US government supported separate but equal in education and throughout society. The US government supported segregation. The US government did

nothing to oppose lynching. In fact, with the Hayes-Tilden compromise, a compromise reached at the end of reconstruction between Hayes and Tilden (both candidates for president) whereby the decision was made that Hayes could be President on condition that the US withdrew federal troops from the South. By that action, the US set Blacks up for a form of genocide. Both through legal action and inaction, the federal government has perpetuated genocide against African people.

**James Simmons:** Are you familiar with the book One Hundred Years of Lynchings?

**Dr. Oba T'chaka:** Yes.

**James Simmons:** Are you aware that it documents the murder, by mobs, of African people?

**Dr. Oba T'chaka:** Yes. One Hundred Years of Lynchings shows that lynching was as American as apple pie. Whites would come from throughout an area to observe lynchings the way they would go to a picnic. To burn Black men and women, take their private parts and mount them as exhibits. It is a form of savagery which is still carried today out in the form of legal lynchings through gas chambers and electrocutions in which Black men, who are basically poor, are largely the victims.

**James Simmons:** Would you say that extra judicial lynchings occur today?

**Dr. Oba T'chaka:** Yes. The right wing in this country, which

has its representative in the White House George Bush, has always had great power to do what it will. This is an extra legal attitude and to this date in the US, there has not been one white person who has been electrocuted, hung, or in any way legally condemned to death for the murder of African people. In fact, they are walking around today and in many parts of this country, are treated as heroes. One example, the murder of the three civil rights workers in Mississippi. Those murderers, those still alive, are living and they are living happy. With the full support of the governments of those areas.

**James Simmons:** This is done with the knowledge of the US government?

**Dr. Oba T'chaka:** In the case of Swerner, Goodman, and Chaney, the FBI infiltrated those right wing groups and probably participated in those actions, so they were well aware, and still are, of what was happening.

**James Simmons:** I would like to read to you something from One Hundred Years of Lynching, this is from the Baltimore Afro-American, April 27, 1935. "On the night of March 25th R.J. Tyrone, prosperous Negro farmer was found shot to pieces in the woods besides his house. He had been visited earlier by a mob of white men in connection with financial difficulties he was having with William Knewton, a neighboring white farmer. Today, a coroners jury handed down a verdict that Tyrone had died as a result of suicide." In another case, a minister was lynched and the parties were identified in the newspaper article because someone went and got



the constable after the minister was lynched. The constable went and got the high sheriff and quoting the son speaking, “they had an inquest and gave the verdict that my father had met his death at the hands of unknown parties.” Are those typical responses of the United States government, state government, and municipalities in response to lynchings?

**Dr. Oba T’chaka:** Yes, but I think that it should be reported in your question about slavery that W.E.B. DuBois in his Ph.D. thesis, the *Suppression of the African Slave trade*, conservatively estimated that 100 million Africans were murdered in the course of the slave trade. 100 million. The prosecutor who presented the initial definition of genocide, stated that genocide is either a whole or partial destruction of a race. For many races, this would represent multiple destructions. Africa is today underpopulated for that reason and continues to face genocide. So the legal lynching that we face today is minor compared to the massive destruction of life which was supported by the corporate institutions of the west. For example, Africans who died in the Middle Passage were insured by Lloyds of London, which came into being through the slave trade. The slave traders were guaranteed payment whether or not their cargo got to the West Indies, South America, or America. So there was an incentive to kill Africans. The entire process of slavery as well as lynchings was a genocidal act. One other thing. W.E.B. Dubois in his classic work, *Black Reconstruction*, his greatest work, notes that during the period of reconstruction, it was the general view of whites in the south and in the nation, but especially

in the south, that emancipation meant the extermination of Blacks. Society’s attitude in general and the white society of the south in particular, was one of genocide towards Blacks. Dubois noted that one German, who traveled throughout the south, noted that it was not viewed as a crime among whites, to steal from Blacks, to murder Blacks, to carry out any kind of systematic oppression against Blacks, because Blacks were not viewed as human beings. Lynchings were just one form of a terror campaign designed by whites to return Blacks to a condition of servitude.

**James Simmons:** Would you explain the response to the US government immediately after the 13th amendment was passed, and chattel slavery was ended?

**Dr. Oba T’chaka:** The US government was prepared to allow Blacks to be returned to a form of slavery. Only when the southern states threatened to nationalize the national banks and to see that all trade coming from Europe would be free of any foreign tariff — which meant that European goods could compete more favorably against northern goods — only when the North saw that the South was going to carry on economic war did they decide to align with abolitionists to form a reconstruction government. It was a purely Machiavellian move that was temporary and designed to shore up Western and Northern economic interests, so that the reconstruction government that was formed, an alliance with Abolitionists, was only a temporary measure. Once the South made it clear that they recognized the supremacy of Northern industry, then Northern industry, which controlled

the federal government — at that time the Republican party and now controls both — decided through the Hayes-Tilden compromise to withdraw federal troops from the South to end reconstruction. At no point did reconstruction under that particular plan ever consider giving Blacks land. 40 acres and a mule was the idea conceived by a Black preacher who was asked what do Blacks want. He said “forty acres and a mule”. He should have said the entire south. Right?

**James Simmons:** Were the African people who were held in slavery ever given compensation for their labor and their suffering?

**Dr. Oba T’chaka:** Blacks were placed on land in parts of the south under military control, during the Civil War as a means to use Black labor to grow food. DuBois documents this as do other historians. These Blacks were under the illusion that since the planner class was representing the leadership of the rebellious states, that they would get that land. That was not the case. Once the civil war was over, those lands were returned to the plantocracy or bought by big business or other whites. Blacks have never received reparations, not that reparations could ever bring back the dead, but we have never received reparations for the enslavement and the murder that continues to be carried out against African people.

**James Simmons:** When chattel slavery ended was the African population of the US allowed to make a decision as to what exact road they wanted to follow?

**Dr. Oba T’chaka:** African people have never been consulted about our status, we are a nation within a nation and have the right to self determination. We have never been consulted and as a result, our organizations, the Black Convention Movement of the 19th century, the various liberation movements that African people have formed, the agrarian movements of the 19th century, the slave revolts of the 18th and 19th century, the Garvey movement, the Organization of Afro-American Unity led by brother Malcolm X, the Black Panther Party, and a host of other resistance movements have been our government in exile. They have been the voice of our people speaking for self-determination. I might point out that the suppression of the Garvey movement, the Universal Negro Improvement Association was carried out at the hands of J. Edgar Hoover, who then was in charge of what became the Federal Bureau of Investigation. The attack against the Black movements in the 60’s through COINTEL-PRO, the counter intelligence program were the most vicious genocidal acts, because when you attack the right of a people to organize, it is automatically genocidal.

**James Simmons:** Can you briefly tell us what institutions are carrying out genocide today, if any?

**Dr. Oba T’chaka:** Every institution of this society, I would say that the nation state per se, the very conception in the west of the state. What John Henrik Clark calls the icebox concept of the state, of the nation. In which really, the only people who are members of a European nation are those of a particular ethnic group. This was contrary to the African

conception, in which all people who showed respect for traditions and were willing to work, could live in that society. In this concept, the state is an instrument of violence, which is again a western concept. Therefore the western nation state, which has never recognized people of color as citizens or human beings, has been the primary cause of all oppression and all genocide carried out against African people and other people of color.

The educational system was not democratically established in this country, it was established through the foundations who funded it. Foundations whose money came from the major corporations of this country. The educational system of the US, based on the Dewey model, which was based on the German system, which in turn, is based on a Hegelian system of social control.

A system in which Blacks are taught to worship Europe, to worship Greece, to worship Rome and to despise Africa. It is a form of genocide that Dr. Bobby Wright, one of our late leading thinkers, calls menticide — when you destroy the minds of a people then you don't have to worry about their bodies. Special education in the public schools today is a form of menticide. Federal dollars go to inner-city schools provided that the students, who are predominately Black or Brown, perform below the 50% percentile, which means that miseducation and in this case, illiteracy, is dictated by federal dollars. So that in the urban centers, Oakland, or San Francisco, Black principals or others who begin to teach Black children or red children literacy, history and culture, are usu-

ally removed or promoted. Because those schools will not financially profit from those federal moneys, but also because this system will not profit if you have a conscious group of African people who know themselves, which should be the basis of education, who have the skills to aid in the process of their peoples liberation. So the educational system is a form of genocide that prepares Black youth, especially Black males for reform school and for state and federal prison. Without skills they are forced out of the public schools. The health system, which carries out sterilization particularly on Black welfare mothers, is another form of genocide. AIDS, which is a disease that has occurred only recently, and which we are led to believe has occurred through natural causes, is another part of it. It is interesting that AIDS is treated as an incurable disease, that federal dollars should be developed for scientific studies to no end, but no one seems to be interested in discussing how it started. We only know that in Zaire, the first outbreaks of AIDS occurred after the American public health service inoculated hundreds of thousands of Zairians. We think that AIDS is a part of a conspiracy of destruction. The prisons. Malcolm X is a good example of the fact that we have more Black people in prison than in the Universities.

Our most brilliant minds locked up in prison. Malcolm is only one example of it. I receive letters everyday from Blacks who are in prison. I chair Black studies at San Francisco State, and I happen to be a publisher so we send books to Black prisoners. I find that their writing is better than most of our college students. That they would gain a better education in prison

than in the miseducation systems is not a testimony to the greatness of the prisons, but to the fact that the prisons permit and often force, Black males and females to consider who they are for the first time in their lives. To force them to study their history and begin to realize that they have been used against their people. They will come out as liberators of their people. That is why we say that every institution of this society is organized either directly or indirectly, to carry out a campaign of genocide against our people. Finally, the military. We have as head of the military, Colin Powell, head of the Joint Chiefs of Staff. Is it progress to have a Black person who can lay out the campaigns of genocide against Brown and Black people, against the people of Panama? He opposed that invasion, then Bush overruled him and it is doubtful that Bush would have overruled a white head of the Joint Chiefs of Staff. He then systematically planned the invasion that led to the deaths of our 4,000 African people in Panama and a host of other invasions, not to mention the Persian Gulf War that has recently occurred. Again, that is why we think that every institution of this society is, either directly or indirectly, carrying out a campaign of genocide against African people.

**James Simmons:** I would like to call Dr. Daramola Cabral-Evins to the stand. Good afternoon.

**Dr. Daramola Cabral-Evins:** Good afternoon.

**James Simmons:** Please state your full name.

**Dr. Daramola Cabral-Evins:** My name is Daramola Enyota Cabral-Evins.

**James Simmons:** What qualifies you to testify about genocide against African people in the United States?

**Dr. Daramola Cabral-Evins:** I am qualified by my experience working in the African liberation movement, 20 years experience as a New Afrikan freedom fighter and as a participant in New Afrikan's people's struggle for self-determination, land and sovereignty. I am as well a medical epidemiologist, and have practiced medicine for 10 years as physicians assistant. I have a masters in public health and maternal and child health and I am a candidate for the doctoral degree in epidemiology.

**James Simmons:** First of all, do you believe that there is genocide against African people in the United States?

**Dr. Daramola Cabral-Evins:** Yes. I believe that historically the relationship that New Afrikans have with the United States government has been one reflective of genocide that is has been persistent and calculated.

**James Simmons:** How does that manifest itself in the health care system in this country?

**Dr. Daramola Cabral-Evins:** Historically, Africans in the US have been denied the necessary medical care starting from the perspective of prevention. In order to maintain health, there are certain predictors. First, there is preventive health and that includes education, health maintenance and periodic health examinations. To assure good health, there are certain areas that are important such as your lifestyle, information and education about an appropriate lifestyle for health maintenance, and health protection. Secondly, environmentally the exposures that one does not control influence ones health and third, the area of heredity. Knowledge about areas that again, we do not control, but influence our health, such as our gene pool as African people. Fourthly, medical care, an area that which is the smallest area that impacts health but yet a very important part of health care. In all of those areas there have been acts of genocide perpetrated against New Afrikans in the US.

**James Simmons:** You mention prevention, what role would the United States government play in that regard?

**Dr. Daramola Cabral-Evins:** A people who exist in a nation or are citizens of a nation or under the jurisdiction of a government have a human right to appropriate medical care. Prevention includes health screenings beginning at birth, appropriate pre-natal care, appropriate interventions early in ones life, they also include periodic health screenings through life. In terms of prevention, it also includes appropriate education to ensure proper nutrition and diet, to ensure appropriate lifestyle such as exercise, information

on smoking and how that may adversely affect ones health. Prevention includes all parameters that are free of disease, which public health service or health care in general is responsible for, to a people. All of which have been denied to African people.

**James Simmons:** What part does, if any, does the preponderance of drugs and alcohol in the African community play in genocide?

**Dr. Daramola Cabral-Evins:** There has been a lot of research in this area looking at the US government's role in perpetuating the problem of alcoholism and chemical dependency among Africans in America. One does not need to have a lot of knowledge in public health to be aware of the social marketing that occurs not only in Africans communities, but all people of color. The preponderance of alcohol and tobacco ads and billboards. This selective marketing is usually directed at the younger generation. Of course, this is economically motivated as well, but it is also part of a genocidal plan to maintain Africans in the US in a mentally, psychologically as well as physically debilitating state. We know that alcoholism as well as chemical dependency, that is addiction to narcotic drugs such as crack/cocaine and heroin, are one of the leading causes of mental disorders, physical deaths and psychological disability and also contribute to the disruption and decay of the African family. All of these are areas that the US government could control given that it is well documented that alcohol, excessive alcohol use and tobacco use are some of the leading causes of death including cancer

and gastrointestinal diseases as well as mental disorders. But yet, the policy of the government is to allow this marketing, social and selective marketing to selective populations to continue.

**James Simmons:** The US government has pledged millions, if not billions, of dollars to fighting what they call this "war on drugs," locking young African men and women up for long sentences. Is that balanced by any kind of prevention or treatment?

**Dr. Daramola Cabral-Evins:** No, there has not been a lot of money dedicated to finding effective treatment modalities for substance abuse and substance addition such as heroin and crack cocaine or just cocaine use. We know that the government supports and perpetuates a system of treatment with methadone, another drug that causes chemical dependency that is much worse biologically and psychologically on human beings. It is a dependency where individuals, especially those addicted to heroin, are forced to enroll in methadone maintenance once they become involved with the penal system. That is one way of controlling these individuals. They know where they are because each morning they must report to drink their medication or else they become sick. It is not a cure. Many who are involved with addiction treatment know that often individuals who are on methadone also use heroin. It doesn't stop the cycle of substance abuse or the illegal or criminal activities that might be associated with obtaining the drugs, such as robbery. So there aren't appropriate medical treatments and those

that do exist are not free or freely provided to individuals who need it. There are limited slots available for treatment with primarily methadone, but now with other new medical agents such as clonidine that are being used in the treatment of heroin addiction. These slots are limited, rarely located within the communities of people that need them, such as African Americans, and if a person cannot pay, they are not allowed to continue in the program. There are usually limited slots for what they call a detox, which is a 21 day program. Once you are through the detox program there is no maintenance, so it is a vicious cycle of people desperately trying to free themselves from drug addiction who will go through 21 day detox, only to be back on heroin and shooting drugs which exposes them not only to hepatitis C, which is fatal in a lot of instances, but also to HIV. It is a vicious cycle of substance abuse and desperate cry for help and treatment.

**James Simmons:** One last question. The conditions that African people live under in this country are extremely impoverished. What role does that have on the health of African people?

**Dr. Daramola Cabral-Evins:** Poverty results not only in lack of health care, but also in social deprivation, hopelessness, helplessness, and drug addiction. It leads to the increased trafficking in drugs in the community because individuals are trying to find ways to make money. It leads to the increased homicide rate. Poverty is associated with increased infant mortality and low birth weight. Poverty is associated with increased cancer risk and decreased cancer survival

among African Americans. It is associated with the increased risk of cardiovascular disease and stroke, secondary to stress. All of these things have been documented in the literature. Poverty is a predictive variable that is associated with almost any medical and mental problem that can be found among African Americans.

**James Simmons:** Has this poverty been perpetuated by the policies of the United States government?

**Dr. Daramola Cabral-Evins:** Definitely. It is not an accident that African Americans suffer from economic deprivation. This is something that is calculated, it is a part of the US governments intention to maintain hegemony and domination over Africans in America and in it's desire and intent to deny us our right to self determination.

**Alejandro Molina:** I would like to call Guillermo Suárez, the prosecutor for the Mexicano people, to the stand.

**Guillermo Suárez:** Honorable jurists, distinguished colleagues, I greet you first in the ancient language of the Mexicano people in Nahuatl. I say to you today may your sun be bright, may the work that we are embarking upon be fruitful and guide us into a new era. A era where we can create a new world. Today, I have been asked to come and speak to you and present the case for the Mexicano people, for the right to self determination and to socialist reunification of our occupied homeland into one nation. I will be presenting today both written documents as well as oral testimony from young and elder activists. We will address and meet the needs of the test as explained by my distinguished colleague, Francis Boyle.

It is appropriate that we begin today with the New Afrikans, with the Puerto Ricans with the Native Americans and ourselves the Mexicans, and now the people of Hawaii that are here. The Mexican people have always stood in solidarity with the New Afrikan, Puerto Rican and with the struggle of Native American peoples. The Mexican people can do no less than to stand side by side with Native Americans. The Mexicano people are Native American peoples. We are the byproduct of Spanish colonialism. We are the byproduct of the misadventures of that person called Christopher Columbus who was lost and landed on Puerto Rico and Haiti. Subsequently, Cortéz and his people colonized the Mexicano people, the Mixteca nation, in the area called Anawak, which

is today known as the Valley of Mexico. The Spanish colonialists eliminated millions of indigenous people and by the same token, their forced raping of indigenous women has given rise to the Mixtecas, the Mexicanos of today.

If you look back historically, you will see very few Spaniards actually came over here. When we say Spaniards, we are referring to the fact that there were very few Spanish people, much less Spanish women who came over here. We know that given the large populations of indigenous peoples and nations that existed in Mexico, that we are not Spanish, that they could not have populated what is today known as Mexico, nor the northern occupied territories.

Today, we are here to talk about US colonialism and the US settler state. We will talk about genocide as it has affected our people. After 300 hundred years of colonization, beginning in 1521, the Mexicano people obtained their national liberation in 1821. At that time, Mexico spanned the territory of Yucatán in Chiapas in the South to San Francisco where you are all sitting today, to Denver Colorado, to Texas, to New Mexico. All of this region constituted the independent Republic of Mexico. You can find it in the history books. If you look deep enough you will see that this is and has always been referred to as Mexico. It may have been referred to as the territory called Alta California, or by some other name, but this was a part of Mexico as of 1821. In 1836, US settlers began to arrive in the area of Texas, and then led a revolt whose purpose was to separate the state of Texas from the Mexican state Tecquaswila, creating the inde-



pendent Republic of Texas. Shortly after that, the infamous North American invasion of Mexico occurred, which many people know as the Mexican-American War.

In our history books, it had been taught up until recently that this war was nothing more than a US invasion. The second North American invasion into the sovereign nation of Mexico. Since 1848 and the signing of the Treaty of Guadalupe Hidalgo, Mexican people have become forced citizens of the United States. We did not choose to be US citizens, and the Treaty of Guadalupe Hidalgo itself said that, “those Mexicans who remained in the occupied territories became US citizens. Those who did not want to become US citizens could return to Mexico.” It has been argued that the Treaty of Guadalupe Hidalgo is an invalid, illegal treaty. This treaty was signed by the Mexican government and the US government after the United States had militarily occupied the regional capitals of Mexico and California as well as occupying Mexico City. In essence, you have the Mexican government being forced to sign a treaty to end the war and to bring about a cease-fire. The Mexican government viewed it as a question of saving at least half of the nation. This treaty was signed at the gun point. We believe that the treaty is illegal, invalid and as argued in the petition, was void ab initio, meaning it has no relevance and should have no legal significance in the world. That is why today as Mexican peoples throughout the occupied territories we are saying, we as Mexican people have the right to reunify our homeland. The right to create a new world and to create a socialist society, not just for the Mexican peoples, but for any people that choose to stay

and live in a reunified Mexico.

The first document that I would like to distribute to the jurists and mark as Exhibit A, is a discussion document by the Movimiento de Liberación Nacional Mexicano entitled “On the Mexican National Question.” This document lays out more of the historical argument and position on the right of the Mexican people to reunify their homeland, their nation. We were an independent nation as of 1821, when we were militarily intervened by the United States armed forces, and since that time there have been two Mexicos, the Northern occupied territories and the Southern half of our country. We believe that this document establishes the fact that Mexico existed and that we have a right to reunify our homeland. When we speak of genocide, we are talking about the systematic destruction of a people. This first document shows that communal land grants given to Mexican communities. From 1836 to the present, and I say the present because the land grants struggle continues, the US government and its agents have used various legal efforts to take this land from the Mexican people. The Mexican people in areas of New Mexico and Southern Colorado continue to struggle today for land that had been granted to communities, not individuals. Land that had been granted to communities under the Mexican government, and we see that developers, as in the case of Hawaii, are seeking to take over the land to create tourist attractions, to create jobs and industries — but not for the Mexican people. They are creating these jobs primarily for European settlers so that they can come and enjoy themselves in our homeland.

Also in terms of genocide, we see the State trying, during the 40s and 50s, to inflict psychological terror on young Mexicanitos and Mexicanitas who would speak their own language. Clearly that would have an impact and an effect in terms of their ability to continue school. I would like to give the panel a second document called, "Expose and Defeat the English Only Movement." Since at least 1986, beginning in California, a movement to make English the official language of the country has developed across the United States. We see this, not just as an attempt at reestablishing and consolidating fascism in the US, but as an attempt at genocide of the Mexicano people. Today I am speaking as a Mexicano about the effects of the English Only movement on my people. We can see that it also affects Puerto Ricans and people in Hawaii as well as the people in the Alaskan regions. It is an attempt to eliminate our people's native language, whatever it may be. We see the English Only movement is an ongoing effort at the cultural genocide of Mexican people, of a people that has been colonized by the United States.

In addition, if you study this document carefully, you will see that the English Only movement pretends to be about language. The people that are promoting the English Only movement are right wing reactionaries in this country, who have created a document, a racist blueprint for the continued forced assimilation of our people. The Committee on Inter-American Security has said that they are afraid of the Mexicano people, that they are afraid of the Movimiento de Liberación Nacional in the Southwest. What they are at-

tempting to do, to turn a phrase around, is that since they can not identify who the radicals and revolutionaries are, they are going to dry up the sea meaning attempt to acculturate Mexican people and eliminate community support for radical politics in the Mexicano community.

In a document I will be submitting later, we talk about repression and police agencies, and we talk about the effects of police brutality on the Mexicano community. At this time I would like to present to the panel a document that was prepared in 1979 by the Colorado Committee Against Repression. I will make copies of it to distribute later as our document number C. The Committee has documented cases throughout the Southwest of police killings against Mexicano people. In one incident in Oakland, California on June 11, 1976, José Barlow Benevides was shot in the back of the head by Officer Michael Cogley with a shotgun. The Mexicano community organized a Barlow Benevides Defense Committee and tried to have this killer cop jailed, but like countless other cases throughout the Southwest, nothing ever happened. He was exonerated and it was called a justifiable homicide. Here is a situation where a young Mexicano is pulled over and the Texas Ranger attitude of the cop was OK assume the position. The cop is holding the shotgun in one hand and with the other he is attempting to do a pat frisk. At the same time he is telling José, "all right, kick your legs apart farther," and in trying to kick the mans legs further apart, the shotgun goes off. It blows the man's head away and the cop claimed he backed into the gun and it just went off. There were witnesses but nothing happened to Officer

Michael Cogley. There is also the case of Santos Rodríguez, a 12 year-old Mexicano from Dallas, Texas who was blown away by a police officer. The police officer was playing Russian Roulette with the child in the back of a car. He picked him up and accused him of being a suspect in a robbery. He played Russian Roulette with him and the young man ended up on the wrong end of the barrel.

I would like to present another case of Genocide and call my first witness. I call María Ortíz to the stand. Could you identify yourself for the panel, please ?

**María Ortíz:** My name is María Ortíz and I live in San José, California. I just want to tell you that I don't have any university education. I am just a person that is very concerned about the repression, about the maltreatment of my people and that is why I am here.

**Guillermo Suárez:** Thank you. As María has said, we always believe that our life experiences are what is important, because this is what gives truth to the theories, this is what gives validity to the sociological studies. What we have lived through is what gives credence to this, as well as given credence to our struggle for self-determination, and the socialist reunification of Mexico. María, you say that you live in San José, how long have you lived there?

**María Ortíz:** I have lived there off and on for about 15 to 20 years. When my mother brought me from Mexico, I grew up here in San Francisco, and as a matter of fact, I graduated from this school. When I married, I went to San José and lived there for ten years, moved to Los Angeles and lived there for ten years and then returned to San José. I moved because I worked in different community projects and organizations.

**Guillermo Suárez:** In your experience, have you ever encountered what we have been discussing today, the question of genocide against Mexicans?

**María Ortíz:** My experiences are a combination of genocide and repression. During my youth, I saw the immigration beat undocumented workers. This still happens today. I see the

Immigration and Naturalization Service as a police, as a specific police that attacks the Mexicano people with the excuse that we are illegal. We see this institution that represses and kills and divides us. I saw immigration agents beat and deport my people and saw cruelty against my people from this particular institution. I also witnessed the police beat young people up. Our young children. Beat them, thrown them into jail, I saw it cause all kinds of psychological damage to our youth. In New Mexico for example, I witnessed forced sterilization. In order to work for companies like Levi Strauss, one of the conditions for our women to work for that company was to agree to be sterilized. I witnessed this and understood this as genocide against our people. I saw these atrocities and know this happens because the government sees our people as a threat. Because we are growing and we insist that this is our land and will fight for it.

**Guillermo Suárez:** María, do you remember the case against the Los Angeles County hospital, the forced sterilization case?

**María Ortíz:** I believe the forced sterilizations in Los Angeles were in the 1970s. The county hospital of Los Angeles was forcing undocumented women to consent to be sterilized as one of the conditions to receive medical assistance.

**Guillermo Suárez:** Do you remember the procedure?

**María Ortíz:** They would force the undocumented women to sign a consent, that in order to receive medical attention they had to agree to be sterilized.

**Guillermo Suárez:** This is correct. In other cases, women in labor were presented with a form while the doctor was hovering over them and presented with a document. They were told, well if you want medical attention you have to sign this form. Many times they did not know what they were signing. They signed it to receive medical attention and then later on, they would come back and say, “we are not procreating any more, we are not having any more children, what happened?” It was at that point they were told, you were sterilized and you agreed to it. That is a case of genocide. Now, do you remember anything about Judge Chagrin?

**María Ortíz:** Yes. Judge Chagrin was a judge in Santa Clara county that declared “all Mexicanos were animals.” He said this in the case of a young Mexicano in San José who had committed the crime of rape, and so he condemned all Mexicanos for the crime that this young man had committed.

**Guillermo Suárez:** In your community organizing and activist experience, can you talk at all about the working conditions faced by immigrant women in the Maquiladores, in the sweatshops?

**María Ortíz:** The working conditions in las Maquiladores are one of exploitation. One were the women have worked or continue working in the border areas of Mexico for extremely low wages, without any benefits and without opportunities to have unions protect them. And if they organize, there is a threat of firing. The conditions are extremely terrible. This is one of the things that undocumented women, many who come from the deep south of Mexico in search for jobs, ex-

perience when they get to the border. It is very difficult to go back to the south because they are not paid enough money to return to their homelands.

**Guillermo Suárez:** Could you briefly describe the United Farm Workers, what they do and what gave rise to their struggle?

**María Ortíz:** The United Farm Workers have a long history of struggle, especially in the state of California. This was due to the exploitation of my people in the farm lands. Due to the exploitation by the ranchers and the bad conditions that our people had to face, where they weren't paid enough even to pay for their living conditions. The campesinos or the farm workers were forced to organize. In that long struggle we had leadership like Caesar Chávez, and Ernesto Galarza from San José, who organized and was also part of the formation of the United Farm Workers in California. Because of the United Farmer Workers, the *trabajadores del campo* or farm workers have obtained better working conditions. They have obtained somewhat better salaries, and some insurance but there is still a long struggle, because now we have to deal with the pesticides that are killing our children in the fields, that are killing our people in the fields.

**Guillermo Suárez:** Can you describe the pesticide spraying?

**María Ortíz:** Pesticides are used to kill the insects that eat the vegetables, or fruits being grown, without considering what effect it will have on the people are working in the fields. So these pesticides are sprayed while people are working in

the fields. There have been some pesticides that have been banned, but not all of them. Right now, many of the pesticides that have been banned are used in the fields in Mexico, where many of the agricultural companies have gone. There, they use any and all kinds of pesticides and people die daily and experience all kinds of abnormal effects because of these poisons.

**Guillermo Suárez:** As a result of this aerial spraying of farm workers, do you know of any incidents of birth defects or anything similar to that?

**María Ortíz:** There have been many cases of children that are being born without brains, without arms and without legs. Cases of parents having cancer and there are a number of health problems as a result of these defects. And a number of farm workers that are dying because of these pesticides.

**Guillermo Suárez:** Do you think that this aerial spraying of pesticides while people are in the fields working is a genocidal attack on Mexican people?

**María Ortíz:** Definitely. This is a form of genocide. Again, genocide takes different forms. Not caring about the health and welfare of people when we are working. There is no concern about what will happen to us in the workplace. We understand that these poisons will kill us and for the bosses to continue using them is a form of genocide. They see that our numbers are growing in our own land. There are twenty million plus Latino people in this country. One of the genocidal attacks at this time is the state apparatus which approves

and organizes the execution of our people. There are a large number of our people in the prisons. One third of our people are in the prisons, and about 40% of our people are graduating from high school. What we are witnessing right now are executions of our people — whether or not they are guilty. The penal system is used in a society to protect the rich. It is a capitalist society that will protect their interests and so they have to oppress those that are resisting. In this way, the penal system and the death penalty is used in the interests of the powerful rich corporations. We are involved in a struggle to denounce how the penal system is used against our people. The planned execution of Ricardo Aldape Guerra is a very clear example of how this system works, condemning us to death — innocent or not. Twenty seven other Mexicanos, Mexican citizens who in fact, are not citizens of this country also face execution. This government says we will kill you whether you are a citizen of this country or not. They are on death row and they are going to be killed by this government. This is an act of genocide against our people. That is why there is a national movement, a national Raza movement throughout the United States, Mexico and Latin America, to stop the execution of Ricardo Aldape Guerra. If the State kills Aldape Guerra, then it will continue killing other people whether they are guilty or not.

**Guillermo Suárez:** I would like to thank you at this time. This concludes the preliminary information being brought to you by the Mexicano people on the question of genocide.

**Alejandro Molina:** This is the last prosecutor for this section, so please bear with us. I know that we are running a little late and I would like to thank everybody for their patience. We would like to introduce Dennis Cunningham, prosecutor for the Puerto Rican independence movement.

**Dennis Cunningham:** Distinguished members of the panel, my colleagues, men and women of this audience. I and my colleague, Rachel Lederman have the honor and privilege of presenting the case of Puerto Rico in this proceeding.

In this particular case there is a special factor in play that may not apply in the other cases, and I refer to the colonial status of Puerto Rico. The sovereign nation of Puerto Rico is now and historically has been a captive nation. And there is a strong, if vulnerable legal tradition in US law which supports this in very explicit terms. I want to quote from a decision of the US Supreme Court that was made at the turn of the century, in the first couple of years after the invasion of Puerto Rico by the US Army in 1898. The court said, in a concurring opinion, and Mr. Justice White said, "in the international sense, Puerto Rico was not a foreign country since it was subject to the sovereignty of and owned by the United States. It was foreign to the United States in a domestic sense because the Island had not been incorporated into the United States, but was merely pertinent thereto as a possession." The Court in 1922, again affirmed that Puerto Rico is owned by but not a part of the United States. In 1917, an act of the US Congress imposed citizenship on all Puerto Ricans largely for the purpose of making them subject to the draft, as the US was about enter the first World War. However, the sovereignty

of the country was and has consistently been disregarded altogether. It is that context that the issues of genocide and human rights violations, and the status of persons who are imprisoned for combating these things as prisoners of war has to be determined. We have two witnesses on the issue of genocide, the first one is Ms. Deborah Santana and Ms. Lederman is going to conduct that inquiry. Thank you.

**Rachel Lederman:** Ms. Santana you are here to talk about the effect of the environmental destruction wreaked by the United States upon the people and the land of Puerto Rico, right?

**Deborah Santana:** Yes, I am.

**Rachel Lederman:** And what qualifies you to talk about that?

**Deborah Santana:** I am a candidate for the doctorate in geography at the University of California, Berkeley. I am doing my dissertation on environment development and community power in Puerto Rico. I am a Puerto Rican and have worked for several years with various environmental groups, in Puerto Rico and in California.

**Rachel Lederman:** Can you tell the Tribunal about the effects of militarization on Puerto Rico?

**Deborah Santana:** First of all, I want to outline very briefly what I am going to talk about is the effect of colonialism on the environment of Puerto Rico, taking into consideration that the surest way to destroy a species, whether a plant species or an animal species, is to destroy their environment. So this is how the environmental issue relates to genocide. In Puerto Rico you can see it specifically in two ways: one by the militarization of Puerto Rico and the other by economic exploitation. Speaking specifically about militarization, since the invasion and occupation of Puerto Rico in 1898 by the United States there have been many instances of using the land of Puerto Rico for experiments, for bombing practices and so on.

To give you some very brief examples. While 14% of the territory of Puerto Rico is taken up by US military bases, for example in the Island of Vieques which is one of the islands belonging to Puerto Rico, 73% of the island's territory has been taken over by the US Navy. This began in WWII and has continued to the present day. The Island is used for the storing of nuclear weapons, and military training, not only for the United States armed forces but also for NATO member's armed forces where it is rented for their military bombing practices. Vieques was used for practicing for the invasion of Grenada among other things.

The use of the island of Vieques has led to the deforestation and to the desertification of the Island of Vieques, for with the destruction of the forest and the propagation of more desert like plants it has greatly decreased the pattern of rainfall. Also the bombing and the other destruction of the natu-

ral environment and the corrals around the area have led to a great diminution in fish and sea life which has caused great economic problems for the people of Vieques who lived primarily by agriculture and by fishing. There is a deliberate attempt on the part of the US Navy to take over the entire island of Vieques, the people of Vieques now live on about 27% of the Island and they are trying to take over the rest of it by making it impossible for the people of Vieques to live. It is one of the few parts of Puerto Rico that has consistently experienced a decline in population and it is due to the forced immigration of the Viequenses.

As if that weren't bad enough, coastal areas are being bought by North Americans who come down and make their tourist business completely separated from the people of Vieques and with no interest at all in relating to Viequenses. But this is not just Vieques, this is happening all over the island of Puerto Rico. For example, in the Salinas municipality on the Caribbean coast, Camp Santiago, which is a US army base, holds 35% of that municipality, which is located in an area that has the best agricultural soils in all of Puerto Rico. I could give you many more examples. That is one effect of military occupation of Puerto Rico. Another effect is the use of Puerto Rican lands and resources for experiments. One example is the use of El Yunque which is the sacred land of the Caribbean deity of good fortune, Yukiyú. It is also called the Caribbean national forest because the US Forest Service is supposedly protecting it. It was used to develop and test Agent Orange. It was also used for nuclear radiation experiments in the 50s and 60s very close to a populated



area.

**Rachel Lederman:** And how else is the land been economically exploited?

**Deborah Santana:** First, through the first fifty years of the US occupation in the first part of this century, through the conversion of the island into mono-crop sugar cultivation. This put every available piece of land into production for sugar, instead of producing food and other things for the people of Puerto Rico. And this accelerated a process of erosion and deforestation in the entire Island. It converted the people of Puerto Rico, who were predominately rural people, into agricultural workers who could not grow their own food and had to depend on imports from the United States. It also caused an extreme stress upon the soil. After World War II, the strategy for economic exploitation changed to an accelerated industrialization through the infamous "Operation Bootstrap" program which was also the model for so called "third world industrialization" in the rest of the world. It started in Puerto Rico. This alienated the Puerto Ricans from even their own land, because part of the premise behind the program was that Puerto Rico had no resources so the whole idea was to import all the resources and know-how from the outside and just use cheap land and cheap labor to produce for export. Imagine the harm perpetrated upon a people by alienating them from their own land and making them believe that there are no resources to protect.

What have been the results? The more capital-intensive heavy industrialization phases such as the petrochemical re-

fineries of the 60s and 70s and the pharmaceutical industries of the 80s and 90s (Today, Puerto Rico is the pharmaceutical capital of the world) have created incredible amounts of toxic wastes, air pollution, and water pollution; moreover this strategy required Puerto Rico to have a huge excess of electrical power production. Electrical power production worldwide is responsible for much of the production of air pollution which is a major cause of the green house effect. To give you an idea of the kind of toxic wastes that are being deposited in Puerto Rico, according to the Environmental Protection Agency, there are seven thousand illegal sites for the dumping of toxic wastes in the United States. Puerto Rico has twelve percent of those 7,000 sites. Remember, Puerto Rico is an island only 111 miles long by 35 miles wide. That is just one example and of course, you can not dispoil soils, use up water, and contaminate the water, and raise the level of temperature of the surrounding oceans by 4-16 degrees without having an environmental effect, not only on endangered plants and animals but also on the endangered species of the Puerto Rican people. And you have very high incidence of cancer directly correlated to the type of industrialization and the very lax enforcement of laws in Puerto Rico, which are part of recruitment incentives to bring these industries to Puerto Rico.

**Rachel Lederman:** Can you tell us anymore about the industrialization program?

**Deborah Santana:** Yes. At first, the industrialization program in the 1940s Operation Bootstrap, was based on attracting

labor intensive industries, supposedly to provide enough jobs for the Puerto Ricans who were no longer going to be working in agriculture. Of course by the fifties and sixties there were many other countries that could offer even cheaper labor, so there was a shift to attracting petroleum based industries to Puerto Rico.

At that time foreign supplies of oil were cheaper crude oil than in the United States but there were quotas in the United States which prevented importation of much foreign oil to the United States. Puerto Rico was exempted from the quotas, so cheap oil could be brought to Puerto Rico, which could be refined there using up the best coastal areas for this instead of agriculture. Refineries and petrochemical industries were to be the motor of development in the 60s and 70s. This strategy fell apart with the oil embargo and the rise of oil prices in the 1970s. Since then there has been a change in the traditional tax exemptions. There are tax exemptions for any US industry that wants to go in any US colony whether it is Puerto Rico or Guam or the US Virgin Islands. In 1976 Congress passed the 936 tax laws, which meant that mainland corporations could repatriate their profits in the colonies free of taxation once they brought them back into the United States. Now Puerto Rico adds to that its own tax exemptions and its own attractions and Puerto Rico is currently the most popular of the US colonies for this kind of industrialization. As I said before, Puerto Rico is now the pharmaceutical capital of the world. Most of the contact lens equipment, aspirins or other medicine you may take, certainly the birth control pills, were mostly likely man-

ufactured in Puerto Rico. To give you an example of some of the effects, in the town of Fajardo, there was a case in the 70s and 80s of male workers in the Ortho pharmaceutical complex receiving such high doses of the hormones that they were working with, they began to grow breasts. This case is still being litigated. One of the most horrible examples is Ciudad Christiana. Ciudad Christiana is a community for low income people that was built in the municipality of Humacao in the late 70s and early 80s. It was built on wetlands that had been an illegal dumping ground for mercury and other toxic wastes. They are still trying to settle claims resulting from deaths, illnesses, birth defects, and so on.

**Rachel Lederman:** What happens when a people are separated from their own land in this way?

**Deborah Santana:** One of the problems is that you can't really talk about raising the consciousness of people to protect their resources when they are told that they have no resources. This has been the ideological foundation of so called export led industrialization, not only in Puerto Rico but everywhere in the world where this has been done. So if you have no resources to protect, that means there is no connection between the resources that you have and what you are going to be producing. All production, all riches, all capital ultimately comes from human resources — labor and our knowledge and the richness of the land — our natural resources. economic strategy not based on resources that are right there is a disarticulated strategy. People don't believe that they have resources to protect. They don't believe

that the resources belong to them. Therefore, they become extremely dependent on everything from the outside, so it is very difficult to achieve great support for independence. Most Puerto Ricans are very nationalistic and very proud of being Puerto Rican, but you have to understand that there is a reason why we are not all out in the streets, all five million of us. We have been told for so long that we have nothing, and we can't take care of ourselves that if we become independent today, we will be like Haiti tomorrow. And people believe it. So this is a way that colonialism perpetuates itself, a way in which we are made to participate in our own colonization and genocide.

**Rachel Lederman:** Please sum up your testimony.

**Deborah Santana:** Another aspect of the genocide against the Puerto Rican people, the high amount of sterilization, such as 40% of the Puerto Rican women, 25% of the Puerto Rican men, and not only sterilization but the experimentation on Puerto Rican women for such things as the Dalcon Shield was developed in Puerto Rico. We all know what happened with the Dalcon Shield. Cultural genocide, as our brothers and sisters the Mexicans mentioned, not being allowed to speak or not being able to teach in classes in our own language, which is Spanish, as we were a colony of Spain for four hundred years.

From the invasion of Puerto Rico by the US in 1898 until 1948 Puerto Rican teachers were forbidden to teach in Spanish. They were made to teach in English, which they did not know that well, and it is a measure of the resistance of the Puerto Rican people that 60% of the people in Puerto

Rico still don't speak English and have no desire to leave English. It is pretty amazing. I do want to say something about the Puerto Rican environmental movement — that there are more plans for environmental destruction such as coal plants which various US industries want to put on the island, there are US military plans to take up more area for military maneuvers that would be the equivalent of the area of California and Oregon. That these things have not happened is due to the incredible struggle of the Puerto Rican environmental movement. They are warriors. Sometimes, before these plans come off the drawing board, somebody finds out about it and holds a press conference and forces the US military, the US government and industries to back-track. They have not killed us yet, and they are not going to do it, in many ways the attempt to destroy us has failed and we are still in the struggle. If you separate a people from their environment you can kill them more easily. Just like the condors, they destroyed their environment and now the scientists wonder why they refused to breed in captivity. What for? Thank you.

**Dennis Cunningham:** I had the privilege of meeting this gentleman — our next witness — almost twenty years ago in the United States penitentiary at Marion, Illinois. USP Marion was constructed to replace Alcatraz as the most secure and defended prison in the US system. He was placed there as a result of his participation in an act of armed resistance on the US government in 1954, in the very seat of its legislative chamber and as a result of that, he spent 25 years in prison in the US. He, along with four others who were imprisoned during that period, is a prototype of those that we now refer to, and in this proceeding are attempting to establish the legal basis for recognition of, as prisoners of war. It is a great privilege for me to call him to this witness stand at this time. Rafael Cancel Miranda. Sir, are you going to testify in support of the charge of genocide against the Puerto Rican People? Is that correct?

**Rafael Cancel Miranda:** Yes. They have been trying to kill us since 1898, but you can see by my Puerto Rican sister (previous witness Deborah Santana) that we Puerto Ricans are hard to kill.

**Dennis Cunningham:** I refer briefly to your own involvement in the struggle of resistance and I would like you to state a little more fully for the Tribunal the basis of your qualifications to testify on this subject?

**Rafael Cancel Miranda:** Well, my qualifications are many. I am a Puerto Rican with dignity, and anyone who has dignity will fight for his people in the face of genocide.

I grew up in the Puerto Rican independence struggle, I am

Puerto Rican through and through. I am forcing myself to talk English, out of respect for those here. I will not talk English for your government, but I will talk English for the audience. And for them, I will try my best. Some people talk broken English, I speak fragmented English. First to answer your question.

Not only I was a prisoner for twenty-five years for shooting those guys — who deserved some shooting — in the Congress of the United States, I was in prison when I was 18 years old, a high school student in Puerto Rico. The US government wanted me to kill Korean people that have done nothing to my people. I had never seen a Korean in my whole life, I knew they were small I because I read it in the paper. I refused to kill Korean people, I refuse to be part of the United States Army. So they gave me two years and a day. And took me straight from high school in Puerto Rico to a prison in the United States in Tallahassee, Florida for two years and a day. It had already started in 1898, when the US invaded my country by military force. They don't go there asking most Puerto Ricans if we want them there, they just shoot us on July 25, 1898. They invaded my country and after that imposed US citizenship as a way to destroy our personality. For example, changing our names, like they did to the African people, changing their name from Caramoco and Assata Shakur to Ed Jones, and to John Smith. They did that to the Puerto Rican people, taking our citizenship away in 1917 and calling us American. That is a way to destroy someone's identity. Of course I am not American. They don't have the power to change me from being a Puerto Rican. I

smell like a Puerto Rican, I talk like a Puerto Rican, I look like a Puerto Rican, I fight like a Puerto Rican. But they try to destroy our personality, our national identity.

When the US invaded Puerto Rico, they imposed the pledge of allegiance to the United States flag, to the invading flag on the Puerto Rican people. They murder my people, invade my country, and oppress my people. They humiliate my own mother, because my mother is Puerto Rican, my grandchildren are Puerto Rican, they humiliate them. And then they want us to go pledge allegiance to the US flag. I only pledge alliance to the Puerto Rican flag because that is my flag, but when we were children in school, we had to stand up and put our hand over our heart and pledge allegiance. But what happened? In 1937, the US government massacred my people, and the Nationalist Party, my party was there. The Ponce Massacre, as it was later called, took place on March 21, 1937. The US cold-bloodedly murdered men, women, children, under orders from Governor Blanton Winship. My party, the Nationalist Party was there. The next day or so, I was six years old, they wanted me to pledge allegiance to their flag. I knew that they were my enemy and anyone who want to kill my party was my enemy. So, I refused and since then I have always refused to pledge allegiance to the US flag, because that is not my flag. That is not the flag of most of the people of the United States, that is only the flag of the rich.

They want us to talk English, so they imposed a law, and we all went out on strike. They wanted all the students to learn

social science in English, mathematics in English, how to blow our nose in English, how to do everything in English. How to destroy our personality, because that is part of us. The way I talk, the way I move my hands, the way I feel. That is me. So they want to make me speak that language, to destroy my personality. Because language is emotion, and the English language is like cold fish. My Spanish heritage is part of my emotion. By trying to take my language, Spanish away, they want to destroy me. When I say me, I mean my people, because I am my people. When I say me, it is because I have talked to a Puerto Rican sister, to another Puerto Rican brother, to the Puerto Rican people. Also in high school, I studied Puerto Rican history not written from a Puerto Rican perspective. A North American named Miller wrote it, a North American telling me my history. See? In that book, they said we Puerto Rican became civilized when they invaded our country in 1898. By the way, the same general that invaded Puerto Rico, that led the troops in Puerto Rico, is the same general that led the troops that massacred the Indian people at Wounded Knee. The Massacre of Wounded Knee was directed by the same general who came to Puerto Rico to impose their “democracy” and way of life and all that baloney on us. Once you destroy people’s minds, like Dr. T’chaka (previous witness) said, you don’t have to worry about anything else. That is how they create complicity. For example, the worst thing that you could do to a person, to any one man or woman, is to make them lose faith in themselves. That is our strength, but they teach us that we could not do anything without the North American. I mean, we

end up hating each other!

First, they said that we don’t have natural resources, that we were a small island. Now they discover that we have natural resources. So now they say that we don’t have the know-how, somehow they got the know-how, and we don’t have the know-how. In other words, they make us believe that we cannot survive without the North American. Even the name American is stolen by them. It is a continent, not a country. We are American, the Indians are American, the Argentinians are American. They went from Brazil, that is American. We — you, me, everyone here — are American, but not in the sense that they are. We belong to the Americas but they even appropriated our name. They take our natural resources. They are the guilty ones. I am talking here not just about the Puerto Rican people, I am talking about the Panamanian people they murdered during the invasion, two years ago. Children. Just like they were flies, like you smash flies, including children. They practiced in Panama what they were going to do in the Persian Gulf. They practiced on the Panamanian people. Believe me, I don’t come here to cry and complain, I would rather fight than cry. But I have to talk about what is happening, do you see my point? And I know that we are going to win. We have not been able to drive them away from Puerto Rico yet. But then, they have not been able to defeat us either. With all that power the system has, that Puerto Rican sister that testified before me, there they don’t have the power to defeat her. And we have many like her. What they have done to the Puerto Rican people, they have done to the Panamanian people. But to the Cuban

people, they could not do it right now. What they used to do to the Cuban people to the Santo Domingo people, as well as the Haitian people. In Haiti, and Nicaragua. They have done it all over — they have been murdering us. It is a genocide that only someone who is dumb could not see that they are killing, murdering us. Murdering us.

But the worst thing they have done is force about forty percent of my people — 40% of my beautiful Puerto Rican people living in the ghettos of New York, and Chicago. They are committing population dislocation on a mass level. By changing the population, everyday, as years go by, there are less Puerto Ricans in Puerto Rico and more foreigners. In other words, the only ones who are really having a hard time living in Puerto Rico are the Puerto Rican people. Us. Everyday, every year there are more foreigners living in Puerto Rico and less Puerto Ricans. That is population displacement. They are throwing the Puerto Ricans out of our homeland. That is genocide too.

**Dennis Cunningham:** We talked, we talked about the suicide rate, the sterilization, the breakdown of the economy, and what you just mentioned about population displacement. Also, you mentioned the attempted destruction of the national identity.

**Rafael Cancel Miranda:** Right. The US government creates this type of thing in our mind and sometimes, we get to a point that there is no one who hates Puerto Ricans more than another Puerto Rican. They even teach us to hate ourselves. To kill ourselves. In Puerto Rico you read the paper,

we are killing ourselves right now. In addition, they are killing my young people with drugs. More than a hundred thousand young Puerto Ricans in Puerto Rico are drug and alcohol addicts. We have the highest rate of suicide in the world. Suicidio. I wish it wasn't true, but it is happening. But, Puerto Ricans are a proud people, that is why we survive, because we are a proud people and you cannot defeat pride. That is what they have been trying to take from us. Right now, more than sixty percent of the Puerto Rican people are living off food stamps — in our own country — because the US forced us into this type of economic situation. In the US, people only live for three things. One really, to multiply the capital of the parasites like the Rockefellers and the J.P. Morgans. That one percent of the US population controls not only us but also the white people. We consume what they produce, we multiply their capital by consuming what they produce. See, they destroyed our agriculture, so we are a captive market of the United States. We are a small island, territory wise, but nonetheless we are a foreign market of the United States. We have to buy at the price they sell. And we cannot make commercial transactions with other countries, either. That way, we are forced to multiply their capital. We also multiply their capital by working for them. We Puerto Ricans are not working for ourselves, we are working for them.

They have some companies in Puerto Rico, and they take about ten billion dollars a year out from the work of my people. And we kill or die to protect those US capitalists. They use us in Vietnam, in Korea, they use our young people.

In some ways they don't have to kill us, right now we have many Puerto Ricans that are living a slow death. We are in a mirror of theirs, where they impose their culture, if we could call that culture. We have our own culture but they have power, and whoever has the power and the economy can impose culture on you. But I think that we fight that type of genocide that makes you part of the living dead. You know, they depersonalize you. So you are alive physically, but culturally and psychologically dead. See? There has to be a different way.

**Dennis Cunningham:** Please sum up your testimony on the issue of genocide.

**Rafael Cancel Miranda:** I came from Puerto Rico to be here because my place is with oppressed peoples. Otherwise, I would avoid ten hour plane flights. By the way, my return to Puerto Rico involves a three hour layover in Washington.

I know the FBI is going to be sure that I get the heck out of Washington. But the US controls my people so much that they are the ones who decide who we should kill and where we should die. We don't even decide who to fight. I decided because I am a nationalist. But for most of my people, the decision is made for them. They decide if we going to die in Vietnam, in Korea, in the Persian Gulf , or even in Panama. Killing our own brothers and sisters! See, they even have that power over us. If that is not genocide, I don't know what is. We don't even have the right to decide where and who to kill and where to die. They decide that for us. Colin Powell doesn't decide, he is just a little puppet. A Black general with many stars. He is just a little puppet, he said it himself. He

does whatever George Bush and company tell him to. He is just an Uncle Tom with stars on a uniform. We have some in Puerto Rico like that. Like the other sister that you will be listening to today, the other brother, and so on and so forth. we won't die. We are going to keep on fighting and we swear, in the name of my grandchildren, that we are going to beat the heck out of the United States government.