

# Verdict of the International Tribunal of Indigenous Peoples and Oppressed Nations in the USA

MAY 11, 2007

*tags:* indigenous resistance

by 4struggle

## **Preliminary Finding of Fact and Order**

### **Distinguished jurors composing the International Tribunal**

- \* Francisca Villalba Merino, JD. Attorney and expert on International Law and Political Prisoners from Spain.
- \* Dale Marie Standing Alone. Leader of the Blood Tribe, member of the Blackfoot Nation in Canada.
- \* Norbert Georg. Member, Board of Directors of the Society for Threatened Peoples, the 2nd largest human rights organization in the world.
- \* Mitsuye Yamada. Poet and author, formerly on the National Board of Directors of Amnesty International USA, interned in Idaho during World War II.
- \* Dr. Rae Richardson. Professor Emeritus, Black History, Co-Founder and co-owner of Marcus Bookstores, specializing in books by and about Black people, and well-respected elder in the Black community.
- \* Adora Faye de Vera. Former political prisoner from the Philippines, poet and founding member of KAIBA, the Philippines' only women's political party.
- \* Rory Snow Arrow Fausett, JD. Professor, Native American Studies, University of California at Berkeley.
- \* White North American Political Prisoners: Rita "Bo" Brown. Former Political Prisoner

Distinguished witnesses appearing before the International Tribunal

### **Charge of genocide**

Native Americans: Dr. Kekuni Blaisdell, Pro-Hawaii Sovereignty Working Group; Professor Elizabeth Parent, Head of Native American Studies, San Francisco State University.

New Afrikans: Oba T'chaka, Professor San Francisco State University; Daramola Cabral-Evins, Epidemiologist, Hartford Hospital.

Mexicans: Marla Ortiz, Mexican Democratic Forum, San Jose, California

Puerto Ricans: Deborah Santana, Puerto Rican environmentalist; Rafael Cancel Miranda, Puerto Rican National Hero.

### **Charge of human rights violations**

Native Americans: Sage La Pefia, Wintu-Nomtipom & Human Rights activist; Tom Goldtooth. Environmental Coordinator from the Red Lake Band of Chippewa, acting co-director Indigenous Environmental Network.

New Afrikans: Emery Douglas, Founding member, Black Panther Party; Muhjah Shakir, Co-coordinator, International Campaign to Free geronimo ji Jaga (Pratt)

Mexicans: Ricardo Garcia, Regeneracion Human Rights Group; Jose Rico. Co-founder, Frente Estudiantil de Liberacion Nacional.

Puerto Ricans: Carmen Vazquez, Board of Directors, National Gay and Lesbian Task Force; Piri Thomas, Poet and author of Down These Mean Streets

## Charge of political prisoners and prisoners of war

Native Americans: Bob Robideau, Co-defendant of Leonard Peltier, National Coordinator, Leonard Peltier Defense Committee; Ward Churchill. Professor University of Colorado, noted author and co-director Colorado American Indian Movement

New Afrikans: Watani Tyehirba, former political prisoner, National Secretary of the New Afrikan Peoples Organization.

Mexicans: Ricardo Sanchez, former political prisoner, professor Washington State University

Puerto Ricans: Carlos Ortiz, National Coordinator of the National Committee to Free Puerto Rican Prisoners of War and Political Prisoners

That everyone resist...that no one stay behind...the legend of Populvuh

## INTRODUCTION

On October 2-4, 1992, the eve of the 500th anniversary of Columbus's invasion of the Americas', an historic International Tribunal of Indigenous Peoples and Oppressed Nations, convened in San Francisco, California, U.S.A. Initiated by the American Indian Movement (AIM) and joined by representatives of the Puerto Rican, New Afrikan, Mexicano movements as well as progressive white North Americans, the Tribunal placed the U.S. Federal Government on trial for grave crimes against humanity. As the contemporary inheritors of the Columbus legacy of colonialism, genocide and political internment, representatives of the U.S. government – Attorney General William Barr in Washington DC and John Mendez the U.S. attorney in San Francisco, were formally served with the indictment on September 23, 1992. In a published statement to Reuters News Service, the U.S. government acknowledged receipt of the indictment and stated that it refused to avail itself of the opportunity to offer a defense of the Federal government.

During the weekend of October 2nd, over one thousand people from every region of the U.S., as well as Canada, Spain, the Philippines, Germany, Puerto Rico, Hawaii, Haiti, South Africa and Peru, attended or participated in the Tribunal. A distinguished panel of international judges, each with long experience in Human Rights, heard testimony, deliberated for 12 hours and rendered the preliminary verdict contained in this volume. Following the tradition of other International Tribunals, such as the Bertrand Russell Tribunal which judged U.S. war crimes during the Vietnam war, this Tribunal's findings will be brought before the United Nations and other international bodies. It is important to underscore that the authority of the Tribunal and its verdict rests in its scrupulous adherence to international law and the urgent demand by our peoples that the U.S. government be held accountable for its historical and present day crimes. With 1993 designated by the United Nations as the Year of Indigenous Peoples, it is our hope that this verdict will make a serious contribution to our peoples' effort to assume our rightful place in the international community.

From the outset of this process more than a year ago, the aims of the Tribunal were defined as:

To destroy the myth of the "European Discovery" of the Americas, and make clear that Columbus and the Europeans who later followed him were conquerors and not discoverers of a new world. To provide a forum for a broader understanding of the human right to self-determination for Native Americans, Puerto Ricans, New Afrikans (Blacks) and Mexicans. To understand the history of the US as a country which became the inheritor of the European legacies of colonialism, genocide and racism.

To demand the immediate unconditional release of the more than 100 political prisoners and prisoners of war from the different movements, such as Leonard Peltier, Eddie Hatcher, Norma Jean Croy, Alejandrina Torres, Oscar Lopez, Geronimo ji Jaga, Mumia Abu Jamal, Silvia Baraldini and many others presently in US prisons.

For our Peoples and Nations, the common experience of 500 years of resistance teaches us all too well that the U.S. has never respected moral principles, treaties or international law. From the regime first imposed upon us in the Caribbean by Columbus five hundred years ago, up to the present day "New World Order" proclaimed by the U.S. government.

The pursuit of wealth and domination has brought only genocide and ruin to our sacred Mother Earth. Now that the end of the 20th century is nearly upon us, it is time for this predatory way of life to end. This criminal system is driving us all, from every part of this planet, into the 11th hour of global crisis. With the urgent need to restore justice, balance, mutual respect and dignity foremost in our minds, our movements humbly bring this indictment and verdict to our peoples and the world.

## Indictment of the Federal Government of the United States of America for the Commission of International Crimes and Petition for Orders Mandating its Proscription and Dissolution as an International Criminal Conspiracy and a Criminal Organization

### INTRODUCTION

All citizens of the World Community have both the right and the duty under public international law to sit in judgment over a gross and consistent pattern of violations of the most fundamental norms of international criminal law committed by any member state of that same World Community. Such is the case for the International Tribunal of Indigenous Peoples and Oppressed Nations in the United States of America that convenes in San Francisco during the weekend of October 2-4, 1992. Its weighty but important task is to examine the long history of international criminal activity that has been perpetrated by the Federal Government of the United States of America against the Indigenous Peoples and Peoples of Color living in North America since it was founded in 1787.

Toward that end, I have the honor to present to the Members of this Tribunal the following charges against the Federal Government of the United States of America under international criminal law. In light of the gravity, severity and longstanding nature of these international crimes and also in light of the fact that the Federal Government appears to be irrevocably committed to continuing down this path of lawlessness and criminality against Indigenous Peoples and Peoples of Color living in North America and elsewhere, I hereby petition the Members of this Tribunal to issue and order proscribing the Federal Government of the United States of America as an International Criminal Conspiracy and a Criminal Organization under the Nuremburg Charter, Judgment, and Principles as well as other sources of public international law specified below.

For that reason, I also request that the Members of the Tribunal issue an Order dissolving the Federal Government of the United States of America as a legal and political entity. Finally, I ask this Tribunal to declare that international legal sovereignty over the Territories principally inhabited by the Native American Peoples, the New Afrikan People, the Mexicano People, and the People of Puerto Rico resides in the hands of these respective Peoples Themselves.

In this regard, I should point out that the final Decision of this Tribunal will qualify as a "judicial decision" within the meaning of article 38 (1) (d) of the Statute of the International Court of Justice and will therefore constitute a "subsidiary means for the determination of rules of law" for international law and practice. The Statute of the International Court of Justice is an "integral part" of the United Nations Charter under article 92 thereof. Thus, this Tribunal's Decision can be relied upon by some future International Criminal Court or Tribunal, as well as by any People or State of the World Community that desires to initiate criminal proceedings against named individual for the commission of the following international crimes. The Decision of this Tribunal shall serve as adequate notice to the appropriate officials in the United States Federal Government that they bear personal criminal responsibility under international law and the domestic legal systems of all Peoples and States in the World Community for designing and implementing these illegal, criminal and reprehensible policies and practices against Indigenous Peoples and Peoples of Color living in North America. Hereinafter, the Federal Government of the United States of America will be referred to as the "Defendant."

### Bill of Particulars Against the Federal Government of the United States of America

#### The Native American Peoples

1. The Defendant has perpetrated innumerable Crimes Against Peace, Crimes Against Humanity and War Crimes against Native American Peoples as recognized by the Nuremburg Charter, Judgment, and Principles.
2. The Defendant has perpetrated the International Crime of Genocide against Native American Peoples as recognized by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.
3. The Defendant has perpetrated the International Crime of Apartheid against Native American Peoples as recognized by the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid.
4. The Defendant has perpetrated a gross and consistent pattern of violations of the most fundamental human rights of Native American Peoples as recognized by the 1948 Universal Declaration of Human Rights.
5. The Defendant has perpetrated numerous and repeated violations of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination against Native American Peoples.
6. The Defendant has systematically violated 371 treaties it concluded with the Native American Peoples in wanton disregard of the basic principle of public international law and practice dictating *pacta sunt servanda*.

7. The Defendant has denied and violated the international legal right of Native American Peoples to self-determination as recognized by the 1945 United Nations Charter, the 1966 International Covenant on Civil and Political Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, fundamental principles of customary international law, and jus cogens.

8. The Defendant has violated the seminal United Nations Declaration of the Granting of Independence to Colonial Countries and Territories of 1960 with respect to Native American Peoples and Territories. Pursuant thereto, the Defendant has an absolute international legal obligation to decolonize Native American Territories immediately and to transfer all powers it currently exercises there to the Native American Peoples.

9. The Defendant has illegally refused to accord full-scope protections as Prisoners-of-War to captured Native American independence fighters in violation of the Third Geneva Convention of 1949 and Additional Protocol 1 thereto of 1977. The Defendant's treatment of captured Native American independence fighters as "common criminals" and "terrorists" constitutes a "grave breach of the Geneva Accords and thus a serious war crime.

10. The Defendant has deliberately and systematically permitted, aided and abetted, solicited and conspired to commit the dumping, transportation, and location of nuclear, toxic, medical and otherwise hazardous waste materials on Native American Territories across North America and has thus created a clear and present danger to the lives, health, safety, and physical and mental well-being of Native American Peoples in gross violation of article 3 and article 2(c) of the 1948 Genocide Convention, inter alia: "Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.. ."

### **The New Afrikan People**

11. The Defendant has perpetrated the International Crime of Slavery upon the New Afrikan People as recognized in part by the 1926 Slavery Convention and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. The Defendant has illegally refused to pay reparations to the New Afrikan People for the commission of the International Crime of Slavery against Them in violation of basic norms of customary international law requiring such reparations to be paid.

12. The Defendant has perpetrated innumerable Crimes Against Humanity against the New Afrikan People as recognized by the Nuremberg Charter, Judgment, and Principles.

13. The Defendant has perpetrated the International Crime of Genocide against the New Afrikan People as recognized by the 1948 Genocide Convention.

14. The Defendant has perpetrated the International Crime of Apartheid against the New Afrikan People as recognized by the 1973 Apartheid Convention.

15. The Defendant has perpetrated a gross and consistent pattern of violations of the most fundamental human rights of the New Afrikan People as recognized by the 1948 Universal Declaration of Human Rights and the two aforementioned United Nations Human Rights Covenants of 1966.

16. The Defendant has perpetrated a gross and consistent pattern of violations of the 1965 Racism Convention against the New Afrikan People. The Defendant is the paradigmatic example of an irremediably racist state in international relations today.

17. The Defendant has denied and violated the international legal right of the New Afrikan People to self-determination as recognized by the United Nations Charter, the two United Nations Human Rights Covenants of 1966, customary international law, and jus cogens.

18. The Defendant has illegally refused to apply the United Nations Decolonization Resolution of 1960 to the New Afrikan People and to the Territories that they principally inhabit. Pursuant thereto, the Defendant has an absolute international legal obligation to decolonize New Afrikan Territories immediately and to transfer all powers it currently exercises there to the New Afrikan People.

19. The Defendant has illegally refused to accord full-scope protections as Prisoners-of-War to captured New Afrikan independence fighters in violation of the Third Geneva Convention of 1949 and Additional Protocol I thereto of 1977. The Defendant's treatment of captured New Afrikan independence fighters as "common criminals" and "terrorists" constitutes a "grave breach of the Geneva Accords and thus a serious war crime.

## **The Mexicano People**

20. In 1821, Mexico obtained its independence from colonial Spain as a sovereign Mestizo State, extending from Yucatan and Chiapas in the south, to the northern territories of California and New Mexico, which areas the Defendant today calls the "states" of Texas, California, Arizona, Nevada, Utah, New Mexico, and Colorado. Nevertheless, in 1836 so-called "settlers" under the sponsorship of the Defendant began the division of the Mexicano People and State by causing the division of the Mexican state of Coahuila-Texas into the Mexican state of Coahuila and the so-called "republic" of Texas.

21. In 1846, the Defendant perpetrated an unjust, illegal and unjustifiable war upon the remainder of the sovereign People and State of Mexico that violated every known principle of public international law in existence at that time, including, but not limited to, the Christian Doctrine of "just war," which was the reigning standard of customary international law. As a result thereof, the Defendant illegally annexed close to 51% of the territories of the sovereign State of Mexico by means of forcing it to conclude the 1848 Treaty of Guadalupe-Hidalgo under military duress. For these reasons, this Treaty was and still is null and void ab initio as a matter of public international law. The Defendant acquired more Mexican territory through the Gadsen Treaty (Purchase) of 1854.

22. Since these 1848 and 1854 Treaties, the Defendant has perpetrated the International Crime of Genocide against the Mexicano People living within these occupied territories, as recognized by the 1948 Genocide Convention.

23. The Defendant has perpetrated the International Crime of Apartheid against the Mexicano People living within these occupied territories, as recognized by the 1973 Apartheid Convention.

24. The Defendant has perpetrated a gross and consistent pattern of violations of the most fundamental human rights of the Mexicano people living within these occupied territories, as recognized by the 1948 Universal Declaration of Human Rights and the two aforementioned United Nations Human Rights Covenants of 1966.

25. The Defendant has perpetrated a gross and consistent pattern of violations of the 1965 Racism Convention against the Mexicano People living within these occupied territories.

26. The Defendant has denied and violated the international legal right of the Mexicano People living within these occupied territories to self-determination as recognized by the United Nations Charter, the two United Nations Human Rights Covenants of 1966, customary international law, and jus cogens.

27. Since the militarily-imposed division of the Mexican state, the Defendant and its agents have militarily occupied other portions of the Mexican State, have sought to influence the outcome of the Mexican Revolution of 1911, have practiced a consistent pattern of intervention into Mexico's internal affairs, all of which have resulted in the arresting distortion and deformation of the Mexican social and economic order. In this regard, Defendant's so-called "North American Free Trade Agreement (NAFTA)" constitutes nothing more than an attempt to impose its hegemonial imperialism, economic colonialism, and human exploitation upon the People and State of Mexico.

28. The Defendant has illegally refused to apply the United Nations Decolonization Resolution of 1960 to the Mexicano People and to these occupied territories that they inhabit. Pursuant thereto, the Defendant has an absolute international legal obligation to decolonize both the Mexican occupied territories and the Republic of Mexico immediately, and to transfer all powers it currently exercises there to the Mexicano People.

## **The People and State of Puerto Rico**

29. Since its illegal invasion of Puerto Rico in 1898, Defendant has perpetrated innumerable Crimes Against Peace, Crimes Against Humanity and War Crimes against the People and State of Puerto Rico as recognized by the Nuremberg Charter, Judgment, and Principles.

30. The Defendant has perpetrated the International Crime of Genocide against the Puerto Rican People as recognized by the 1948 Genocide Convention.

31. The Defendant has perpetrated the International Crime of Apartheid against the Puerto Rican People as recognized by the 1973 Apartheid Convention.

32. The Defendant has perpetrated a gross and consistent pattern of violations of the most fundamental human rights of the Puerto Rican People as recognized by the 1948 Universal Declaration of Human Rights and the two aforementioned United Nations Human Rights Covenants of 1966.

33. The Defendant has perpetrated a gross and consistent pattern of violations of the 1965 Racism Convention against the Puerto Rican People.

34. The Defendant has denied and violated the international legal right of the Puerto Rican People to self-determination as recognized by the United Nations Charter, the two United Nations Human Rights Covenants of 1966, customary international law, and jus cogens.

35. The Defendant has illegally refused to apply the United Nations Decolonization Resolution of 1960 to Puerto Rico. Pursuant thereto, the Defendant has an absolute international legal obligation to decolonize Puerto Rico immediately and to transfer all powers it currently exercises there to the Puerto Rican People.

36. The Defendant has illegally refused to accord full-scope protections as Prisoners-of-War to captured Puerto Rican independence fighters in violation of the Third Geneva Convention of 1949 and Additional Protocol I thereto of 1977. The Defendant's treatment of captured Puerto Rican independence fighters as "common criminals" and "terrorists" constitutes a "grave breach" of the Geneva Accords and thus a serious war crime.

#### **An International Criminal Conspiracy and a Criminal Organization**

37. In light of the foregoing international crimes, the Defendant constitutes a Criminal Conspiracy and a Criminal Organization in accordance with the Nuremberg Charter, Judgment, and Principles and the other sources of public international law specified above. The Federal Government of the United States of America is similar to the Nazi government of World War II Germany. Indeed, the Defendant's President, George Bush, has proclaimed a so-called "New World Order" that sounds and looks strikingly similar to the "New Order" proclaimed by Adolph Hitler over 50 years ago.

#### **Conclusion**

Like unto a pirate, the Defendant is hostis humani generis: The enemy of all humankind! For the good of all humanity, this Tribunal must condemn and repudiate the Federal Government of the United States of America and its grotesque vision of a "New World Order" that is constructed upon warfare, bloodshed, violence, criminality, genocide, racism, colonialism, apartheid, massive violations of fundamental human rights, and the denial of the international legal right of self-determination to the Indigenous Peoples and Peoples of Color living in North America and elsewhere around the world. Consequently, this Tribunal must find the Defendant guilty as charged on all counts specified above beyond a reasonable doubt. This Tribunal must also issue an Order that formally proscribes the federal Government of the United States of America as a Criminal Conspiracy and a Criminal Organization. This Tribunal must also issue a separate Order mandating the dissolution of the Federal Government of the United States of America as a legal and political entity. Finally, this Tribunal must declare that international legal sovereignty over the Territories inhabited by the Native American Peoples, the New Afrikan Peoples, the Mexicano People, and the People of Puerto Rico, resides, respectively, in the hands of these Peoples Themselves. The very lives, well-being, health, welfare, and safety of the Indigenous Peoples and Peoples of Color living in the North America and elsewhere around the world depend upon the ultimate success of your deliberations.

Respectfully submitted by,  
Francis A. Boyle  
Professor of International Law  
Special Prosecutor

Dated: September 18, 1992

#### **The International Tribunal of Indigenous Peoples and Oppressed Nations in the United States of America, San Francisco, California**

Native American Peoples, New Afrikan People Mexicano People, and Puerto Rican People. Plaintiffs,

vs. The Federal Government of the United States of America. Defendant.

#### **Preliminary Findings and Order**

This matter having come before the INTERNATIONAL TRIBUNAL OF INDIGENOUS PEOPLES AND OPPRESSED NATIONS IN THE UNITED STATES OF AMERICA, hereinafter "Tribunal" by request of representatives of the Native American Peoples, the New Afrikan People, the Mexicano People, and the Puerto Rican People; the Indictment of the Federal Government of the United States of America for the Commission of International Crimes and Petition for Orders Mandating its Proscription and Dissolution as an International Criminal Conspiracy and a Criminal Organization having been presented by Special Prosecutor Francis Boyle; the Native American Peoples having appeared personally and by counsel,

Bryan Savage; the New Afrikan People having appeared personally and by counsel, James Simmons; the Mexicano People having appeared personally and by counsel, Guillermo Suarez; the Puerto Rican People having appeared personally and by counsel, Dennis Cunningham and Rachel Ledeman; the white North American People having appeared on the issue of political prisoners personally and by counsel, Marilyn Kalman; the United States Government having failed to appear personally or by counsel; the Tribunal having completed its preliminary consideration of the testimonial evidence, the documentary evidence, the argument of counsel, and otherwise being fully informed of the premises, finds that:

1. The defendant, the Federal Government of the United States of America, has been duly served with summons and process.
2. This Tribunal has jurisdiction over the parties, in the name of the Peoples whom the Plaintiffs represent.
3. The Plaintiff parties consider that the judgments of this Tribunal qualify as "Judicial decisions" within the meaning of Article 38 [I] [d] of the Statute of the International Court of Justice.
4. The following sources and principles of law are applicable:
  1. the Nuremberg Charter, Judgment, and Principles;
  2. the 1948 Convention on the Prevention and Punishment of the Crime of Genocide;
  3. the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid;
  4. the 1948 Universal Declaration of Human Rights;
  5. the 1965 International Convention on the Elimination of All Forms of Racial Discrimination;
  6. the 1945 United Nations Charter;
  7. the 1966 International Covenant on Civil and Political Rights;
  8. the 1966 International Covenant on Economic, Social and Cultural Rights;
  9. the 1960 United Nations Declaration on the Granting of Independence to Colonial Countries and Territories;
  10. the Third Geneva Convention of 1949 and Additional Protocol I thereto of 1977, and United Nations Resolution 31 03 XV;
  11. the 1926 Slavery Convention;
  12. the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery;
  13. the 1960 United Nations Decolonization Resolution;
  14. the 1969 American Convention on Human Rights;
  15. the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;
  16. the 1984 United Nations Declaration on the Right of Peoples to Peace;
  17. the 1989 United Nations Convention on the Rights of the Child;
  18. the 1987 United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;
  19. the principles of the Common Law;
  20. the principles of the Civil Law;
  21. international custom;
  22. the general principles of law recognized by civilized nations; and
  23. judicial decisions and the teachings of the most highly qualified publicists of the various nations of the world.

### **Native Americans**

5. With respect to the charges brought by the Native American Peoples, the Tribunal finds, by unanimous vote, the Defendant, the Federal Government of the United States of America, guilty as charged in:

The Defendant has perpetrated innumerable Crimes Against Peace, Crimes Against Humanity and War Crimes against Native American Peoples as recognized by the Nuremberg Charter, Judgment, and Principles.

The Defendant has perpetrated the International Crime of Genocide against Native American Peoples as recognized by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. he Defendant has perpetrated the International Crime of Apartheid against Native American Peoples as recognized by the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid.

The Defendant has perpetrated a gross and consistent pattern of violations of the most fundamental human rights of Native American Peoples as recognized by the 1948 Universal Declaration of Human Rights.

The Defendant has perpetrated numerous and repeated violations of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination against Native American Peoples.

The Defendant has denied and violated the international legal right of Native American Peoples to self-determination as recognized by the 1945 United Nations Charter, the 1966 International Covenant on Civil and Political Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, fundamental principles of customary international law, and jus cogens.

The Defendant has violated the United Nations Declaration of the Granting of Independence to Colonial Countries and Territories of 1960 with respect to Native American Peoples and Territories. Pursuant thereto, the Defendant has an absolute international legal obligation to decolonize Native American Territories immediately and to transfer all powers it currently exercises there to the Native American Peoples.

The Defendant has deliberately and systematically permitted, aided and abetted, solicited and conspired to commit the dumping, transportation, and location of nuclear, toxic, medical and otherwise hazardous waste materials on Native American Territories across North America and has thus created a clear and present danger to the lives, health, safety, and physical and mental well-being of Native American Peoples in gross violation of article 3 and article 2(c) of the 1948 Genocide Convention, inter alia: "Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.."

### **Hawaiian Peoples**

6. The Tribunal further accepts a motion by the Prosecutor for the Native American Peoples to amend the face of the Indictment to include the following allegation, which the Tribunal unanimously finds has been sufficiently proved by the evidence it has received: "The Federal Government of the United States of America has perpetrated crimes of genocide against the Kanaka Maoli (the Indigenous Hawaiian People) and has engaged in actions constituting gross violations of their human rights and their right to self-determination, all of which threaten to render the Kanaka Maoli extinct."

### **New Afrikans**

7. With respect to the charges brought by the New Afrikan People, the Defendant, -the federal Government of the United States of America is, by unanimous vote, guilty as charged in:

The Defendant has perpetrated the International Crime of Slavery upon the New Afrikan People as recognized in part by the 1926 Slavery Convention and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

The Defendant has perpetrated innumerable Crimes Against Humanity against the New Afrikan People as recognized by the Nuremberg Charter, Judgment, and Principles.

The Defendant has perpetrated the International Crime of Genocide against the New Afrikan People as recognized by the 1948 Genocide Convention.

The Defendant has perpetrated the International Crime of Apartheid against the New Afrikan People as recognized by the 1973 Apartheid Convention.

The Defendant has perpetrated a gross and consistent pattern of violations of the most fundamental human rights of the New Afrikan People as recognized by the 1948 Universal Declaration of Human Rights and the two aforementioned United Nations Human Rights Covenants of 1966.

The Defendant has perpetrated a gross and consistent pattern of violations of the 1965 Racism Convention against the New Afrikan People.

The Defendant is the paradigmatic example of an irremediably racist state in international relations today.

The Defendant has denied and violated the international legal right of the New Afrikan People to self-determination as recognized by the United Nations Charter, the two United Nations Human Rights Covenants of 1966, customary international law, and jus wgens.

The Defendant has illegally refused to accord full-scope protections as Prisoners-of-War to captured New Afrikan independence fighters in violation of the Third Geneva Convention of 1949 and Additional Protocol I thereto of 1977.

The Defendant's treatment of captured New Afrikan independence fighters as "common criminals" and "terrorists" constitutes a "grave breach" of the Geneva Accords and thus a serious war crime.



### **Mexicano People**

8. With respect to the charges brought by the Mexicano People, the Defendant, the federal Government of The United States of America is guilty as charged in:

Since these 1848 and 1854 Treaties, the Defendant has perpetrated the International Crime of Genocide against the Mexicano People living within these occupied territories, as recognized by the 1948 Genocide Convention.

The Defendant has perpetrated the International Crime of Apartheid against the Mexicano People living within these occupied territories, as recognized by the 1973 Apartheid Convention.

The Defendant has perpetrated a gross and consistent pattern of violations of the most fundamental human rights of the Mexicano people living within these occupied territories, as recognized by the 1948 Universal Declaration of Human Rights and the two aforementioned United Nations Human Rights Covenants of 1966.

The Defendant has perpetrated a gross and consistent pattern of violations of the 1965 Racism Convention against the Mexicano People living within these occupied territories.

### **Puerto Rican People**

9. With respect to the charges brought by the Puerto Rican People, the Defendant, the federal Government of the United States of America is, by unanimous vote, guilty as charged in:

Since its illegal invasion of Puerto Rico in 1898, Defendant has perpetrated innumerable Crimes Against Peace, Crimes Against Humanity and War Crimes against the People and State of Puerto Rico as recognized by the Nuremberg Charter, Judgment, and Principles.

The Defendant has perpetrated the International Crime of Genocide against the Puerto Rican People as recognized by the 1948 Genocide Convention.

The Defendant has perpetrated the International Crime of Apartheid against the Puerto Rican People as recognized by the 1973 Apartheid Convention. The Defendant has perpetrated a gross and consistent pattern of violations of the most fundamental human rights of the Puerto Rican People as recognized by the 1948 Universal Declaration of Human Rights and the two aforementioned United Nations Human Rights Covenants of 1966.

The Defendant has perpetrated a gross and consistent pattern of violations of the 1965 Racism Convention against the Puerto Rican People.

The Defendant has denied and violated the international legal right of the Puerto Rican People to self-determination as recognized by the United Nations Charter, the two United Nations Human Rights Covenants of 1966, customary international law, and jus cogens.

The Defendant has illegally refused to apply the United Nations Decolonization Resolution of 1960 to Puerto Rico. Pursuant thereto, the Defendant has an absolute international legal obligation to decolonize Puerto Rico immediately and to transfer all powers it currently exercises there to the Puerto Rican People. The Defendant has illegally refused to accord full-scope protections as Prisoners-of-War to captured Puerto Rican independence fighters in violation of the Third Geneva Convention of 1949 and Additional Protocol I thereto of 1977.

The Defendant's treatment of captured Puerto Rican independence fighters as "common criminals" and "terrorists" constitutes a "grave breach" of the Geneva Accords and thus a serious war crime.

### **White North American Political Prisoners**

10. With respect to the charges brought by the white people of North America, the Defendant is, by unanimous vote, guilty of holding white North Americans as political prisoners.

### **ADDITIONAL FINDINGS**

11. In light of the foregoing findings, this Tribunal also, by unanimous vote, finds the Defendant guilty as charged in paragraph 37, which, as amended, reads:

In light of the foregoing international crimes, the Defendant constitutes a Criminal Conspiracy and a Criminal Organization in accordance with the Nuremberg Charter, Judgment, and Principles and the other sources of public international law specified above, and the Federal Government of the United States of America is similar to the Nazi government of World War II Germany.

12. With respect to the following charges brought by the Native American Peoples:

1. six members of the Tribunal find the Defendant guilty as charged in paragraph 6, which reads: The Defendant has systematically violated 371 treaties it concluded with the Native American Peoples in wanton disregard of the basic principle of public international law and practice dictating *pacta sunt servanda*. One member of the Tribunal reserves the right to consider the documentary evidence further before making a final determination.

2. four members of the Tribunal find the Defendant guilty as charged in paragraph 9, which reads: The Defendant has illegally refused to accord full-scope protections as Prisoners-of-War to captured Native American independence fighters in violation of the Third Geneva Convention of 1949 and Additional Protocol I thereto of 1977. The Defendant's treatment of captured Native American independence fighters as "common criminals" and "terrorists" constitutes a "grave breach" of the Geneva Accords and thus a serious war crime. Three members of the Tribunal reserve the right to consider the documentary evidence further before making a final determination.

13. With respect to the following charges brought by the New Afrikan People:

1. four members of the Tribunal find the Defendant guilty as charged in paragraph 11, which, as amended, reads: The Defendant has illegally refused to pay reparations to the New Afrikan People for the commission of the International Crime of Slavery against Them in violation of basic norms of customary international law requiring such reparations to be paid. Three members of the Tribunal reserve the right to consider the documentary evidence further before making a final determination.

2. three members of the Tribunal find the Defendant guilty as charged in paragraph 18, which reads: The Defendant has illegally refused to apply the United Nations Decolonization Resolution of 1960 to the New Afrikan People and to the Territories that they principally inhabit. Pursuant thereto, the Defendant has an absolute international legal obligation to decolonize New Afrikan Territories immediately and to transfer all powers it currently exercises there to the New Afrikan People. Four members of the Tribunal reserve the right to consider the documentary evidence further before making a final determination.

14. With respect to the following charges brought by the Mexicano People:

1. six members of the Tribunal find the Defendant guilty as charged in paragraph 20, which reads: In 1821, Mexico obtained its independence from colonial Spain as a sovereign Mestizo State, extending from Yucatan and Chiapas in the south, to the northern territories of California and New Mexico, which areas the Defendant today calls the "states" of Texas, California, Arizona, Nevada, Utah, New Mexico, and Colorado. Nevertheless, in 1836 so-called "settlers" under the sponsorship of the Defendant began the division of the Mexicano People and State by causing the division of the Mexican state of Coahuila-Texas into the Mexican state of Coahuila and the so-called "republic" of Texas. One member of the Tribunal reserves the right to consider the documentary evidence further before making a final determination.

2. six members of the Tribunal find the Defendant guilty as charged in paragraph 21, which reads: In 1846, the Defendant perpetrated an unjust, illegal and unjustifiable war upon the remainder of the sovereign People and State of Mexico that violated every known principle of public international law in existence at that time, including, but not limited to, the Christian Doctrine of "just war," which was the reigning standard of customary international law. As a result thereof, the Defendant illegally annexed close to 51 % of the territories of the sovereign State of Mexico by means of forcing it to conclude the 1848 Treaty of Guadalupe-Hidalgo under military duress. For these reasons, this Treaty was and still is null and void *ab initio* as a matter of public international law. The defendant acquired more Mexican territory through the Gadsden Treaty (Purchase) of 1854. One member of the Tribunal reserves the right to consider the documentary evidence further before making a final determination.

3. five members of the Tribunal find the Defendant guilty as charged in paragraph 26, which reads: The Defendant has denied and violated the international legal right of the Mexicano People living within these occupied territories to self-determination as recognized by the United Nations Charter, the two United Nations Human Rights Covenants of 1966, customary international law, and *jus cogens*. Two members of the Tribunal reserve the right to consider the documentary evidence further before making a final determination.

4. six members of the Tribunal find the Defendant guilty as charged in paragraph 27, which reads: Since the militarily-imposed division of the Mexican state, the Defendant and its agents have militarily occupied other portions of the Mexican State, have sought to influence the outcome of the Mexican Revolution of 1910, have practiced a consistent pattern of intervention into Mexico's internal affairs, all of which have resulted in the arresting distortion and deformation of the Mexican social and economic order. In this regard, Defendant's so-called "North American Free Trade Agreement (NAFTA)" constitutes nothing more than an attempt to impose its hegemonic imperialism, economic colonialism, and human exploitation upon the People and State of Mexico. One member of the Tribunal reserves the right to consider the documentary evidence further before making a final determination.

5. six members of the Tribunal find the Defendant guilty as charged in paragraph 28, which reads: The Defendant has illegally refused to apply the United Nations Decolonization Resolution of 1960 to the Mexicano People and to these occupied territories that they inhabit. Pursuant thereto, the Defendant has an absolute international legal obligation to decolonize both the Mexican occupied territories and the Republic of Mexico immediately, and to transfer all powers it currently exercises there to the Mexicano People. One member of the Tribunal reserves the right to consider the documentary evidence further before making a final determination.

Now therefore, it is ordered, adjudged and decreed that the Defendant cease and desist from the commission of the crimes it has been found guilty of herein. This Tribunal reserves the right to issue further relief after full consideration of the evidence.

Before the International Tribunal of Indigenous Peoples and Oppressed Nationalities in the United States of America:  
October 2 – October 4, 1992, San Francisco, California

Indigenous Peoples and oppressed nationalities in the United States of America, Petitioners, vs. The Federal Government of the United States of America, Defendant.

Brief supporting charges that the United States Federal Government has acted as an international criminal conspiracy and a criminal organization with regard to the political incarceration and commission of human rights violations against white, North American revolutionaries and activists

Marilyn Kalman, attorney at law  
San Francisco, California

on behalf of Out of Control – Lesbian Committee to Support Women Political Prisoners and The Prairie Fire Organizing Committee

Dated: October 1, 1992

In support of these charges the Petitioners offer the testimony of RITA (BO) BROWN, former political prisoner; this written submission; and the appendices attached hereto.

## I. INTRODUCTION

This Tribunal is considering evidence concerning political prisoners and Prisoners of War from the oppressed nationalities within the United States. Additionally there are approximately 25 white, North Americans incarcerated in U.S. prisons and jails for their efforts: to act in solidarity with national liberation movements and oppressed peoples struggling for self determination; to resist the criminal military invasion of other nations; to achieve world peace; to oppose nuclear armaments and environmental destruction; and to oppose white supremacy, racism, sexism and other forms of discrimination. There are additionally persons whose identities are unknown to the petitioners at this time who have been incarcerated because they are lesbians or gay men.<sup>1</sup>

These women and men represent a broad range of social and political movements. They have engaged in an equally broad range of activities comprising the spectrum of resistance to the illegal policies and practices of the U.S. Government and U.S. corporate entities.

Many of these prisoners have a long history with various sectors of the North American anti-imperialist movement, sharing a deep commitment to fighting racism, white supremacy and the right of oppressed nations within U.S. borders to self-determination.

Additionally they are internationalists who recognize the need and responsibility of all revolutionaries to support nations who are resisting U.S. colonialism and other forms of imperialism. In large part these prisoners are incarcerated for acts of armed resistance carried out in support of the right of Native American, Black/New African, Puerto Rican,

Central American, Palestinian and South African/ Azanian people to self-determination. There are also white prisoners sharing similar commitments who emerged from multi-national, antiauthoritarian movements. Their activities, as well as those of the anti-imperialists, also focused on criminal acts of class exploitation within the United States as well as the freedom of political prisoners. The U.S. government has alleged that some of these women and men are associated with a number of armed clandestine organizations including: the Jonathan-Jackson-Sam Melville Brigade, the United Freedom Front, the George Jackson Brigade, the Armed Resistance Unit and the Red Guerrilla Resistance.

Peace, disarmament and anti-nuclear movements have also provided a wellspring of resisters incarcerated by the U.S. government, largely for acts of civil disobedience and the destruction of military property. Many of these prisoners were guided by religious beliefs to oppose and expose the fallacies of the arms race and alleged necessity for U.S. aggression. Taking their name from the biblical saying, "They shall beat their sword into plowshares/ And their spears into pruning hooks/ Nation shall not lift up sword against nation/ Neither shall they learn war any more!!"

PLOWSHARES is among the organizations emerging from these movements. Throughout the history of the U.S. there have been movements and individuals dedicated to resisting military induction as a means of opposing unjust U.S. aggression and invasion of other nations. Most recently a large number of draft resisters have been incarcerated for their conscientious objection to U.S. intervention in the Middle East.

## II. White North Americans have a right and duty to resist the illegal policies and practices of the United States

White North Americans are not exempted from the right and obligation, under the First Amendment of the United States Constitution, the Nuremberg Charter and other principles of international law, to oppose the criminal acts of the United States government which violate international law. In essence the Nuremberg Principles, embodied in the Treaty of London of August 8, 1945, to which the United States is a signatory, provide in pertinent part that:

... individuals have international duties which transcend the national obligations of obedience imposed by the individual state. [Treaty of London of August 8, 1945, 59 Stat. 1544, 1548 Article 8]

The principles recognized in the Judgment of the Nuremberg Tribunal, impose on individuals the affirmative duty to prevent the commission of crimes as enumerated therein at Article 6: The following acts, or any of them, are crimes coming with the jurisdiction of the Tribunal for which there shall be individual responsibility [emphasis added]:

(a) **CRIMES AGAINST PEACE:** namely, planning, preparation, initiating or 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 any of the foregoing;

(b) **WAR CRIMES:** namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, town or villages, or devastation not justified by military necessity;

(c) **CRIMES AGAINST HUMANITY:** namely, murder, extermination, enslavement, deportation, and other, inhumane acts committed against any civilian population, before or during the war; or persecutions of or in connection with any crime within the

Jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated. The Tokyo War Crimes tribunal went further setting forth:

Anyone with knowledge of illegal activity and an opportunity to do something about it is a potential criminal under the international law unless that person takes affirmative measures to prevent the commission of the crime.

Regardless of the movements and political backgrounds from which the white North American political prisoners emerge, all have been convicted of and imprisoned for activities which are political in nature. As evidenced by the attached dossiers (see appendix "B") their activities were directed at preventing the United States of America, its government and its corporations from continuing to commit **CRIMES AGAINST PEACE**, **WAR CRIMES** and **CRIMES AGAINST HUMANITY**.

The nature of the crimes committed by the Federal Government of the United States which have prompted resistance by white, North American revolutionaries and activists, are clearly international in scope. These crimes include the colonization of Puerto Rico, the invasion of Grenada, support of the Apartheid government of South Africa, development of an unnecessary stockpile of nuclear weapons, genocide of the Native American Indian Nations, enslavement of and obstruction of self determination for the African-American/New African Nations, and many more. Although the white, North American

prisoners have been convicted of domestic crimes, the political nature of their acts, the disparate nature of their sentences and the especially harsh treatment to which they are subject, clearly evidence their status as political prisoners. Having been invited by the Oppressed Nationalities, these parties therefore have a place in this International Tribunal.

### III. Violations of international law committed by the U.S. Government with respect to the treatment of white, North American political prisoners

In December, 1948 the United States Government joined other nations in adopting the Universal Declaration of Human Rights, (hereinafter "UDHRn). Just this past September, 1992, the U.S. also agreed to become one of the member nations adhering to the 1966 International Covenant on Civil and Political Rights, (hereinafter ItICCPRw). [Adopted and open for signature, ratification and accession by General Assembly resolution 2200 A (XXI) of 16 December 1966.<sup>1</sup> The United States also agreed to the Standard Minimum Rules for the Treatment of Prisoners, (hereinafter tSMRTP") adopted by the United Nations in 1984. In every phase of contact with the United States government – pre-trial, trial, sentencing and imprisonment – political prisoners and Prisoners of War have historically been subject to deliberate, disparate treatment and egregious human rights violations, in violation of these and other internationally recognized principles of law. With the cooperation of coconspirators in every level of the executive and judicial branches of government – from the police, to the Federal Bureau of Investigation (FBI), to the prosecutors, to the judges, to the prison administrators, to the parole administrators – the white North American prisoners have not been spared these abuses. The instances of such criminal acts on the part of the U.S. government are too numerous to detail in total here. What follows are some key examples in each phase of contact.

#### A. Pre-trial

1. Denial of Bail: The U.S. legalized political internment via the Bail Reform Act of 1984, allowing the government to hold people in prison awaiting trial indefinitely without any bail if they are found to be a danger to their community or a risk of flight, North American anti-imperialist Laura Whitehorn was held without bail in excess of three years until she was given a 20 year sentence in the Spring of 1990, for her role in the 1983 bombing of the U.S. Capitol Building following the U.S. invasion of Grenada. Whitehorn was found to be a danger to her community, despite her well documented community ties and the fact that none of her actions resulted in any injury to persons. The length of her internment was only exceeded by Puerto Rican political prisoner, Filiberto Ojeda-Rios. Such internment was violative of:

\* UDHR Article 9: No one shall be subjected to arbitrary arrest, detention or exile.

\* UDHR Article 11.1 and ICCPR Article 14.2: Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

\* ICCPR Article 14.3.(c) In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: To be tried without undue delay; ...

2. Arrest and Interrogation of Children: Carol Saucier Manning and Thomas Manning were captured by the U.S. government in 1985 and ultimately charged with seditious conspiracy and a series of bombings aimed at corporate offices and military recruitment centers. The actions, claimed by the United Freedom Front and the Sam Melville-Jonathan Jackson Unit. The Mannings and their five co-defendants, became known as the Ohio Seven. (Three others of the Ohio 7 remain incarcerated: Raymond Luc Levasseur, Yaan Karl Laaman and Richard Williams.) At the time of their arrest, government forces abducted the Mannings' three children, then, ages 11, 4, and 3. The children were forcibly detained and denied any contact with their family, for a period of almost two months. All the while the 11 year old was interrogated by the Federal Bureau of Investigation regarding his parents' activities. The children were released only after considerable pressure was asserted by human rights organizations. Violations:

\* UDHR Article 12 and ICCPR Article 17.1: No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence

\* ICCPR 17.2: Everyone has the right to the protection of the law against such interference or attacks.

\* ICCPR Article 24.1: Every child shall have, without any discrimination as to race, color, sex, language, religion, national or social origin, property or birth, the right to such measure of protection as are required by his status as a minor, on the part of his family, society and the State.

#### B. Trial

1. Denial Of Defenses Under International Law: Across the board, the U.S. judiciary has rejected the right of protection and defenses afforded by international principles of law despite the U.S. ratification of the very same treaties in which those principles are embodied.

2. Hyperbolic Courtroom Security: David Gilbert, Kathy Boudin and Judith Clark, North American anti-imperialists were tried together for felony murder and robbery, charges associated with the attempt to expropriate an armored truck, done in support of the Black Liberation Movement. During pre-trial hearings all the trees were cut in front of the courthouse to give the police a "free fire zone." At trial an anonymous jury was installed, shuttled to and from the court in busses whose windows had been covered with black curtains. Anonymous juries were originally instituted for trials of organized crime figures who had a history of tampering with juries and witnesses. Laura Whitehorn, (mentioned above), along with five codefendants, (four of whom remain incarcerated: Tim Blunk, Marilyn Buck, Linda Evans and Susan Rosenberg), were indicted for conspiracy to resist the policies and practices of the U.S. government through violent and illegal means. Their case become known as the "Resistance Conspiracy Case." When entering their courtroom, spectators and the press were required to pass through electronic detectors guarded by U.S. marshals. Once inside the spectators were separated from the defendants by a plexi-glass wall.

3. Fabrication of Evidence: In June, 1990, Christina Reid, Richard Johnson and Martin Quigley were convicted of conspiring to aid the Irish Republican Army. To bolster their case the government alleged that bits and pieces of electronic equipment found in the defendants' homes could be modified to make parts for IRA missiles and bombs. The FBI built a bomb in their own laboratories and used it to blow up a van. Over the defendants' objection, the government prosecutors were allowed to show a video tape of that explosion to the jury.<sup>2</sup> The intent of all these tactics is to portray the defendants as terrorists and to impede their ability to provide an adequate defense. The result is an intimidated jury pre-disposed to a guilty verdict.

Violations:

\* UDHR Article 10: Everyone is entitled in 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.

\* ICCPR Article 14.1.: All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. ....

### C. Disparate Sentencing

An analysis of U.S. sentencing patterns clearly reveals that a prisoner's political belief and affiliations, if connected in any way to radical or progressive causes, will guarantee disproportionately longer sentence terms, as well as extreme prison conditions, than are imposed on 'social' prisoners, or on prisoners who advocates right-wing causes such as white supremacy and anti-Semitism.<sup>3</sup>

Ed Mead was arrested in 1976, in Seattle, Washington during an unsuccessful expropriation carried out by members of the George Jackson Brigade. The Brigade, defining itself as having provided armed support for Seattle's progressive movement, was a clandestine organization named after a Black revolutionary killed by prison guards at San Quentin Prison in 1971. During the expropriation one of the Brigade members was fatally shot in the back and two policemen were wounded. Mead was convicted of two consecutive life terms and an additional consecutive 25 years, one of the longest sentences ever given in the State of Washington for similar charges. During the past 17 years he's spent in prison Mead has watched murderers come and go. Prior to the Resistance Conspiracy Case Tim Blunk and Susan Rosenberg were tried as co-defendants on charges related to the possession of explosives. They each received a sentence of 58 years. By comparison, Stephan Don Black, Imperial Wizard, Invisible Empire of the Ku Klux Klan, was convicted with eight other Klan and Nazi-affiliated individuals of conspiracy and violation of the "Neutrality Act." They were arrested in possession of a boat-load of automatic weapons and explosives in route to invade the Caribbean Country of Dominica. Don Black sentenced to eight years, with five years suspended, was paroled after 24 months. Prior to the Resistance Conspiracy Case Linda Evans was convicted of purchasing 4 legal weapons with false identification. She was sentenced to 35 years for this act. By contrast, Ku Klux Klan members Thomas Holloway and Vincent ItBudw Sharp, arrested in 1985 for stealing 15 cases of dynamite were permitted to plead guilty to being accessories after-the fact and received probation.

George Hixon, member of the United Klans of America, was arrested with unregistered machine guns, handguns rifles and other weapons. Although originally facing charges carrying a maximum term of 50 years, Hixon was permitted to plead guilty to one possession count, served six months in prison and received a four and half year suspended sentence and probation. In 1973, Marilyn Buck accused of being "the sole white member of the Black Liberation Army," was arrested in a house where the police discovered two boxes of ammunition. She was charged with the illegal possession of this ammunition and sentenced to ten years. The usual sentence for such an offense was probation.

## Violations:

- \* UDHR Article 7 : All are equal before the law and are entitled without any discrimination to equal protection of the law. ...
- \* UDHR Article 9: supra UDHR Article 10: supra
- \* ICCPR Article 14: supra Imprisonment

## D. Imprisonment

1. Sexual Assault: In preparing Susan Rosenberg for transfer in September, 1986, she and another prisoner, while handcuffed, were subject to a forced vaginal and rectal search performed by a male physician's assistant and five women correction officers. This sexual assault by Federal prison personnel caused hemorrhaging and revealed no contraband.

## 2. Isolation/Control Units:

1. Marion: Raymond Luc Levasseur and Thomas Manning, codefendants in the Ohio 7 case were designated directly after trial to the infamous Federal Penitentiary in Marion, Illinois, cited for numerous human rights violations by Amnesty International. Theoretically, transfer to the unit is reserved as a disciplinary response to post conviction criminal acts and prison policy violations. Levasseur and Manning, as well as Tim Blunk, remain locked down, isolated in their cells for 23 hours a day. They are virtually cut off from the outside world and all human contact. Their mail is heavily censored, they're allowed only two phone calls per month, and can only see visitors in plexi-glass divided booths. Bill Dunne, charged with his codefendant Larry Giddings for aiding the escape of an imprisoned activist, also served a number of years at Marion before his recent transfer to Terre Haute, Indiana.

2. Lexington: Silvia Baraldini<sup>4</sup> convicted for her role in the escap

*from* → Issue 09

No comments yet

[Create a free website or blog at WordPress.com.](#) [Do Not Sell My Personal Information](#)