

Testimony on Human Rights

Indigenous Witnesses

- Sage LaPeña
- Tom Goldtooth

New Afrikan Witnesses

- Emery Douglas
- Muhjah Shakir

Mexican Witnesses

- Ricardo García
- José Antonio Rico

Puerto Rican Witnesses

- Carmen Vázquez
- Piri Thomas

Sage LaPeña: ... this side of the continent and found that there were lush forest lands and fertile lands for farming and the gold also was here that could add to their capitalism. Many of the tribes, including my own, the Wintu, were all out slaughtered. The calvary was sent to collect people, especially the elders, the medicine people, because without those people you cease to exist—they are your backbone, your strength, where you continue your teachings. So we watched the falling of the trees and this continues today. Even through to 1978, when President Carter signed the religious freedom act. The Gaskey Orlins road, the GO road up by Kalamath, was and is federal area that can be forested and it is sacred land. Through the corporation's lobbying efforts against this—we all know how the corporations are duly connected to the federal government—the act was overturned. Although the issues are now the spotted owl and things of this nature, the laws passed by the federal government that protected us and the land were not upheld.

Another issue concerning the land is the fishing rights of the people. Many of the people of Northern California, even beyond Native Peoples, subsist by fishing and hunting in the proper seasons. We are not taking more than we need to survive. Even the survival of the people has diminished. The commercial fishing industry takes ten times what we take to feed our families and the little we try to sell to pay our electric bill. We are living in substandard conditions without electricity. And our fishing rights are not protected. The laws state we are protected, but we aren't. We are jailed for fishing in our own lands to live and it is the commercial

fisherman, working and lobbying the federal government, that continues to take these rights from us, the human right of being able to subsist, and receive needed shelter—now that we are allegedly assimilated and live by the standards of the US.

Bryan Savage: Do the corporate business interests go about trying to acquire fishing rights by lobbying the US Congress for them?

Sage LaPeña: Yes, they do. Although we take only a very small percentage of fish compared to the countless millions of fish that the commercial industry takes, they feel that we are taking away from their business by taking the fish that we do. So, they lobby against our right to fish in certain areas.

Bryan Savage: So is it your opinion and testimony to this Tribunal that the United States government is fully aware of the practices of the corporate industry?

Sage LaPeña: Yes, they are. They also know the small amount of money that we make to survive.

Bryan Savage: Has the government tried to help your people?

Sage LaPeña: They say they try to help our people, but even when some small cases are won, they are overturned by the corporations lobbying in the end.

The US forestry department has made access to the sacred lands impossible or we are forced to pay fees to use the

sacred lands. Lands, that for all of time have been open to everyone's use. Mount Shasta is a public access issue, where we have to pay fees to go to certain sacred areas that are already being used by people who have changed parts of streams by adding crystals and things. These people feel that we are denying them their religious freedom by removing those things, although they are changing the landscape. More and more of this is happening all of the time in terms of the "new age" religion, and people deny there is anything wrong with it, because they pay to use these lands. Why should you have to pay for religious sites, it is wrong.

Bryan Savage: What educational system were you exposed to and educated in?

Sage LaPeña: I was educated mostly in public schools — where you get your "fine" teaching. That is where I learned a lot of the lies about my own people, how we didn't exist anymore, how we were either exterminated by disease or slaughter. Most of the part about the slaughter is not taught. You know, they teach about how great Junipero Serra was, and how the missions he founded helped Natives because we lacked a livelihood. How they let us work in plantations and raised us up well. And I know that despite that, here I am, a sign that the culture is still alive. I know that I could live without that system. Without the teachings of the land, what do you have but cement? You cannot live in that. The human rights violations concerning the bringing of the people into the missions, where chiefs were made into slaves is not talked about. Not only through the missions, but through

federal government programs, people were taken from their homes, even up to the fifties. I did not know until I was an adult how very close to me my own father was. His parents were alive and he did not know it because he was sent away to boarding school because it was "best" for Native people to be brought up that way. They take away your religion, they cut your hair off, they wash your mouth out with soap and they beat you. That is how they show you that they love you. That is what is right, that is what is best for you, best for the community. Basically you are not considered human. This is happening now, not in the 1700s or 1800's it is still going on.

Bryan Savage: When do you first recall learning that your people "did not exist" anymore?

Sage LaPeña: In lower grade, about in third or fourth grade, when they teach you history, when they show you books and maps of how the states came to be and how the diseases (that we had not been exposed to as a people) killed all the people. They also teach you that the culture is totally gone. The culture is not totally gone, because I live it. I see my elders, I get the teachings so it still exists. So they teach us to assimilate. They were trying to show me that we exist only in the past, so you need to get with the program. In other words, be technological and you will be better off for it.

Bryan Savage: Do you recall, and if you do can you explain to the Tribunal what you thought when you first heard that explained as a "true history?"

Sage LaPeña: I felt outraged, distressed and sad. So many feelings because I live the experience. I see that we are still alive and being taught lies through the public school system. Through the federal school system, we are taught we do not exist. Re-education needs to happen now, and be based on looking forward to telling the truth to everyone, adults, and children. So that we can rise above the falsehoods that are being taught to us by this government and learn the truth.

Bryan Savage: How did you react to this experience?

Sage LaPeña: In elementary school, when I found out that my culture did not exist anymore, my brother and I asked my father permission to show some parts of our culture to our little class. We went into the class and talked about a lot of the ways that Native peoples knew — our own tribe from California lived — and showed them some of the fun dances. Not necessarily the sacred ceremony, but things we could show the kids in class. We let them know to re-educate them, as we were being “educated,” that they were being taught a lie. We could show them it was still a lie.

Bryan Savage: Was this hard proof enough to convince the public school system to change the history book or did they continue to use the same one?

Sage LaPeña: They still continued the lie. I heard in the lobby today that a book published in 1991 is still telling lies. The public school system still wants our children to learn lies about our history. A lot of people think that it is really cool,

you know, the Native American thing, pow wows or the pseudo new age religion, to the acme school of shamanism, but they are still teaching history that is a lie, that we don't exist or that the missions were really great, that they saved us all from ourselves.

Bryan Savage: Please tell the Tribunal about the role of baskets in your culture and religion and to what extent that has been affected by environmental and other issues?

Sage LaPeña: The role of the basket for the California Native peoples is life. When you are born, you are put in a basket, a cradle board. That is how you get so much of your teaching — through your eyes. You watch and see what goes on, and watch your elders and everyone around you to see how life is, and how everything fits together. You are carried to the places where the basket materials are collected, and when you die, you are also put into a basket. Throughout life, all of the people are learning basket weaving things. When you go to hunt and you don't take your RV and your TV and all these things with you. Even the men have to make baskets along the way to carry a lot of their supplies or to make traps. When you walk through the forest, through all the places you know the animals are, you make these things along the way and they are biodegradable and you can leave them there. Without access to the land that is forbidden by the US, a lot of the women use public lands that are sprayed with herbicides and things like this. One of the ways that we cure the basketry when we are working is run it through our mouths because the saliva works it much better than just

dipping it in water. Because of this, respiratory problems, cancer, and other illnesses have come up in the women who are working with these things, and continually subjecting themselves to these chemicals.

Controlled burning of the forests has gone on for a long time. For so long there has been cutting back the plants and trees, the pruning of the plants so it grows straight again. That is all part of the process of basketry, so we need to find better ways than using chemicals on the plants. At this point, it is so much easier for the system to use chemicals to do away with so much at one time. So not having free access to gathering areas and being forced to use public lands is contaminating us with cancer that is basically man-made. Also on Native American lands, on reservations, EPA standards are lower. So to leave toxic waste on the lands, you just need to go to the BIA to get permission to store toxic waste. The environmental standards are lower, the substandard education of the people, the substandard housing, there are so many of our human rights being violated every day, and these are only a few of them. We need to be aware, to break out of our imposed ignorance and learn about these things. The federal government is guilty of human rights violations, from its founding to the present. We cannot let it continue.

Francis Boyle: Members of the Tribunal I would like to move into evidence copies of the Greenpeace report, the Toxic Threat to Indian Lands, that will substantiate our claim that the federal government, both directly and acting through the corporations at its behest, are using toxic wastes to kill Native American peoples. This will substantiate our claims of a Nuremberg crime against humanity — genocide — deliberately inflicting upon the group conditions of life calculated to bring about its destruction. And also, gross violations of fundamental human rights. You will have a copy for your deliberations.

Bryan Savage: I would call my next witness, Mr. Tom Goldtooth. Would you please tell the Tribunal who you are and what nations you are affiliated with?

Tom Goldtooth: My name is Tom Goldtooth and where I come from they call me Natoa Wayakape, which means the bears look over me. I am a member of the Dene and also Midawaka and Dakota nations, from the Southwest and Minnesota.

Bryan Savage: It is my understand that your testimony is going to concentrate on environmental issues and how they affect the human rights of your people. Is that correct?

Tom Goldtooth: Yes, that is what I was invited to talk about.

Bryan Savage: Can you tell the Tribunal what local and national environmental groups you are associated with?

Tom Goldtooth: I am one of the co-chairs of the national

task force of a grassroots indigenous organization called the Indigenous Environmental Network. I am also the environmental coordinator of the Red Lake nation which is a band of the Anishnabe Nation in Northern Minnesota.

Bryan Savage: It is my understanding that you are engaged in gathering evidence about the policy of water diversion of the United States government and corporations under its control and influence. Water diversion from Native lands. Can you tell me what evidence you have been able to gather that there is a policy to divert water from these lands to the detriment of the Native peoples?

Tom Goldtooth: Presently we are right in the midst of collecting the data. There exists documentation and we have been working with Indigenous people from Canada and also the Western states. We have issues starting with the Blackfoot people in Canada. We have Milton Born With a Tooth working on a campaign up to expose the corporate plan and the Canadian government's complicity in working with the United States in diverting Old Man River. He has been very effective on this nationwide campaign and has even gone to jail for taking a bulldozer to break the dam. We are collecting evidence, we have Indigenous people along the Columbia river, the Klicita and Cascade nations, small bands that are known to the United States government as members of the Yakima nation, but they are Klicita Cascade people and they are also concerned and trying to collect information of water diversion plans about the Columbia river.

Bryan Savage: Can you tell me whether the US Army Corps

of Engineers are involved in any of these schemes?

Tom Goldtooth: There is evidence that there is, especially in the plains. In my travels with the Indigenous Environmental Network many of the plains nations, northern and mid plains, midwest have stated that a lot of the reservoirs around their reservations have been drained by the Army Corp of Engineers.

Bryan Savage: How do these water projects affect the ability of Indigenous Peoples to subsist?

Tom Goldtooth: One of the most important things in indigenous thinking, as traditional people, is that we have a relationship to the earth that is beyond a political relationship. It is beyond a social and a cultural relationship. This is what identifies us as Indigenous people, a spiritual connection that we have with the earth. In recent testimony at the first annual people of color environmental leadership summit in Washington DC, which was a historical event as far as legitimizing the term "environmental racism," we expressed our connection, our spiritual connection to the earth as a mother, and there was a lot of hesitance in an environmental gathering like that to talk about religion, but as Native people, as indigenous people that is our connection, our number one connection. So if we don't have this connection, if this connection is altered, disturbed, it impacts the ecosystem, the environment in our native lands and could impact the medicines that we use to care for our people that are sick. It impacts our self-sustaining economies and lifestyles. We are not able to grow the crops that we used to grow. So

all this impacts the fish, the wild game. A lot of our people still hunt in parts of our indigenous territories. When you remove the water, you remove the lifeline of our people. We need that to sustain ourselves as indigenous peoples.

Bryan Savage: Am I correct in believing that some of the diversion programs entailed constructing dams on your land?

Tom Goldtooth: Yes. There have been many recent meetings and debates over water rights. Water rights are beginning to be a very serious concern. We are very concerned about the United States government and a lot of the actions they have been taking lately. We feel that water rights is going to be a critical issue with our tribal nations, that it is going to impact our indigenous peoples. We have national Indian organizations and I won't call them Indigenous, they are "Indian," they are US "Indian" type of organizations that do not represent our traditional, indigenous way of thinking and very often they jeopardize our relationship with the earth, while looking at pro-growth development and sustainable development, a contradiction in itself.

Bryan Savage: Do any of these dams flood the sacred burial lands of Native peoples?

Tom Goldtooth: There is documentation on that in two or three places. In Fort Berthold, North Dakota, the Mandan Hidatsa people there, there was a damn that was built there with the approval of the US government and even though there was resistance from the people there, they went ahead and flooded a lot of that area, which also contained a sacred

area. Sacred spiritual holy ground. Down further along the Missouri River, the Standing Rock people, the Hunck Papa Lakota people who are the descendants of Sitting Bull, had a lot of their land flooded. These sites also encompassed burial grounds and fasting places where people go for spiritual efforts. Along the Columbia river, when the Indigenous Environmental Network had a gathering up there at Salilo Falls this year, we had about five hundred people come to that gathering and gathered evidence through film and written documentation of what the government did there. The state government flooded the Columbia River. We talked to the elders there, and they were not told the river was going to be damned. They were not told that and they remember being very curious back in the fifties when a bridge was being built, wondering why it was so high. There are traditional fishing grounds. Like I said, as Indigenous people we have a relationship to the natural world. We have a relationship to the earth and so the flooding of their fishing grounds impacted their survival. One thing we learned from the Klicath and the Cascade people is that they call themselves the river people. They have a spiritual relationship to the fish and if they can't fish, they say that we will die. And the fish are talking back to them, saying that if you don't fish us, we will die. They will continue to fish there as best they can, but their main fishing ground, the Salilo Falls is now flooded.

Bryan Savage: Of these three examples that you have just cited to the Tribunal, do you know whether or not the United States Army Corp of Engineers was involved in any of those projects?

Tom Goldtooth: I believe they were. At Salilo Falls there is a park across from one of the village sites along the Columbia River, managed to this date by the Army Corp of Engineers.

Bryan Savage: With respect to those three sites again do you know if any federal money was used in their construction?

Tom Goldtooth: I believe there was.

Bryan Savage: Do you also know with respect to those three sites whether the fact that they would flood sacred lands or sacred waters was brought to the attention of the various governmental agencies involved in the construction?

Tom Goldtooth: We were told by the elders that they did mention that numerous times.

Bryan Savage: I would like to turn your attention now to the issue of toxic waste. It is my understanding that there is legislation pending which would facilitate the ability of private companies to contract with tribal governments for dumping toxic waste. Can you speak to that?

Tom Goldtooth: We have information that I would like to submit for the record. I don't know if the previous speaker did, but I would like to submit this for the record. It is called the Toxic Threat to Indian Lands, it is a Greenpeace report that was submitted. It was done in collaboration with indigenous peoples from the Nacare and other grassroots organizations which became a lot of the people and supporters behind this report and eventually formed the Indigenous Environmental Network.

In this report, you will find that, yes there is evidence that private companies approached Indian lands with very lucrative, tempting proposals. We call it economic blackmail. Promising our tribal governments lots of money, millions of dollars and potential jobs for permission to come onto our territories to build hazardous waste facilities, toxic waste facilities, municipal garbage waste facilities and nuclear waste facilities. This paper documents 44 such communities that have been approached. I believe the latest figures are up to about 60 communities that have been approached by private waste companies.

This paper contains information that the government knows of this pattern and has not taken sufficient initiatives to protect our indigenous territories from these unscrupulous businesses. Some of the reasons these companies want to come onto our land is that a lot of our Indigenous territories do not have environmental infrastructures in place. They do not have environmental administration, the environmental tribal codes, regulatory standards, or currently have the enforcement powers necessary to control, to prosecute non-native, non-Indigenous people, like companies that want to come and contaminate, pollute our territories.

You will find that there are serious jurisdictional issues, because the US government, the colonial government in this country doesn't grant our Indigenous territories full sovereignty. It is a quasi-sovereignty. It is only half sovereignty. Because of that, they are very reluctant to grant us the full powers needed to develop very effective environmental pro-

tection laws based upon our own indigenous philosophies. We do not have a tax base or the moneys to develop these programs. Yet, we need to protect our lands. And these private waste companies know that. There is a serious situation right now that proves the US government is not protecting our Indian territories and looking out for our health and environment. They are mandated through treaties, through the various regulations and statues, through the different agreements we negotiated with Congress, to provide protection.

The Bureau of Indian Affairs is an entity, a federal entity that has severely neglected its responsibility. The Indian health service is another federal agency that is inadequately protecting our lands and people. And because there is no technical assistance from these federal agencies and also because over time we have been forced to develop a dependent relationship on these federal agencies, there are no grants to provide the necessary programs to protect our communities. We are very vulnerable to the private waste industry and they know that.

The United States government knows that. We have figures on how much it would cost to implement effective environmental programs in our tribal governments and we come out with a minimum of 35 million dollars needed, just to develop environmental initiatives in our tribal communities. Right now, we barely get 10 million dollars. I call it institutional environmental racism by the Environmental Agency. Part of the clarification on this solid waste, garbage and toxic waste issue is that the United States government has not

even looked at what it would cost to clean up, in my own personal figures, over 1,000 to 1,500 open land fills. Open dumps, toxic dumps. These dumps are leeching right now. Waste that is regenerating on our reservations. We need money to do proper closure on those. To install monitoring wells and implement proper control mechanisms. So, it seems as if our Indian lands are expendable. As if our people are expendable. That is the way that our people feel. We cannot do anything about it. A lot of people think that way, because these toxic dumps were set up by the Indian house service. They told us that this was a safe place to put your garbage and that nothing would go wrong. But we are very concerned about that, and have been lobbying the United States government and its various mechanisms But they keep saying that they can't do anything for us. That, "we can't close up them dumps and we don't know what you want to do." So we suspect that the US government does not want to bear responsibility for municipal solid waste issues in our Indian territories.

They are trying to marry us to the private waste industry. There is currently a Senate bill, SB 1687 and a house bill that is in Congress right now. I call it the commercial garbage bill. It provides a mechanism for our tribes to negotiate contracts with the private waste industry. Again, the government knows this and they are trying to get us to develop contracts with the private waste industry.

Bryan Savage: When we spoke during the break, you made some comments about the nuclear industry and nuclear

power and how it affects indigenous peoples. You described the relationship between the nuclear industry and Indigenous peoples as one that extends from the cradle to the grave. And as a story of deception, you told me a bit about Prairie Island. Could you explain to the Tribunal what you mean by describing the relationship as from the cradle to the grave and tell them the problem with Prairie Island?

Tom Goldtooth: Before I go, I do want to submit for the record The Indigenous Environmental Prospectus, A North American Primer. It is a discussion and series of case studies of North American Indigenous environmental issues. A framework for discussion of sustainable development. This was prepared by one of our sister organizations called the Indigenous Women's Network. One of the things mentioned in here is as indigenous people in the United States we have experienced the impact of nuclear production. Nuclear weapons production, nuclear energy production from cradle to grave literally.

We have documented information about the effects of uranium mining on our Indigenous people. We have the Navajo, the Dene people in the Southwest and also the Pueblo people who have died, not protected by the US government. There were not adequate ventilation systems, or proper monitoring back in the fifties and a lot of these miners have died. Just looking at lung cancers, in 1975, 18 miners had died and by 1980, 38 had died. 95 more had contracted respiratory ailments and cancers. And a lot of the offspring are coming up with defects. So, from cradle to grave, we are

involved in the processing of uranium. Look at the effects on the Cherokee people in Oklahoma. NACE is another brother and sister organization, Native Americans Concerned for their Environment, that has been working on these issues and they have evidence of babies being born without eyes, eye sockets or with limbs missing. Respiratory and lung cancer in the Cherokee Nation area of Oklahoma. The culprit is the Sequoia Field corporation, who bought the facility from Kerr-McGee. That is the processing of uranium. Then we have nuclear production.

Some of my relatives in Minnesota, are part of a precedent right now at Prairie Island. It is a small Mitawakitan-Dakota community and these are the Eastern Fire Dakota, the Eastern Dakota people that live in Minnesota from the sacred lakes. It is composed of about 200 people in that Prairie Island community. They never knew there was going to be a nuclear power plant sited there. The elders were told it was going to be steam production, and the steam was going to create energy. They never told them it was going to be nuclear. Right now, that facility is reaching its limits in nuclear waste and they are trying to get permission to store spent fuel rods on that facility, only 700 meters from the Dakota Village. The people are trying to stop it, but despite their efforts, it is still happening. The NSP is a public utilities commission and we believe they have full support of the US government, the nuclear industry, the Department of Energy and the Nuclear Regulatory Commission. They are all working together to keep that facility going. It is a matter of economics. Every day they keep that facility going, they

make a million dollars. That is what we come up with, a million dollars of revenue every day if they keep it going. At the expense of our people, the health of our people in exchange for money for them.

We are trying to protect our sovereignty, as it is being tested again. We have this US government initiative. They hired a nuclear salesman named David Leroy, a nuclear negotiator. He has been approaching many of our reservations and states, but a disproportionate number of governments who have responded seem to have been our tribal governments. Again, economic blackmail. The nuclear salesman is promising our communities billions of dollars, promising new schools and hospitals. He wants to site monitored retrievable storage facilities (MRS) for all the nuclear waste this country is generating, at the expense of our people, who are very vulnerable right now. Our tribal leadership does not have the information to make adequate and environmentally sound decisions. We have an issue of colonial nerve gas before our tribal leadership, and need someone to look into these issues. Our people in tribal government are having our sovereignty threatened. One of our tribal nations the Mescalero-Apaches in New Mexico is already at phase one and two and the nuclear industry technicians and specialists are telling the people that it is a safe technology, state of the art. We are very concerned. We try to bring other people in to talk but they keep our people out of there. Our Indigenous peoples need information. Because if the companies are allowed to build that facility, one accident will wipe out a whole nation of people, it is that serious. We are asking for

this country to stop producing nuclear power now.

James Simmons: I would like Emery Douglas to come to the witness stand please. Mr. Douglas, what qualifies you to testify regarding genocide against the New Afrikan nation?

Emery Douglas: I am a former member of the Black Panther Party, I joined the Black Panther Party about six months after its inception, from February of 1967 until its demise in 1983.

James Simmons: What was your role in the Black Panther Party?

Emery Douglas: I was the Minister of Culture and revolutionary artist of the Black Panther Party.

James Simmons: Are you aware of something called COINTELPRO?

Emery Douglas: Yes I am. That was the counter-intelligence program which was against orchestrated particularly against the Black Panther Party. At that time we were not aware of what it was, but we knew it was taking place.

James Simmons: How did it impact the Black Panther Party?

Emery Douglas: Internally it caused problems between Party members and factionalism, mistrust, distrust. Externally, it provoked us into shoot outs with the police. It drained our resources in legal battles, defending ourselves in court when we could have been serving the community with different programs we had, like our breakfast program.

James Simmons: Can you briefly explain the role and mission of the Black Panther Party?

Emery Douglas: The role and the mission of the Black Panther Party was to bring about community control. Being able to determine our own destiny. We were talking about full education for our students, about a movement that gave them a proper education and taught them their role in present day society. We also talked about unemployment, and full employment for our people. We also talked about decent housing fit to shelter human beings. We talked about the end of police brutality. We talked about the Black men and women who are held in prison and were not being tried by a jury of their peers. These were the basic foundations of the Black Panther party.

James Simmons: Can you briefly describe some of the community service programs the party was engaged in?

Emery Douglas: The first one was our liberation school, and also had a free breakfast program, which was one of our very first programs. They were predominately in the churches and community centers and out of some of the neighbor's houses in the community. We also had our liberation schools and some food giveaways in the earlier days of the Black Panther Party. Free food.

James Simmons: Does that include the free breakfast for children program?

Emery Douglas: Yes, it does.

James Simmons: Where was the Black Panther Party located?

Emery Douglas: The Black Panther Party was located in Oak-

land, California, our first headquarters was on Grove Street where old Merritt College used to be at. Around 56th and Grove streets, which is now Martin Luther King Jr. Way.

James Simmons: Any other cities?

Emery Douglas: Yes, as the Black Panther Party grew we had chapters and branches throughout every major metropolis in this country.

James Simmons: And the FBI targeted the party as part of its COINTELPRO Program?

Emery Douglas: Yes, I can recall the very early days when we had executive mandates. The first executive mandate was delivered when we went to Sacramento. The second executive mandate was delivered after the local police authorities kicked in our doors at the house of Elridge Cleaver and his wife Kathleen. They kicked in the doors without a search warrant, claiming that they were looking for illegal weapons. They found no illegal weapons, but they did not have a search warrant. After that particular incident, we proclaimed executive mandate number two in which we stated that we would not allow the police to kick in our doors without search warrants. That they would be treated like criminals and outlaws if they did. It was after that incident that Bobby Seale's house was also raided in the same manner, that is, without a search warrant.

James Simmons: What impact did COINTELPRO have on the functioning of the party?

Emery Douglas: It caused the Party to deal with legal matters and created mistrust among Party members. It brought about some paranoia and it also made us very concerned about our own well being and lives. There were times in the Party that we thought we would not live to see the age of 30, and some of us did not.

James Simmons: Article 3 of the United Nations Universal Declaration of Human Rights states that everyone has the right to life, liberty, and the security of person. Do you feel the FBI violated those rights?

Emery Douglas: Of course they did. It was an effort, it was a plot, it was a scheme to destroy the Black Panther Party because as we know now from many of the documents, we were targeted because we were a growing organization. We were organizing young people into the Black Panther Party — young people from the ages of 13, 15 on up to 22, 23 years old were increasingly interested in the Black Panther Party and its ideals. The US was out to destroy and discredit the Black Panther Party by any means necessary. They were more concerned about our organizing young people, than they were concerned about us being able to out gun them. We were projecting new ideals and new concepts and young people were beginning to listen to us and the things that we were talking about in relationship to the US government.

We were beginning to develop institutions within the community — therefore we became a threat to the internal security of the United States. At one point, Jesse Unruh, the

treasurer of the State of California, mentioned that the Black Panther Party was feeding more hungry children than the United States government. They were trying to destroy and discredit all those activities and institutions that we were building. Some of the things they did turned us against each other, to the point where they had informants in the Party. For example, George Sams was an informant in the Black Panther Party who worked his way from back East to Detroit, and each time he would leave a branch of the Party, we would find there had been police attacks or shootouts or some kind of problems, and it followed him all the way out here, to the San Francisco Bay Area, to Oakland. Then we came to find out that Bobby Seale and Ericka Huggins were on trial in New Haven for murdering a Black Panther Party comrade, and in the final analysis, it came out that George Sams was found guilty of this murder. The shootout and the murder of Fred Hampton in Chicago, on December 4, 1969. Fred Hampton was murdered while he slept in bed after being drugged by an informant. Five or six other comrades in that house were also shot. William O'Neill, a police informant, was the one who set Fred Hampton up. He was involved in some illegal activity. The orders to attack the Black Panther Party, from what I understand, were orders from the Attorney General that came down from J. Edgar Hoover and the FBI. The FBI "loosened up" the Attorney General by telling him to watch out for the Panthers, they had all these guns in the houses. When they came and Fred was in his bed, they all shot at bed level and Fred Hampton was murdered. Five or six other comrades were arrested. Mark Clark, the brother

who came to the door, was shot through the door. You had an incident that took place approximately 2 to 4 days later in Los Angeles, California where the police shot into our office where Geronimo Pratt and five or six other Party members were. A sister named Tommie was shot between the legs, half of the flesh was shot off of her legs, and a couple of people were wounded.

We had incidents where police had left anonymous tapes on our doors explaining that the police had these plans in Berkeley, California to come in, block off the streets, bring in ambulances. They were going to bring in helicopters, they were going to bomb our offices with firebombs and gas and they were preparing to take out all the wounded and dead. When these things were brought forth to the police of Berkeley, California, they acknowledged that this was true, but that it wasn't quite the plan. You had these kind of things happening. You had incidents where I and David Hilliard, the former Chief of Staff of the Black Panther Party, went to New Haven to the trial of Bobby Seale and Ericka Huggins, and we were sitting in the court room during a recess reading some material when the police in the court-room came over and snatched papers out of David Hilliard's hands, telling him that he couldn't read in court. That created an incident where we are charged with disturbing the court, and you can go on and on. You have the murder of 'Lil' Bobby Hutton who was shot in Oakland California, two days after Martin Luther King was murdered on April 4, 1968. 'Lil' Bobby was killed on April 6, 1968 in Oakland, California. He was coming out of a house with his hands up, he and Elridge

Cleaver. Elridge Cleaver was told to get into a patrol car, he got into the patrol car. 'Lil' Bobby Hutton was told to get into the patrol car, and because he wasn't moving fast enough, they pushed him, he stumbled with his hands in the air and they shot him down.

James Simmons: We're running short of time, and I just want to ask you some questions, you can answer them yes or no. Did the FBI promote warfare between the Black Panther Party and the United Slaves organization?

Emery Douglas: As we see it now, we say yes, there were informants in the Black Panther Party, and we know that there were ideological and political differences between the United Slaves organization and the Black Panther Party that were exploited by the government.

James Simmons: These resulted in the deaths of Panthers?

Emery Douglas: Yes. Alprentice Bunchy Carter and John Huggins at UCLA in 1968-69 and Sylvester Bell in San Diego.

James Simmons: As a result of FBI activities and COINTELPRO, Panthers were sent to prison without cause?

Emery Douglas: Yes.

James Simmons: They were sent into exile without cause?

Emery Douglas: Yes.

James Simmons: They were murdered and assassinated without cause?

Emery Douglas: Yes. To give you an example about how COINTELPRO worked on the international level, I was responsible for taking Kathleen Cleaver to meet her husband, Eldridge Cleaver in Algeria. Once I got to Algeria, Eldridge Cleaver was beginning to receive letters claiming that David Hilliard and Bobby Seale and Huey Newton were plotting against him. At the same time, David and Bobby were receiving letters that Eldridge was plotting to take over the organization. So you had this kind of dis-information that was being used to cause divisions within the ranks of the Black Panther Party. Another incident involves the vendors who gave food to the Black Panther Party. They were sent letters on Black Panther Party stationery which were forged with the signatures of high ranking members of the Black Panther Party, stating they weren't giving us enough food and demanding more food for our programs. And saying if they didn't, they would be dealt with accordingly. So you had this kind of disinformation being given to people. Of course, when we came to ask for food for the program, we couldn't get it because people were very intimidated.

James Simmons: Thank you.

James Simmons: I'd like Sister Muhjah Shakir to come up to the stand. Will you state your full name please?

Muhjah Shakir: My name is Muhjah Shakir.

James Simmons: Can you tell us why you are qualified to testify about Human Rights Violations?

Muhjah Shakir: For the past five years I've been actively involved in the International Campaign to Free Geronimo ji Jaga (pratt). Prior to that, I was an active member for approximately ten years in the Nation of Islam.

James Simmons: Okay. We're going to move quickly. Can you briefly tell us who Geronimo Pratt is?

Muhjah Shakir: Geronimo is a 43 year old New Afrikan man. He is a Vietnam veteran who rose through the ranks of the Black Liberation Movement to become the Minister of Defense of the Black Panther Party. Additionally, he is a father, a husband and a beloved leader of the Black Liberation Movement.

James Simmons: What did the United States government do to violate Geronimo's human rights?

Muhjah Shakir: Basically, he was framed. He was convicted of a murder that took place in Santa Monica, California, the shooting of Kenneth and Caroline Olsen. Caroline Olsen was fatally wounded. Three years after the shooting, Geronimo was convicted of this murder.

James Simmons: Do you believe he was wrongfully convicted?

Muhjah Shakir: Definitely. There is a host of evidence that supports this claim.

James Simmons: What role did the US government play?

Muhjah Shakir: Geronimo was a target of COINTELPRO three years prior to his trial. The FBI stated that he was being “neutralized” as an effective Black Panther Party functionary. Following Pratt’s conviction, the FBI repeatedly denied that Julio Butler, the chief prosecution witness had been an informant. But, in January 1979, newly declassified FBI documents indicated that Butler had met regularly with FBI agents at least 28 times in the 22 months leading up to Geronimo’s trial and had supplied them with information about Geronimo.

Crucially, the FBI’s first contact with him is now believed to have been made at least three months prior to Julio Butler’s delivery of this ‘insurance letter’ that was a part of the prosecution case. The FBI planted three spies among Geronimo’s defense team. That information of course, was not known to his attorneys. They received information that Pratt was seeking witnesses able to testify that Butler had a grudge against him. Geronimo was being kept under surveillance by illegal wiretaps, and during the trial, these wiretaps were conveniently destroyed, lost or withheld. Kenneth Olsen, the husband, who was the eyewitness, positively identified another man. As it turned out, that man was already incarcerated at the time of the shooting. That information was also withheld from the defense team. The FBI and Los Angeles Police Department worked together and shared information

in connection with Geronimo’s arrest and conviction. And then, the FBI concealed all the above facts from Geronimo until 1979, when it was obliged to reveal the extent of its involvement.

James Simmons: Please tell the Tribunal what the current status of Geronimo’s case is?

Muhjah Shakir: Currently he has been denied every effort to win a new trial in spite of all the new evidence that has been revealed. In 1991, after an investigation took place and produced a whole stream of new evidence, a petition was filed in San Francisco. We were happy when the judge ruled an “order to show cause” but the case was sent to Los Angeles, where it was arbitrarily dismissed. Since that time, we have attempted to file within different areas of the LA county jurisdiction but have been continually dismissed. Geronimo has appeared ten times before the parole board. He has an upcoming parole hearing, but at every hearing the State continues to reiterate blatant lies that have been placed in his file. Lies that have been taken to court and disproved by the courts. But, they continue to keep this information in the files, so every time he goes before the parole board, they pull out twenty-two years worth of lies, such as “he refused to work one year, or he ate a bag of potato chips and got a #115 write up during a legal visit.” Very, very insignificant and petty matters they use to justify the ongoing blatant violation of his human rights.

James Simmons: The United Nations Universal Declaration of Human Rights, Article 10 states that everyone is entitled to

full equality, to a fair and public hearing by an independent and impartial Tribunal in the determination of his rights and obligations and of any criminal charge against him. Do you believe that Geronimo's rights were violated in that regard?

Muhjah Shakir: Definitely.

James Simmons: Article 11 states, "Everyone charged with a penal offense has the right to be presumed innocent until proven guilty according to law at a public trial at which he has had all the guarantees necessary for his defense." Do you believe that section has been violated?

Muhjah Shakir: Very much.

James Simmons: Why do you think Geronimo was prosecuted?

Muhjah Shakir: Geronimo was prosecuted because he did what many individuals have done during our sojourn here in this country. That is simply to stand up and take a stand in defense of his people, fighting for liberation and self determination. He was bold enough to use his talents and skills as a Vietnam veteran to teach self-defense.

James Simmons: With your knowledge of the case, do you believe that Geronimo is innocent of the charge of murder?

Muhjah Shakir: Definitely.

James Simmons: Article 11 section 2, "No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, nor shall any heavi-

er penalty be imposed than the one that was applicable at the time that the penal offense was committed. Article 9, "No one shall be subjected to arbitrary arrest, detention or exile." Do you believe Geronimo's rights were violated in those regards?

Muhjah Shakir: Yes, they were.

James Simmons: Thank you very much.

Guillermo Suárez: Beginning in May 1990, three right wing organizations, Americans Acting Together, and this group in San Diego calling themselves Americans For Border Control and the Federation of Americans for Immigration Reform, began this campaign entitled: Light Up the Border. Lo and behold, three years later, the federal Government has now taken it upon themselves to put a string of floodlights along the US-Mexico border in a twelve mile stretch leading from the Pacific Ocean to outside San Ysidro. The US government is clearly following the lead of these right-wing, reactionary organizations who are all anti-Mexicano immigrant, anti-immigrant in general. My next witness is Ricardo García, from the organization Regeneración, based here in San Francisco. Please explain what kind of work Regeneración does.

Ricardo García: Regeneración is born from the needs of the Latino community to organize, to defend the human rights of the immigrant workers in the US, for democracy in Mexico, and fight against the US system. Regeneración is born because, as Mexicanos we are living under a dictatorship that has been in power for more than 70 years, supported by the US government. Today October 2nd, we celebrate and remember the students that were killed in Tlatelolco, when the Mexican government killed hundreds of students in 1968. The guy that gave the order to kill the students was Luis Echeverria, a member of the CIA that would become President of Mexico. I accuse the US of supporting terrorist groups and supporting the dictatorship of the Mexican government.

Guillermo Suárez: Thank you. Mr. García, the information that you just said about Luis Echeverria Alvarez is very interesting. Does the CIA have an office in Mexico?

Ricardo García: Actually, the biggest headquarters of the CIA outside the US is in Mexico City.

Guillermo Suárez: Why do you suppose that is?

Ricardo García: We must understand that Mexico and the US have 2300 miles of border, there are 12 million Mexicans in this country and there are millions of people of color, like Chicanos, Asians and Blacks. The US knows that if a revolution starts in Mexico, it won't stop at the Rio Grande, that it will jump to this country. The Nicaraguan revolution saw our people in the streets supporting the Nicaraguan revolution. There will be a Mexican revolution and we will see people supporting the Mexican revolution, fighting for the Mexican revolution in the US.

Guillermo Suárez: Thank you. Mr. García. Today we are addressing ourselves to the United States government. We understand that the Partido Revolucionario Institucionalizado (PRI) is not our ally or our friend, is not a truly democratic government or truly representative of the interests of the Mexican nation and people. Let us follow the human rights questioning a second here. I understand that Regeneración works on the case of Ricardo Aldape Guerra, is this correct?

Ricardo García: Yes. Regeneración was one of many groups working on the case of Ricardo Aldape Guerra.

Guillermo Suárez: Could you please describe that case?

Ricardo García: Ricardo Aldape Guerra is a Mexican man arrested ten years ago in Houston, Texas. He crossed the border illegally as many of us have, and was working in construction for \$4.75 per hour. The first week he was in this country, driving with his friend, the police tried to arrest them. One of the Mexican guys with Ricardo pulled out a gun and the police killed him with 40 shots. Ricardo Aldape Guerra was accused of killing one of the police who died in this confrontation. Most of the case, the US press accused him of being illegal.

Every reference to him was as an illegal immigrant. They always showed bloody pictures and accused him of being an illegal Mexican. There are 27 more Mexicans on death row, so for us, Ricardo Aldape Guerra was a banner about injustice. Because they don't just shoot the Mexicans on the border, they also kill them in jail. For these reasons, we knew our place was to fight for Ricardo Aldape Guerra because of our struggle is also for equality. There were a lot of Chicano students with us, the Puerto Ricans, Blacks, Asians and finally on September 22, 1992, the day before he was to die, Ricardo Aldape Guerra execution was postponed. But he is still not free. There are thousands of Mexicans in jail and Regeneración is fighting for their release.

Guillermo Suárez: Did Mr. Guerra speak any English ten years ago?

Ricardo García: No. He didn't speak any English. The lawyer

who defended him didn't speak any Spanish.

Guillermo Suárez: Mr. García, do you think that Ricardo Aldape Guerra got a fair trial, was there justice in that case?

Ricardo García: We don't think that there can be any justice in a country where there are rich and poor.

Guillermo Suárez: Did you say there are 27 other cases like this pending?

Ricardo García: Yes, 27 more Mexicans on Death Row. I'm not sure, but there are also something like 600 Chicanos on Death Row throughout the United States.

Guillermo Suárez: Mr. García, I'd like to draw your attention now to the proposed North American Free Trade Agreement. Neither of us have a copy of the document itself as it is still not a public document. Do you think the so-called Trade Agreement will have any negative impact on the human rights of Mexican people be they here or over there?

Ricardo García: Yes. The Free Trade Agreement says that US companies can go to Mexico, move their factories out of the US and go to Mexico. We see this as an attack against the human rights of the US working class, because what the companies do is destroy the labor force in the US. They're pushing the white, US working class to attack other immigrant groups, accusing them of taking their jobs. The jobs in this country, union jobs pay about \$17.00 per hour. In Mexico, the minimum wage is \$4.00 per day. The unions are under the control of the ruling party, the Partido Revolucionario

nario Institucionalizado (PRI). Even regarding environmental protection in Mexico, the US government is dumping chemical and atomic waste in Monterey, Mexico.

Guillermo Suárez: Are you saying that there's also environmental consequences as a result of this?

Ricardo García: Yes. We have the case of Louisiana Pacific, the company that destroyed much of California's environment, that was responsible for planting bombs against environmentalists like Earth First! This company moved to Mexico, where they pay \$4.00 per day. They've already destroyed a portion of the Cortez and now they're buying land in Sevilla. So we think that with the Free Trade Agreement they'll just go around making fast easy money and destroying the environment.

Guillermo Suárez: Are there strong environmental laws in Mexico that you know of?

Ricardo García: As workers, we always defend the place where we live. Unfortunately, we always have the difference where many of the environmental groups in the US try to protect the trees but don't try to protect the workers, especially in other countries.

We call Salinas de Gortari, the apprentice dictator, because he didn't win the elections in Mexico. The process of the Mexican government changing and trying to correct history, is just a way to pretend and justify. In 1948, Santa Anna sold half of the country, now Salinas de Gortari is giving away the other half. Salinas de Gortari is trying to show the Mexi-

can people that the US government is our friend. They know that the US government doesn't have friends, it has partners. The Mexican government is just that, a junior partner of the US government.

Guillermo Suárez: Mr. García I'd like to thank you for your participation in this Tribunal. In closing, do you have any closing comments with respect to the human rights violations of the Mexican people?

Ricardo García: Yes. In Mexico, in the four years of the Salinas de Gortari government, the PRD (Revolutionary Democratic Party) has had almost 140 members killed by the Mexican police. Members of the PRT (Revolutionary Workers Party) have been killed, journalists have been killed. The repression in Mexico is the worst, it could be compared with Cambodia or El Salvador, but nobody knows about it. We see that as part of our struggle, to let the people know that the Mexican government is as bad as Hitler and George Bush. I'd also like to take the opportunity, to state that, as socialists, as members of Regeneración, we may disagree with other political groups, but we must support their struggle. I'd like to say that even when we disagree with other groups like Sendero Luminoso (Peru), we must struggle for the release and freedom of Chairman Abimael Guzmán. We disagree with how they do some things, but the struggle in Perú must survive. Thank you.

Guillermo Suárez: Mr. Rico, would you please state your current occupation for the Tribunal?

José Rico: I'm presently a history student at the University of Illinois, Champaign-Urbana campus.

Guillermo Suárez: I will be presenting the Tribunal with a petition to the Organization of American States (OAS), for information purposes at this time. I will be referring to the document and having Mr. Rico refer to the document as well. This is a case that is presently pending before the OAS, the Inter-American Commission on Human Rights. It is submitted on behalf of the American Friends Service Committee, the League of United Latin American Citizens, the Commission Mexicano de Defensa y Promoción de los Derechos Humanos, as well as academia, and several named plaintiffs against the United States of America, specifically the Border Patrol and the INS. Mr. Rico, can you describe to the Tribunal what occurred at the University of Illinois, Champaign, on May 5, 1992?

José Rico: Yes. On May 5, 1992, there was a Cinco de Mayo demonstration of over 400 students, a multi-racial demonstration of Latinos, Africans, Asians and Native Americans that were protesting the University's lack of programs in the Latino community regarding curriculum, faculty, and funds. While we were in the Administration building, the University sent five police units to force us out of the building instead of dialoguing with us. A lot of students were injured while they were removed. Some of the tactics the police department used were stun guns to neutralize the students. It took

the police nine hours to remove sixty students and another sixty other students remained. We decided to leave the building after we saw what they were doing to the first sixty students. The struggle is continuing with the university.

Guillermo Suárez: Mr. Rico, do you believe that the denial of a Chicano/Mexicano Studies Department, or cultural house on the university campus is a violation of the Human Rights of the Mexicano people?

José Rico: Definitely, as the Native American brother was talking about. Since we're from Chicago and the Midwest, we're forcibly removed from Mexico. When we come to these areas it's very important to get some reinforcement of our identity, since the higher we go in the educational process, the more whitewashed we become. Once we get into that level, we feel that without those programs at the University of Illinois, our human rights are being violated. Lack of these programs prevents us from affirming our identity as Mexicans, as Puerto Ricans and so forth. The withholding of those programs is an infraction by the university.

Guillermo Suárez: Mr. Rico, you said that you are from Chicago, is this correct?

José Rico: I was born in Michoacan, Mexico and crossed the border in 1977. Since then I've been living in Chicago.

Guillermo Suárez: During the time that you have lived in Chicago, have you had any way to know how the Mexicano community and other Latino residents of the city of Chicago react when they see the Border Patrol or the INS? Is that a

problem at all in Chicago?

José Rico: Since crossing the border in 1977, myself, my family and community has lived in constant fear of the INS and the Migra. One of my uncles, who crossed two years after we did, suffers from schizophrenia-paranoia from the fear of being captured by the INS to this day. For myself and my family, who were "undocumented" for twelve years there was a constant fear of somebody in our family not returning home, because of the INS frequent raids in the factories and neighborhoods.

Guillermo Suárez: Are you familiar with the document, "Repression Against Mexicanos, Constant State Terror"?

José Rico: Yes I am.

Guillermo Suárez: In that document, does it describe when the Border Patrol and INS was initially created?

José Rico: Yes it does. It states that the Border Patrol came about in 1924 and before that date, the vigilante group that patrolled the border was the Texas Rangers. There were variations, the Texas Rangers and the California Rangers. They were pretty much used to kill the Mexicans that were coming over since the imposed border, after the North American invasion into Mexico in 1846. In 1924, the Border Patrol was established and they recruited heavily from the Texas Rangers, which committed a human rights violations against Mexicans by killing them in raiding parties. Not just Mexicans crossing the border, but Mexicans that were granted citizenship on the Northern occupied part of the

border. So, the Border Patrol to this day, has that legacy of racism and human rights violations specifically against the Mexicano people.

Guillermo Suárez: Do you believe that the Border Patrol and the INS are a specific implementation of US governmental policy against the Mexicano people?

José Rico: Yes, I think that current figures show that 90% of the people that are detained by the Border Patrol are Mexican. Two years ago, 98% of the infractions by Border Patrol guards were against Mexican nationals.

Guillermo Suárez: You've indicated to this Tribunal today that prior to 1924 the Border Patrol, per se, did not exist, is this correct?

José Rico: It did not exist as a unit, but the Texas Rangers existed as a vigilante unit.

Guillermo Suárez: I'd like to draw your attention to the OAS petition, page 21, paragraph 47, please. Would you read for the Tribunal and the audience where it begins, "according to...?"

José Rico: "According to a 1992 America's Watch report, the United States government regularly covers up INS misconduct through the filing of criminal charges against the victims of abuse because of their illegal entries into the country." Americas Watch: Brutality Unchecked: Human Rights Abuses Along the US. border with Mexico. The report states, "INS agents are aware that most abused, migrants be-

cause of their unprotected status, unfamiliarity with English, US laws and culture and fear of deportation will not defend themselves against trumped up criminal charges and will instead accept deportation or other offered plea bargains rather than pursue complaints against abusive agents."

Guillermo Suárez: Doesn't it tend to indicate that a US governmental agency, the Border Patrol, covers up abuses against a Mexicano or Mexicana worker, by filing charges against these people?

José Rico: Yes.

Guillermo Suárez: Mr. Rico, I'd like to draw your attention again please to page 23 of the petition to the OAS. What percentage of the undocumented population in this country does this petition say are Mexicano nationals?

José Rico: It says that Mexican nationals make up about 45-50% of the undocumented population in the country.

Guillermo Suárez: Thank you. Continuing on to page 25, Mr. Rico, if you please. Paragraph number 58. What does the report from the American Friends Service Committee indicate are the number of instances of abuse from the period May 5, 1989 to May 4, 1991?

José Rico: There's 360 incidents of verbal humiliation and intimidation; 143 illegal or inappropriate seizures; 285 instances of physical abuse which ranges from just pushing and shoving to serious physical abuse; 200 illegal or inappropriate searches, 148 instances of denial of due process; and 55

instances of destruction of personal property and these are just numbers of people who reported these things. There's a big fear of reporting these things because undocumented people fear that if they say anything, they will be deported right away, so these are just documented figures.

Guillermo Suárez: You were saying that these are just the number of cases that actually get reported?

José Rico: Exactly

Guillermo Suárez: So the number might be higher?

José Rico: A lot higher.

Guillermo Suárez: Mr. Rico, the next several paragraphs discuss specific cases that are contained in this report entitled, Sealing Our Borders. Could you pick one or two of these incidents to read to the Tribunal and audience what Mexicano undocumented immigrants face?

José Rico: I think that to pick and read one of the incidents from here would really do injustice to the number of cases. One of the most striking is the instances of shooting by the Border Patrol. In the past year alone, there have been 90 shootings by the Border Patrol against Mexican nationals. Most of the shootings are ruled as justifiable shootings, in which the Border Patrol guards see their life threatened. What is also apparent, what we have seen, is that out of those 90 shootings that the judges see as justified, 78% of the shootings have occurred where the Mexicans are on Mexican territory. There are other abuses as far as the deten-

tion centers, the conditions of the detention centers where the Bureau of Prisons, the Drug Enforcement Agency, the FBI, the Customs Service, the Coast Guard and Border Patrol have all worked together in putting undocumented people into prison facilities without committing any crimes. Their only crime is being in this country. The conditions in the detention centers are also part of the human rights violations, the conditions there are horrible.

Guillermo Suárez: Thank you. In addition to Mexicano migrants being shot at, there's one note here that I think is particularly interesting. On page 27, paragraph 65, could you summarize this incident please?

José Rico: There was an 18 year old boy, Adrian Chavarino Rubio who crossed over to the United States and he noticed that there was a Border Patrol truck heading his way. One of the Border Patrol officers struck him and wanted him to go back to Mexico, and what happened is that another group of officers in another vehicle just watched the other Border Patrol officers abuse this kid. There's also another case where another Mexican national was killed, shot twice in the back, and it took 18 hours before the Border Patrol officers reported the shooting to their superiors and there was evidence to show that the Border Patrol agent that shot the kid was trying to cover up his body.

Guillermo Suárez: Mr. Rico, regarding the OAS petition on border violence, to your knowledge does it also contain specific cases where women immigrants are abused by Border Patrol agents?

José Rico: I've read and looked at so many documents dealing with the Border Patrol and detention camps that, there are specific instances of women being searched, not searched, they've been raped. Instances where the Border Patrol officers wanted to do a pat down or search and have told them to take off their shirt, pull down their underwear in order to "look for contraband," and have, in at least one particular instance, repeatedly used a broomstick to check for "contraband." One of the things that's going on with the hype of the drug war, is that the border right now is a de-constitutionalized zone, anything goes. The agents know that they can get away with it. This report shows many cases where the officers were not charged; where the officers were pardoned. The officers feel that they can get away with those illegal searches and raping women in the detention centers, or before they take them to the detention centers.

Guillermo Suárez: In light of the testimony you've given this afternoon, what do you think is the appropriate relief that should be granted in that situation? What should we do with the INS and the Border Patrol?

José Rico: The INS and Border Patrol need to be dismantled. They need to be totally eradicated.

Guillermo Suárez: Mr. Rico, I'm going back and making reference to the document, Repression Against Mexicanos-Constant State Terror 1836-1990, let me say that this is an initial document that the Movimiento de Liberación Nacional -Mexicano presented to the Special International Tribunal on Political Prisoners and Prisoners of War held at Hunter

College in New York, 1990. We specifically prepared this document to address the cases of Alvaro Luna Hernández and Alberto Arranda at that time. Mr. Rico, drawing your attention to page 8, can you summarize and tell this Tribunal if here's been any participation by the Ku Klux Klan (KKK) and other right wing organizations along the border?

José Rico: Yes. One of the things that the Ku Klux Klan presents in their platform, one of their main points is the securing of the border. The Ku Klux Klan, again in their platform, says that for racial purity, they need to keep an eye on the border. One thing they've done is armed themselves and organized campaigns like "Light Up the Border" campaigns around the Mexican - US border. At heavily trafficked strips of the border, they light up the border and when they see people running by, it's a free for all.

José Rico: I would just like to make a closing statement before I take a question from Dr. Richardson. Since the North American invasion in 1846, there have always been human rights violations against Mexicano and other people in the form of vigilante groups, and institutionalized policy. But I would also like to point out there has also been Mexican resistance to this policy. Resistance by a lot of organizations and individuals that has given us the opportunity to be here today, and to counteract those racist policies.

Dr. Richardson: Is there a Border Patrol between Canada and the United States?

José Rico: There is approximately, 500 Border Patrol officers,

90% of the Border Patrol is stationed on the US – Mexico border.

Guillermo Suárez: The situation is not the same along the Canadian-US border as it is with Mexico. Canada is another white settler colony, so those folks can cross back and forth much more easily than the Mexican people can come back and forth into their own homeland.

Rachel Lederman: Our next witness is Carmen Vázquez, who will talk about human rights violations, particularly with respect to the impact on women and on reproductive and sexual freedom. Ms. Vázquez, do you have some qualifications to talk in this area?

Carmen Vázquez: Yes I do. First and foremost of those is that I am by birthright, the daughter of Borinquen. I have spent twenty years fighting and advocating for the rights of Puerto Ricans, of women and of lesbians and gay men and bi-sexual people. I currently work as coordinator of lesbian and gay health services for the San Francisco Department of Public Health.

Rachel Lederman: How has colonialism affected Puerto Rican women's right to control their bodies?

Carmen Vázquez: I think on the question of women's sexuality, I'd like to be clear with the judges, the prosecutors and the members of the audience, that what I am really here to address is the right of individual people, all people, for control over our own bodies. That the fundamental violation and crime against Puerto Rican women has been the denial of that right, as Deborah (Santana) testified earlier this morning, 42% of Puerto Rican women of childbearing age have been sterilized under the auspices of the government of the United States. That's not just a human rights violation that is a clear case of genocide. The Puerto Rican woman has also often been the subject, without her knowledge or consent, in research — the Dalkon shield research mentioned this morning, research on spermicidal gel, the pill, and other

research that have left us with the 42% sterilization figures. The figures that you will see in your packet from the Puerto Rican witnesses, indicate that 67% of us live under the poverty level, that we have little access to education about health care, despite the fact that the US is using Puerto Rico as a laboratory for the development of research on birth control. Puerto Rican women themselves have very little access to information about how to control reproduction and our own bodies.

I want to also touch on and relate what I am saying about the violations of Human Rights against the women of Puerto Rico to an issue that I see as clearly connected to that, and that is the violation of human rights of the lesbian, gay, bisexual people of the island of Puerto Rico, and of the lesbian, gay and bisexual people, Puertorriqueños living in the United States. It says quite clearly in the Universal Declaration of Human Rights that everyone has the right to life, liberty and security of person, that is everyone — male, female, transgender, bisexual, lesbian, gay or heterosexual. That right is routinely denied us. We are subject to violence for no reason other than our existence. We are subject to prosecution by authorities of the state. Sexual behavior, consenting sexual behavior, is codified as criminal when it involves two people of the same sex. It is a clear invasion of our right to privacy.

In Puerto Rico, the incidence of AIDS is 50.9 per 100,000 people. That is the highest incidence of AIDS of any state of territory in the US, with the exception of another colony of the US known as the District of Columbia. That is again,

more evidence of the crimes committed against the people of Puerto Rico, that relate to not only reproductive freedom but to control of our sexuality.

As a lesbian, I cannot accept the heterosexism and homophobia that has been visited upon my people. It's something that is said to be a universal social taboo. That is a lie. The indigenous peoples of the western hemisphere have had to live with the codification and criminalization of sexual behavior imposed upon us by western culture, social mores, and laws. We demand of the US government the sovereignty to engage our own people in a cultural discourse that will enlighten our understanding of human sexuality and our right to live freely as lesbian, gay and bisexual people. The last comment I want to make about this question of the right to control our bodies, is that it is important that Puerto Rican lesbian, gay, bisexual and transgender people refuse to respond to the indignity of "why are we whatever we are." We are! We are! Thank you.

Dennis Cunningham: Members of the Tribunal, the next witness for the case of Puerto Rico is Mr. Piri Thomas. Sir, will you tell us your occupation?

Piri Thomas: I am a poet, writer and an activist for peace with justice. I am a human being.

Dennis Cunningham: Where is your present residence, what country?

Piri Thomas: I live in Berkeley, California.

Dennis Cunningham: How long have you lived in the United States?

Piri Thomas: I was born in Harlem Hospital on September 30, 1928.

Dennis Cunningham: What is your national descent?

Piri Thomas: My mother, Dolores Thomas was born in Puerto Rico in the town of Chicharrón in 1910. My father, Juan Thomas was born in Orienté de Cuba in 1907.

Dennis Cunningham: When did your parents come to the United States?

Piri Thomas: My father came to the United States in 1924 via Puerto Rico. He was raised in an American orphanage. His parents died from yellow fever, and at sixteen he left Cuba and went to Puerto Rico where he stayed a year, and learned Puerto Rican mannerisms and emigrated to the US as Puerto Rican. Puerto Ricans had been made citizens whether we liked it or not, via the Jones Act of 1917.

Dennis Cunningham: And your mother?

Piri Thomas: My mother, Dolores Montañez, arrived two years after my father. They met at my mothers sister's house in New York City, her name is Catín. My father met my mother there, they fell in love, married, and I was born.

Dennis Cunningham: How long did you live in New York City?

Piri Thomas: Most of my life. I was raised mostly on 104th St., where I attended the school system, which by the way was very inferior (as it still is) for us children of the ghettos. I lived in three worlds: the world of my home where my mother and father taught me the wisdom that was necessary to survive. I already knew that our color was looked down upon, and we suffered from some indignity called, "meno-speakaenglish", but I considered myself Puerto Rican — first and foremost — no matter what the behavior modification patterns of the school system taught. They tried to teach me that our heroes were George Washington who never told a lie, and Abraham Lincoln who fought a civil war to free the slaves. Of course, I found out later that this was not true.

Dennis Cunningham: In the course of your education in US schools, did you ever receive any instruction in the history of Puerto Rico, your own country?

Piri Thomas: I am going back more than 55 years now, since I am 64 years old. I do remember, as I go back into time, that there was more than one time when, not just I, but other children would ask the teachers about our history. Did we

have any heroes where we came from in Puerto Rico? There was nothing said except that maybe Puerto Rico is a nice place.

We learned very early of racism in this country. I do remember having to go to school, along with other children, dressed in a white shirt, a red tie and blue trousers — the US flag. We were told we were Americans. We learned how to recite, “the land of liberty and justice for all” and all that stuff. When we went out into the world we knew it was all a lie. But as children, we had no recourse. Our mothers and fathers were so busy trying to take care of us so that we could survive, that it took quite a toll on them. My mother died at the age of 34. Dolores Montañez died in a charity ward in Metropolitan Hospital. Many of our people died there. Julia de Burgos, one of our finest poets, also died there when she fell unconscious, sick, in front of Flower Hospital, where they would not let her in. By the time they took our sister to that hospital she, of course, had made transition.

Dennis Cunningham: By what means were you able, in the milieu of New York City, to acquire access to your own culture, to Latino culture?

Piri Thomas: The system is so arrogant that it pours upon us all these lies and feelings of this and that American, but in their arrogance, they forgot that our people, like all people, are story tellers. We pass on the beauty and history as we know it, unto the children. That’s how I was able to withstand most of their assimilation, because I spoke English. However, I forgot how to speak Spanish, I used to speak

Spanish to be able to reason in English, however eventually I forgot how to speak Spanish and didn’t know how to speak English.

Therefore, I determined to learn as best as I could. I counted my blessings out of going into prison, because in prison we were considered third class citizens, we were already second class citizens outside. And when we were released, we were considered fourth class citizens. I determined that I would be a first class citizen in my own heart, or no citizen at all. I have learned that our children’s minds for many, many, years have been subjected to storms of indignities. Some of these is that they call us niggers and spics, niggers and spics wherever they can. And finally they came out with this word: minority, which in the dictionary means “less than” and whoever heard of a child of any color being born a “less than.” That’s why I feel that we all should consider ourselves majorities of one, similar to each other, but like fingerprints and cultures, not quite the same.

I believe that I would rather be an earthling first, instead of a geographic location, or just a color and sex. I am an earthling. Wherever my feet are, that’s my turf. I am an earthling.

Dennis Cunningham: Can you comment on other aspects of your experience inside of the US where your own ethnic and cultural background has come in conflict with the dominant social system?

Piri Thomas: Yes. Very early as a child. For those who do not

know it, I was considered somewhat of a poet laureate when I was 7 or 8 or 10 years old, because I knew how to insult everybody in perfect rhyme. I was very good at that. I remember one time that a policeman came, and they had been telling us that they are our friends, but they were not our friends. Children know how to read people like books. We looked at them and we'd see the racism in their faces, just like we see in the faces of some of the racist teachers that were there just to teach us to be better servants. I learned to smell them. My mother had great wisdom and she would tell me, to perceive the humans and to look into their eyes and see if they were friends or not. They were not our friends. They beat us severely and there was no recourse.

I was not born a criminal from my mother's womb. I was born a natural child just like any other natural child, born into a world that is criminal. Of bigotry and diseases, of indifference to human needs. I failed English in the school system. I did not know an adverb from a pronoun and a hole in the ground. But, I was determined to learn this English so I could throw it right back at them as bullets.

The streets were the most powerful, strongest force there was. We felt like everybody in the whole world lived like we did until I found out that they put our Native American brothers and sisters into desert ghettos, and they had us in concrete ghettos, and they were making beautiful Puerto Rico a green ghetto and all because of that greed. the more they got the more they want. We need a whole new change. If there's supposed to be some kind of cleansing, let it be of

the greed that this government pours upon us.

Dennis Cunningham: Is there a further statement that you'd like to make to the Tribunal to sum up the issue of your experience as a Puerto Rican who has experienced the lack of respect for your own human rights that you find in the United States culture?

Piri Thomas: Yes. I have said many times, and I say it as a majority of one, that I learned most of my wisdom from the women in my life, beginning with my mother. Because with the men it was too highly competitive, trying to prove how big of a macho mistake we were. I had to learn, and my mother Dolores Montañez put that in my heart. Even though she made transition at 34, and I was with her, that stayed with me. Even when I went to prisons, because my rage was so cold, and besides in the movies, all the robber barons and Rothschilds got all that money. I'll just wind it up with this. During the 1960s, all the brothers and sisters of all the colors marched to Washington and all the feelings that were there: Martin Luther King and the Native Americans, every beautiful flow; and this one came to mind and I wish to pass it on to America in the name of all the children:

America, bend not thy knees in prayer and mouth the words of Christ and brotherhood, peace on earth and goodwill to all, if you know that truly in your hearts you are lying.

Because while you are living well, Black children, Brown children, Red children, Yellow children, hey white children, children children because of your hypocrisy are dying physically,

mentally, physically, morally and secretly in broad daylight.

My world is a world of loving,

My world is not of hot and cold running cockaroaches
and king size rats, or horror hunger and pain running free.

My world is a world of beauty. Where children's smiles are
not wasted and where God is really called Good-GOOD

I believe in our dignity. I believe that we of all the colors
should have a sharing and caring born of that grace. United
We Stand and Divided We Shall Fall to the Fascists.

¡Viva Todas las Naciones Libres!

¡Que Viva Puerto Rico Libre!